

**City Council Building
Chattanooga, Tennessee
March 21, 2000**

The meeting of the Chattanooga 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 Carol O'Neal, CMC, were also present.

INVOCATION

Invocation was given by Chairman Lively.

MINUTE APPROVAL

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

REZONING

1999-210: Rivershore Properties

Councilman Crockett stated after a fairly lengthy conversation this afternoon he felt they came to a point of agreement among all parties; that it was a culmination of a lot of work that took too long to get done, was difficult and involved a lot of parties. He stated they went through a difficult process to something he feels will be a good solution for the community, City and the developer; something that could be a win-win situation. He stated the details of that and the ability to communicate that back to the neighborhood is what about five people asked this afternoon. He stated that he asked if they wanted to make that decision for an entire neighborhood or make it unilaterally, but to go back to the neighborhood, support that recommendation and let the neighborhood be part of that process to bring it back next week, hopefully in unanimity of something that will be about development of the community. He stated his understanding in conversation with the realtor and directly with the developer was that that would be appropriate, and based on that he told the residents there would be no need to be present for the Council meeting this evening. He stated the developer agreed there would be no need for him to be here this evening; that we would conclude that business next week.

REZONING (Continued)

Councilman Crockett stated there are a lot of issues; that some are real and some are imagined on the part of the community; that all have been addressed on both sides and there will be a good situation next week. He stated if the Council preempts that process it will have a bad effect on what they are trying to do in that area, and will damage the credibility of this body, as well. He stated the realtors are present and they represent the developer and landowner; that he had a conversation directly with Mr. Yarbrough this afternoon and he (Crockett), perhaps, could have misunderstood something.

Porter Yarbrough of Barry, Hunt and Yarbrough stated he represents Jack McDonald who is in Washington with his family on vacation; that he has a letter that authorizes him to speak for Mr. McDonald addressed to each Council member. He stated it is a fact that he and Councilman Crockett spent four hours on the telephone today, roughly back and forth; that he (Crockett) wanted the developer to defer a week and he did agree with Councilman Crockett that we would agree to his deferral for a week. He stated they have spent a lot of time on this and reiterated that he agreed with Councilman Crockett to defer the matter based on his conversation with him.

At this point Councilman Crockett made the motion to table the matter one week.

Councilman Taylor asked for clarification as to what the neighborhood expects to happen.

Mr. Yarbrough stated that there was a meeting this past Saturday with all the neighbors; that they had some requests that were extraordinary; that they wanted to have a committee that could oversee the maintenance of landscaping and a number of things. He stated what Councilman Crockett is doing is trying to appease the neighbors and get them to quit being so unreasonable; that they want to pick out the type of bushes and restrict landscaping to the same restrictions as subdivisions. He stated the neighbors have been making demands; that there was a delay during the Planning Commission process and this would be the third delay. He stated Councilman Crockett is working hard to make the neighbors happy and they are not happy, yet. He stated the developer has been "put out" with the process but felt in order to more ensure the development would be approved he did agree with Councilman Crockett today that it be deferred a week.

Councilman Crockett stated that he finds himself in a difficult situation; that he told the spokesman for the community not to be here; that we are hearing half of it because they relied on his word, Mr. Yarbrough's and the developer's. He stated the fact is that a number of conversations took place about residents having suggestions; that the conditions we are talking about working out are a limit on capacity of the number of units, which is very common.

REZONING (Continued)

Councilman Crockett stated he had Planning on the telephone with him and the developer to make sure the folks in Montgomery knew; that it is not extraordinary to put conditions about the maximum number of units on large apartment complexes. He stated that he thinks they have the mechanism to do it; that the other ones are minor issues about getting into and out of the site and those were the only conditions; that anything else was suggestion. He stated the second part of this was that he worked a lot with the developer; that the first time the developer was in town was when the second meeting was held. He stated if the matter is taken to the "floor" he would like to call the neighborhood and get them down here because when we lobby a process outside of a public meeting and preempt that discussion, an agreement has been made that is not acceptable. He stated it is his impression that Aronov has "bent over backwards" and has been frustrated as he would have been; that this is not a project site, it is a community and would expect that the Council would want them to develop; that he wants this project to go forward as it will be the best option for that community on that site. He stated having a community understand and embrace it is equally important and we are a week away from doing it. He stated if the matter is voted on second reading tonight and third next week he would be happy, but thinks it will be either we not vote on any of them or call the neighborhood, as they should be speaking for themselves, not him.

Mr. Yarbrough stated he had not planned to be present for the second and third reading tonight as he was going to his grandson's ballgame at 6 p.m. and found out he needed to be here. He stated he agreed with Councilman Crockett in requesting a one week deferral. He stated in defense of Aronov, Mr. Wilkinson was not at those meetings, but did send an engineer as a representative to answer questions regarding the site plan; that they are a first class developer and their "track record" is first class.

Councilman Crockett echoed Mr. Yarbrough's comments and stated they could not have been more fortunate with the kind of developer that will develop that site; that all have worked hard to make it work and it is going to work! He stated that it is his feeling there will be unanimity next week.

At this point, Councilman Taylor seconded Councilman Crockett's motion to table one week.

REZONING (Continued)

On roll call vote of Councilmen Crockett and Taylor’s motion to table one week:

Crockett	“Yes”
Eaves	“No”
Franklin	“No”
Hakeem	“No”
Hurley	“No”
Pierce	“No”
Rutherford	“No”
Taylor	“Yes”
Lively	“No”

The motion failed.

On motion of Councilwoman Rutherford, 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 IN THE 5700 BLOCK OF LAKE RESORT DRIVE, BEING ON THE SOUTHEAST LINE OF LAKE RESORT DRIVE NORTHEAST OF LAKE RESORT TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading; **Councilman Crockett voted “no”**. On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the Ordinance passed third and final reading and was signed in open meeting; **Councilman Crockett voted “no”**.

REZONING

1999-234: Monty Reeves, et. al.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1700-2077 CANNONDALE LOOP, BEING ON THE NORTHWEST, NORTHEAST, SOUTHEAST AND SOUTHWEST LINES OF CANNONDALE LOOP NORTHEAST OF ZIEGLER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2000-023: Johnny Foskey

On motion of Councilman Franklin, 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 IN THE 7500 BLOCK OF LEE HIGHWAY, BEING OFF THE NORTHWEST LINE OF LEE HIGHWAY AT THE RELOCATED SILVERDALE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

2000-033: Osborne Building Corporation

On motion of Councilwoman Rutherford, 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 5801 CORNELISON ROAD, BEING ON THE NORTHEAST LINE OF CORNELISON ROAD NOEAR SOUTH CHICKAMAUGA CREEK, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

2000-037: Tennessee-Georgia Equipment Sales

On motion of Councilwoman Hurley, 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 2321 SOUTH HICKORY STREET, BEING ON THE NORTHWEST LINE OF SOUTH HICKORY STREET SOUTHWEST OF EAST 23RD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-1 MANUFACTURING ZONE

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

REZONE FROM TEMPORARY TO PERMANENT

2000-040: City of Chattanooga

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 REZONE FROM TEMPORARY ZONING TO PERMANENT ZONING PROPERTIES ANNEXED IN JANUARY, 2000, BY THE CITY OF CHATTANOOGA LYING NORTH OF BOY SCOUT ROAD AND SOUTH OF THE SODDY-DAISY CORPORATE LIMIT LINE, AS SHOWN ON THE ATTACHED MAP

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

AMEND CONDITIONS

2000-041: Gunbarrel Commons, LLC

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10863 ON PROPERTY
LOCATED AT 1804 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 Councilman Franklin, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

AMEND CONDITIONS

2000-042: Gunbarrel Commons, 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. 10843 ON PROPERTY
LOCATED AT 7408 IGOU GAP ROAD, BEING ON THE SOUTHWEST
LINE OF IGOU GAP ROAD SOUTHEAST OF GUNBARREL ROAD,
BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS**

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

CLOSE AND ABANDON

MR-2000-002: D & S Construction

City Attorney Nelson stated the description was revised and the record should reflect that the description reads “*2’6” wide and 31 feet long*”. He indicated that the map attached to the Ordinance still reflects “25”” instead of 2’6”.

Jerry Pace stated that the error involves a decimal point; that someone put “2.5” on the map and it should have been written “2’6””; that the “2.5” somehow became “25” inches.

CLOSE AND ABANDON (Continued)

City Attorney Nelson reiterated that the record should reflect that the intent of the Council is that it should read “*2 feet, 6 inches (2’6”)*”.

Councilmen Franklin and Taylor made the motion to substitute the amendments to this Ordinance; the motion passed.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

AN ORDINANCE CLOSING AND ABANDONING A TRIANGULAR PLOT, BEING A PART OF THE CITY’S SEWER RIGHT-OF-WAY IN LOT 32 OF THE CANNONDALE SUBDIVISION, RECORDED IN PLAT BOOK 60, PAGE 124, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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

CLOSE AND ABANDON

MR-200-003: Sexton Construction Corporation

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT, BEING A PART OF THE CITY’S SEWER RIGHT-OF-WAY IN LOT 28 OF THE BONNY OAKS INDUSTRIAL AND OFFICE PARK SUBDIVISION, RECORDED IN PLAT BOOK 40, PAGES 116 (1-2), MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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.

CHARLES ELLIOTT

Chairman Lively recognized the presence of Charles Elliott, former member of the School Board.

CONTRACT: CEHP INCORPORATED

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT WITH CEHP INCORPORATED, RELATIVE TO THE MAINTENANCE MANAGEMENT AND MAINTENANCE FACILITY PROJECT FOR THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE, FOR AN AMOUNT NOT TO EXCEED FORTY THOUSAND, FOUR HUNDRED DOLLARS (\$40,400.00)

was adopted.

CONTRACT: JOHNSON ARCHITECTURE, INC.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT WITH JOHNSON ARCHITECTURE, INC., RELATIVE TO ARCHITECTURAL AND SITE PLANNING SERVICES FOR THE CHIMPANZEE EXHIBIT AT THE WARNER PARK ZOO, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00)

was adopted.

CONTRACT: YERBEY CONCRETE CONSTRUCTION, INC.

Councilman Franklin stated Resolutions 7(c) – (h) came before today's Public Works Committee and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SW-1-00, CONCRETE CURB AND GUTTER, SIDEWALK AND DRIVEWAYS, TO YERBEY CONCRETE CONSTRUCTION, INC., FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3, CONTRACT NO. CSO-4a-97, CARTER STREET CSO CONTROL FACILITY, WITH W. ROGERS COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWELVE THOUSAND, ONE HUNDRED TWENTY-SIX AND 20/100 DOLLARS (\$12,126.20) FOR A REVISED CONTRACT TOTAL OF TWO MILLION, FIVE HUNDRED THIRTY-SEVEN THOUSAND, ONE HUNDRED SIXTY-THREE AND 17/100 DOLLARS (\$2,537,163.17), AND WHICH INCREASES THE CONTRACT TIME BY SIXTY-ONE (61) CALENDAR DAYS

was adopted.

AMEND RESOLUTION NO. 21978-A

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING A SECOND AMENDMENT TO RESOLUTION NO. 21978-A, ENCAPTIONED "A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BATTLEFIELD ABATEMENT CONTRACTORS, INC., RELATIVE TO ASBESTOS MANAGEMENT CONSULTANT SERVICES FOR CONTRACT NO. CSO-2-98, FOR AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00)." SO AS TO INCREASE THE CONTRACT BY TWO THOUSAND, TWO HUNDRED NINETY-TWO AND 50/100 DOLLARS (\$2,292.50) FOR A TOTAL REVISED AMOUNT NOT TO EXCEED THIRTY-SEVEN THOUSAND, TWO HUNDRED NINETY-TWO AND 50/100 DOLLARS (\$37,292.50)

was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Franklin, seconded by Councilman Eaves,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO CITICO PUMP STATION ELECTRICAL UPGRADES, MORE PARTICULARLY DESCRIBED HEREIN, FOR A PROJECT COST NOT TO EXCEED SIXTY-NINE THOUSAND, TWO HUNDRED DOLLARS (\$69,200.00)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. SR-1-98, HIGHLAND PARK POINT REPAIR PHASE II, WITH A & M CONTRACTORS, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SIXTY-THREE THOUSAND, FIVE HUNDRED ONE AND D05/100 DOLLARS (\$63,501.05), MORE PARTICULARLY DESCRIBED HEREIN, FOR A REVISED CONTRAT AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND, TWO HUNDRED SEVENTY-THREE AND 95/100 DOLLARS (\$318,273.95), AND WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY SIXTY (60) CALENDAR DAYS

was adopted.

AGREEMENT: CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

On motion of Councilman Franklin, seconded by Councilman Eaves,

A RESOLUTION AUTHORIZING AN EXTENSION OF THE AGREEMENT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., RELATIVE TO COLLECTION SERVICES AT THE HOUSEHOLD HAZARDOUS WASTE FACILITY AT THE NORTH HAWTHORNE STREET SITE, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-FIVE THOUSAN DDOLLARS (\$165,000.00)

was adopted.

2000-2001 CDBG ALLOCATIONS

Councilwoman Hurley stated this matter was taken up in the Health, Education, Human Services and Housing Opportunities Committee and there was one item where there was some petition about; that it is her understanding questions have been resolved. She expressed appreciation to Juliette Thornton, Sandra Gober and the committee for the great deal of hard work that went into the allocation process and asked that the Committee be thanked on the Council's behalf. At this point she made the motion to approve the entire package.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION APPROVING FISCAL YEAR 2000-2001 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP ACT AND EMERGENCY SHELTER GRANT FUNDING AS SHOWN MORE FULLY HEREINBELOW

was adopted.

**AWARD OF INCOME GENERATED FROM
THDA PROGRAM TO HABITAT FOR
HUMANITY AND CNE**

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT TO AWARD ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) IN PROGRAM INCOME GENERATED FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) HOUSING PROGRAM TO HABITAT FOR HUMANITY AND CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC., MORE PARTICULARLY DESCRIBED HEREIN

was adopted.

**AWARD OF INCOME GENERATED FROM
UDAG TO EMMA WHEELER HOMES
RESIDENT ASSOCIATION**

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT TO AWARD SEVENTY-SIX THOUSAND, FOUR HUNDRED SIXTY-SIX DOLLARS (\$76,466.00) IN PROGRAM INCOME GENERATED FROM THE URBAN DEVELOPMENT ACTION GRANT (UDAG) TO EMMA WHEELER HOMES RESIDENT ASSOCIATION

was adopted.

OVERTIME

Overtime for the week ending March 17, 2000 totaled \$17,173.82.

PERSONNEL

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

LYDIA P. WILLIAMSON – Resignation, Cultural Arts Specialist, effective March 16, 2000.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase was approved for use by the Parks and Recreation Department:

CHATTANOOGA COCA-COLA BOTTLING CO. AND CHATTANOOGA PEPSI COLA BOTTLING CO. (Award contracts to both companies to allow for flexibility of offering to public)

Requisition No. R0043801

Two year Requirements Contract for Soft Drink Products

(Price information available and filed with minute material of this date)

PERSONNEL

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

CHARLES E. PATTERSON – Promotion, Crew Worker, Fleet Maintenance 12th Street Garage, Pay Grade 3/Step 1, \$15,230.00 annually, effective March 22, 2000.

ERSKINE F. STARKEY – Transfer, Custodian, General Services Maintenance 12th Street Garage, Pay Grade 2/Step 9, \$20,185.00 annually, effective March 22, 2000.

PERSONNEL

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

PATRICK A. ROWE, JR. – Voluntary Demotion, Crew Worker Senior, Traffic Operations, Pay Grade 5/Step 11, \$27,061.00 annually, effective March 22, 2000.

PERRY BECK – Suspension (three days without pay), Equipment Operator, Citywide Services, effective March 14, 21, 28, 2000.

CORNELL GREEN – Dismissal, Equipment Operator, Citywide Services, effective March 8, 2000.

MAYCIO G. DAVIS – Resignation, Equipment Operator, Citywide Services, effective March 13, 2000.

PURCHASES

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

NORTHGATE MALL MERCHANTS ASSOCIATION (Per Section 2-342, Paragraph V, Chattanooga City Code)
Purchase Order P0011920

Extension of Contract for Gift Certificates

\$100.00 each

D & W SALES, INC. (Lowest and best bid)
Requisition Nos. R0039108/R0048236/B0000404

Three Hydraulic Knuckle Booms

\$75,873.00 each

CHATTANOOGA TRACTOR & EQUIPMENT (Only bid)
Requisition No. R0039107/B000406

Two Brush Loaders

\$84,874.00

DUNCAN INDUSTRIES OF ORLANDO, FLORIDA (Single source)
Requisition No. R0046372

Parking Meters per TCA 6-56-301

\$19,573.80

R & R ENVIRONMENTAL (Best bid)
Requisition No. R0045237/P0013991

Cleaning and Water Blasting Services

(Price information available and filed with minute material)

REFUND

On motion of Councilman Franklin, seconded by Councilman Hakeem, the Administrator of Finance was authorized to issue the following refunds:

SAFETY KLEEN – Sewer Surcharges, Overcharge, \$2,053.16

QUALA SYSTEMS, INC. – Sewer Surcharges, Overcharge, \$4,031.83

HYDRO VAC SERVICES, INC. – Sewer Surcharges, Overcharge, \$7,349.31

EMERGENCY PURCHASE

The emergency purchase of parts for a bulldozer at Moccasin Bend for the Public Works Department, Purchase Order P0014281, issued to Power Equipment Company in the amount of \$16,449.50 was duly reported and signed in open meeting.

PERSONNEL

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

DAVID POWELL – Promotion, Senior Firefighter, Pay Grade F2/Step 11, \$37,332.00 annually, effective March 10, 2000.

CHRISTOPHER F. ARENDALE, CHARLES A. BLEVINS, KELLIE D. BURNETTE, ERIC D. GORDON, RUFUS L. HICKS, TERRY W. KNOWLES, WILLIAM M. MATLOCK, III, LEE B. MAYWEATHER, SETH R. MILLER, BRAD A. PETTY, CASEY L. PHILLIPS, LONNIE L. RICHARDS, GALEN D. ROBERTS, DENNIS F. SCHIAVON, II, CHARLES R. STEELE, DAVID N. TALLENT, MICHAEL J. THOMAS, ANDREW M. WATERS, NICHELLE D. WOODRUFF – Hire, Firefighter, Pay Grade F2/Step 1, \$23,790.00 annually, effective March 17, 2000.

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the following purchase was approved for sue by the Chattanooga Fire Department:

TOWN & COUNTRY FORD (Lowest and best bid)
Requisition No. R0042969

¾ Ton Four-Wheel Drive Super Cab Truck

\$24,965.80

PERSONNEL

PERRY JAMES STEPHENS – Resignation, Police Officer, effective March 15, 2000.

DEBORAH POOLE – Promotion, Police Records Clerk Senior, Pay Grade 5/ Step 2, \$18,332.00 annually, effective March 24, 2000.

DEVORA G. GRISSOM – Promotion, Police Records Clerk Senior, Pay Grade 5/ Step 1, \$17,459.00 annually, effective March 31, 2000.

JOANNE GRIFFIN – Retirement, Police Records Clerk Supervisor, effective March 31, 2000.

PURCHASE

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

AUDIO INTELLIGENCE DEVICES (Single Source)

Requisition No. R0047047

Van Roof Mounted Periscope per TCA 6-45-301

\$13,436.00

DECLARE SURPLUS

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the Old Dutch Shepherd Dog, Sonya, was declared surplus and given to the trainer of the dog at no cost to the City of Chattanooga.

DECLARE SURPLUS

On motion of Councilman Hakeem, seconded by Councilman Franklin, a 1993 Ford Crown Victoria, Police Vehicle P-228, VIN 2-FACP71W2PX136 393 was declared surplus due to excessive mileage (134,100) and donated to Erlanger Hospital for use as a security vehicle.

REFUND

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

W. R. GRACE & CO. – Stormwater fees revisions for tax years 1996, 1997, 1998 and 1999, Map #128H-A-001, \$83,350.80

WINDRIDGE APARTMENTS, LTD. – Stormwater fees revisions for tax years 1997, 1998 and 1999, Map #126J-A-001, \$16,398.21

BOARD APPOINTMENT

On motion of Councilman Franklin, seconded by Councilwoman Hurley, the following Board appointment was approved:

TAXICAB BOARD:

- Appointment of **SANDRA JONES LOVE** to complete the term of Candace Walsh ending June 8, 2001.

SPORTS AUTHORITY BOARD

On motion of Councilman Taylor, seconded by Councilman Crockett, the following persons were elected to serve on the Sports Authority Board:

- **ROBERT A. GENTRY, KATARA CONEY** and **GARY RUDOLPH** serving as the Mayor's appointees with terms expiring March 21, 2002;
- **RUSSEL BEAN** (District 1), **HICKS ARMOR** (District 2), **FRANK MARTIN** (District 3) and **DARREL MCDONALD** (District 4) for terms expiring March 21, 2004;
- **ERNEST TANNER** (District 5), **JOHN WEATHERS** (District 6), **JERMAINE HARPER** (District 7) and **CLARICE JENKINS** (District 9) for terms expiring March 21, 2006.

BETTER HOUSING APPEAL

City Attorney Nelson stated a request for an appeal regarding the decision of the Better Housing Commission for property located at 450 Cherokee Boulevard by Riaz A. Sheikh has been received. **A hearing for Mr. Sheikh was scheduled for Tuesday, April 4 immediately following the Council meeting.**

HEARING: CORNELL GREEN

City Attorney Nelson stated Cornell Green has requested a hearing regarding his termination from the Public Works Department:

A hearing for Mr. Green was scheduled for Monday, April 24 at 6 p.m. with Councilmen Crockett (Chair), Hakeem and Lively serving as the panel.

HEARING: OFFICER YATES

Councilman Franklin stated a hearing for Officer Yates was held last evening; that the panel considered a preponderance of evidence and upheld Administration's decision.

COMMITTEES

Councilman Taylor stated Chief Dotson brought forth an exciting program during today's Safety Committee regarding Project Home Safe, which involves trigger locks on guns.

Councilwoman Rutherford reminded Council members of **the Parks and Recreation Committee meeting scheduled for Tuesday, March 28 at 4 p.m.**

Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, March 28 immediately following the Parks and Recreation Committee meeting.**

REZONING CASE 1999-210: RIVERSHORE PROPERTIES

Councilman Crockett stated that it is his hope that the neighborhood and developers are together on the agreement they reached this afternoon; that he is disappointed they did not have opportunity to have a week for further discussion. He stated most of the restrictions were worked out by the developer and others this afternoon that were to be included in the restrictive covenants of the deal that can be done without the City Council being involved. He stated after consulting with the attorney we would not have been able to do some of those things any other way, to which City Attorney Nelson responded "correct".

**REZONING CASE 1999-210: RIVERSHORE
PROPERTIES (Continued)**

Councilman Crockett stated the landowner, Mr. McDonald, Porter Yarbrough, and the developer, Ron Wilkinson from Aronov, agreed to a clause of reversion. He stated he asked the attorney this morning and this afternoon at Mr. Wilkinson's request to draft the language; that he sent it to him so they can look at it. He stated he would not ask that the clause be included at this time because Mr. Wilkinson is not here and his attorney has not looked at it; that he would like for this to be brought back to the table once it is concluded with our attorney and add that to the conditions that if it is not developed the zoning reverses to C-2. He stated Messrs. McDonald and Wilkerson agreed to that with the neighborhood and both want to review the language between this week and next week. He stated he wanted the record to reflect that this was agreed upon and would like some mechanism to add that conditions.

City Attorney Nelson stated the only way it could be added would be to rescind what was done earlier this evening on third and final reading, and since this is the same meeting that could be done, and then amend the conditions to add that as a condition.

Councilman Crockett asked if that would still allow Mr. Wilkerson to see it; that he gave him the language and he would offer it, but he is not sure that is totally acceptable. He stated he knows among his colleagues that this has been a long case and he empathizes with getting it moved forward; that in the end it has really worked out fine; that the other "pieces" do not involve Council action. He stated there are letters that are going to be done from the developer and community and a restriction that will be deeded at the passage of the deed. He stated he would ask that this be kept open by rescinding the third reading and allowing that language to go in; that otherwise he would offer the language right now. **He made the motion to keep the matter open by rescinding the third reading; the motion failed for lack of a second.**

Councilman Eaves stated under normal conditions he would be in favor of accepting; that in this case this is a downzoning which is more restrictive than the C-2 that was there. He stated if we were close to an R-1 zone or something of this sort where we could go back and protect the neighborhood that would be one thing, but this is a downzone. He stated he does not fully understand why they would want to go back to a C-2 commercial zone.

Councilman Crockett expressed understanding of Councilman Eaves' comments; that very rarely do the Council downzone commercial to something else and have an objection or a preference of commercial. He stated Mr. McDonald and the developer agreed to this in Saturday's meeting and on the telephone; that if the developer or its assigns did not develop in the R-3 zone then it would revert to C-2. He stated the landowner has no problem, the developer has no problem and it was mutually agreed on with the neighborhood; that we can add that language tonight and look for a mechanism to keep it open.

**REZONING CASE 1999-210: RIVERSHORE
PROPERTIES (Continued)**

He stated while he understands the Council wanting to move forward, he is a little bit puzzled at the rush to preclude that; that he feels ill at ease trying to answer the question based on the understanding there is not a neighborhood representative present to speak; that if the Council would like to recess the meeting he can have them down here.

Councilwoman Hurley stated from what she understands -- and it is her thinking all have talked to the realtor and the individual trying to sell it -- if they have agreed to this she is sure they can make a separate agreement with the neighborhood that will bind that. She stated it is her understanding this property has been on the market for a number of years and this is absolutely the best developer's proposal made over a number of years. She stated we are really talking about a small sliver of the total project; that it is her impression it will not fall through. She stated if it does not go forward Mr. McDonald would have to find a commercial developer. She stated she does not see why this addition is important; that she is sure all who have talked with Mr. McDonald can be assured he will come back and get it rezoned commercial if he had a commercial opportunity there and it fell apart.

City Attorney Nelson stated that he made a mistake; that Councilman Hakeem is correct with regard to Robert's Rules of Order that a motion can be reconsidered only by the one who voted on the prevailing side; that anyone can second the motion to reconsider.

Councilman Crockett stated that the neighborhood believes this is the best thing that can happen and that this is a good developer; that not giving them an opportunity to speak, he feels, is an unfortunate miss.

Councilwoman Hurley stated that she hates to continue the debate; that the matter was on the agenda and it was published on our agenda and not taken off by two Council members, as is our custom, or by the Chairman or Vice Chairman; that the neighbors had an opportunity to be here.

Councilman Crockett stated the neighborhood called this afternoon and requested that it be tabled and he made the motion. He stated the neighborhood was told that would be what would happen; that it is a fairly common practice to table something on the agenda when the applicant or developer asks; that the applicant asked for it and the neighborhood was informed it would be tabled. He stated he asked that it be tabled as the district representative; that the Council, separate and apart from this public forum, decided they wanted to move it forward.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, March 28, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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