

**Municipal Building
Chattanooga, Tennessee
July 27, 1999**

The meeting of the Chattanooga City Council was called to order by Chairman Lively, with Councilmen Crockett, Eaves, Franklin, Hakeem, Hurley, Pierce, Rutherford and Taylor present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Assistant Clerk to the Council Shirley Crownover, were also present.

INVOCATION

Vice-Chairman Hakeem asked Mr. J. B. Collins to give the invocation as a final farewell gesture.

MINUTE APPROVAL

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

FAREWELL TO J. B. COLLINS

Chairman Lively stated that although there was no Special Presentation on tonight's agenda, we wanted to honor Mr. J. B. Collins as he leaves the Chattanooga Times—Chattanooga Free Press after almost 60 years of covering City Hall. He stated that he would make no long speech but would like to present Mr. Collins with a Gift Certificate from the Council. He also stated that when the Council moves into their new chambers, the Conference Room will be named the *J. B. Collins Room* and a good picture of J. B. will be displayed.

Councilman Pierce mentioned the Sunshine Law and stated that he hoped if any private meetings were held there that the President of the Chamber of Commerce would not be present!

Councilman Crockett quipped that we wanted to get a Yearbook picture of Mr. Collins, but the Yearbooks did not go back that far!

Chairman Lively asked Mr. Collins to introduce his wife and sons. Mr. Collins recognized his wife, Polly, and his two sons Benny and David, one of whom works at the Newspaper and the other being a school teacher.

J. B. COLLINS (CONT' D)

Councilwoman Rutherford mentioned how good J. B. had been to her and stated that she would miss him more than she could say. She also noted that Mr. Collins would be in her district more now as he spent more time on the golf course.

Councilman Taylor stated that he was Mr. Collins' representative, and he felt proud to know him and to have him in his district, and he expressed his hopes that J. B. would enjoy life to the fullest.

Councilman Crockett noted that Mr. Collins had covered City Hall under ten mayors and had raised a lot of "us" and had been a guiding force because of his personal character.

Councilman Franklin stated that his father had known Mr. Collins for a long time and had talked to him about J. B., stating that his remarks were directed more at "Ms. Polly"—“ I hope that you will be able to put up with J. B.!”

Councilman Hakeem stated that Councilman Crockett had covered his sentiments; that Mr. Collins had assisted him and helped him to grow and see things from more than one perspective.

Councilwoman Hurley stated that she had known Mr. Collins longer than anyone on the Council; that as well as teaching her how to be a Councilperson, he had taught her to be a newspaper person; that in her early years she was the only woman at the Free Press with a group of "very active" men. She reminisced about the days of Julius Parker and J. B. rushing in and battles that had ensued at the newspaper. She stated that she, too, would miss J. B.—that he had taught "us" a lot; that he was an excellent man and a good reporter—that he "got it right", which was one of the best things that can be said of a reporter.

Councilman Eaves stated that he would miss writing J. B. notes! He mentioned that we had always called Mr. Collins the 10th man on the Council, and he would like to present him with an official nameplate designating him "***Councilman At Large***" and asked him to please come up and sit with the Council and have his picture taken. Mr. Collins asked if he could make a motion now that he was sitting with the Council, and he made the motion that the meeting be adjourned!

Chairman Lively noted that Mr. Collins was like a hound dog looking for a story and related how one Christmas when things were really slow and nothing much was going on that J. B. came into the council office with his notepad and nothing to write about; that those present started talking about when they first found out about Santa Claus. Chairman Lively told that he first found out when he stumbled and fell over toys in the closet. J. B. asked him "and how old were you"? Chairman Lively retorted "I was 15!"

REZONING

1999-095 (Chattanooga Neighborhood Enterprise, Inc.)

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 1617 WILLIAMS STREET AND IN THE 200 BLOCK OF WEST 17TH STREET, BEING ON THE NORTHWEST LINE OF WILLIAMS STREET AT WEST 17TH STREET NORTHWEST OF WILLIAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE

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

AMEND ZONING CONDITIONS

1999-097 (GUNBARREL PROPERTIES, LLC)

On motion of Councilman Eaves, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 10539 ON PROPERTY LOCATED IN THE 1800 BLOCK OF GUNBARREL ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, 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 ZONING CONDITIONS

1995-105 (McKibbon Hotel Group of Chattanooga, Tennessee #2, LP)

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 10213 ON PROPERTY LOCATED AT 200 CHESTNUT STREET, BEING ON THE NORTHEAST LINE OF CHESTNUT STREET AT WEST 2ND STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

AMEND ZONING ORDINANCE

On motion of Councilwoman Hurley, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO ARTICLE V, SECTIONS 603 AND 903, TO PERMIT DWELLINGS IN THE SAME BUILDING AS ANY COMMERCIAL BUILDING IN THE C-5 NEIGHBORHOOD COMMERCIAL ZONE AND TO ADD GROCERY STORES TO THE LIST OF PERMITTED USES IN THE C-2 CONVENIENCE COMMERCIAL ZONE

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 ZONING ORDINANCE

On motion of Councilman Crockett, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO ARTICLE V, SECTION 903, TO REMOVE CONVENIENCE GROCERY STORES FROM THE LIST OF PERMITTED USES IN THE C-5 NEIGHBORHOOD COMMERCIAL ZONE AND SUBSTITUTE THE USE OF A GROCERY STORE WITH NO CAR WASHES AND/OR GASOLINE PUMPS

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

AMEND ZONING ORDINANCE

On motion of Councilman Crockett, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO ARTICLE V, SECTIONS 1001(4), 1011(1) AND 1021, TO ALLOW DAY CARE CENTERS TO BE LOCATED WITHIN THE M-1, M-2, AND M-3 ZONE SUBJECT TO A PERMITTING PROCEDURE BY THE BOARD OF ZONING APPEALS

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

REZONING

1999-090 (Stan Baker)

The rezoning of a tract of land located at 6 Brooks Circle and 7 Pisgah Avenue from R-1 Residential Zone to C-2 Convenience Commercial Zone came on to be heard. Mr. Barry Bennett of the Planning Staff made the presentation and stated that this property is located northeast of Brainerd Road, on the southeast line of Brooks Circle and the northwest line of Pisgah Avenue. The purpose of the rezoning was to allow for redesigning of the Krystal Restaurant parking area and drive-thru. Mr. Bennett noted that the surrounding zoning is C-2 to the South and R-1 to the North immediately abutting the site. He stated that both the Planning Staff and Planning Commission voted against this change.

REZONING (CONT'D.)

Councilman Crockett asked that Mr. Bennett go into more detail about the map.

Councilman Hakeem asked for the reasoning behind the Planning Staff and Planning Commissions' recommendation for denial.

Mr. Bennett stated that R-1 was the general policy for this area; that several communities in the area had gone through a downzoning to rezone to R-1 configuration; that the area is mostly developed with low-density single-family dwellings; that normally the type of requests you would get for such an area as this would be for O-1 or R-4 type zonings for offices, etc.; that it might be reasonable to approve such a request with a transitional or buffer zone. He explained that this would be next to residential property and would move a commercial use closer into the neighborhood and next to residential. He stated that primarily the problem was that there would be no definable stopping point, and it would be difficult legally to deny other cases, pointing out that a case would be coming up in this area in the near future.

Councilman Hakeem questioned Mr. Bennett about the comment of "no definable line", noting that looking at the property to the east and west of this there are no defined lines.

Mr. Bennett responded that these properties were a little deeper than the property where the Krystal is located and mentioned the close proximity of the residential lots with the restaurant parking, noting that this would move the neighborhood even closer to the restaurant. He explained that each lot had a single-family residence and any further commercial expansion would have access directly to the side streets.

Councilman Taylor asked for a point of clarification, stating that he understood there were houses on these lots and this abuts to their property line. He questioned if they moved back could we not give stipulations for a greater buffer area from the residential area.

Mr. Bennett responded that any time a rezoning is approved that it can always be done with conditions. He explained that another concern was that the C-2 on the east side of Pisgah go no further north than the case that will be coming up in August as the same argument could be made in this case. He explained that this would also be directly across from C-2 and the argument could be made for this as well.

REZONING (CONT'D.)

Mr. Stan Baker, the applicant, spoke next. He stated that he was 63 years old and had been in business in this city for 44 years and had owned this property for 35 years. He stated that when he first started this, he had no idea there would be any question concerning this rezoning since property on all sides is zoned back further than he would be. He stated that he could take a simple map and show that the property is zoned back further. He explained that when he asked for his property to be rezoned that the other area's owner, who Mr. Bennett had referred to that would be coming up in August, said that he thought he would get his rezoned too. Mr. Baker stated that he went through all the forms that he was told were needed and that he met with Councilwoman Rutherford and the Krystal Co. He explained that Krystal did not ask him to buy his property; that he went to them and asked if they would like to buy it. He stated that Councilwoman Rutherford was quite emphatic about not wanting this rezoned, and he stated he did not know he needed to contact other people to ask their feelings on this. He explained that he was told that the Planning Staff recommends denial when the Council representative of that district feels very strongly about a rezoning; that in a case like this they will recommend denial and let it come before the Council. Mr. Baker stated that he needed to rezone this and his intention was to sell this property; that Krystal would put in their new 2000-type Krystal building with a 25 ft. buffer and fence and stated that he could assure the Council that with this kind of money being spent, it would be much nicer than what is there today. He stated it would be a much nicer Krystal and the best way to improve this property. He mentioned that Dr. Lunn could not be present tonight but that he was 100% behind wanting to have this done. He asked that the Council be very serious about trying to be fair as everyone along Brainerd Rd. is zoned back further.

Mr. Terry Brewer of 10 Brooks Circle spoke in opposition. He stated that he had lived here for approximately five years and had a wife and two children; that he had spent a lot of money and time on his property; that he had served in Viet Nam and had fought for a place to come back to and settle down and live in peace. He mentioned the police reports and calls made to this Krystal. He stated that there was garbage in his front yard and noise at 2:00 and 3:00 A.M. with Boom Boxes. He asked the Council how they would like to wake up at 2:00 A.M. by hearing a speaker saying "Would you like fries with that?" He stated rezoning this would move this closer to his house even with a buffer zone. He stated that Krystal did not want to move the speaker to the side and would not give on this at all. He stated the speaker would still be facing his master bedroom and would be 40 ft. closer to his house. He stated that if he were sitting on this Council he would not vote for this, and you could "take that to the bank".

REZONING (CONT'D)

Mr. Alan Richelson of 113 Tuxedo Circle was the next to speak in opposition. He stated that this past weekend the City conducted a Neighborhood Program; that he was the President of the Belvoir Neighborhood Association, and their neighborhood had been downzoned to R-1 and R-2; that in every zoning request on Brainerd Rd., the second lot was zoned commercial. He stated if this proposal was granted, the whole area would be opened and not just this block.

Ms. Maggie Wray, President of the Brainerd Park Neighborhood Association, spoke next in opposition. She stated she was very familiar with this neighborhood; that she was 64 years old and had worked in this city for 51 years and had lived here all her life; that she had worked to keep Brainerd a viable neighborhood; that there is still property on Brainerd Rd. with houses. She mentioned the noise level at the Krystal at 1:00 A.M. She stated no one would want to be here; that the Krystal Co. had played a huge part in Chattanooga, but they could not control their employees or their customers. She stated that she would just as soon that Krystal would move; that they are a problem there now and asked that the Council not increase this problem. Ms. Ray stated that she had heard things that she would not even talk about in this group but if anyone was interested, she would talk to them in private. She stated they were trying their best to make their neighborhood a happy, solid and steady place. She asked that the Krystal not be allowed to move any closer to them, please.

Mr. Baker responded that 99% of what the people are opposing to is right there today, and he felt that a better building would help the situation; that it would not be 40 ft. closer but 10 ft.; that it would be a new and better modified system, and he felt it could draw a much nicer group of people. He stated that the noise was already there, and he urged the Council to improve the situation and to encourage fairness.

Councilwoman Rutherford stated that she would like to raise several points; that in looking at this map, C-2 does extend into the neighborhood; that this was done decades ago when the Commission was not as concerned about neighborhoods as this Council is; that the commercial properties near this include an office complex and a drive-through prescription window for Revco, and there is no noise at all from these establishments. She pointed out that the adjacent properties are very passive. She also pointed out that Dr. Lunn is not “so sold” as Mr. Baker indicated—that he is concerned that if Krystal moves from this location that a beer joint might move in. She stated that the noise from the Krystal “squawk” box goes into the neighborhood. Councilwoman Rutherford stated that a few months ago she had attended a meeting with the Planning Staff and Krystal, and they had asked Krystal to relocate this “squawk” box, but they had refused on the grounds that these plans are economically the best route for them. She stated that the neighborhood had not acted in a stubborn way but had just asked for consideration. She presented a petition asking for this to be denied. **At this point Councilwoman Rutherford made the motion to deny this request.**

REZONING (CONT'D.)

Councilman Crockett seconded this motion; however he added that the points made about evening the property out are fair and good ones. He stated he also felt that the City Commission had been fairly sensitive to neighborhoods; that just a commercial extension might make some sense, but the real issue here was the type of business and the hours that they operate, which is around the clock. He stated that he did not think this type of operation would be consistent with the neighborhood because the noise and hours of operation are different from a normal commercial use. He stated that he could empathize with the people who live close enough to be affected.

Councilman Taylor asked if the house right at the fence was faced with the noise problem. It was explained by Mr. Baker that Krystal will demolish this home and that they can place a buffer restriction for noise control; that if they don't do this, this house will continue to be right at this box. Councilman Taylor indicated that they needed to look at moving the buffer zone to control the noise and give them enough space. Mr. Baker added that the microphones would be there for the duration.

Councilwoman Rutherford noted that the two houses against the fence are rental properties, and they live there by choice; that these people have a vested interest in their houses and the neighborhood, reiterating that renters have a choice. She stated that she had talked about the possibility of an O-1 Zone or a variance. She stated that we should not intrude into this neighborhood with a C-2 Zone.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett to **deny**

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6 BROOKS CIRCLE AND 7 PISGAH AVENUE, BEING ON THE SOUTHEAST LINE OF BROOKS CIRCLE AND THE NORTHWEST LINE OF PISGAH AVENUE NORTHEAST OF BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

failed on roll call vote as follows:

REZONING (CONT'D)

COUNCILMAN CROCKETT	“Yes”
COUNCILMAN EAVES	“Abstain”
COUNCILMAN FRANKLIN	“No”
COUNCILMAN HAKEEM	“No”
COUNCILWOMAN HURLEY	“Abstain”
COUNCILMAN PIERCE	“No”
COUNCILWOMAN RUTHERFORD	“Yes”
COUNCILMAN TAYLOR	“No”
CHAIRMAN LIVELY	“Abstain”

A remark made by Councilwoman Rutherford prompted Chairman Lively to change his vote from “Abstain” to “No”.

Councilwoman Hurley stated that this was a very difficult vote for her, and she very rarely abstained, and she did not abstain from this vote from any lack of courage. She stated that we should negotiate with Krystal; that it is one of the finest corporations in the city; that they will continue to be there in a deteriorated condition or something like them will be there; that this property will not go back to R-1. She stated that she did recognize the value of the wishes of the City Councilperson from this District and therefore she did not vote against this denial in deference to Councilwoman Rutherford; however apparently, she felt it was Councilwoman Rutherford’s understanding that she did vote against the denial. She explained that she would not vote to extend C-2 beyond a certain line; that she felt that a parking lot that is well maintained is preferable to a couple of rental houses.

Councilman Franklin stated that he would just like to state on behalf of the opposition that we would try to negotiate a 25 ft. buffer in the scenario.

Councilwoman Rutherford asked in relation to this buffer if we could put in the conditions that it be approved by the Planning Staff because they are very interested in the welfare of this community. Attorney Nelson explained that the Building Inspector’s Office does the enforcing of conditions and not Planning. Councilwoman Rutherford asked if the design could not be approved by Planning. Attorney Nelson responded that that was questionable. Councilwoman Rutherford stated that Planning understand this neighborhood, and she would

REZONING (CONT'D)

like it to be part of the motion that the Planning Staff review the buffer design and make it beneficial to the neighborhood.

Councilman Crockett added that apparently there is a problem at this location now; that this is going to pass, and he felt the most important thing was to address current and future problems. He added that it had been said that if we approve this, we will automatically approve the next one coming up in August. He stated he did not think this was correct and doubted if this case would receive a very positive look from this Council.

Councilman Crockett went on to say that buffers are wooden fences and bushes and there is also the noise issue. He stated that the Krystal, in his experience, had been a good neighbor and willing to work with the neighborhood; that he felt they would do more than the standard 25 ft. wooden fence and bushes; that the City has people like Mr. Hyde who knows what vegetation is best for noise control, and he thought the Krystal would be amenable to working out what is best for the Krystal and the neighborhood. He stated he would like to see the Design Studio working with them.

City Attorney Randall Nelson explained that the caption would have to be amended before a motion was made if the Council wanted it added "subject to certain conditions".

Councilman Hakeem moved to amend this Ordinance subject to certain conditions including the recommended buffer zone. This was seconded by Councilman Taylor. Councilman Hakeem stated that between first and second readings the Council could see the plans in detail.

On motion of Councilman Hakeem, 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 6 BROOKS CIRCLE AND 7 PISGAH AVENUE, BEING ON THE SOUTHEAST LINE OF BROOKS CIRCLE AND THE NORTHWEST LINE OF PISGAH AVENUE NORTHEAST OF BRAINERD ROAD MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading with Councilwoman Rutherford voting No.

REZONING (CONT'D.)

Councilman Hakeem stated that Councilman Crockett had brought up the point about Planning playing a part in this design; that he would not want to see the Council give up their responsibility of passing judgement on cases such as this; that the final responsibility lies with the Council.

Councilwoman Rutherford stated that it has to go through the Planning Agency as amended.

Attorney Nelson stated that we could ask Planning to make their recommendation prior to second and third readings. Councilwoman Rutherford stated that she was asking for that right now!

As a point of clarification, Councilman Crockett added that when he spoke of the Planning Commission he was talking about the Design Studio in an advisory position and that is what he meant; that the Planning Staff would be working in an advisory role.

REZONING

1999-098 (Gary Ball)

Pursuant to public notice, the request of Gary Ball to rezone a tract of land located at 2207 E. Main Street from C-2 Convenience Commercial Zone to M-2 Light Industrial Zone came on to be heard.

Mr. Barry Bennett of the Planning Staff made the presentation, noting that this on the northeast line of East Main Street southeast of Kelley Street and was a 100 ft. x 142 ft. tract. The reason for the rezoning is to have outdoor storage on the property. Mr. Bennett stated that there was no other M-2 Zoned property in the area. He stated that he had not spoken with Mr. Ball since the last meeting.

Councilwoman Rutherford asked if there was not some sort of ruling that the Council was expecting before they heard this case again.

Mr. Ball, the applicant, stated that he was not a quasi-business; that at the first meeting he had indicated that he needed to understand whether he had a right to have a business in Councilman Hakeem's District, and if he could not, he would have to find another district to move to. He stated that he could work with Mr. Marcellis' people to decide what he can do there.

REZONING (CONT'D)

Councilman Hakeem stated that Mr. Ball had been using the property for business purposes for five years, and he questioned the reason that he was having to ask for this change at this point.

Mr. Ball responded that we needed to get things changed; that the City had accused him of wrongly having a business here, but he had gotten nothing in writing to this effect, and that was why he was here.

Councilman Hakeem asked if C-2 Zone would serve his purpose.

Mr. Ball responded that he just wanted to say that we need some real parameters for this; that he had moved his fence back, and he needed something specific about screening. He stated he would do what he needed to do to satisfy all standards.

Councilman Hakeem stated that he hoped Mr. Ball and the Staff would get together and see if the C-2 Zone is workable. He stated that Mr. Ball **should** be in District 9; that he wanted him there.

Mr. Ball responded that this had been a wasteful experience of his time, and he needed to get on with running his business.

Mr. Jimmy Justice of E. 13th Street was present in opposition. He stated that he came before this Council in May, and Mr. Ball was in opposition to them doing the same thing he is doing which was to allow him to have storage. He questioned why screening would work for Mr. Ball when they tried the same thing.

Councilman Taylor stated that it seemed to him that two weeks ago we discussed this same thing; that he thought someone from the City was supposed to go out and look at Mr. Ball's property; that the same points were made at the last meeting; that we discussed that he would not have to rezone if he had enough space, and he asked if 20% was adequate.

Mr. Ball responded that if they set it at 20%, that he could live with this. He stated he was not sure that he should be here, but he had spent \$135.00 to have this advertised and heard.

Councilman Hakeem asked if Mr. Ball could do 20% of outside storage in the C-2 Zone.

Mr. Ball stated that he ran a General and Mechanical Contractor's Business.

REZONING (CONT'D.)

Attorney Nelson stated that he did not see anything in the C-2 Zone to authorize a General Contractor's Business; that if this business was authorized, then he could go up to 20%; however he stated that he did not see a General Contractor Business as being permitted in a C-2 Zone. He stated that the M-2 Zone was a "catch-all".

Mr. Ball stated that he did not manufacture anything here and stated he was not sure to run a Contractor's office where he should be in this City—that he did not have a Contractor's Plant.

Councilman Hakeem asked if Mr. Ball could operate presently until we get this cleared up. Mr. Bennett responded that he could if he was a legal use in everything except the storage.

Mr. Ball stated that Mosteller's Garage had been there before.

Councilman Hakeem moved that this Ordinance be approved for the present use only. This was seconded by Councilman Eaves.

Councilman Taylor stated that he was still confused. He asked Mr. Ball if he was an electrical contractor, too. Mr. Ball responded that he was not.

Councilman Crockett stated he did not understand why we have not gotten this level of detail worked out before it came to the Council; that it would take a lot of work by a number of people and suggested that this needed to go back to committee to see if we need to amend the Zoning Code.

On motion of Councilman Crockett, 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 2207 EAST MAIN STREET, BEING ON THE NORTHEAST LINE OF EAST MAIN STREET SOUTHEAST OF KELLEY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE

was tabled for two weeks to go back to committee.

Ms. Patricia Rogers, who was in the audience, asked to speak, stating that she had had her hand up. Chairman Lively stated that she could come to the Committee Meeting in two weeks when this will be discussed.

REZONING

1999-107 (Ovella S. Vinson)

Pursuant to notice of Public Hearing, the request of Ovella S. Vinson to rezone a tract of land located at 3630 Ridgeside Road from R-1 Residential Zone to C-5 Neighborhood Commercial Zone came on to be heard.

Mr. Barry Bennett of the Planning Staff made the presentation stating that this was on the southwest line of Ridgeside Road at Gillespie Road, and the purpose of this was to legalize the existing grocery store in order to get a beer license for take-out. He explained that the recommendation from Planning was to deny C-2 but approve C-5, which was more in keeping with the neighborhood and would allow the continuation of a grocery store with package carryout. He explained that on-premise consumption was prohibited in C-5 Zone.

Chairman Lively asked if the Council had already heard from the opposition, and the answer was no.

The applicant, **Ovella S. Vinson**, spoke. She stated she bought Sears Grocery Store in 1998; that the person she bought it from had purchased a beer license, but the Beer Board told her she needed to get this area rezoned. She explained that she was not “just” a beer store; that she served people in the community, and they always helped if children were hungry. She explained that not being able to sell beer was a hard thing because it affected her sale of milk, bread, and everything else.

Mr. James Mapp of 514 Terrell St. spoke in opposition. He stated that he was 300 to 400 ft. from this establishment; that his remarks reflects nothing negatively on his part towards the present owner nor the past owner—that they are fine people. However, he asked the Council to take a look at this—that there are single-family homes all around it, and he presented a petition. He stated that the homes are in good shape around there, and he was here today to oppose the change from R-1 Zone, and he asked the Council to oppose this. He stated that to revive the sale of beer, the Planning Commission recommends C-5 Zone. He stated that he also opposed this recommendation; that he felt to grant this request would have a negative impact on the financial value of their property; that two non-conforming businesses have already been grandfathered in by the Ordinance, both of which are 500 ft. away from the Chambliss Childrens’ Home. He stated that this continues to be a problem; that there are killings and muggings at this corner and drug activities continue and there have been attempted break-ins; that they would like to get the drug problem abated; that children get on and off the school bus at this corner; that there is no major thoroughfare through here and traffic is really heavy. He emphasized that they were concerned about drug people in their neighborhood.

REZONING (CONT'D.)

Mr. Mapp continued, stating that someone had given Councilman Franklin a bit of bad information; that at a recent meeting some were not members, and he had a letter from the President of the neighborhood association who wanted this clarified.

Mr. Mapp went on to say that this is one of the few R-1 Zones; that they were able to get this 30 years ago; that they felt they should be accorded the same consideration as Riverview or any other area; that should this store have to close, it would revert back to R-1 and would clean out their area. He asked the Council to take a look at this and see if they would want this next door to them. He asked the Council to vote against any change in zone; that they hoped to have a new Sunnyside School nearby.

Mr. Clarence Winburn spoke next in opposition. He stated that at the time this voting took place, he did not get the number voting. He stated he was concerned with the neighborhood; that there are several dope houses in the area, and they are active in the neighborhood; that he would like to eliminate carry-out and beer drinking and try to elevate the neighborhood and get rid of the alcohol.

Mr. Mapp mentioned that a neighbor had told him that he was a partner in a new business to have a club here.

Councilman Hakeem asked for a clarification. He wanted to know if it was the desire of the neighbors opposed to close down the neighborhood grocery store. Mr. Mapp responded “no”.

Coach Calvin Sorrells spoke on behalf of his sister, Ms. Ovella S. Vinson. He stated that she was his sister and was so naïve to think that she could go ahead with her business and did not need to bring people to support her as the opposition had done. He stated that drugs were everywhere, but his sister did not sell drugs; that this store has been here for 38 years; that his sister did not know that the beer license would not be transferred; that a Stop and Go and Eckerds Drugs down the road sell carry-out beer. He stated that the Dalewood Community voted to give her permission. He explained that she could not operate with “just” a grocery store. He reiterated that the store had been here for 38 years, and the owner had become gravely ill. Coach Sorrells questioned why anyone would deny a person to have a little income. He stated that his sister did not have any “heavy hitters”—that he was “it” for her, and they were just trying to see if they could salvage income and provide a service to the neighborhood.

Councilman Hakeem mentioned that with a C-5 Zone there was a concern of a night club. He asked if a club could be put there. Mr. Bennett responded that it would be specifically prohibited.

REZONING (CONT'D.)

Councilman Franklin stated that the main reason he asked for a deferral on this case from the last meeting was because of the opposition at that time as it relates to the closeness of the Chambliss Home from the property line of Sears Grocery Store; that it had to be 200 ft. He stated that he checked personally, and it was 300 ft. away. He noted that the entrance to the Sears Store is on Ridgeside Road. He stated that Ms. Vinson approached him three weeks prior to the North Brainerd Association Meeting and at that meeting the membership asked to get information and come back to the next meeting. He stated there was some discussion as to conditions to be asked for of this store; that the pay phone would be removed and some sort of signage to discourage loitering. He stated the vote was 24 to 12, and he did not check to see if people were actually members or not, but regardless of membership, they were still members of the community. He stated that he knew Ms. Vinson bought this store to operate it as it had been operated for 38 years. Councilman Franklin stated that he grew up here and went to school with the Mapp children and the Sears children and that he went to this store as a child. He stated he was sure there had been problems in this vicinity but none from the actual store; that they did not sell beer to minors. He stated that this was not an indictment against the owner, past or present; that he felt it was within the framework, in all due respect to the opposition. He stated he thought the conditions had been met, and the new owner would work with the community; that the drug house was not at this address and drug problems were not just limited to this community, and he would make a motion to approve this.

Councilman Taylor verified that this was a R-1 Zone and asked if it remains R-1 could the business continue to operate as a regular store but just could not sell beer.

Ms. Vinson responded that the store could not pay for itself and would have to close.

Councilwoman Hurley pointed out that it was still a non-conforming use but because of the 90-day period, the owner lost her beer license. Mr. Bennett added that the Beer Board does not recognize legal non-conforming uses.

Councilman Franklin pointed out that this is an irregular shaped lot, and if it no longer operated as a store, you could not build a house here. He stated that he felt that these people would continue the store in good faith.

Councilman Pierce stated that he wished he could support his colleague, but he knew what it was to have a property grandfathered in; that he had a hotel like this in his district, and it creates a nuisance in the neighborhood as it is being used for drugs and prostitution; that such things promote drugs and a meeting place, and he could not see going back on the law and increasing the problems by changing the residential zone. He stated that he was in sympathy with the community.

REZONING (CONT'D.)

Councilwoman Rutherford stated that she lived within one-half mile of this and there are two neighborhood groups that are closer and also the Chambliss Home; that she had not heard anyone say that they wanted this rezoned, and she could not support the rezoning. She questioned what would be profited by rezoning in this area.

Councilman Crockett stated that he had a petition with pages and pages of signatures, and he wanted to understand what this petition was all about; that it looked like a lot of names and some did appear to be in the neighborhood.

Ms. Vinson explained that she had people to sign this in the neighborhood if they did not oppose the sale of beer. She stated she had 400 names.

Councilwoman Rutherford asked if they were within one-half mile of the store. Ms. Vinson responded that about one-half of the names were within this range.

Councilman Pierce stated that he was not a true believer of petitions; that people did not read what they were signing and many sign out of the area; that people just sign a petition because they know the person that is asking them to sign it. He noticed one address on Vance Rd. on the petition.

On motion of Councilman Franklin, seconded by Councilman Eaves,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3630 RIDGESIDE ROAD, BEING ON THE SOUTHWEST LINE OF RIDGESIDE ROAD AT GILLESPIE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO G5 NEIGHBORHOOD COMMERCIAL ZONE

was denied on roll call vote as follows:

COUNCILMAN CROCKETT	“No”
COUNCILMAN EAVES	“Yes”
COUNCILMAN FRANKLIN	“Yes”
COUNCILMAN HAKEEM	“Yes”
COUNCILWOMAN HURLEY	“No”

REZONING (CONT'D)

COUNCILMAN PIERCE	“No”
COUNCILWOMAN RUTHERFORD	“No”
COUNCILMAN TAYLOR	“No”
CHAIRMAN LIVELY	“Yes”

(COUNCILWOMAN RUTHERFORD LEFT THE MEETING AT THIS TIME.)

REZONING

1999-112 (Beverly Wilson)

Pursuant to notice of public hearing, the request of Beverly Wilson to rezone a tract of land located 1725 North Orchard Knob Avenue from R-2 Residential Zone to C-5 Neighborhood Commercial Zone came on to be heard.

Mr. Barry Bennett of the Planning Staff made the presentation stating that this was on the northwest line of Orchard Knob Avenue at Olive Street. He stated the purpose of this was to bring the existing store into compliance. He stated that this is surrounded by R-2 Zone abutting to the south; C-2 to the north; and C-2 to the east. He stated that they were recommending denial of C-2 and approval of C-5 subject to no convenience store with a car wash (however due to the Ordinance passed tonight, this is no longer applicable).

Ms. Beverly Wilson, the applicant spoke. She stated her father had owned the store since 1988 and was taken by surprise two weeks ago; that this was a family-owned business; that she had heard about undesirables in the neighborhood and the selling of drugs; that one house sells drugs; that some undesirables did see the store as an opportunity to sell drugs there and got to her sister and got her in a world of trouble. She explained that this was not the family itself but one person. She explained that it was hard to find help; that she did not want to sell drugs, and the area is well lit.

REZONING (CONT'D.)

Councilman Pierce stated that he would like to say that a couple of years ago Chattanooga Housing Authority came to the Council and wanted to acquire property for transitional homes, and the store was discussed at that time; that in talking to Mark Rudisill, the Housing Authority is in the process of acquiring property across the street and might acquire this property in the future for expansion. He stated this was the same thing that the Council just went through with—a neighborhood store that had been grandfathered in with real problems in the area. He stated there were still problems in this area, and he did not see where the Council could put these type of establishments in residential areas; that it is just somewhere for neighborhood kids to hang out on the corner. He stated that he would have to move to deny this.

Ms. Wilson responded that she did not think the establishment itself determined whether it be a haven for drugs; that there is a drug house next to her but people respect her family and their store and can send their children to the store and women are safely put in cars. She stated that drugs were everywhere; that she wanted to help clean up the neighborhood. She stated that beer is the biggest seller in a small neighborhood grocery store. She stated that drugs can pop up everywhere, even in funeral homes; that drugs had destroyed her family, and the last thing they wanted was another drug house.

Councilman Crockett stated that he empathized with business people trying to open a business; that Councilman Pierce had made a compelling point, and he would vote against this. He questioned knowing that a house is being used for drugs and them being able to continue to operate, noting that this was a whole lot more serious than selling beer. He stated he did not understand why this could go on.

Councilman Hakeem stated that he did not think this was because of a lack of responsiveness on the part of the Police Chief; that he did not know if the Police Department was aware of this, and they have to build a case. He urged not to get too far out on this.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1725 NORTH ORCHARD KNOB AVENUE, BEING ON THE NORTHWEST LINE OF ORCHARD KNOB AVENUE AT OLIVE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied with Councilman Eaves voting “No” and Councilman Franklin “abstaining”.

CLOSURE AND ABANDONMENT

1999-045 (J. W. Everhart)

Barry Bennett made the presentation, explained that this was abandonment of East 29th St. located northwest from Orchard Knob Avenue, southwest of East 28th St. He stated that both the Staff and the Planning Commission recommended against this abandonment.

Mr. J. W. Everhart, the applicant, spoke. He stated that he had been in business there for 35 years and enjoyed the community; that it had been pleasant until the last few years. He stated that they owned the property, and this was their business, which is a repair shop for trucks. He explained that this was a vacant area that was all grown up and people were going in at night with grass up waist-high and stealing everything they can get, and he wanted to put a gate here.

Councilman Eaves asked if this was a street, road, or alley—that it seemed to be just grass and bushes and not a road used by anyone. Mr. Bennett responded that Public Works looked at this and supported Planning in not recommending abandonment because of the potential of opening the road sometime in the future; that they would recommend temporary usage; that there may never be a need, but the city would have it if needed; that it is unlikely, but it could be possible and the City wanted to maintain their options.

Councilman Crockett asked Mr. Everhart if he could do what he needed to do to meet his needs if he followed the advice that Mr. Bennett had just given, noting that this would be virtually indefinite; that the City has no plan and what Mr. Bennett had explained would give Mr. Everhart access and the City could keep their options. Councilman Crockett stated that he would move that whatever needed to be done, if it were temporary usage, be done.

Attorney Nelson suggested putting this off a week, and he will draft a Resolution by next Tuesday.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

AN ORDINANCE CLOSING AND ABANDONING EAST 29TH STREET LOCATED NORTHWEST FROM ORCHARD KNOB AVENUE, SOUTHWEST OF EAST 28TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

will be tabled for one week and will come back in the form of a resolution.

CLOSURE AND ABANDONMENT

1999-061 (North American Royalties/Wheland Foundry)

Mr. Paul Mallchok, representing this case, stated that the Gas Co., Electric Power Board, and the Water Co. had all signed off on this.

On motion of Councilman Pierce, seconded by Councilman Crockett,

AN ORDINANCE CLOSING AND ABANDONING SYDNEY STREET LOCATED SOUTHWEST FROM WEST 26TH STREET NORTHWEST OF BROAD STREET, AND WEST 28TH STREET LOCATED NORTHWEST FROM BROAD STREET SOUTHWEST OF WEST 26TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSURE AND ABANDONMENT

1999-066 (The Dixie Group, Inc.)

On motion of Councilman Crockett, seconded by Councilman Taylor,

AN ORDINANCE CLOSING AND ABANDONING LUPTON DRIVE LOCATED NORTHEAST FROM MERCER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

CONTRACT
ALL SEASONS LAWN CARE

On motion of Councilman Pierce, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES ADMINISTRATOR TO ENTER INTO A CONTRACT WITH ALL SEASONS LAWN CARE (WILLIE COOPER, JR.) TO PERFORM SPECIALTY MAINTENANCE AND LANDSCAPING SERVICES FOR SEVERAL LARGE PROPERTIES OWNED BY THE CITY FOR AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) FOR A TWELVE (12) MONTH TERM

was adopted.

SURPLUS DECLARATION

On motion of Councilman Taylor, seconded by Councilman Pierce,

A RESOLUTION DECLARING SURPLUS CERTAIN PROPERTY LOCATED AT 844 AND 1148 EAST 8TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING THE CONVEYANCE OF SAID PROPERTY TO INNER CITY DEVELOPMENT CORPORATION (ICDC) FOR THE PURPOSE OF DEVELOPING AFFORDABLE HOUSING IN THE MARTIN LUTHER KING BOULEVARD AREA

was adopted.

AGREEMENT
TDOT

On motion of Councilman Crockett, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT 99-258 FOR IMPLEMENTATION OF SURFACE TRANSPORTATION PROGRAM ACTIVITY WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO THE TENNESSEE VALLEY RAILROAD MUSEUM, PHASE 3, A COPY OF SAID AGREEMENT BEING ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, SUBJECT TO REIMBURSEMENT OF THE CITY'S LOCAL MATCH

was adopted.

Councilman Franklin noted that Resolutions (d), (e), (f), and (I) were discussed in the Public Works Committee and come with a recommendation.

CONTRACT CHANGE ORDER
RIVERBEND CONST. CORP.

On motion of Councilman Crockett, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. RW-1-98, EAST BRAINERD ROAD AT DAVE L. BROWN, WITH RIVERBEND CONSTRUCTION CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHT THOUSAND, FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$8,585.00), FOR A TOTAL CONTRACT PRICE OF FIVE HUNDRED EIGHTY THOUSAND, TWO HUNDRED FORTY-SIX DOLLARS (\$580,246.00), AND WHICH INCREASES THE CONTRACT TIME BY TWO HUNDRED SIXTY-FOUR (264) CALENDAR DAYS

was adopted.

AGREEMENT AMENDMENT
ARCADIS, GERAGHTY & MILLER

On motion of Councilman Crockett, seconded by Councilman Eaves,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 8 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. 73B-2, BIG RIDGE COLLECTION SYSTEM IV, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY TWENTY-THREE THOUSAND, FIVE HUNDRED DOLLARS (\$23,500.00), FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-ONE THOUSAND, FIVE HUNDRED DOLLARS (\$261,500.00)

was adopted.

TEMPORARY ROW USAGE

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING SIR GOONY GOLF OF CHATTANOOGA, INC. TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG AN UNDEVELOPED SECTION OF OLD BIRDSMILL ROAD FOR THE PURPOSE OF INSTALLING A FENCE FOR VEHICLE PARKING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

MEMO OF UNDERSTANDING
STADIUM OPERATION

On motion of Councilwoman Hurley, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CARTER STREET CORPORATION, THE STADIUM CORPORATION AND HAMILTON COUNTY, TENNESSEE, RELATIVE TO MANAGEMENT AND OPERATION OF THE STADIUM

was adopted.

SPECIAL POLICEMAN APPOINT.
STACY L. HANNAH

On motion of Councilman Crockett, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF STACY L. HANNAH AS A SPECIAL POLICEMAN FOR THE CITY OF CHATTANOOGA, NEIGHBORHOOD SERVICES DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

The question arose as to her duties. It was explained that she will be used in Code Enforcement and will be unarmed.

TEMPORARY ROW USAGE

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING PEARLIE LOWE TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG AN UNOPENED HALF SECTION OF AN ALLEY LOCATED BETWEEN EAST 13TH AND 14TH STREETS FOR THE PURPOSE OF EXTENDING THE PROPERTY FENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending July 16, 1999, totaled \$96,592.81, and for the week ending July 23, 1999, totaled \$13,621.01.

PERSONNEL

The following personnel matter was reported for the Parks, Recreation, Arts and Culture Department:

DARRYL P. HUBBARD—Promotion from Ranger Part-Time to Ranger, Pay Grade 4/1, \$16,345.00 annually, effective 7/22/99.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchases were approved for use by the Department Parks, Recreation, Arts and Culture:

EASTMAN CONSTRUCTION (Change Order to Purchase Order No. P0012277):
Purchase Order No. P0012277

To replace wood that had dry rotted prior to installation of siding at Glenwood Center

\$27,961.00 Original Contract
\$ 1,960.67 Change Order #1
\$29,921.67 Total Contract Cost

CASE CONSTRUCTION (Change Order):
Purchase Order No. P0012565

To install an additional drain and a detached curb at the Sidewalk for the Walnut Street Bridge Remediation

\$15,680.00 Original Contract
\$ 5,797.00 Change Order No. 1
\$21,477.00 Total Contract Price

BOARD APPOINTMENTS

On motion of Councilman Taylor, seconded by Councilman Crockett, the following Board Appointments were approved:

HUMAN RIGHTS/HUMAN RELATIONS COMMISSION

Appointment of **CHARLES FIELDS** and **TRAVIS MCDONOUGH** for terms of four years ending **July 31, 2003**.

TREE ADVISORY BOARD

Appointment of **JENNI FRANKENBERG** for a term of four years ending **July 31, 2003**.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Crockett, the following purchase was approved for use by the Department of General Services:

MOTION INDUSTRIES, INC. (Only bid received):
Requisition No. #R0043221

Twelve (12) Months Requirements Contract for Hydraulic Hose Fittings

(See Minute Material for Various Prices)

PERSONNEL

The following personnel matter was reported for Neighborhood Services:

KAREN D. CLAY—Return from Medical Leave of Office Assistant, effective 7/26/99.

PERSONNEL

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

DON M. SANDERS—Employment of Equipment Operator, Pay Grade 6/1, \$18,574.00 annually, effective 7/21/99.

GARY W. JACKSON—Promotion to Construction Program Supervisor, Pay Grade 21/9, \$50,470.00 annually, effective 7/1/99.

WILLIAM C. PAYNE—Promotion to Engineering Design Coordinator, Pay Grade 20/3, \$37,596.00 annually, effective 7/29/99.

CHARLES FREEMAN—Promotion from Painter to Mechanic, Pay Grade 11/1, \$24,174.00 annually, effective 7/21/99.

JEFFERY POSELY—Promotion to Chief Maintenance Mechanic, Pay Grade 19/1, \$33,064.00 annually, effective 7/21/99.

FAITH V. PEET—Employment as Laboratory Assistant, Pay Grade 9/1, \$21,918.00 annually, effective 7/16/99.

PURCHASES

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

EAST BRAINERD LUMBER CO. (Best Bid for the City):
Requisition No. #R0040987

Twelve (12) Months Requirements Contract for Lumber and Related Materials

(See Minute Material for Prices)

FURROW-JUSTICE MACHINERY (Best Bid for the City):
Requisition No. #R0040984

Two-Wheel Drive Tractor with Hydraulic Side Mount Flail Mower

\$31,000.00

NEWTON CHEVROLET-GEO (Best Bid for the City):
Requisition No. #R0041010

4x4 4-Door Crew Cab Chassis

\$31,750.00

ALSTON DRIVES & CONTROLS (Change Order #1):
Requisition No. R0042048

Purchase of Repair Parts for Moccasin Bend

\$16,688.00 Original Resolution
\$ 2,896.00 Change Order #1
\$ 19,584.00 New Total Amount

JLN CORPORATION (Single Source Purchase):
Requisition #R0043607

Salvage Lasta Filer Press Parts

\$53,000.00

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Department:

WILLIAM H. THOMPSON, JR.—Retirement of Lieutenant, effective 7./16/99.

EDWARD L. GRIFFITTS—Retirement of Firefighter, effective 7/16/99.

JOSHUA Z. CLARK—Resignation of Firefighter, effective 7/15/99

RICHARD BRITT and JEFFERY ELDRIDGE—Promotion to Senior Firefighter, F2/10, \$36,087.60 annually, effective 7/30/99.

ANDREW CARSON—Promotion to Senior Firefighter, F2/4, \$28,621.20, effective 7/30/99.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following Hotel Permits were approved:

HAMPTON INN—3641 Cummings Highway

ADAMS HILBORNE MANSION—801 Vine Street

BLUFF VIEW INN—411 East 2nd Street

HOLIDAY INN EXPRESS—4833 Hixson Pike

HAMILTON INN—2217 Rossville Blvd.

LOOKOUT MOUNTAIN INN—3800 Cummings Highway

FAIRFIELD INN—2350 Shallowford Village Drive

DAYS INN TIFTONIA—3801 Cummings Highway

MAINSTAY SUITES—7030 Amin Drive

HAMPTON INN—2420 Williams Street

KINGS LODGE—2400 Westside Drive

HOTEL PERMITS (CONT'D.)

SUPER 8 MOTEL—20 Birmingham Road

HAMPTON INN—1920 Hamilton Road

RAMADA LIMITED—2362 Shallowford Village Drive

CHATTANOOGA CLARION HOTEL—407 Chestnut Street

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Dept.:

THOMAS A. LEWIS—Resignation of Cadet Officer, effective 7/21/99

CHUL HUN LEE and CARL YOUNG—Resignation of Officers, effective 7/15/99

OLIVIA KAREN GLENN—Resignation of Parking Enforcement Officer, effective 7/23/99

ROY DAVENPORT, DELORES MARIE DEAKINS, and EDWARD M. NEAL—
Resignation of School Patrols, effective 7/1/99, 7/14/99, and 7/7/99 respectively.

EDWARD JACKSON—Military Leave of Absence, effective from 6/6/99 thru 9/1/99.

ELECIA L. JENKINS—Reinstatement as a Police Officer, P1/Step 2, \$27,220.50 annually,
effective 7/30/99.

TY COOPER—One-Day Suspension of Officer without pay, effective 8/10/99.

SCOTT JOHNSON—One-Day Suspension of Officer without pay, effective 7/19/99

REGINALD FINLEY—28-Day Suspension of Officer without pay, effective 7/22/99

Councilman Taylor questioned this group of resignations, and it was explained that it is part of the structure and the resignations are in different stages.

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Police Dept.:

G T DISTRIBUTORS (Lowest and Best Bid):
Requisition No. #0033368

Twelve (12) Month Requirements Contract for Purchase of Police Uniform Duty Equipment

\$324.23

DIGITAL BIOMETRICS (Sole Source)
Requisition No. R0027713

Computer Software & Image Printer

\$19,900.00

HEARING
WAYNE JEFFERSON, JR.

City Attorney Randall Nelson reminded the Council members of the hearing next **Monday, August 2, 1999, at 6:00 P.M. for Wayne Jefferson, Jr.. Councilman Crockett is the Chairman, along with Councilpersons Lively and Rutherford. Councilman Eaves will serve as alternate.**

COMMITTEES

Councilman Taylor scheduled a **Safety Committee Meeting for Tuesday, August 24th at 4:30 P.M.**

TN-AMERICAN WATER CO.
LETTER

Councilman Pierce stated that he had received a letter from the Tennessee-American Water Co. right before the meeting and was told that only he was to open it. He asked that Ms. Crowover read the first paragraph of the letter, which is as follows, and then he would like for Attorney Nelson to give his opinion on this:

*Yesterday's decision by Judge Thomas to grant Tennessee-American's request for a 'stay' until October was **another important legal victory for TWAC**. We strongly believe—and the court recognizes—that the franchise case should be resolved before the City's condemnation attempt moves forward. Despite statements to the contrary by the City's attorneys, this was **a loss for the City**. Simply stated, we requested the 'stay' and it was granted.*

Attorney Nelson responded that in his opinion this was ludicrous. The Water Co. had asked that the case be dismissed, which motion was overruled, and that it go away, and the case is still very much with us. Attorney Nelson stated that the Court wanted to go through as scheduled of discovery and only one part was “stayed” in respect to valuation of the company’s interest being condemned so that there will be no discussion at the present time until the Franchise case is settled; we have to have the Franchise settled before any value can be set. Attorney Nelson stated that this was no victory by the Water Co.

Councilman Pierce stated that he felt the case had been tried in the paper, noting that he did not condemn the Water Co., because if it was worth having, it was worth fighting for; that the case has been turned over to the Court and will come to trial for the outcome; however the Water Co. has continued publishing and advertising. Mike Loftin, who is with the Water Co. was in the audience, and Councilman Pierce stated that he would like to ask him a couple of questions. Councilman Pierce stated that in the neighborhood of \$1.8 million dollars had been spent by the Water Co. over budget, and he asked who would have to pay for this—would it be the users of the system? Mr. Loftin responded that as stated frequently, it will not be users but the stockholders. He stated he could not respond to the legal questions.

Councilman Pierce continued, stating that he was disappointed in the position that the Council Chairman had taken; that all of the Council had agreed to support Mayor Kinsey and now some of the Council had gone out and tried to negotiate with the Water Co. on their own which had clouded and muddied up the issue. He stated that this had created distrust on his part for a colleague on this Council. Councilman Pierce questioned how he would be able to operate in the future, noting that a Personnel Hearing was set for August 23rd, which he was to chair. He stated that he would not sit on this panel if Chairman Lively was a part of the committee; that either Chairman Lively had to withdraw or he would withdraw.

COUNCILMAN PIERCE (CONT.D)

Councilman Crockett stated that this was inappropriate and should not continue and was unprofessional; that the Council persons have differed many times, and he thought that they could do better in the future. He stated that it was important for this Council and its Chairman to recognize that City Government is Administrative, Legislative, and Judicial—that it is no different from the Federal Government. He stated that this Council was an independent body and has the duty to act as an independent body and each of the individuals within this Council are elected to uphold the views of their constituents and their own individual views, and he thought it was important for everyone sitting here to understand this; that we have been remiss at times in speaking up, speaking out, and acting independently.

At this point Councilman Taylor asked Attorney Nelson if he felt the letter from the Water Co. was a misrepresentation of the facts. Attorney Nelson responded “yes, from my understanding”.

Councilman Eaves spoke to the issue of the remarks made by Councilman Pierce, addressing Councilman Pierce and stating that this was not the forum for individual attacks on councilmen. He stated that Council members disagree on things all the time, but they don’t have to air these differences out in the public at large, stating that he felt that Councilman Pierce was remiss. He ended by saying that he thought something was in the drinking water and maybe the Council needed to get bottled water.

Councilman Hakeem remarked that this discussion shows that there is some “pain” among our members and questioned if the Council had been talking to each other enough—that Councilman Crockett had spoken of more independence. He questioned the wisdom of doing this in public rather than private and suggested that maybe the Council needed to go on a retreat to talk everything out.

Councilman Crockett noted that it was difficult for the Council to have these kind of discussions out in the open, and if the press had to try to run their business in this fashion, they would see how difficult it is. He stated that this Council had had their differences but that they had also accomplished a lot. He noted that the question had arisen about independence from Administration, stating that the Council had this responsibility to be independent and also this right.

Chairman Lively stated that he would continue to speak his piece on every issue; that what he said is what he felt, and he was not a puppet for anybody; that if Councilman Pierce did not want to serve on the Personnel Hearing Panel with him that that was fine.

COMMITTEES

Councilwoman Hurley stated that the Health, Education, Human Services, and Housing Opportunities Committee had an excellent meeting with Michael Kucharsak on the strategic planning of Chattanooga Housing Authority; that it is important for all of us to recognize that we are having reduced funding at the federal level.

Councilman Hakeem scheduled a **Budget and Personnel Committee meeting to immediately follow the Public Works Committee on Tuesday, August 10th for a continuation of the discussion regarding the employee drug policy and also a discussion on the property at 2207 E. Main St.**

Councilman Franklin reminded the Council of the **Public Works Committee already scheduled on Tuesday August 10th at 4:00 P.M.**

EMMA CRAVENS

Ms. Cravens stated that she had been under bondage for six years because of “Home Rule”; that her purpose was to seek answers on “dismissal issues” due to error and a malignant process. She stated that the Council was mostly team players; that she had heard them cheering J. B. Collins on, but she could not join in this because she was in bondage and pain; that her property had been taken away, and she had a police brutality case that was not settled; that our local “remapping” was fair for some and unfair for others. She stated that she needed to know something about this “Home Rule”—that the City makes laws overnight and runs with them. She questioned when the law was passed that says you have to wait on warrants for “hit and run” cases. She questioned why Judge Meyers had the authority to go over Judge Williams. She questioned why we don’t have a safety lane anymore and why we can’t have one rather than a wheel tax. She urged the Council to leave the Federal “stuff” alone because it helped the poor people.

At this point Chairman Lively stated that her time was up and the meeting would be adjourned, prompting Ms. Cravens to remark that she knew her time would be expired; that she was crying out for justice—“life, liberty, and the pursuit of happiness”, not like Carl Levi who had changed the Constitution.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, August 3, 1999 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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