

Municipal Building
Chattanooga, Tennessee
July 15, 1997

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

INVOCATION

Councilman gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION

Peter Cooper stated he was pleased to be present to introduce this year's award winners of "Together We Can" scholarships. He distributed a statistical analysis of the applicants and award winners, as well as an annual report of the Community Foundation. He asked each student to stand and give their name, high school and the college they will be attending.

After the students introduced themselves Mr. Cooper indicated he had an item of business regarding modification of the program as a result of the merger of the two school systems; that there is a need to discuss the terms of the eligibility for the scholarships. He stated three of the eligibility factors were that the student has be enrolled in a Chattanooga Public School, has to actually attend the school from sixth grade on and be a resident of the City of Chattanooga.

SPECIAL PRESENTATION (Cont'd.)

Mr. Cooper stated they are proposing to amend the eligibility requirements to reflect attendance at either a city or county School during the time period of sixth grade on and graduation from a county school; that the residency requirements will stay the same. Councilman Hakeem asked that the matter be discussed in a joint meeting of Health/Education and Budget Committees. **On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the matter was referred to Committee.**

On behalf of his colleagues Councilman Hakeem congratulated the students, their families and all who have supported them. He stated this is an effort on the part of the City Council and its citizens to give to our future; that the students are our future and the Council and Mayor want them to come back to Chattanooga after completion of college. He stated the only thing that will stop them from accomplishing the "things of good" is their desire not to accomplish it for themselves; that they cannot blame anyone else today; that they can be anything "of good" they want to be if they are willing to work for it.

CLOSE AND ABANDON

1997-062: Michael Johnson

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED STREET LOCATED NORTHEAST FROM HIGHWAY 153, NORTHEAST OF GRUBB ROAD, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS

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

REZONING

1997-123: Barry N. Ligon

On motion of Councilman Eaves, 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 8478 EAST BRAINERD ROAD, BEING ON THE SOUTHWEST LINE OF EAST BRAINERD ROAD SOUTHEAST OF GIVENS ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-135: City of Chattanooga

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 3900 BLOCK OF MEMPHIS DRIVE, BEING OFF THE SOUTHEAST LINE OF MEMPHIS DRIVE SOUTHWEST OF ACCESS ROAD, FROM M-1 MANUFACTURING ZONE TO R-1 RESIDENTIAL ZONE passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-140: John K. McMenus & Tracy Spurlock

City Attorney Nelson stated there was an amendment during the intervening week that indicates entry to the driving range has to be within 150 feet of Hixson Pike.

Councilman Lively made the motion to accept the amendment to this ordinance; Councilwoman Rutherford seconded the motion; the motion carried.

On motion of Councilwoman Hurley, seconded by Councilman Pierce, 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 5500 BLOCK OF CLEAR CREEK ROAD BEING ON THE SOUTHEAST LINE OF CLEAR REEK ROAD SOUTHWEST OF HIXSON PIKE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilman Pierce, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-142: Ralph C. Goodlet

On motion of Councilman Lively, 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 1511 EAST 36TH STREET, BEING ON THE NORTHWEST LINE OF EAST 36TH STREET AT CALHOUN AVENUE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilman Lively, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE VIII, SECTION 107 (14) (a) BY ADDING SUBSECTION (a) 13, RELATIVE TO THE DEFINITION OF TEEN SOCIAL CLUB AND TO AMEND ARTICLE VIII, SECTION 107 (14) (c) RELATIVE TO ADULT-ORIENTED ESTABLISHMENTS passed second reading. On motion of Councilman Taylor, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-132: Pragna M. Modi & Hema R. Thacker

The applicant was present; opposition was in attendance.

Councilwoman Rutherford stated the applicant has a request to make; that there was opposition present last week and there is opposition tonight.

A representative for the applicant indicated their wish to withdraw the request.

Vice Chairman explained to those in opposition that by withdrawing the request the applicant will have to wait a period of nine months before coming back to the Council; that they will have to go through the entire process again.

REZONING (Cont'd.)

A person in opposition in the audience asked if those in the neighborhood will be notified if and when it comes back up. Councilwoman Rutherford responded "yes," that the whole procedure would be the same.

Councilman Pierce inquired as to the applicant's intent for the property. A representative for the applicant stated that the property is not suited for residential property; that they need to find something it can be used for and explore what that is. He stated they will probably come back with something but whether it will be R-2 or R-4 they do not know.

On motion of Councilman Eaves, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 2400 BLOCK OF 15TH AVENUE, BEING ON THE SOUTHEAST LINE OF 15TH AVENUE AT WESTSIDE DRIVE, FROM 4-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE **the applicants were allowed to withdraw their request.**

REZONING

1997-141: Clyde C. Bales

The applicant was present; there was no opposition.

Barry Bennett stated this property was on first reading last week and was held due to the applicant being out of the city.

Mr. Bales stated the property was his home for 25 years; that about three years ago the City sent him a letter stating they were going to purchase the property and at that time they built a home on it. He stated this property was zoned M-2 several years ago by the City; that he wants to change it to C-2 for the purpose of a business. He stated there are some residential homes in the neighborhood and businesses, also; that there are more businesses than residential. He stated when the property was rezoned ten years ago many of the residents moved out and the businesses started coming in.

Councilwoman Rutherford stated on the area zoned M-2 are there businesses functioning or vacant land.

REZONING (Cont'd.)

Mr. Bennett stated most of the area that is currently zoned is still developed residential; that some is vacant and some is commercial use. He stated this property was zoned M-2 in 1979 and at that time it was predominantly residential; that the City Commission did not consider commercial or support industrial use for any of that area. He stated there was a lot of communication between the various city departments, the airport and area residents at the time it was acquired and consolidated. He stated that was 18 years ago and nothing has happened; that the situation they are in now is when it was zoned M-2 the City Commission had authority to conditionally zone property; that we have a lot of M-2 that is zoned unconditionally; that he can put any M-2 on the property now.

Councilman Eaves stated that is what he wanted to know; that this is a downzoning.

Councilwoman Rutherford stated she knows this was deferred last week and believes this is in Chairman Swafford's district. Vice Chairman Crockett indicated Chairman Swafford has looked at this and does not have a problem.

On motion of Councilwoman Rutherford, 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 608 WATTS AVENUE, BEING ON THE
SOUTHEAST LINE OF WATTS AVENUE SOUTHWEST OF PINEHURST
AVENUE, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE

was tabled two weeks.

AMEND ORDINANCE NO. 10579

1997-063: Parkridge Hospital, Inc.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 10579, ENCAPTIONED
HEREINBELOW, SO AS TO SUBSTITUTE THE LEGAL PROPERTY
DESCRIPTION THEREIN
passed first reading.

AMEND CITY CODE

City Attorney Nelson stated earlier this afternoon the Mayor asked that this be tabled and has now withdrawn the request.

AMEND CITY CODE (Cont'd.)

Councilwoman Hurley asked if this matter has gone to any Committee. Vice Chairman Crockett stated the matter should be referred to the Legal and Legislative Committee.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTIONS 35-147, 35-151(b)(5), 35-156(1), 35-160(4), AND 35-161(a), RELATIVE TO AMENDMENTS TO THE WRECKING AND TOWING SERVICE ORDINANCE **was tabled to Committee.**

AMEND RESOLUTION NO. 21358

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AMENDING RESOLUTION NO. 21358, ENCAPTIONED HEREINBELOW, SO AS TO DELETE THE INSTALLATION OF A FIRE HYDRANT AT EAST 50TH STREET AND ROSSVILLE BOULEVARD was adopted.

INSTALLATION OF FIRE HYDRANT

Councilman Hakeem inquired as to where the hydrant is located regarding this Resolution. Chief Coppinger clarified that the hydrant will be on Hixson Pike; that a limited care facility is in the process of being built and a hydrant has to be located within 300 feet.

On motion of Councilman Lively, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT FOR PUBLIC FIRE PROTECTION AT A LOCATION MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING PAYMENT OF THE TARIFF THEREFOR was adopted.

SPECIAL POLICEMEN

On motion of Councilman Lively, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE APPOINTMENT OF KENNETH R. COOKSTON AND CHARLES W. WILLIAMS AS SPECIAL POLICEMEN FOR ERLANGER MEDICAL CENTER, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

DECLARE SURPLUS

Councilman Hakeem recognized the Pastor and members of the Avondale Congregation of Jehovah's Witness.

On motion of Councilman Hakeem, seconded by Councilman Taylor, A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED ON GLASS STREET, MORE PARTICULARLY SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, AS SURPLUS AND AUTHORIZING THE SALE OF SAID SURPLUS PROPERTY TO THE AVONDALE CONGREGATION OF JEHOVAH'S WITNESSES FOR A CONSIDERATION OF EIGHTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$18,500.00) was adopted.

AGREEMENT: TOWERS PERRIN

Councilman Hakeem stated this matter comes with a recommendation for approval from the Budget and Finance Committee; that it involves an actuarial matter we are doing in regard to our retirees.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TOWERS PERRIN, RELATIVE TO THE MANAGEMENT OF EMPLOYEE MEDICAL COSTS, FOR AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND DOLLARS (\$18,000.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM WILLIAM LEE SMITH AND CHERYL JUNE SMITH, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 8, FOR A CONSIDERATION OF TWO THOUSAND, THREE HUNDRED SEVENTY-FIVE DOLLARS (\$2,375.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY PURCHASE FROM ALAN D. SEIBERT AND SHELIA A. SEIBERT, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 6, FOR A CONSIDERATION OF TWO THOUSAND, TWENTY-FIVE DOLLARS (\$2,025.00) was adopted.

LOAN: SOUTHEAST TENNESSEE PRIVATE
INDUSTRY COUNCIL

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO LOAN TO THE SOUTHEAST TENNESSEE PRIVATE INDUSTRY COUNCIL AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND AND NO/100 DOLLARS (\$75,000.00) FROM THE GENERAL FUND, FOR THE PURPOSE OF RENOVATING OFFICE SPACE AT 535 CHESTNUT STREET was adopted.

OVERTIME

Overtime for the week ending July 11, 1997 totaled \$24,645.31.

PERSONNEL

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

CLARENCE L. MYREE -- Promotion, Laborer III, Parks Division, Pay Grade 5/Step 6, \$18,675.00 annually, effective July 9, 1997.

ADRIAN MITCHELL LEFFEW -- New Hire, Laborer II, Parks Division, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 7, 1997.

CLAUDE WESTMORELAND -- Resignation, Golf Course Ranger, effective July 12, 1997.

PERSONNEL

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

ANDREW L. MOORE -- Release from Duty, Laborer III, City-wide Services, effective July 1, 1997.

GREGORY KING -- Dismissal, Laborer II, City-wide Services, effective June 25, 1997.

Councilwoman Rutherford inquired as to the difference from "release of duty" and "dismissal." Admin. Marcellis explained that the "release from duty" on tonight's personnel report involves a gentleman who is too ill to work; that we have gone through personal leave and extra leave and have exhausted all the possibilities we can extend him; that his doctor would not release him to do the work. He stated Personnel could not find another job within City government for this person to do.

PERSONNEL

The following personnel matters were reported for the Fire Department:

ROY KINCER -- Promotion, Resource Manager, Pay Grade 15/Step 9, \$40,681.00 annually, effective July 18, 1997.

CAROLYN TOWNSON -- Promotion, Budget Officer, Pay Grade 11/Step 4, \$25,889.00 annually, effective July 18, 1997.

PAT AKINS -- Promotion, Clerk VI, Pay Grade 8/Step 12, \$26,648.00 annually, effective July 18, 1997.

VERONICA WALKER -- Re-Employment, Secretary, Pay Grade 6/Step 1, \$17,201.00 annually, effective July 18, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

ERIC L. TUCKER -- Resignation, Sergeant, effective July 24, 1997.

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Eaves, the following purchases were approved for purchase by the Police Department:

VIOLET CAMERA SHOP (Second low bidder)
P.O. A-1147455

Cancellation of Contract with A & A Photographic Supplies approved by Council on April 1, 1997.

Award Contract to Violet for Photographic Supplies

SONITROL (Lower Bid)
Requisition No. 123789

Purchase of Closed Circuit Video Monitoring System

\$23,701.00

HOTEL PERMITS

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

CHATTANOOGA CLARION HOTEL -- 407 Chestnut Street

ADAMS HILBORNE -- 801 Vine Street

CHATTANOOGA MARRIOTT -- Two Carter Plaza

HAMPTON INN -- 2420 Williams Street

COMFORT INN -- 3109 Parker Lane

ECONO LODGE -- 3655 Cummings Highway

HOLIDAY INN -- 3800 Cummings Highway

RAMADA LIMITED -- 30 Birmingham Highway

FRICKS MOTEL -- 3535 Cummings Highway

HOTEL PERMITS (Cont'd.)

BEST WESTERN ROYAL INN -- 3644 Cummings Highway
DAYS INN TIFTONIA/LOOKOUT MOTELS, INC. -- 3801 Cummings Highway
CHATTANOOGA SUPER 8 -- 20 Birmingham Road

BOARD APPOINTMENTS

HAMILTON COUNTY LIBRARY BOARD:

- Reappointment of **EMMA HUGHES** and **BILL ROBINSON** for a three year term.
- Appointment of **ERSKINE PEOPLES** to fill the unexpired term of Rev. Daniel Sansbury for a term of one year.

REFUND

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

UNITED NISSAN, INC. -- Account No. 521104, Amended return, filed on previous owners sales; \$20,245.00

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchase was approved for use by the Finance Department:

PROTECH SYSTEMS (Lowest complete bid)
Requisition No. 137279

Purchase of Six Months Requirements Contract for Desk Top Computers for All Offices, Departments and Divisions

(PRICE INFORMATION AVAILABLE AND FILED WITH MINUTE MATERIAL)

REQUESTS FOR HEARING

City Attorney Nelson reported that he has received two requests for personnel hearings and will bring them before the Council at next week's meeting.

COMMITTEES

Councilman Taylor reminded Council members of the **Health, Education, Human Services and Housing Committee scheduled for Tuesday, July 22 at 4 p.m.** to discuss codes and continue looking at the Housing Task Force's report.

Councilman Lively scheduled a meeting of the Legal and Legislative Committee for Tuesday, August 29 at 5 p.m. to discuss the amendment to the "Together We Can Scholarship" qualifications.

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

EXPRESSION OF THANKS

Councilman Lively expressed thanks to Mayor Kinsey and staff for coming into his District the previous night; that he (Mayor) should be commended as he met with individuals on a one-on-one-type situation. He stated from the comments he has heard it was a very positive meeting; that all Council members should look forward to the "Mayor's Night Out" when it is time for it to be held in their Districts.

EXPRESSION OF THANKS TO BRIAN HICKS

Councilman Pierce expressed thanks to Brian Hicks of the Chattanooga Times for the article written in last Saturday's edition regarding the idea of incorporation of Middle Valley; that it was a very well written article.

DR. GRACE HEWELL

Dr. Grace Hewell stated it is her pleasure to report on Resolution 21339 to invite the National Environmental Justice Advisory Council to Chattanooga. She stated we were not able to invite them for the May 12-16 meeting but still has an opportunity to extend the invitation; that she believes the Council still has a commitment to equity and save our neighborhoods for all residents of Chattanooga.

CHARLES CLAY

Charles Clay stated he is the owner of Alton Park Recyclable Products that started back in 1995; that he has been in business for fifteen-to-seventeen years in the pallet business. He stated he bought the property for this business in 1995 at an action and the property allows this type of operation to be done there and wanted to incorporate the recycling business with the pallet business. He stated he had screened his pallet business from the neighbors' view and was going to put up a fence; that before he was able to do that he began to receive a lot of "static" from Better Housing. He stated Councilman Taylor has intervened on his behalf twice and was able to get thirty day extensions because he was attempting to move the business across the street and clear off the lot so that it would not be an eyesore. He stated inspectors came out and took pictures and did not have time to talk to him; that at 5 p.m. they came out and took him to jail or court; that he does not know what to do. He stated he has people who are interested in building a building on the property and fencing it in and has a letter to confirm that; that within two to three weeks the plastic products will be gone.

Vice Chairman Crockett expressed appreciation to Mr. Clay; that apparently the Councilman from his district has intervened on his (Clay) behalf several times. He asked if Mr. Clay has been to the Better Housing Board.

Councilman Pierce indicated the Better Housing Commission will meet on tomorrow (Wednesday) at 2 p.m.

Vice Chairman Crockett stated the Better Housing Commission is the more appropriate body to this case before them.

Moses Freeman verified that the Better Housing Commission will meet at 1:30 p.m.; that Mr. Clay has a court date on Thursday at 2:30 p.m. He stated in regard to the citation issued to Mr. Clay, Better Housing is trying to work with him; that they have gotten a "ton of complaints" from the neighbors and indicated he could not discuss the matter any further.

Councilman Taylor stated Mr. Clay's court date deadline is the 18th; that the plastics on the property are about half gone; that there has been utility construction out there and he could not get to it.

ADJOURNMENT

Vice Chairman Crockett adjourned the meeting until Tuesday, July 22, 1997 at 6 p.m.

Shirley Crowner
CLERK OF COUNCIL

Ra Smith
CHAIRMAN

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