

Municipal Building
Chattanooga, Tennessee
June 24, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Swafford with Councilmen Eaves, Hakeem, Lively, Pierce, Rutherford, and Taylor being present. Councilman Crockett was absent due to personal commitment; Councilwoman Hurley was out of the city on business. City Attorney Michael McMahan, Management Analyst Randy Burns, and Assistant Council Clerk Shirley Crownover were also present.

INVOCATION

Barry Bennett gave the invocation for the evening.

MINUTE APPROVAL

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

REZONING

#1997-087 (EMERSON HALL)

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

REZONING

#1997-092 (GEORGE AND BARBARA EDWARDS)

On motion of Councilman Lively, seconded by Councilman Taylor, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 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 second reading. On motion of Councilman Eaves, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

REZONING

#1997-114 (DR. GENETH K. WOLFER)

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 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 0-1 OFFICE ZONE passed second reading. On motion of Councilman Lively, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

REZONING

#1997-115 (TEMO ENTERPRISES OF TENNESSEE, L.P.)

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

REZONING

#1997-061 (MICHAEL JOHNSON)

This case had been held from previous meetings. Mr. Bennett stated they were still in the process of a Study and asked that this be deferred until the Study was completed.

The applicant was present and stated this was all right with him if that was what needed to be done, but he really could not understand the delay, stating that everything around him was C-2, which was what he was asking to rezone to.

Chairman Swafford stated that Councilman Crockett, who was absent tonight, had asked that he confer with Planning about this and the reason it was being deferred.

Mr. Bennett stated he was not sure how long this would take--that it should not be too much longer.

Councilman Eaves asked if the Study was underway now and if the Study was underway prior to this man asking for this zoning. Mr. Bennett responded that he thought there was one other case that was being held pending the completion of this Study. Councilman Eaves asked how long this Study had been going on, and Mr. Bennett responded it was a very recent Study--about three weeks. Councilman Eaves noted that it seemed that this man's request preceded the time of this Study. Mr. Bennett indicated that it should be completed in a couple of weeks.

Councilman Pierce noted that the Planning Staff recommended denial of this and the Planning Commission recommended approval, which gave it a 50/50 chance of passing, stating he thought it would be better to defer the case for an indefinite period of time with the understanding that when the Study is completed that Mr. Bennett will notify the Council, the Staff, and the applicant.

Councilman Hakeem stated that he thought the Council should give this man something more definite and asked if 30 days would be fair and asked the applicant if that would be satisfactory with him.

Mr. Johnson again stated that if that was what needed to be done, it was fine but advised the Council that this had been going on since March 10th--that first it was put off because of a Site Plan and drawings, but if this needed to be done, it was fine with him.

Mr. Bennett stated that he thought a two-weeks deferral would be adequate; that if it were not completed by then that he would call the applicant.

REZONING (CONT'D)
(MICHAEL JOHNSON)

Chairman Swafford noted that Councilman Crockett would be present on the 8th of July, when this should come up again.

On motion of Councilman Pierce, 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 5870 HIGHWAY 153, BEING ON THE SOUTHEAST LINE OF HIGHWAY 153 NORTHEAST OF GRUBB ROAD, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was deferred for two weeks until July 8th.

CLOSE AND ABANDON

#1997-062 (MICHAEL JOHNSON)

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED STREET LOCATED NORTHEAST FROM HIGHWAY 153, NORTHEAST OF GRUBB ROAD, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS

was deferred for two weeks until July 8th.

REZONING

#1997-105 (JAMES NORRIS)

This case was held from June 10th for more study. Councilman Eaves stated he had taken a look at this and asked the Legal Staff to come up with a recommendation to work this out so that it could be zoned M-1 only as long as this man owns it; that with the neighborhood's approval a lot of trucks and equipment had been parked in the middle of a residential area; that this man had lived here a long time and doing this as his business. He reiterated he had asked Attorney Nelson if it would be possible to zone this on a temporary basis with the understanding that when Mr. Norris leaves, it would not be zoned M-1 any longer since it was in the middle of a neighborhood.

Attorney McMahan stated he had received no instructions on this from Attorney Nelson.

Councilman Pierce suggested that it go before the Variance Board rather than trying to get it rezoned.

REZONING (CONT'D.)
(JAMES NORRIS)

Attorney McMahan stated this would be beyond the powers of the Variance Board--that this was temporary zoning. Councilman Pierce stated he thought the Variance Board had the authority to deal with parking variances. Mr. Bennett explained only if the parking is on a lot that is adjacent to commercially-zoned property. Mr. Bennett explained that zoning could not be made to automatically revert back to what it was previously.

Councilman Eaves still asked if temporary zoning was not possible. Attorney McMahan explained that we do not have temporary zones--that we only deal with permanent zones in the Zoning Ordinance.

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 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 denied.**

REZONING

#1997-118 (BEN SPANGLER)

This case was held from the June 10th meeting. Councilman Lively stated that at the last meeting the Council heard the applicant and the opposition and due to the fact that the Council was short some members, he had asked that this be delayed. He noted the Council was also short tonight but suggested that the case be decided.

Councilwoman Rutherford stated she was not at the last meeting and asked if she could have a brief review.

Dr. Spangler stated that he would make it brief; that he had had no opposition and had approval from the Planning Commission, noting that he could not see why anyone would object. He presented a drawing showing the Lookout Valley Self Storage and also stated he had a petition with no objections. He explained that the Planning Staff did not like his initial request because of R-3, and he dropped that. He explained that everything would stay green and asked the Council to let him do something on this 200 ft. front, noting that all of the landowners approved of this.

REZONING (CONT'D.)
(BEN SPANGLER)

Mr. Spangler went on to explain he had three tracts of land and urged the Council to let him put a building there that would bring in \$14,000 a year in taxes with no cost to the City. He stated that Mr. Tom Scott had given him approval, noting that he did what he asked him to do or Mr. Scott would close him down. He stated it was all zoned commercial; that he would paint the doors green to blend in with the environment; that there would be no aesthetic problems with green doors to match the trees, and he asked the Council to let him rezone.

Councilman Hakeem asked about proposed fencing.

Mr. Spangler responded that it was relatively flat and the trees had been cleared off one-half of it, reiterating that the green warehouses would match the trees. Councilman Hakeem reminded Mr. Spangler that he had asked about fencing. Mr. Spangler responded that it would be a green fence--a normal fence; that he was going to leave the trees along the road.

Mr. **Tony Adkins of 328 Patten Chapel Road** stated that he was next to Mr. Spangler's property, and he did not have a position against this as long as it was landscaped right and the drainage was okay.

Ms. Kim Manning spoke in opposition, noting that she had addressed the Council two weeks ago and would summarize her opposition. She stated she had a petition signed by 55 individuals, representing 12 households on the road that objected.

Councilwoman Rutherford stated she would like to know what Ms. Manning's opposition was. Ms. Manning stated this was on a main thoroughfare and was mainly residential; that she felt it encroached too far into a residential area.

Steve Powers was also present in opposition, stating he lived on Patten Chapel Road; that this zoning being asked for was in the area of Browns Ferry Road, which was the City's gateway from the West; that it very much interrupted the neighborhood with a commercial development and would be a major change in the environment, and (he felt) would cause a drainage problem with stormwater run-off over asphalt. He also stated there would be major traffic problems with all kinds of trucks in there, which would cause a major traffic problem. He stated this was entirely a residential neighborhood and no commercial, and this would be totally foreign to the neighborhood. He stated that the Zoning Ordinance specifies C-2 on a major street or collector street, noting that Browns Ferry Road was a collector street and Patten Chapel Road was a residential street.

REZONING (CONT'D.)
(BEN SPANGLER)

Councilman Pierce stated he kept hearing no commercial on Patten Chapel Rd. He asked if this was zoned commercial. Mr. Bennett explained it was zoned commercial but was developed residential.

Councilman Hakeem stated he would like to make a comment--that it had been a practice of this Council to develop at on-ramp and off-ramps of this nature; that this development would not be as pleasant as trees.

Mr. Bennett stated that we had allowed tourist-convenience type operations around ramps; that there was quite a bit at this interchange on Brown's Ferry Road; that it was all zoned commercial to Patten Chapel Road with the exception of a 5 ft. wide strip along Patten Chapel Road which had been left as a buffer.

Councilman Hakeem clarified that the land across the street is zoned C-2 but used as residential; that Mr. Bennett had mentioned things of a tourist nature, and he stated what was being proposed was not of a tourist nature. Mr. Bennett responded that he was referring to things that were more convenience-oriented for the tourist trade.

Mr. Spangler asked if the Council had any more questions and asked them to refer to Exhibit "A" that he had given them, where it showed that the State of Tennessee owns this, and it is completely green. He stated his request was very reasonable and that he would appreciate the Council's consideration; that the doors would be the same color as the trees. He stated this was so steep that a "billy goat would have to have a four-wheel drive". He reminded the Council that this would bring in from \$12,000 to \$15,000 in taxes and that it was the Council's job to run the business of the City, and this was a reasonable request.

Councilwoman Rutherford asked if the access would be from Patten Chapel Rd.--that the Staff had recommended denial. She questioned if no access from Patten Chapel Rd. would be considered.

Councilman Taylor asked if what Mr. Spangler was showing was the actual drawing, and if it would be that close to the road. Mr. Spangler responded that he would have to follow all the rules and laws as far as setbacks were concerned--that he had to be 25 ft. back. He also stated that all the people across the road had asked that he ask the Council to remove the 5 ft.--that they wanted this removed because they did not think it was fair. He stated he realized this would have to be put in some kind of formal request. He stated they wanted the 5 ft. removed so they could sell their property.

REZONING (CONT'D.)
(BEN SPANGLER)

Councilman Lively stated as Councilwoman Rutherford had pointed out, the Staff recommended that this be denied; that he thought for the Council to approve this they would have to go against the Zoning Ordinance of the City--that it did not qualify as this was not on a major connector road.

On motion of Councilman Lively, 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 314, 316, AND 324 PATTEN CHAPEL ROAD, BEING ON THE SOUTHEAST LINE OF PATTEN CHAPEL ROAD SOUTH-EAST, THEN NORTHEAST, OF BROWN'S FERRY ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE **was denied.**

REZONING

#1997-121 (EMERSON HALL)

This case was held from the last meeting. Chairman Swafford stated that this had been discussed and Councilman Crockett had some comments and concerns, and he was not present tonight.

Attorney John Anderson of Grant Konvalinka and Harrison was present representing this case, noting that upon requirements of the Building Inspector's Office, they were asking that this be rezoned from C-2 to M-1. He explained this was the old Sweeney Barbecue site, and the Building Inspection Department had determined that the retail sale of mobile homes could only occur in M-1 Zone; that they were here only because the Building Inspector's Office had required this; that they would be willing to restrict this just to the retail sale of mobile homes. He stated this was Clayton Homes that employed 15,000 people and would bring \$3 million worth of sales to Chattanooga and would employ 20-25 people here. He stated Councilman Crockett was concerned because he thought something a little bit better could be put on this site. He explained this was under a TVA easement and stated quite frankly people were not lined up to buy this property. He stated Clayton Homes would do a first class job and would take advantage of the fact that this is encumbered by an easement. Attorney Anderson stated there had been some concerns about traffic and explained that this would not be a problem. He stated that they requested that the Council approve this--that they would restrict the use to only retail sale of mobile homes and noted they still felt C-2 was the proper zone for this.

REZONING (CONT'D.)
(EMERSON HALL)

Councilman Lively stated Councilman Crockett had called him and said he would like to be here when the Council voted on this. He suggested that this be deferred until July 8th when he will definitely be here. Chairman Swafford stated Councilman Crockett would definitely be here that night because he would be chairing the meeting.

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 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 for two weeks until July 8th.

AMEND CODE
STREET NAMES AND NUMBERING

On motion of Councilman Lively, seconded by Councilman Pierce, 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 passed for 30 days.**

BUDGET ORDINANCE FY 97/98

Councilman Hakeem stated the Council had had the opportunity to review the Budget and talk with the Staff and the conclusion they had come to was to accept what had been presented by the Staff.

On motion of Councilman Hakeem, seconded by Councilman Lively, AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FY 97/98 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1998, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES passed first reading.

STREET NUMBERING & ADDRESS POLICY

On motion of Councilman Pierce, seconded by Councilman Lively,
A RESOLUTION ADOPTING A STREET NUMBERING AND
ADDRESSING POLICY FOR THE CITY OF CHATTANOOGA
was passed for 30 days.

PUD PERMIT

1997-096 (ROSEBROOK TOWNHOMES LLC & MONTY REEVES)

Mr. Bennett explained that they had no problem with this; that it had
been completely reviewed by their office.

On motion of Councilman Eaves, seconded by Councilman Pierce,
A RESOLUTION REPEALING RESOLUTION 21375, ENCAPTIONED
HEREINBELOW, AND GRANTING A SPECIAL EXCEPTIONS PERMIT
FOR A PRELIMINARY 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 NORTH-
EAST LINE OF IGOU GAP ROAD SOUTHEAST OF DENTON LANE,
MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS
was adopted.

AGREEMENT (WHEELABRATOR WATER TECH.)

Councilman Eaves stated this was discussed in the Public Works
Committee and came with a recommendation from that Committee to deny.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,
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 MANAGE-
MENT AT THE MOCCASIN BEND WASTEWATER TREATMENT PLANT
was denied.

PROPOSAL ACCEPTANCE (TDOT)

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
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 adopted.

AGREEMENT AMENDMENT (POH)

On motion of Councilman Pierce, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH PIEDMONT OLSEN HENSLEY FOR CONSTRUCTION PHASE SERVICES ON CONTRACT NO. 73A-2, BIG RIDGE COLLECTION SYSTEM III, TO INCREASE THE FEE BY TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00), FOR A TOTAL FEE NOT TO EXCEED ONE HUNDRED TWO THOUSAND, FIVE HUNDRED THIRTY-FIVE DOLLARS (\$102,535.00) was adopted.

AGREEMENT AMENDMENT (POH)

On motion of Councilman Lively, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH PIEDMONT OLSEN HENSLEY FOR CONSTRUCTION PHASE SERVICES AND RESIDENT INSPECTION ON CONTRACT NO. 73B-2, BIG RIDGE COLLECTION SYSTEM IV, TO INCREASE THE FEE BY FIFTY-NINE THOUSAND, FIVE HUNDRED DOLLARS (\$59,500.00), FOR A TOTAL FEE NOT TO EXCEED TWO HUNDRED THIRTY-EIGHT THOUSAND DOLLARS (\$238,000.00) was adopted.

CONTRACT (HARDAWAY CONST. CORP.)

On motion of Councilman Lively, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. BL-1-97, BIRCHWOOD LANDFILL, CONSTRUCTION OF PHASE I AND PHASE II LINER, TO HARDAWAY CONSTRUCTION CORPORATION FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION, FOUR HUNDRED NINETY-TWO THOUSAND, SIX HUNDRED SIXTY AND NO/100 DOLLARS (\$2,492,660.00) was adopted.

R-O-W PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM JAMES CLIFFORD ROSS AND LINDA D. ROSS, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 15, FOR A CONSIDERATION OF TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) was adopted.

ANNEXATION PUBLIC HEARING

Attorney McMahan explained this Resolution's purpose was to set a Public Hearing to be held on July 1st.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN PROPERTIES ADJACENT TO INTERSTATE 75 AND LEE HIGHWAY, MORE SPECIFICALLY DESCRIBED HEREIN, LYING CONTIGUOUS TO THE PRESENT CORPORATE LIMITS, SHOULD BE ANNEXED TO THE CITY OF CHATTANOOGA, TENNESSEE was adopted.

CONTRACT (PRANGLEY AND CO.)

On motion of Councilwoman Rutherford, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING AND APPROVING THE METROPOLITAN PLANNING ORGANIZATION (MPO) ENTERING A CONTRACT WITH PRANGLEY AND COMPANY FOR A TRANSIT STUDY AT A COST NOT TO EXCEED SEVENTY-SIX THOUSAND, FIVE HUNDRED FIFTEEN DOLLARS (\$76,515.00) FOR SERVICES AND EXPENSES RELATED TO THE STUDY was approved.

PROPOSAL ACCEPTANCE (TDOT)

On motion of Councilman Lively, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO STATE ROUTE 2 (BAILEY AVENUE) BRIDGE AND APPROACHES OVER CSX RAILROAD EAST OF CENTRAL AVENUE was adopted.

Councilman Pierce asked if there were any tentative plans for traffic once the bridge is closed down.

Adm. Marcellis responded they were looking at 3rd St. and Main St. Councilman Pierce asked how soon it would be on 3rd St. Adm. Marcellis responded they would wait until Bailey Avenue is complete. Councilman Pierce asked if there had been any consideration given to McCallie Ave. becoming two-way for this period. Adm. Marcellis responded they would prefer not to do this because of the transition back to one-way; that they were looking at 3rd St. and Main St. as two alternatives. He noted that the freeway would be open then. (Councilwoman Rutherford asked that it be recorded that she, as a Brainerd resident, voted reluctantly.)

AGREEMENT AMENDMENT (POH)

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH PIEDMONT OLSEN HENSLEY FOR ADDITIONAL REDESIGN SERVICES ON CONTRACT NO. 53B-4, NORTHWEST GEORGIA INTERCEPTOR SEWERS (SPRING CREEK AND WAVERLY PARK INTERCEPTORS), TO INCREASE THE FEE BY TWENTY-THREE THOUSAND, FOUR HUNDRED DOLLARS (\$23,400.00), FOR A REVISED TOTAL FEE NOT TO EXCEED FORTY-FOUR THOUSAND, EIGHT HUNDRED DOLLARS (\$44,800.00) was adopted.

AGREEMENT (POH)

On motion of Councilman Eaves, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PIEDMONT OLSEN HENSLEY FOR CONSTRUCTION PHASE AND INSPECTION SERVICES ON CONTRACT NO. 53B-4, NORTHWEST GEORGIA INTERCEPTOR SEWERS (SPRING CREEK AND WAVERLY PARK INTERCEPTORS), FOR A TOTAL FEE NOT TO EXCEED ONE HUNDRED EIGHTY-SEVEN THOUSAND, EIGHT HUNDRED DOLLARS (\$187,800.00) was adopted.

CONTRACT (RIVERBEND CONST. CORP.)

Adm. Marcellis asked that this Resolution be postponed for one week.

On motion of Councilman Hakeem, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SWM-1-97, DRAINAGE AND WATER QUALITY ABATEMENT, TO RIVERBEND CONSTRUCTION CORPORATION FOR THEIR LOW BID IN THE AMOUNT OF SIX HUNDRED TWENTY-SEVEN THOUSAND, FOUR HUNDRED FIFTY-ONE AND 25/100 DOLLARS (\$627,451.25) **was postponed for one week.**

CONTRACT (CASE CONST. CO.)

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SWM-2-97, DRAINAGE DITCH REHABILITATION AND WATER QUALITY ABATEMENT, TO CASE CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF FOUR HUNDRED THIRTY-NINE THOUSAND, EIGHT HUNDRED FORTY DOLLARS (\$439,840.00) was adopted.

R.O.W PURCHASE

On motion of Councilman Eaves, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM LYNN DALTON BLANKENSHIP AND BETTY B. BLANKENSHIP, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 10, FOR A CONSIDERATION OF TWO THOUSAND DOLLARS (\$2,000.00) was adopted.

TEMPORARY USAGE

On motion of Councilman Eaves, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING MONKEY BUSINESS TO USE TEMPORARILY THE SOUTHERN SIDEWALK AT 346 FRAZIER AVENUE FOR HANGING A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

TEMPORARY USAGE

On motion of Councilman Lively, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING POWER EQUIPMENT ENGINES AND PARTS TO USE TEMPORARILY THE SOUTHERN SIDE-WALK AT 3500 ROSSVILLE BOULEVARD FOR INSTALLATION OF A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

OVERTIME

Overtime for the week ending June 20, 1997 totaled \$63,783.32.

PERSONNEL

The following personnel matters were reported for the Human Services Department:

- MARY WRIGHT** -- Termination of Teacher Assistant in Head Start, effective June 9, 1997.
- RHONDA SMITH** -- Termination of Family Services Assistant in Head Start, effective June 13, 1997.
- SHWANNA GURLEY** -- Resigned as Teacher Assistant in Child Care Program, effective June 16, 1997.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Eaves, the following purchases were approved for use by the Chattanooga Human Services Dept.:

INFO SYSTEMS, INC. (Only bid received)
Requisition No. 138339

Computer Hardware and Software, CSBG Network Equipment

\$89,854.00

CARD'S PAVING CO. (Lower and better bid for City)
Requisition No. 135820

Repairs to Parking Lot, Occupancy Division

\$43,327.00

KAPLAN COMPANIES (Only bid received)
Requisition No. 139223

Playground Equipment for Signal Center, Head Start/Early Head Start

\$10,986.85

MOUNTAIN VIEW FORD (Lower and better bid for the City)
Requisition No. 138335

1997 Cargo Van for Occupancy Division

\$15,145.40

FLAV-0-RICH, INC. (Overall low bid for the City)
Requisition No. 138333

Twelve Months Requirements Contract for Milk
(Child Care/Head Start Program)

(See minute material for individual prices)

PURCHASES (CONT'D.)

METROPOLITAN SECURITY, INC. (Lower and better bid for the City)
Requisition No. 135819

Contract for Security Guard Service
(Human Services Building)

\$7.69/per hour

EASTMAN CONSTRUCTION (Lower and better bid for the City)
Requisition No. 135821

Contract for Remodeling at Human Services Building

\$17,610.00

SPECIAL TRANSIT SERVICES (Only bid received)
Requisition No. 128698

Twelve Months Contract for Transportation Services
(Child Care Department)

\$40,037.00

FLOWERS BAKING COMPANY (Lower and better bid for the City)
Requisition No. 138332

Twelve Months Requirements Contract for Bread
(Child Care/Head Start Program)

(See minute material for various prices)

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

COREY L. BURSE -- Promotion from Laborer II to Plumber's Helper, Pay Grade 5/1, \$15,834, effective 6/23/97.

ELLEN BRONTE LAKE-HARRIS -- Promotion from Assistant Planner to Planner/Designer, Pay Grade 13/1, \$26,120.00, effective 6/20/97.

PURCHASE

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

W. H. CAMP & CO. (Lower and better bid for the City)
Requisition No. 139891

Contract for Painting of Metal Fence
(Ross's Landing Park & Plaza)

\$10,535.00

PURCHASES

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchases were approved for use by the General Services Dept.:

SHROPSHIRE CONSTRUCTION CO., INC. (Change Order #1 to Contract
#A-1147241)
Requisition No. 137517

Change Order on Demolition of Joseph E. Smith School
(For Control Fill of Chert)

\$98,880.00 (Original Contract Price)
33,000.00 (Change Order #1)
\$131,880.00

HARTS PARTS, PAINT & EQUIPMENT (Overall low bid for City)
Requisition No. 139590

Six Months Requirements Contract for Hoses, Clamps & Belts
(Fleet Maintenance I)

(See minute material for various prices)

DEVAN BROWN CONSTRUCTION, INC. (Lower bid with negotiated cost)
Requisition No. 139701

Contract for the renovation of the interior of the Central City
Complex (Community Development Division)

\$83,600.00

PERSONNEL

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

JAMES R. BROWN -- Hire as Concrete Worker, Pay Grade 6/1, \$16,864.00 annually, effective 6/23/97.

JESSE THORNTON -- Promotion to Truck Driver IV from Truck Driver III, Pay Grade 7/13, \$25,266.00 annually, effective 6/25/97.

REBECCA P. LEVALLY -- Promotion and Transfer from Clerk III in Inspection to Administrative Secretary in Traffic Administration, Pay Grade 8/4, \$20,920.00, effective 6/30/97.

THOMAS F. BASHAM -- Hire as Plumbing Inspector I, Pay Grade 11/1, \$22,813.00, effective 7/7/97.

PURCHASES

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

DIXIE FILTERS (Lower and better bid for the City)
Requisition No. 139326

Twelve Months Requirements Contract for Supply and Installation of Odor Control Filter Media (Interceptor Sewer System)

\$18,011.20

ARCH TRIMBLE (Only bid received)
Requisition No. 139330

Insurance coverage for Moccasin Bend Sewage Treatment Plant

\$21,950.00

MECHANICAL PIPING SYSTEMS, INC. (Lower and better bid for the City)
Requisition No. 139402

Filter Press Platform Stairs (Interceptor Sewer System)

\$10,462.43

PURCHASES (CONT'D.)

E. L. PATE (Lower and better bid for the City)
Requisition No. 137766

Demolition of 4105 St. Elmo Avenue (Better Housing Div.)
\$12,222.22

LEE-SMITH, INC. (Lower and better bid for the City)
Requisition No. 140030

Liquid Asphalt Distributor (State Street Aid)
\$78,959.90

PERSONNEL

The following personnel matters were reported for the Safety Department:

MABEL DEBOLT -- Voluntary demotion from Clerk III to Clerk II in Police Dept., Pay Grade 4/7, \$17,655.00 annually, effective 6/20/97.

CARSON HENNESSEE -- 28-day Suspension of Police Officer without pay, effective 6/23/97 thru 7/20/97.

MITCHELL BRYAN HOLDEN -- Resignation of Part-Time Ranger in Police Dept., effective 6/4/97.

FRANCES H. NEWTON -- Resignation of School Patrol Officer in Police Dept., effective 6/5/97.

MARTHA COLEMAN -- Resignation of School Patrol Officer in Police Dept., effective 6/5/97.

CARL B. NOLAN -- Termination of School Patrol Officer in Police Department, effective 6/11/97.

KIM D. STAGGS -- Promotion from Dispatcher Trainee to Dispatcher in the Police Dept., Pay Grade 10/Below 1, \$20,600.00 annually, effective 6/20/97.

JOHN TOLLETT -- Intermittent Family Medical Leave from the Fire Dept., from June 5, 1997 until Family Medical Leave is exhausted.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the following purchases were approved for use by the Safety Department:

NEWTON CHEVROLET (Only bid received)
Requisition No. 128483

One-Ton 1997 Pick Up Truck

\$23,475.00

PROFESSIONAL CLEANING SERVICE (Only bid meeting City Specs.)
Requisition No. 125758

Twelve Months Requirements Contract for Janitorial Services

\$71,940.00

G. T. DISTRIBUTORS (Lower and better bid for the City)
Requisition No. 128482

Twelve Month Requirements Contract for Bullet Proof Vests

\$277.00 each

ABSOLUTE APPLIANCE DISTRIBUTORS (Lower and better bid for the City)
Requisition No. 139169

Gas Ranges for Fire Division (4 commercial)

\$14,991.00

THE TRANE COMPANY (Only bid received)
Requisition No. 139163

Heating and Air Unit Equipment for Firehall #1

\$25,127.00

HOTEL PERMIT

On motion of Councilman Hakeem, seconded by Councilman Eaves, the following Permit was approved:

PARK CITY HOTEL -- 2747 Cannon Street

PERSONNEL

The following personnel matter was reported for the Finance Dept. (City Court):

VANESSA Y. DOYLE -- Transfer/Promotion to Court Clerk I, Pay Grade 5/1, \$15,834 annually, effective 6/10/97.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the following purchases were approved for use by the Department of Finance and Administration:

LASER GRAPHICS (Only local source that can effectively handle this microfilming for City Court)
Requisition No. R0001401

One Year Requirements Contract for Microfilming Court Affidavits and Dockets for City Court

(See minute material for various prices)

IKON OFFICE SOLUTIONS (Lowest overall bid)
Requisition No. 133883

Copier for Air Pollution Control Bureau

\$12,400.00

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Lively, the following purchase was approved for use by the Personnel Dept.:

MOTES ADVERTISING, INC. (Best bid for City of Chattanooga)
Requisition No. 136158

Service Awards for City Employees

(See minute material for various prices)

PURCHASE (CONT'D.)

Councilman Hakeem questioned what Service Awards were, and Ms. Kelley explained that we award employees for their length of service; that the various rates accounted for a lower amount but that she felt obligated to report this.

CITY ATTORNEY

Attorney Mike McMahan stated that he had two items to report:

- (1) Regarding the discussion about the sale of mobile homes and trailers, he stated that Councilman Lively had asked Attorney Nelson to draft an Ordinance allowing this in C-1 Commercial Zone. He explained this would have to be referred to the Planning Commission for a Study.
- (2) Request from **STEVEN P. KUIVENHOVEN** for a hearing before the City Council regarding his dismissal from employment. Attorney McMahan stated that he thought the Council usually heard these on Mondays. Councilman Lively suggested the first Monday in August. Chairman Swafford asked who would chair the hearing. Councilwoman Rutherford indicated that she would serve on the panel. Mr. Bennett reminded the Council that the first Monday of each month is when Mayor Kinsey holds his Town Meetings. Councilman Lively then suggested the second Monday in August at 6:00 P.M. Councilman Taylor indicated that he, too, would serve on the panel.

The hearing was scheduled for Monday, **August 11th at 6:00 P.M.** with **Councilman Lively** chairing the meeting along with Councilpersons **Rutherford, Taylor, Hakeem, and Swafford** (if possible).

COMMITTEES

Councilman Eaves stated that they were not able to complete the **Public Works Committee** meeting earlier in the day and rescheduled this meeting for **Tuesday, July 1st immediately following the 4:00** Parks and Recreation Committee meeting.

Councilman Lively scheduled a meeting of the **Legal and Legislative Committee to immediately follow the Public Works Committee meeting on Tuesday, July 1st** to discuss the Ordinance that Attorney Nelson is drafting regarding the sale of mobile homes in C-1 Zone.

COMMITTEES (CONT'D.)

Councilman Pierce indicated that he needed a meeting between the Safety Department and Better Housing to discuss Code Enforcement, noting that some of our codes are overlapping and jobs are overlapping. He indicated that Public Works might also need to be involved. Councilman Pierce stated he did not need a committee meeting set for this purpose; that he would just like to sit down during the day to discuss this.

POSTPONEMENT OF AGENDA ITEMS
(COMMERCIAL MANAGEMENT CORP.)

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the Special Presentation by the Brainerd Hills Neighborhood Association scheduled for Tuesday July 1st and Ordinance, First Reading for Commercial Management Corporation (1996-278) from R-1 and R-3 to R-4 were both tabled until the Tuesday, August 5th Council meeting.

SISTER BEY

Sister Bey addressed the Council in reference to the Bessie Smith Strut. She stated this was a great insult and people were raging; that they had asked not to merge; that her peoples' rights had been taken, and it hurts. She stated her own people were working against her, and this was a grand insult. She mentioned that the Creek had not been cleaned up, yet, and people were insulted. She stated she felt like they were taking her peoples' God-given rights, and she was not amused.

CHARLES SHROPSHIRE

Mr. Shropshire stated that he addressed the Council two months ago regarding his drainage system in the front of his house. He stated Mr. Marcellis had not corrected this; that a five year old kid hit one of the drains and tore up his bicycle and busted his lip; that something needed to be done about this street because it was awful; that he had been told they were waiting on it to rain; that he guessed they were waiting on it to quit now.

Councilman Taylor stated that he remembered when Mr. Shropshire came forth.

CHARLES SHROPSHIRE (CONT'D.)

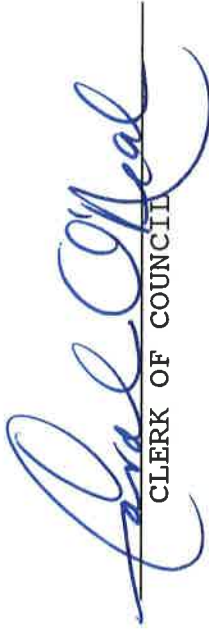
Adm. Marcellis stated he had asked about this problem, and his people told him they would look at it, but he had gotten no report. He asked if they were now asking for resurfacing, and if we had started by lowering the street and taking the pavement off.

Mr. Shropshire stated they had left the catch basin and a kid had torn up his bicycle and hurt his lip and nose.

Chairman Swafford asked that Adm. Marcellis get a briefing ready for the next Public Works Committee meeting on Tuesday of next week. Adm. Marcellis asked the address, and the response was at 51st St. off of Central Ave.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, July 1, 1997, at 6:00 P.M.


CLERK OF COUNCIL


CHAIRMAN

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