

Municipal Building
Chattanooga, Tennessee
July 29, 1997

The meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Eaves, Hakeem, Hurley, Lively, Pierce, Rutherford and Swafford present; Councilman Crockett joined the meeting later. 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 Councilwoman Rutherford, the minutes of the previous meeting were approved as published and signed in open meeting.

AMEND CITY CODE: ESTABLISHMENT OF
STREET NAMES AND NUMBERING

Councilman Lively stated this matter was discussed in the Legal and Legislative Committee and comes to the full Council with a recommendation for approval.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 32, ARTICLE IX, SECTIONS 32-167, 32-168, 32-196
AND 32-198, RELATIVE TO ESTABLISHMENT OF STREET NAMES
AND NUMBERING
passed first reading.

REZONING

1997-141: Clyde C. Bales

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Councilman Pierce made the initial motion to deny this request; Councilman Hakeem seconded the motion.

Chairman Swafford stated the request is located in his district; that he did not support this at the Planning Commission hearing and since the hearing has talked with neighbors who have no objections to this. He stated he still has concern; that the property is currently zoned M-2. He asked Mr. Bennett to bring the Council up to date as to why this property is M-2 and is surrounded by residential property.

Barry Bennett stated pretty much all the area in question is R-1; that in 1979 a study was done and it was determined a lot of the property should be zoned M-2 to accommodate proposed Airport expansion and related industries. He stated nothing has been done regarding that plan; that the concern they have now is there is a lot of residential property left in the area and a lot of unused M-2. He stated the Staff feels there should be some consideration given to this area in going back residential since it was never used for the proposed plan.

Chairman Swafford stated he drove by the site and there are only two M-2's in this area; that this property is still a residential house. Mr. Bennett stated most of the M-2 is still residential; that their concern is with the various commercial developments in the area. He stated the determination is to go back to residential or utilize this area for future airport expansion; that with regard to commercial zoning the property is zoned M-2 and could be used for light manufacturing purposes as could any other property zoned M-2.

Mr. Bales was asked the purpose for the C-2 request. Mr. Bales responded that the request is for a wholesale car business.

Chairman Swafford asked if his wholesale car business is actually there on the property. Mr. Bales responded "yes;" that M-2 permits his type of business, but was under the assumption C-2 would be better; that the zone does not have to be changed at this point based on what he has been told and is alright "where he is." He reiterated that he was under the assumption he had to change the zone.

At this point Councilman Pierce made the motion to deny the request since Mr. Bales doesn't have to have a zone change to accommodate his business.

REZONING (Cont'd.)

Councilman Eaves informed Mr. Bales that he has a better zoning now than going with C-2. Mr. Bales indicated he did not know going to C-2 would be downzoning.

Councilman Hakeem stated he wanted to make sure he was understanding that Mr. Bales' business can be operated in M-2. Mr. Bennett stated M-2 does not allow any separate sale of automobiles; that Mr. Bales had indicated his business would be wholesale.

City Attorney Nelson clarified wholesale businesses are permitted in M-2. Mr. Bennett stated there might be some question with regard to outdoor storage.

Chairman Swafford inquired as to what is adjacent to this property. Mr. Bales stated there is an auto clean-up shop that is not his.

Councilwoman Rutherford indicated she did not know what wholesale used cars means. She asked the difference in wholesale and having a car lot.

Mr. Bales explained that he purchases used cars from any car dealer when they are traded in and sells them to used car dealers for retail.

Councilwoman Rutherford asked for understanding; that only dealers come on the lot and not the general public. City Attorney Nelson stated retail sales and other commercial use would be prohibited; that the business would have to stay in the wholesale end of it.

Councilman Hakeem stated Mr. Bales is just dealing with wholesale sales; that he does not want to see him get himself in some difficulty by retailing.

Mr. Bales stated based on where we are now there has been a period of a year when twenty cars have been retailed and that is why he was trying to change the zone so that that would be permissible. He stated he can operate his business strictly on a wholesale basis, which would be better for him.

Chairman Swafford stated there is M-1, M-2, C-2 and mostly residential in the area which was his purpose for not supporting the request at the Planning hearing.

Councilwoman Hurley stated she really has not ridden by the site and asked if there are any strict requirements pertaining to M-2 that would not pertain to C-2. Mr. Bennett stated M-1 zones are the only ones that have landscape requirements; that C-2 does not.

REZONING (Cont'd.)

Councilwoman Hurley asked if the property is screened, now. Mr. Bales responded "no." Mr. Bennett stated the property is abutted by M-2; that the screening is only applicable when it abuts R-1 zoning.

Councilwoman Hurley stated this is situation is somewhat like a previous case wherein property was zoned for another purpose but never fulfilled.

Mr. Bales stated he was under the assumption the Airport Authority was going to purchase that property three years ago; that he moved and built another home nearby; that this was formerly his home address for 25 years. He stated he has been in touch with the Authority but has not gotten a clear response as to whether they plan to purchase the property or not; that he is now stuck with property he can't do anything with. He stated the business next door pertaining to automobiles and cleaning was his main reason the property should be zoned for his business.

Chairman Swafford stated he does not want to cause Mr. Bales any difficulty; that this location is on a very narrow residential street which is why he has a problem with it. He stated the business might not be causing a problem now; that he did not support it at Planning and still has difficulty supporting it now.

Mr. Bales stated around the corner there is a salvage yard and wrecking service and behind that is one house; that there is a paving business in the area with big commercial equipment. Chairman Swafford indicated the area is a very mixed use neighborhood.

Mr. Bales stated he would not be present tonight if he had not been told the Airport would be purchasing the property; that he would still be living at that address.

Councilman Hakeem stated he is clear on the matter, now; that Mr. Bales can do what he desires with the present zoning. At this point he **seconded Councilman Pierce's motion to deny.**

Councilwoman Hurley suggested that the applicant might want to consider withdrawing the request; that denial seems to put something on the record on the property. She stated by withdrawing if he needs to come back he will be able to.

The applicant asked if he wished to withdraw the request rather than have it denied. Mr. Bales responded "yes."

Councilwoman Rutherford stated she would like to ask Planning to look at this; that maybe the Airport was going to use it but it never came through and does not see it happening in her lifetime! She stated she would like for the Planning Agency to look at this for an appropriate use; that a formal study is not required.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the Planning Agency was requested to look at the area around the Airport for appropriate zoning.

Chairman Swafford expressed his thoughts that this is a good request; that he does not want it to be a complicated matter since Planning has many studies they are working on.

REZONING (Cont'd.)

On motion of Councilwoman Hurley, 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 LANE LOCATED AT 608 WATTS AVENUE, BEING ON THE SOUTHEAST LINE OF WATTS AVENUE SOUTHWEST OF PINEHURST AVENUE, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE **was withdrawn.**

NUMBERING/ADDRESSING POLICY

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION ADOPTING A STREET NUMBERING AND ADDRESSING POLICY FOR THE CITY OF CHATTANOOGA was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM BOBBY MITCHELL LEE AND STACY NICHOLSON LEE, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 1, FOR A CONSIDERATION OF FIVE HUNDRED DOLLARS (\$500.00) was adopted.

CONTRACT: MAYSE CONSTRUCTION
COMPANY

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SR-2-95, ROANOKE AVENUE SEWER REPLACEMENT, TO MAYSE CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF FOUR HUNDRED THIRTY-NINE THOUSAND, FIVE HUNDRED SIXTY-TWO AND FIVE ONE-HUNDREDTHS DOLLARS (\$439,562.05) was adopted.

CONTRACT: ORANGE GROVE CENTER

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ORANGE GROVE CENTER, FOR FISCAL YEAR 1997-98, RELATIVE TO THE CONTINUATION OF THE DUAL BLUE BAG RECYCLING PROGRAM

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, (FINAL), CONTRACT NO. RW-6-96, CONSTRUCTION OF EAST LAKE COURTS, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHTEEN THOUSAND, SIX HUNDRED FIFTY-FIVE AND 91/100 DOLLARS (\$18,655.91), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED NINETY-ONE THOUSAND, FORTY-SEVEN AND 68/100 DOLLARS (\$191,047.68)

was adopted.

OVERTIME

Overtime for the week ending July 25, 1997 totaled \$37,220.20.

PERSONNEL

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

JAMES RICK COOPER -- Promotion, Forestry Technician, Forestry Division, Pay Grade 11/Step 1, \$23,269.00 annually, effective August 6, 1997.

RICHARD M. SHOULDERS -- Re-Hire, Laborer II, Parks Division, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 23, 1997.

MICHAEL MILLER -- New Hire, Electrician's Helper, Parks Division, Pay Grade 5/Step 5, \$18,196.00 annually, effective August 1, 1997.

ARTHUR GRANTLY -- Family Medical Leave, Custodian, Recreation Maintenance Division, has not been able to work since May 13, 1997 and exhausted all personal leave the first week of July.

CHARLES ALEXANDER -- Family medical Leave, Recreation Specialist I, Recreation Division, has not been able to work since February 7, 1997 and exhausted personal leave on May 22, 1997 (FMLA status will expire August 14, 1997).

PERSONNEL

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

LEONARD C. OFFICER -- Employment, Custodian, Traffic Operations, Pay Grade 1/Step 1, \$12,733.00 annually, effective July 18, 1997.

RODERICK A. SIMS -- Demotion (Involuntary), Laborer II, City-wide Services, Pay Grade 4/Step 1, \$14,868.00 annually, effective July 9, 1997.

DAVID C. LESTER -- Resignation, Laborer II, City-wide Services, effective July 17, 1997.

TRACY L. BAILEY -- Resignation, Laborer II, City-wide Services, effective July 17, 1997.

RANDOLPH L. MALONE -- Demotion (Voluntary), Laborer I, City-wide Services, Pay Grade 3/Step 2, \$14,464.00 annually, effective July 30, 1997.

PERSONNEL (Cont'd.)

ROGER D. HAMRICK -- Employment, Laborer II, City-wide Services, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 23, 1997.

PATRICK B. SIMS, SR. -- Employment, Laborer II, City-wide Services, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 23, 1997.

JOSEPH B. WORMSLEY -- Employment, Laborer II, City-wide Services, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 23, 1997.

ARLEY L. HARVEY -- Employment, Laborer II, City-wide Services, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 23, 1997.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Public Works Department:

EUREKA FOUNDRY (Single source)
Requisition No. R0002106

Purchase of Ten Pedestrian Light Poles (\$1,150.00 each)

\$11,500.00 -- TOTAL

WILCOX TUNNEL

Chairman Swafford informed Admin. Marcellis that half of the lights are out again in the Wilcox Tunnel. Admin. Marcellis indicated that street lighting is part of Admin. Traughber's department. Admin. Traughber stated he would take care of the matter right away.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the following purchase was approved for use by the General Services Division:

GAMBLE CONSTRUCTION
Requisition No. 134191

Purchase of Construction of Central City Complex Parking Lot, Phase II

\$92,238.00

COMMUNITY DEVELOPMENT
APPROPRIATIONS

Admin. Traughber asked if a meeting of the Budget and Finance Committee could be scheduled to discuss supplemental Community Development appropriations; that the Advisory Committee is scheduled to meet next Thursday.

Councilman Hakeem indicated that a meeting of the Committee is scheduled for Tuesday, August 12 at 4 p.m. and asked if the matter could be discussed at that time. Admin. Traughber indicated that the August 12 date would not be too late a date to discuss the matter.

PERSONNEL

The following personnel matter was reported for City Court:

LANA D. HARRIS -- Promotion, Bench Clerk, Pay Grade 7/Step 4, \$20,036.00 annually, effective July 18, 1997.

REFUND

On motion of Councilwoman Hurley, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refund of personalty taxes:

COORS ELECTRONIC PACKAGE CO. -- Bill No. 65842, Correct Assessment, \$51,341.64

BOARD APPOINTMENTS

On motion of Councilwoman Hurley, seconded by Councilman Lively, the following Board Appointments were approved:

BOARD OF APPEALS FOR VARIANCE & SPECIAL PERMITS:

--Appointment of JOHN "DUKE" FRANKLIN to fill the unexpired term of George Conley through October 1, 1998.

HUMAN RIGHTS/HUMAN RELATIONS BOARD:

---Appointment of REV. LAMAR MOORE (District 1), SOCRATES SABATER (District 2), JUDY FRANCK (District 2), CAROL BERZ (District 4), MARY PRICE (District 6), and RICHARD WILLIAMS (District 6).

HEARING: TERRY YATES

City Attorney Nelson stated Terry Yates has requested a hearing because his promotion was rescinded. He stated he is inclined to give him a hearing; that he previously was not sure that he (Yates) was entitled to one. He stated one of the things the Courts will look at is whether someone has been given due process rights; that if the matter should go to Court they would want to know why he did not have due process rights or why we did what we did and would have to refer the matter back to us. He stated his recommendation is to give Mr. Yates a hearing.

Councilman Pierce asked if Mr. Yates requested the hearing in due time. City Attorney Nelson responded "yes."

A hearing for Terry Yates was scheduled for Monday, August 25 at 6 p.m. with Councilmen Taylor (Chairman), Lively, Hurley, Pierce and Rutherford serving as the panel hearing the request.

HEARINGS: STEVE KUIVENHOVEN AND HAROLD HARMON

Councilmen Hakeem and Rutherford indicated they would not be available to serve on the Committee hearing Steve Kuivenhoven's request for hearing on August 11, but could serve on the Committee for Harold Harmon's hearing on August 18. The revised Committee for Mr. Kuivenhoven's hearing will consist of Councilmen Lively (Chairman), Hurley and Taylor.

The revised Committee for Mr. Harmon's hearing scheduled August 18 will consist of Councilmen Hakeem (Chairman), Pierce and Rutherford.

NOTE OF THANKS

Chairman Swafford expressed thanks and appreciation to Mayor Kinsey and (his) administration for their attendance at the District 5 Community meeting on Monday, July 28. He stated there were over 100 people in attendance and that it was a positive meeting; that many questions were responded to by himself and others in administration.

COMMITTEES

Councilman Hakeem reminded Council members of the **Budget and Finance Committee meeting scheduled for Tuesday, August 12 at 4 p.m.**

COMMITTEES (Cont'd.)

Councilwoman Hurley scheduled a meeting of the Parks and Recreation Committee for Tuesday, August 5 at 5 p.m.

(COUNCILMAN CROCKETT JOINED THE MEETING AT THIS POINT.)

CAPT. LUTES

Councilman Pierce stated it is his understanding Capt. Lutes is leaving the City and this is his last evening with the Council.


Capt. Lutes indicated he will be leaving the City on Friday; that he has been with the City for 28 years and appreciated working with the Council. He stated he will be moving to Montana and will be working a job there; that he is skilled as a gunsmith and fire arms specialist. He stated he will miss everyone in City government and is proud of what he has done. He stated if any of the Council members want to come out to visit they can stop in and see him!

Chairman Swafford stated the Council has enjoyed working with Capt. Lutes and wished him much success in his new venture.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, August 5, 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)