

Municipal Building
Chattanooga, Tennessee
May 19, 1998

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

INVOCATION

City Attorney Nelson delivered the invocation for the evening.

MINUTE APPROVAL

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

AMEND' ZONING ORDINANCE RELATIVE TO
PERMITS/STANDARDS FOR COMMERCIAL
TOWERS

Councilmen Hakeem and Lively made the initial motion and second to approve this matter.

Councilwoman Rutherford stated she would like very much to see this matter deferred for two weeks so that Planning and Staff can look at the different angles as to how this affects "Futurescape" and how it affects all citizens.

At this point she made the motion to defer two weeks; there was no second to the motion.

Councilman Pierce stated there has been more discussion regarding input from administration and Planning; that he is inclined to support them if they feel this is in order; that he is looking to them to get a nod which will determine how he votes tonight. He stated if they feel uneasy and need one or two more weeks he would like to hear from them.

Councilman Taylor expressed agreement with Councilman Pierce's statement; that he, too, would like to hear from the Staff as to their concerns.

AMEND ZONING ORDINANCE RELATIVE TO
PERMITS/STANDARDS FOR COMMERCIAL
TOWERS (Cont'd.)

Councilman Hakeem inquired as to how long this matter has been studied. Beverly Pasley stated the matter has been studied since the moratorium was passed last February.

Councilman Hakeem inquired as to whether the matter was studied prior to that time. Ms. Pasley responded "no".

Councilman Hakeem clarified that the study just started this past February.

Ms. Pasley responded "yes"; that her involvement began February 24; that she and others have been talking about not necessarily delaying the second and third reading, but give the Staff an opportunity to create a review committee that would assist them in looking at the permits as they come in and to gain some determination as to whether or not our ordinance meets the intent of the Council and the Mayor. She stated the Mayor has indicated he wants as strong an ordinance as we can come up with; that in passing the matter on second and third she would request that the motion be made with the provision some type review committee be established; that they would establish some criteria to share with the Council.

Councilman Swafford stated this matter was discussed in Committee and does not think it will hurt to have an ad hoc committee involved with Ann Coulter, Planning, the Staff and whomever else; that they specifically should be involved. He stated this is necessary that we create this committee to take a general look to make sure the landscaping and everything fits; that this can be added to the motion.

At this point the motioner (Hakeem) and seconder (Lively) concurred that an ad hoc Committee would be added to the motion for approval on second reading and third reading.

Mr. Bennett stated if the matter is tabled two weeks they can work out the details they need to; that they have been working hand-in-hand for months with representatives of the cellular companies and the result was what we felt would be a reasonable compromise. He stated the ordinance indicates the City and Council would provide regulations that would allow companies to give leverage and protection after going through the "Futurescape" and other aesthetics of the City. He stated what they did not consider during those months was the potential impact of certain locations within commercial districts; that the existing regulations and the proposed regulations both only provide a review process and a permit procedure.

AMEND ZONING ORDINANCE RELATIVE TO
PERMITS/STANDARDS FOR COMMERCIAL
TOWERS (Cont'd.)

Mr. Bennett stated they must deal with the safety precautions, residential zones and residential structures. He stated the ordinance does not address the potential for safety considerations or the visual impact within certain commercial districts. He stated they had not considered any of this until last week's impact with the tower constructed on Brainerd Road. He stated they need to consider not only the impact within residential areas but commercial, as well; that not every use is considered to be appropriate in every location; that certain locations within heavily populated thoroughfares do have a greater potential for hazards than in some residential areas.

Councilman Eaves stated it has been said we need extra time and inquired as to how long after we pass this do they need; that it takes two weeks after passage on second and third reading before the ordinance takes effect. He inquired if it is being said an additional two weeks is needed.

City Attorney Nelson stated the problem is if the Council adopts on third reading, the purpose for the two weeks is so that citizens can get together and petition to keep it from going into effect. He stated if the Council wants to pass an amendment they will have to come back and start the process all over.

Councilman Eaves stated it has been stated we need extra time; that we really have the two weeks. He stated it has been stated we would set up a board of review which he thinks is now a part of the ordinance.

Councilman Hakeem stated he is trying to understand the interest in the delay; that we have included as part of the ordinance the ad hoc committee, yet the committee cannot address safety, location, and visual impact.

Mr. Bennett stated the ad hoc committee could address all those things; that the question is what authority is that committee going to have to be able to enforce any of those things.

Councilman Hakeem asked what difference does it make if this is passed tonight and the structure of the Board comes later. Mr. Bennett stated the question they have is whether or not the review committee is going to have any real authority.

AMEND ZONING ORDINANCE RELATIVE TO
PERMITS/STANDARDS FOR COMMERCIAL
TOWERS (Cont'd.)

Councilman Hakeem asked who determines that. Councilman Pierce indicated that the City Attorney would make that determination. Councilman Hakeem stated he thinks it should be the City Council and the City Attorney. He asked how this "plays" into the hands of whether we delay the matter or not. Mr. Bennett stated this (ad hoc committee) was an idea that we discussed yesterday.

Councilman Hakeem asked if this committee would serve the purpose Mr. Bennett is speaking of and if so what difference does it make if this is passed tonight and the Attorney and Council work on that. He inquired as to the problem with that.

Mr. Bennett stated the question they have is what will the Committee be doing and what authority will they have to issue controls. He stated if they determine there is nothing this committee will be able to do to be effective then it will be too late . . .

Councilman Hakeem interjected if the ordinance is passed tonight that committee cannot be structured in the manner Mr. Bennett talked of. Mr. Bennett stated he did not know; that it is something they have just begun discussing.

Councilman Pierce stated he thinks what is being said is that the Committee is not structured into the ordinance; that it is something we will be amending.

Councilman Hakeem stated it is a part of the motion tonight; that the structure has not been put in place.

At this point Councilman Pierce made the motion to defer the matter two weeks; Councilwoman Rutherford seconded the motion.

Prior to giving their vote on roll call, each Council member made a statement.

Councilman Swafford stated he is ready to move on; that if administration and Staff feel they need a little time he would hate to go against them. He stated he does not have any personal problem with the ordinance as it stands; that if they feel they need time to answer certain questions then he feels they should have the opportunity.

Councilman Pierce stated Beverly Pasley has worked hard on this and if she feels uneasy and would like more days to re-evaluate this that is fine; that he did speak with the Mayor about this this afternoon, and he feels there need to be some changes.

AMEND ZONING ORDINANCE RELATIVE TO
PERMITS/STANDARDS FOR COMMERCIAL
TOWERS (Cont'd.)

Councilman Lively reluctantly voted "yes" to defer and stated this is just a delaying tactic; that it is time to end this.

Councilwoman Hurley stated she is voting yes to delay because Planning and Beverly Pasley asked us to; that she thinks we should have resolved all the issues before tonight. She stated she does not really appreciate the singleness of this issue; that we need to look at this in a very impartial way.

Councilman Hakeem stated he really has a problem in not having his question answered in regard to the things that have been talked about tonight; that we have the ability to do them. He stated the problem with the committee is why the delay is being requested.

Councilwoman Hurley stated she wants to urge this recommendation be presented to the Council in any final form that administration can support; that all issues should be looked at. She expressed tremendous appreciation to the Planning Staff and expressed hope that this will not be a debatable issue when it comes back but a recommendation that administration has a consensus on and will support.

Ms. Pasley stated they are prepared to go to work first thing in the morning; that she believes they can bring this back within a week from today for second and third reading.

Chairman Crockett clarified that the matter has been tabled for two weeks.

Councilman Pierce clarified that nothing will change in the caption that will cause the matter to be sent back to Planning. Ms. Pasley stated they will not structure it that way.

Councilwoman Hurley stated if the matter will be ready next Tuesday night we might wish to put it on the agenda; that we are looking for a resolution of this matter and no further delays.

Councilman Pierce reiterated that the matter was tabled for a two week time period.

AMEND ZONING ORDINANCE RELATIVE TO PERMITS/STANDARDS FOR COMMERCIAL TOWERS (Cont'd.)

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE CHATTANOOGA ZONING ORDINANCE, AS AMENDED, BY ADDING THERETO REGULATIONS REGARDING ISSUANCE OF SPECIAL EXCEPTIONS PERMITS AND STANDARDS FOR COMMERCIAL TOWERS

was tabled two weeks; on roll call vote:

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

REZONING

1998-073: Strada Development Company, LLC

On motion of Councilman Taylor, seconded by Council 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 1426 WILLIAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1998-075: Conoco, Inc. (Mr. R.W. Carroll)

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 8214 EAST BRAINERD ROAD AND 1068 GRAYS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1998-080: David Coffey

On motion of Councilwoman Rutherford, 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 1510 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1998-081: Jesse Houston

City Attorney Nelson stated a substitution was made for the addition of the wooden fence and screening along the back lot.

Grant Dobson of Conoco stated he remembered a fence was discussed; that he wanted to see if there were any additional conditions.

Councilman Taylor asked if the fence is to be erected on the back and side. City Attorney Nelson clarified that it does not include the side. Councilman Taylor stated that the sides should be included, also. Mr. Dobson clarified that provision for screening on the side is included in the plan.

Councilman Lively made the motion to substitute the amendment to this ordinance; Councilwoman Rutherford seconded the motion; the motion passed.

On motion of Councilwoman Rutherford, 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 1605 TUNNEL BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE: RELATIVE TO
CHATTANOOGA HUMAN RIGHTS/HUMAN
RELATIONS COMMISSION

On motion of Councilman Hakeem, seconded by Councilman Lively,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
ARTICLE XII, SECTION 2-513, RELATIVE TO THE CHATTANOOGA
HUMAN RIGHTS AND HUMAN RELATIONS COMMISSION
passed second reading. On motion of Councilwoman Rutherford,
seconded by Councilman Taylor, the ordinance passed third and final
reading and was signed in open meeting.

AT THIS POINT THE MEETING WAS INTERRUPTED BY A GROUP OF CITIZENS
DEMANDING TO BE HEARD. COUNCIL MEMBERS, THE CLERK OF COUNCIL, THE
MANAGEMENT ANALYST AND THE CITY ATTORNEY VACATED THE ROOM UNTIL THE
SITUATION WAS QUIETED. THE MEETING RESUMED FOLLOWING REMOVAL OF
PERSONS IN PROTEST.

REZONING

1998-069: Darrell Hill

Councilman Lively stated this mater was heard last week and was
tabled a week so that he and Councilman Crockett could look at the
property.

Councilmen Taylor and Lively made the initial motion to approve the
R-3 request.

Ed Fisher was present representing the applicant and stated the
request was for R-4, not R-3; that the Planning Commission had
suggested R-3 which would not allow for the recording studio nor
an office for the dentist; that the R-4 is what should be before
the Council. He stated some of the Council members were going out
to look at the property; that the R-4 zone was unanimously approved
subject to there being a recording studio only; that they have been
asked by a dentist and doctor to rent space. He stated they are
bound by C-2 on both sides, as well as R-3, R-2 and an R-4 is two
doors down.

Councilman Taylor asked if R-3 will not "fit" into what Mr. Fisher
is requesting. Councilwoman Rutherford asked why Planning denied
the R-4.

REZONING (Cont'd.)

Mr. Bennett stated in looking at the adjacent zone and land use it is predominantly residential with some adjacent R-3; that the R-4 would not give the flexibility that the R-3 would. He stated the Planning Commission Board recommended R-4 subject to use as a recording studio; that it can be amended to add the offices.

Councilwoman Rutherford asked if R-4 was considered to be too intrusive into the neighborhood. Mr. Bennett stated the area across the street is R-1 residential.

Councilman Eaves stated he wanted to make sure he had the right location and asked if this is the property where a bridge was built. City Attorney Nelson responded that this property is right behind the Hixson Utility District.

At this point Chairman Crockett stated there is a motion "on the floor" to approve R-3. Mr. Fisher stated the owner of the property has never requested an R-3; that he does not think anyone has the right to tell a person who did not ask for an R-3 that they will get an R-3.

Councilman Pierce stated in light of what has been said (he) made the motion to deny the R-4; Councilwoman Rutherford seconded the motion.

Councilman Eaves asked if it is possible to amend this to R-4. At this point Councilmen Lively and Taylor withdrew their motion and second to approve R-3; however, the motion to deny R-4 was still "on the floor".

City Attorney Nelson asked if the motion was "with conditions". Councilman Pierce clarified that a motion to deny comes with "no conditions".

On roll call vote:

Taylor	"Yes"
Swafford	"Abstain"
Rutherford	"Yes"
Pierce	"Yes"
Lively	"Abstain"
Hurley	"Abstain"
Hakeem	"Abstain"
Eaves	"Yes"
Crockett	"Yes"

After a brief period of time, Councilman Eaves indicated his misunderstanding of the vote that was taken to deny R-4.

REZONING (Cont'd.)

At this point Councilmen Eaves and Hakeem made the motion and second to rescind the previous vote on the R-4 motion; the vote carried on roll call vote:

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

Chairman Crockett stated he has been out and looked at this; that he has a little problem with the addition of a dentist's office with a recording studio on a residential street and does not know how to resolve that; that it has come from one use to a second use. He stated there is commercial across the street and made reference to the elevated driveway.

Mr. Fisher stated the applicant is willing to make a condition there will not be an entrance way off of the R-2 or R-3 property; that the entrance will be on Old Hixson Pike and Helena Drive. He stated there will be no entrance off any residential zoning.

Chairman Crockett inquired about screening and a site review before passage on second and third reading; that he would like for this to be worked out with Planning.

Mr. Fisher indicated he would assist in that regard; that conditions in the zoning were they would have a two story building; that the recording studio will be on the upper floor and the doctor's office and dentist's office would be on the lower floor. He stated the dentist asked if his office could be there; that they are limited to parking. He stated this is a 1.8 acre site and conditions for screening would not create a problem.

Chairman Crockett stated he will agree to vote on first reading tonight and will look at the conditions between now and second and third reading; that his second and third vote might not be affirmative and will reserve the right to vote as he wishes. He stated he will look at conditions about screening between now and second and third reading and asked that the matter be held for two weeks.

REZONING (Cont'd.)

At this point Councilmen Eaves and Hakeem made the motion and second to approve the R-4 zone with conditions and table second and third reading for two weeks.

Councilman Swafford stated if the request is approved and the dentist finds this is not what he wants and does not want to move in, what is Plan B. Mr. Fisher stated the plan would be to have a recording studio.

Councilman Swafford inquired as to what floor the recording studio would be located. Mr. Fisher stated it will be on the upper floor and will be completely soundproof.

Chairman Crockett stated he wants to look at the possibility of ultimately expanding the zone, which is what he is fearing now.

At this point Councilman Lively "called for the question".

On motion of Councilman Eaves, seconded by Councilman Hakeem,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 5205 OLD HIXSON PIKE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS

passed first reading and **will be held for two weeks prior to second and third reading; Councilmen Swafford and Rutherford abstained from voting.**

PRESENTATION: REV. YOUNG AND
KEVIN MUHAMMED

Councilman Crockett stated eight-or-nine items have been added to tonight's agenda and two persons have requested to speak; that he thought the meeting would have been about over by now, however, the additional items have caused the meeting to last longer. He asked the Council if the presentations could be made at this time and expressed appreciation for their waiting.

On motion of Councilman Hakeem, seconded by Councilman Swafford, the agenda was amended to allow for the presentations at this time.

REV. YOUNG

Rev. Young thanked the Council for the opportunity to come before them to speak concerning the issue at hand; that all are aware of the issue as it relates to the recent shootings that have happened with Montrell Collins and Kevin McCollough. He stated there has been a lot of activity in the community with religious and civic organizations as it relates to what we can do as to how we can respond rather than react, which is their major concern. He stated they try to get everyone involved in a way in which a proper response can be made; that in the past we have had similar situations to happen and have had some difficulty as to how some groups respond to them. He stated he is present to ask the Council to consider a proposal that everyone can "live with"; one that they believe will help the police and the citizens of the City and County. He stated it is a model legislation for a police control council; that the document is quite extensive and asked the Council to review it.

Kevin Muhammed stated he did not need to remind the Council of what their duties are, who they represent in their districts nor who this City Council actually belongs to; that the government is "of, for and by the people". He stated people in this City are concerned about deadly force being used, and the Council, as district representatives, have to address this issue; that the recent shootings are a microcosm of what is actually out there in the black community; that people are crying for police control. He stated they deserve justice and that is why he is present; that he is present to ensure this does not happen to anyone else's child. He asked the Council members what they would have done if it was their child that had been shot; that the people are yearning for justice; that bloodshed will be in the streets. He asked that the Council not take this matter lightly; that if the Council had acted on the police control committee some years ago this situation would not exist today. He asked that the urgency of the matter be put on the agenda so that some direction can be given as to how the matter can be resolved; that there is no peace when justice is not given. He concluded his remarks by thanking Council members for their time.

Chairman Crockett stated this Council, Mayor and administration take the relationship of our police force and community very seriously; that the incidents that have occurred are being looked at very thoroughly. He stated the City Council will exercise their responsibility in reviewing those results on an ongoing basis and at an appropriate time we will have a discussion. He stated he does not think this is an appropriate time because the investigation is still ongoing. He reiterated that the matter is being taken very seriously and expressed appreciation for his and Rev. Young's coming.

INTERIM BUDGET PROVISION

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER, 1998, PENDING THE ADOPTION OF THE 1998-99 ANNUAL BUDGET

passed first reading.

AMEND CITY CODE: RELATIVE TO
DEFINITION OF A SIGN

On motion of Councilwoman Hurley, seconded by Councilman Lively,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 3-2, RELATIVE TO THE DEFINITION OF A SIGN

was tabled two weeks.

LEASE AGREEMENT: EASTGATE MALL,
LLC

Councilman Pierce stated this matter was presented in Safety Committee and there was limited discussion. He stated at this point he is not sure how all Council persons feel about this matter; that he thought when we were talking about precinct stations the general feeling was that we would be talking about areas where there is a great amount of crime; that he is not saying the area in question does not have crime as it is all over the city. He stated he does not know whether there should be more discussion about how we deal with this in the future and where the stations are located; that he would like to hear more from Council members if they support this.

Councilman Lively stated he will play the "devil's advocate" and wondered whether this would involve police protection for Eastgate; that other malls have security. He stated if we do this will Hamilton Place come back and say they want a police station, also, as well as Northgate and other malls in the city; that this matter could get complicated. He stated there are nine districts and if each has a station that would amount to \$9,000 per month in rent. He questioned the policemen's mobility in this matter; that it seems more effective for the policemen to be on the street rather than in a mall. He stated he has questions about it, however he understands Councilwoman Rutherford's position on it.

LEASE AGREEMENT: EASTGATE MALL,
LLC (Cont'd.)

Councilwoman Rutherford stated she, Chief Dotson and Chief Gloster looked at property and talked with management; that it was made very clear there would be no security provided the Mall by the presence of this precinct. She stated the presence of the officers will not change the security staff of the Mall at all. She stated this is something she tried to get for almost five years; that Eastgate is going through a major transition, and this is one of the elements that will help. She stated she and others in administration think this is something that would be a tremendous boost to the things we are trying to do at Eastgate. She asked the Council's help in approving this Resolution.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA
POLICE DEPARTMENT TO ENTER INTO A LEASE AGREEMENT WITH
EASTGATE MALL, LLC, RELATIVE TO THE LEASE OF CERTAIN
SPACE IN EASTGATE MALL TO BE USED AS A PRECINCT
STATION, FOR A CONSIDERATION OF NINE HUNDRED
NINETY-NINE DOLLARS (\$999.00) PER MONTH
was adopted; Councilman Pierce voted "no".

CONTRACT: MAYSE CONSTRUCTION
COMPANY

Councilman Taylor stated all public works matters were discussed in Public Works Committee and come with the Committee's recommendation for approval.

On motion of Councilman Lively, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
SWM-1-98, DRAINAGE AND WATER QUALITY ABATEMENT, TO
MAYSE CONSTRUCTION COMPANY, FOR THEIR LOW BID IN THE
AMOUNT OF NINE HUNDRED SIXTY-THREE THOUSAND, TWO
HUNDRED FIFTY-SIX AND 25/100 DOLLARS (\$963.256.25)
was adopted.

CONTRACT: W. C. TEAS COMPANY

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
TS-1-98, TRAFFIC SIGNAL INSTALLATION, WILDER STREET AT
DODSON AVENUE AND DODSON AVENUE AT GLASS STREET, TO W.
C. TEAS COMPANY FOR THEIR LOW BID IN THE AMOUNT OF
THIRTY-SEVEN THOUSAND, FIFTY-FIVE AND 56/100 DOLLARS
(\$37,055.56)
was adopted; Councilman Swafford abstained.

AMEND RESOLUTION 21687 SO AS TO
LIFT THE MORATORIUM

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION TO AMEND RESOLUTION NO. 21687, ENCAPTIONED
HEREINBELOW, RELATIVE TO A MORATORIUM DECLARED ON
CERTAIN REZONINGS AND BUILDING PERMITS PENDING STUDIES
ON REGULATION OF CELLULAR TOWERS, SO AS TO LIFT THE
MORATORIUM

was tabled two weeks.

TRANSFER OF ACCOUNT CREDITS

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

was adopted.

AGREEMENT: TDOT

On motion of Councilwoman Hurley, seconded by Councilwoman
Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(43), RESURFACING IN CHATTANOOGA, HAMILTON
COUNTY, FOR A FEE NOT TO EXCEED \$2,238,000.00 WITH 50%
OF THE PROJECT COST TO BE PAID BY THE CITY TO TDOT,
SUBJECT TO A MAXIMUM AMOUNT OF \$1,119,000.00.

was adopted.

AGREEMENT: TDOT

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(46), GADD ROAD FROM NORCROSS ROAD TO SR-153
IN CHATTANOOGA, HAMILTON COUNTY, FOR A FEE NOT TO
EXCEED \$1,250,000.00 WITH 20% OF THE PROJECT COST TO BE
PAID BY THE CITY TO TDOT, SUBJECT TO A MAXIMUM AMOUNT
OF \$250,000.00.

was adopted.

AGREEMENT: TDOT

On motion of Councilman Swafford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(47), SHALLOWFORD ROAD FROM CHAPMAN ROAD TO
FRIAR CREEK BRIDGE, CHATTANOOGA, HAMILTON COUNTY, FOR A
FEE NOT TO EXCEED \$846,000.00 WITH 20% OF THE PROJECT
COST TO BE PAID BY THE CITY TO TDOT, SUBJECT TO A
MAXIMUM AMOUNT OF \$169,200.00.

was adopted.

AGREEMENT: TDOT

On motion of Councilman Swafford, seconded by Councilwoman
Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(48), SHALLOWFORD ROAD INTERSECTION AT JERSEY
PIKE, CHATTANOOGA, HAMILTON COUNTY, FOR A FEE NOT TO
EXCEED \$455,500.00 WITH 20% OF THE PROJECT COST TO BE
PAID BY THE CITY TO TDOT, SUBJECT TO A MAXIMUM AMOUNT
OF \$91,080.00.

was adopted.

AGREEMENT: TDOT

On motion of Councilman Swafford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(49), SHALLOWFORD ROAD FROM MOORE ROAD TO
WILCOX BOULEVARD, CHATTANOOGA, HAMILTON COUNTY, FOR A
FEE NOT TO EXCEED \$638,500.00 WITH 20% OF THE PROJECT
COST TO BE PAID BY THE CITY TO TDOT, SUBJECT TO A
MAXIMUM AMOUNT OF \$127,700.00.

was adopted.

AGREEMENT: TDOT

On motion of Councilman Swafford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(50), SHALLOWFORD ROAD INTERSECTION AT NOAH
REID ROAD, CHATTANOOGA, HAMILTON COUNTY, FOR A FEE NOT
TO EXCEED \$500,000.00 WITH 20% OF THE PROJECT COST TO
BE PAID BY THE CITY TO TDOT, SUBJECT TO A MAXIMUM
AMOUNT OF \$100,000.00.
was adopted.

AGREEMENT: TDOT

On motion of Councilman Swafford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(51), SHALLOWFORD ROAD FROM HICKORY VALLEY
ROAD TO LEE HIGHWAY, CHATTANOOGA, HAMILTON COUNTY, FOR
A FEE NOT TO EXCEED \$1,000,000.00 WITH 20% OF THE
PROJECT COST TO BE PAID BY THE CITY TO TDOT, SUBJECT TO
A MAXIMUM AMOUNT OF \$200,000.00
was adopted.

AGREEMENT: TDOT

On motion of Councilman Swafford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.
STP-M-9202(53), SHALLOWFORD ROAD INTERSECTION WITH
CROMWELL ROAD, CHATTANOOGA, HAMILTON COUNTY, FOR A FEE
NOT TO EXCEED \$1,130,800.00 WITH 20% OF THE PROJECT
COST TO BE PAID BY THE CITY TO TDOT, SUBJECT TO A
MAXIMUM AMOUNT OF \$226,160.00
was adopted.

OVERTIME

Overtime for the week ending May 15, 1998 totaled \$18,930.62.

PERSONNEL

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

PATRICIA CAMERON -- Resignation, Child Care Receptionist, Broker Services, effective May 8, 1998.

DEBORAH MASTIN -- Resignation, Teacher Assistant, Child Care Division, effective May 8, 1998.

STACIE ROBB -- Resignation, Child Care Broker, Broker Services, effective April 29, 1998.

PURCHASES

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

COTHAM CONSTRUCTION
Contract P0005611

Change Order Nos. 1 and 2 for Renovation to Avondale Center

\$144,800.00	(Original Contract)
5,179.00	(#1)
7,232.00	(#2)
<u>\$157,211.00</u>	

LEE-SMITH, INC. (Lowest bid meeting City of Chattanooga
Specifications)
Requisition No. 0033782

Purchase of Passenger Buses (Two @ \$54,250.90 ea.)

\$108,501.80

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following purchase was approved for use by the General Services Department:

AUTO AUCTION (Best bid for the City of Chattanooga)
Requisition No. 0031721

Purchase of Sale of Surplus Automobiles

(Price information available and filed with minute material)

Councilwoman Rutherford stated she and Chief Gloster were discussing an auction company handling the DUI cars. She asked Admin. Traugher if this purchase is moving in that direction.

Admin. Traugher responded "yes"; that this is a major departure in policy of the past; that they went out for bid to maximize the potential sale; that this auction will include the DUI vehicles.

PERSONNEL

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

ROBERT W. BAINE -- Employment, Sanitation Worker II, City-wide Services, Pay Grade 5/Step 1, \$16,151.00 annually, effective May 14, 1998.

RONNIE W. CARPER -- Employment, Equipment Operator II, City-wide Services, Pay Grade 8/Step 1, \$19,510.00 annually, effective May 14, 1998.

Councilwoman Hurley congratulated Beverly Pasley for all the hard work she has done on the Cellular Tower Ordinance.

PERSONNEL

The following personnel matters were reported for the Fire Department:

LARRY P. GORDON -- Suspension (7 days without pay), effective May 20, 21, 25, 26, 27, 28, 29, 30. 1998.

HOTEL PERMITS

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following hotel permits were approved:

MICROTEL CHATTANOOGA, 7014 McCutcheon Road, Chattanooga, TN

QUALITY INN, 7620 Hamilton Park Drive, Chattanooga, TN

PERSONNEL

The following personnel matters were reported for the Police Department:

PERRY WALDEN -- Police Officer, Suspension (one day without pay), effective May 21, 1998.

TERESA A. GORDON -- Dispatcher, Family & Medical Leave of Absence (leave requested for 8 - 12 weeks), effective May 13, 1998.

PERSONNEL

The following personnel matters were reported for the Finance Department (Information Systems):

KEN KITCHEN -- Promotion, System & Database Specialist, Pay Grade 16/Step 12, \$47,787.00 annually, effective May 22, 1998.

JANA B. LOWERY -- Medical Leave, Programmer II, effective May 22, 1998.

BOARD APPOINTMENTS

On motion of Councilman Swafford, seconded by Councilwoman Hurley, the following Board appointments were approved:

BOARD OF EQUALIZATION:

--Appointment of LORA DAWSON and FINLEY WILHOITE for a two year term expiring May 19, 2000.

REFUNDS

On motion of Councilman Lively, seconded by Councilwoman Hurley, the Administrator of Finance was authorized to issue the following Stormwater Fee refunds:

CHATT. CORP.	\$12,241.05
CHATT. CORP.	12,241.04
SOUTHERN HEALTH CARE OF TN	1,802.97
SOUTHERN HEALTH CARE OF TN	1,824.07
N K LAWN & GARDEN CO.	16,542.47
BUD LIMITED LIABILITY CO.	16,143.80
NIPPON SHOKUBAI CO. LTD.	5,570.10
NIPPON SHOKUBAI CO. LTD.	5,570.10
REACH OUT INC.	1,771.18
REACH OUT INC.	1,771.18
UNITED STATES POSTAL SERVICE	3,723.85
H & H LEASING	2,824.70
H & H LEASING	2,848.13
HOSPITAL AUTHORITY	1,241.51
HOSPITAL AUTHORITY	1,241.51

COMMITTEES

Councilman Pierce scheduled a meeting of the **Legal and Legislative Committee for Tuesday, June 2 at 4:30 p.m.** to continue discussion regarding the Cellular Tower Ordinance.

LUNCHEON AT BROWN ACRES

Councilwoman Rutherford stated the Council is invited to lunch at Brown Acres on June 2 at noon and asked that Council members mark their calendars. She stated she did not have the details at this time, however, invitations will be forwarded to Council members soon.

COUNCIL MEETING, MAY 26

Chairman Crockett stated that he and two other Council members will be out of the City next Tuesday and announced that Councilman Hakeem will Chair the Council meeting on May 26.

SISTER BEY

Sister Bey addressed the Council regarding the earlier interruption of the meeting and stated persons in the community have tried to work with this government and that it is time for government to start "listening".

LAURA CARTER

Laura Carter stated when she came to this City she came to do what she could (for the City); that she ran as a potential candidate for Mayor, is an educated person and was in the military for five years. She stated she has moved from place-to-place and lived on the west side where child abuse and drug-related occurrences were prevalent. She stated she called the police to report persons who were abusing their children because the children would come to talk with her about their problems; that she also has three children to raise. She stated her home was burglarized and due to the training received while in the military she was able to defend herself; that later the police came and charged her with aggravated assault, reckless endangerment and another charge. She stated she has not done anything but "saved her life" and hopes the Council can save their lives in the event something like this happens to them. She stated she wants the charges dropped; that her child at Arts and Sciences is suffering as a result of the incident and is under undue stress. She stated she has had to move and is presently living at 405 East 52nd Street; that she wants the harassment by the police to stop.

Chairman Crockett stated the Council has no jurisdiction over the court matter and indicated he would talk with her after the meeting.

ZELLA TALLANT

Zella Tallant of 223 North Germantown Road addressed the Council regarding filling and grading near her property; that she has been involved with this neighborhood for about 40 years. She made reference to a drainage "slew" that she assumed was a storm drain "cone" and that the property has overgrowth on it. She stated her property abuts this area and does not know who owns the property with the "slew"; that the address is across the street from hers on North Germantown Road near the Village Park Apartments (700 block of Germantown). She stated if this person has been given a permit to level this land and fill it in it should be looked at since it is considered a drainage "slew". On another matter she stated there is a sign that says "for sale, suitable for house or trailer" and was under the impression trailers were outlawed in the City; that she has not talked with Planning about this.

City Attorney Nelson stated trailers are allowed if they meet certain specifications; that they should have a green or blue sticker identifying them.

Jack Wilkerson stated single wide trailers are allowed in R-5 zones only; that double wides can be accommodated in residential areas with the proper labels or stickers.

Ms. Tallant stated she has talked with representatives of the Electric Power Board--that one of the guy wires in the neighborhood has been moved; that she has the number of the pole and no one (at Electric Power Board) seems to know anything about it.

Councilman Swafford stated he is familiar with where Ms. Tallant is speaking about regarding the filling and grading situation; that an ordinance is being drafted that deals with infilling; that under a present ordinance the person does need to have a permit to fill the area in.

Chairman Crockett asked Councilman Swafford and Mr. Wilkerson to work with Ms. Tallant on the matter.

Ms. Tallant stated the telephone number listed in the telephone directory is in the names of "John M. McDonald".

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, May 26, 1998
at 6 p.m.

Yusuf A. Hakeem
CHAIRMAN PRO TEM

Shirley Crockett
CLERK OF COUNCIL

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