

Municipal Building
Chattanooga, Tennessee
June 9, 1998

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

INVOCATION

Rev. Lurone Jennings delivered the invocation for the evening.

MINUTE APPROVAL

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

ABANDON SEWER EASEMENT

MR-98-006

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
AN ORDINANCE ABANDONING A SEWER EASEMENT LOCATED ON LOT
2, RATURN M. BROWN SUBDIVISION, AS RECORDED IN BOOK
2654, PAGE 170, REGISTER'S OFFICE OF HAMILTON COUNTY,
AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE

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

REZONING

1998-048: E. L. Pate, Sr.

Pursuant to notice of public hearing the request of E.L. Pate, Sr. to rezone tracts of land located at 3113 and 3115 Calhoun Avenue came on to be heard.

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

Councilwoman Rutherford stated the Council heard this and referred it back to Planning for consideration of O-1. At this point she made the motion to approve the request; Councilman Taylor seconded the motion.

Councilman Swafford asked if the Staff has changed their recommendation.

Barry Bennett stated the Staff's recommendation has not changed but the Planning Commission did recommend the O-1 zone. He stated it is just a matter of time before this entire area goes to something like this; that this is less intrusive than M-2.

Tom Landis was present representing the applicant and stated George Morgan appeared before the Planning Commission and it is his (Landis') understanding Mr. Morgan owns a number of residential properties in this area and intends to seek rezoning, also.

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 TRACTS
OF LAND LOCATED AT 3113 AND 3115 CALHOUN AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO O-1 OFFICE ZONE.
passed first reading.

REZONING

1998-083: Silvey Sheet Metal, Inc.

Pursuant to notice of public hearing the request of Silvey Sheet Metal, Inc. to rezone a tract of land located at 1016 Park Avenue came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Barry Bennett stated the property is next to M-1 and this lot and the corner lot to the north of the site is the only remaining residential zoning within this block; that everything else is M-1. He stated both the Staff and Planning Commission recommend approval; that the Planning Commission recommended approval with no conditions and the Staff recommends approval subject to the condition there be a site obscuring screen to give protection against the residential lot.

Darrell Silvey stated he wants to use this lot for parking or something later on; that he has been in business for 25 years and there is not much that can be done with the property. He stated there is a neighbor who will take care of the property; that he inherited the property when his grandmother passed away two years ago.

Councilman Swafford stated this property is near other residential property; that residential abuts on both sides; that there is a 25 foot lot where the sign is. Mr. Bennett stated the entire lot is zoned M-1; that the only residential lot is at the corner.

Councilman Pierce stated the house there has a 25 foot strip; that it is a total of 75 feet from the area zoned R-3.

Councilman Swafford stated what he saw was a strip lot with a house on it; that there is a house next door, on the other side, and across the street. Councilman Pierce stated there is a house all the way down the alley. Mr. Bennett stated that area is zoned R-3.

Councilman Swafford asked what can be accommodated in M-1. Mr. Bennett stated M-1 is a less restrictive zone and allows pretty much any type manufacturing or commercial use and is the least objectionable use; that you cannot be within 500 - 1,000 feet of residences; that there are a lot of things prohibited.

Councilman Pierce stated this is basically the same request E. L. Pate made previously for M-1 in an R-3 zone. Mr. Bennett stated Mr. Pate's property is on Calhoun, to which Councilman Pierce stated the request is still for R-3 zoning. Mr. Bennett stated the difference is that the zoning surrounding the Pate request is residential and the zoning surrounding this one is M-1.

Councilman Pierce the area is not totally surrounded by M-1; that on the other side of this alley the zone is totally R-1 and all those houses are occupied.

REZONING (Cont'd.)

Councilwoman Rutherford asked for clarification on the map as to the location of the property and inquired as to whether there is any type buffer or landscape between the property that now borders the M-1. Mr. Sivley stated there is a three foot setback on the property. Councilman Pierce stated there is an overgrown fence.

Councilman Swafford asked for clarification regarding Mr. Sivley's proposed purpose to use the property for parking. Mr. Sivley stated he might want to expand the building elsewhere and if he does he will need more parking to accommodate his employees.

Councilman Swafford stated what he saw and what is being represented are two different things; that he does not like to see M-1 anywhere close to housing as M-1 destroys neighborhoods. He made the motion to table the matter one week to allow opportunity for him to go back and look again.

Councilwoman Rutherford inquired as to what is on the other side of Park Avenue. Mr. Bennett stated all of that is M-1; that across Park Avenue is M-1. He stated parking is all that is proposed; that he will need a special permit for parking in a residential zone if it abuts commercial.

Councilman Pierce stated the property has no value for anything as it is too small.

On motion of Councilman Swafford, 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 1016 PARK AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1
MANUFACTURING ZONE

was tabled one week.

REZONING

1998-085: Michael Nation

Pursuant to notice of public hearing the request of Michael Nation to rezone a tract of land located at 1215 East 40th Street came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Mr. Bennett stated this request is going to an R-4 zone to accommodate a proposed residential development; that the R-4 will allow Mr. Nation to sell his property and have a clear title. He stated the title companies have indicated M-1 does not allow for residential development.

Councilman Pierce asked if the original request is for R-1 rather than R-4.

Mr. Bennett stated the recommendation for R-4 would be to allow some alternative development in the area and other options that will fit into the neighborhood; that R-4 or R-1 would be okay.

Councilwoman Rutherford made the initial motion to approve the R-4 zone request.

Councilman Pierce stated R-1 would be more protective to the neighborhood than R-4. Mr. Bennett stated that the point is the area is entirely surrounded by M-1.

Councilman Pierce stated this is downzoning. Mr. Bennett responded "right;" that everything else would be developed commercially and individually; that a residential zone is needed to permit the sale.

Mr. Nation stated the R-4 zone would be fine.

Councilman Taylor inquired as to the number of houses that will be placed on the property.

Mr. Nation stated the buyer cannot get a conventional loan with the property zoned M-1; that there is M-1 all around the house and this is the only house on the lot.

Councilman Pierce asked Mr. Nation if he would prefer R-1 rather than R-4. Mr. Nation stated he would prefer R-1; that it is M-1, now; that it will be a single building house from here on out; that his brother is buying the house.

Councilman Pierce stated we are forcing a zone that is not really what the person is asking for; that he does not support the R-4 as the applicant asked for R-1. He stated the Council is dictating to the applicant what he needs and it is unfair.

REZONING (Cont'd.)

Councilwoman Rutherford stated if he can have a house in R-4 there are other things that can be done (with R-4); that this is in the middle of an industrial neighborhood and there will never be any value to R-1. She stated if the property is zoned R-4 any future owner would not have to go through the process of getting it zoned R-4. Councilman Pierce stated a future owner might want M-1. Councilwoman Rutherford stated R-4 give him more alternatives.

Councilman Pierce stated the Council should give him what he wants; that it would not be hurting anyone to give him R-1.

At this point the motion Councilwoman Rutherford made for approval of R-4 died for lack of a second.

On motion of Councilman Pierce, 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 1215 EAST 40TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO R-1 RESIDENTIAL ZONE
passed first reading.

REZONING

1998-096: City of Chattanooga

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
AN ORDINANCE TO CHANGE A RIGHT-OF-WAY NAME FOR ELINOR
LANE LOCATED SOUTHWEST FROM COLVILLE STREET, BETWEEN
ELINOR STREET AND LYTLLE STREET TO JADIE LANE
passed first reading.

AGREEMENT: ORANGE GROVE CENTER

Councilman Taylor stated Resolution 7(a) - (k) were discussed in Public Works Committee and come with the Committee's recommendation for approval.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH ORANGE GROVE CENTER, INC., RELATIVE TO
THE DUAL BLUE BAG RECYCLING PROGRAM FOR FISCAL YEAR
1998-1999
was adopted.

AGREEMENT: ORANGE GROVE CENTER

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH ORANGE GROVE CENTER, INC., RELATIVE TO
THE PURCHASE OF RECYCLING VEHICLES
was adopted.

AGREEMENT: HAMILTON COUNTY,
TENNESSEE

Councilman Taylor inquired as to the drawings for this project.
Admin. Marcellis indicated he had requested that Mr. Wright get in
touch with Councilman Taylor regarding this.

Councilman Taylor indicated he had not received a call from Mr.
Wright. Admin. Marcellis stated he will make contact with Mr.
Wright to make sure the contact is made so that Councilman Taylor
can view the plan.

On motion of Councilwoman Rutherford, seconded by Councilman
Swafford,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND
EXECUTE AN AGREEMENT WITH HAMILTON COUNTY, TENNESSEE,
RELATIVE TO LITTER COLLECTION ON MAJOR AND COLLECTOR
STREETS, FOR A CONSIDERATION OF THREE THOUSAND,
FORTY-TWO DOLLARS (\$3,042.00) PER MONTH, OR THIRTY-SIX
THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00)
was adopted.

CONTRACT: DEVAN BROWN
CONSTRUCTION, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 281,
MOCCASIN BEND WASTEWATER TREATMENT PLANT BUILDING
EXPANSION AND RENOVATION, TO DEVAN BROWN CONSTRUCTION,
INC. FOR THEIR LOW BID IN THE AMOUNT OF ONE MILLION,
NINE HUNDRED FIFTY-NINE THOUSAND DOLLARS
(\$1,959,000.00)
was adopted.

AGREEMENT: CONSOLIDATED
TECHNOLOGIES, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE
CITICO COMBINED SEWER OVERFLOW CONTROL FACILITY, FOR AN
AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND,
NINE HUNDRED DOLLARS (\$318,900.00)

was adopted.

CHANGE ORDER

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, CONTRACT NO. CSO-4a-97, CARTER STREET CSO
CONTROL FACILITY, WITH W. ROGERS COMPANY, WHICH CHANGE
ORDER INCREASES THE CONTRACT AMOUNT BY FIFTEEN
THOUSAND, SEVEN HUNDRED FIFTY-TWO AND 52/100 DOLLARS
(\$15,752.52) FOR A REVISED CONTRACT AMOUNT OF TWO
MILLION, FOUR HUNDRED NINETY-EIGHT THOUSAND, SEVEN
HUNDRED FIFTY-TWO AND 52/100 DOLLARS (\$2,498,752.52)

was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1 (FINAL), CONTRACT NO. SR-2-95, ROANOKE AVENUE
SEWER REPLACEMENT, WITH MAYSE CONSTRUCTION COMPANY,
WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY
NINETY-TWO THOUSAND, SEVEN HUNDRED SEVENTY-FIVE AND
82/100 DOLLARS (\$92,775.82) FOR A REVISED CONTRACT
AMOUNT OF THREE HUNDRED FORTY-SIX THOUSAND, SEVEN
HUNDRED EIGHTY-SIX AND 23/100 DOLLARS (\$346,786.23)

was adopted.

SEWER EASEMENT

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM COLONIAL BROADCASTING COMPANY, INC.,
RADIO STATION WUSY, FOR RELOCATION AND CONSTRUCTION OF
A SANITARY SEWER LINE UNDER CONTRACT NO. 99C, FOR A
CONSIDERATION OF FIVE THOUSAND DOLLARS (\$5,000.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM TIMBER RIDGE COOPERATIVE, INC., RELATIVE TO
CONTRACT NO. RW-1-98, EAST BRAINERD ROAD AT DAVE L.
BROWN CONSTRUCTION, TRACT NO. 2, FOR A CONSIDERATION OF
SEVEN THOUSAND, SIX HUNDRED FIFTY DOLLARS (\$7,650.00)
was adopted.

RIGHT-OF-WAY PURCHASE

Councilman Hakeem inquired as to the amount for this project.
Admin. Marcellis stated the amount for the three tracts is included
within the body of the Resolution, which totals \$10,600.00 (for the
three tracts).

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE PURCHASE OF RIGHTS-OF-WAY
FROM DAN B. VANCE, III, RELATIVE TO CONTRACT NO.
RW-1-98, EAST BRAINERD ROAD AT DAVE L. BROWN
CONSTRUCTION, FOR TRACTS AND AMOUNTS MORE PARTICULARLY
DESCRIBED HEREIN
was adopted.

CONTRACT: 3-D ENTERPRISES
CONTRACTING CORPORATION

Councilman Pierce inquired as to the number of outside contractors
that will be coming in with this contract. Admin. Marcellis stated
he did not have that information.

Councilman Pierce inquired as to how long it will take to do this
contract. Admin. Marcellis stated it will take approximately
twenty-four months; that they anticipate completion by July, 2000.

Councilman Pierce stated this is a contract he would like to take
note of; that he insists on there being some minority participation.
Admin. Marcellis stated they are doing what is called "partnering";
that there will be a one-and-a-half-day session scheduled in which
they will determine how they will get together so that the work will
be smoother; that he will keep Councilman Pierce updated.

Councilman Pierce stated he does not want minority participation to
be just City employees. Admin. Marcellis stated they have a list of
subcontractors; that he will get a copy of the minority plan and
show Councilman Pierce how they plan to do that.

CONTRACT: 3-D ENTERPRISES
CONTRACTING CORPORATION (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 28G,
MOCCASIN BEND WASTEWATER TREATMENT PLANT, PLANT
EXPANSION AND WET WEATHER TREATMENT, TO 3-D ENTERPRISES
CONTRACTING CORPORATION, FOR THEIR LOW BID IN THE
AMOUNT OF EIGHTEEN MILLION, FOUR HUNDRED FIFTY THOUSAND
DOLLARS (\$18,450,000.00)

was adopted.

CONTRACT: TVA

Councilman Swafford stated this matter was heard in Budget and
Finance Committee today and comes with the Committee's
recommendation for approval. He stated this is part of the
announcement that was made today with CIGNA regarding parking
spaces; that the amount will be recovered (to the City) for those
spaces.

On motion of Councilman Swafford, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF GENERAL
SERVICES TO EXECUTE A CONTRACT WITH TENNESSEE VALLEY
AUTHORITY (TVA) RELATIVE TO THE ACQUISITION OF PROPERTY
LOCATED AT WEST 13TH AND CHESTNUT STREETS FROM TVA FOR
A CONSIDERATION UP TO FOUR HUNDRED SEVENTEEN THOUSAND,
TWO HUNDRED DOLLARS (\$417,200.00)

was adopted.

OVERTIME

Overtime for the week ending June 5, 1998 totaled \$123,975.79.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
the following purchase was approved for use by the Human Services
Department:

HACH ASSOCIATED, INC. (Single source purchase)
Requisition No. 0034404

Purchase of 4 "Touch and Play" Computer Systems @ \$3,495.00 each
(including freight)

\$13,980.00

PURCHASES

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

NEWTON CHEVROLET (Only bid received)
Requisition No. R0032599 (Bid No. B0000160)

Purchase of One Compact Pick-Up Truck

\$13,975.00

CERTA PROPRAINTERS (Lower and better bid)
Requisition No. 0035620

Purchase of Repainting of Metal Fences, Handrails, etc.

\$14,900.00

PERSONNEL

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

JOSEPH B. WORMSLEY -- Promotion, Laborer III, City-wide Services, Pay Grade 5/Step 2, \$16,656.00 annually, effective June 10, 1998.

EDWIN T. SPENCE -- Promotion, Laborer III, City-wide Services, Pay Grade 5/Step 10, \$20,794.00 annually, effective June 10, 1998.

ARLEY L. HARVEY -- Promotion, Laborer III, City-wide Services, Pay Grade 5/Step 2, \$16,656.00 annually, effective June 10, 1998.

WILLIE A. BIRDSONG -- Promotion, Laborer III, City-wide Services, Pay Grade 4/Step 10, \$19,526.00 annually, effective June 10, 1998.

ARTHUR T. SANDS -- Lateral Transfer, Laborer I, City-wide Services, Pay Grade 2/Step 11, \$17,898.00 annually, effective June 10, 1998.

AARON D. MCCRARY -- Lateral Transfer, Laborer I, City-wide Services, Pay Grade 2/Step 6, \$15,606.00 annually, effective June 10, 1998.

SEIYID J. MATEEN -- Lateral Transfer, Sanitation Worker I, City-wide Services, Pay Grade 4/Step 4, \$16,587.00 annually, effective June 10, 1998.

LEROY GAUNT, JR. -- Dismissal, Truck Driver III, City-wide Services, effective May 20, 1998.

PURCHASES

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

D & W SALES (Lowest bid)
Bid No. B0000138

Purchase of One Street Sweeper

\$105,289.00

MID-SOUTH EQUIPMENT CO. (Lower and better bid)
Requisition No. 0034647

Purchase of Submersible Trash Pump w/Hydraulic Power Unit

\$20,585.83

IMC SALT, INC. (Lower and better bid)
Requisition No. B0000141

Purchase of Rock Salt for Snow and Ice Removal

\$39.00 per ton

HUGHES SUPPLY (Lower and better bid)
Requisition No. 0034818

Purchase of Miscellaneous Electrical Parts

\$16,522.00

PERSONNEL

The following personnel matters were reported for the Fire Department:

JAMES E. TALLENT -- Promotion, Equipment Technician, Pay Grade 10/Step 10, \$29,121.00 annually, effective June 5, 1998.

ROBIN M. BOYD -- Promotion, Truck Driver IV, Pay Grade 7/Step 2, \$18,891.00 annually, effective June 5, 1998.

PERSONNEL (Cont'd.)

THOMAS MONTGOMERY -- Promotion, Truck Driver IV, Pay Grade 7/Step 1, \$18,318.00 annually, effective June 5, 1998.

HOTEL PERMIT

On motion of Councilman Swafford, seconded by Councilman Taylor, the following hotel permit was approved:

MAINSTAY SUITES, 7030 Amin Drive, Chattanooga, TN 37421

PERSONNEL

The following personnel matter was reported for the Police Department:

TERRI L. WOMAC -- Hire, Budget Technician, Pay Grade 11/ Step 2, \$24,142.00 annually, effective June 19, 1998.

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the following board appointments were approved:

PENSION BOARD:

--Appointment of **KATYE JONES** and **JAMES MILLER** to serve five year terms ending June 9, 2003.

PURCHASE

On motion of Councilman Swafford, seconded by Councilman Taylor, the following purchase was approved for use by the Council Office:

TOWER CONSTRUCTION (Lower and better bid)
Requisition No. R0029428

Purchase of Remodeling of two rooms

\$16,413.00

COMMITTEES

Councilman Taylor reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, June 16 beginning at 3:30 p.m.** He indicated he would be out of the City attending the TML Annual Conference and asked that one of the Committee members chair the meeting for him. Councilman Swafford volunteered to chair the meeting in Councilman Taylor's stead.

Councilman Swafford stated a meeting of the **Budget and Finance Committee** was held earlier in the afternoon; that the 1998-99 operating budget was presented by the Mayor and administration for the Council's review. He stated there will be another meeting of the Committee on **Tuesday, June 16 at 4 p.m. (immediately following the Public Works Committee)** to continue discussion; that it will be determined when the matter will be placed on the agenda for first reading. He stated he also chaired the meeting of the Parks and Recreation Committee in Councilwoman Rutherford's absence; that the Committee heard information regarding the department's outstanding summer program offerings; that most of the programs are full and will be expanded in the future.

In the absence of Councilman Eaves, the Clerk of the Council reminded Council members of the **Safety Committee scheduled for Tuesday, June 16 at 4:30 p.m. (immediately following the Budget and Finance Committee).**

ADJOURNMENT

Vice Chairman Lively adjourned the meeting until Tuesday, June 16, 1998 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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