

Municipal Building  
Chattanooga, Tennessee  
August 12, 1997

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

INVOCATION

Mr. J.B. Collins delivered the invocation for the evening.

MINUTE APPROVAL

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

CLOSE AND ABANDON

1997-104: The University of Tennessee at Chattanooga

On motion of Councilwoman Hurley, seconded by Councilman Pierce, AN ORDINANCE CLOSING AND ABANDONING BALDWIN STREET LOCATED NORTHEAST FROM RIVERFRONT PARKWAY, NORTHEAST OF DOUGLAS STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilman Lively, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-106: Southern Properties Group

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM EAST 18TH STREET, BETWEEN LYERLY STREET AND WATKINS STREET, MORE PARTICULARLY DESCRIBED HEREIN passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-120: Carl E. Anderson, Peggy A. Smith and Ann A. Simpson

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE CLOSING AND ABANDONING UNNAMED STREETS LOCATED NORTHEAST FROM NORTH RUNYAN DRIVE, SOUTHEAST OF RUNYAN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilwoman Hurley, AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, SECTION 24-242(3), RELATIVE TO SPEED LIMITS IN RESIDENTIAL AREA passed second reading. On motion of Councilman Pierce, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-146: Tracy Cooke

Pursuant to notice of public hearing the request of Tracy Cooke to rezone a tract of land located in the 2300 block of Hickory Valley Road came on to be heard.

The applicant was not present; there was no opposition.

Councilman Eaves asked that the applicant be present next week for the second and third reading of this ordinance to make sure they are in agreement with the conditions.

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 2300 BLOCK OF HICKORY VALLEY ROAD, AND AT 6752 WILLOW BROOK DRIVE, BEING ON THE NORTHWEST LINE OF HICKORY VALLEY ROAD AND THE SOUTHEAST LINE OF WILLOW BROOK DRIVE SOUTHWEST OF WILLOW TRACE DRIVE, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1997-154: Samuel W. Brown

Pursuant to notice of public hearing the request of Samuel W. Brown to rezone a tract of land located in the 700 block of Gadd Road came on to be heard.

The applicant was present; there was no opposition.

Barry Bennett stated this request is for rezoning to R-2 for duplex development on a site that is 3-1/3 acres; that the surrounding zoning includes R-1 and R-2; that there is a pocket of single family residential that extends between the R-2 to the west and back to the right; and across the street from this site is entirely single family residential. He stated from this is the remaining pocket of low density development located between two of the acres; that Tessie Lane is primarily duplex development and to the west is a small section of strip developed. He stated both the Staff and Planning Commission recommended against the change primarily to maintain the low density residential integrity of the single family development and there was no opposition at the Planning hearing.

Samuel Brown, of 720 Gadd Road, stated he purchased 1.2 acres in 1968 and built a four bedroom home where his family grew up; that the duplexes started being built east of the property line in the early seventies. He stated he purchased an additional 3.4 acres for privacy and townhouses started being built; that there are now eleven townhouses and 20 duplexes in the area. He stated Winding Lane returns north of Gadd Road in front of his property; that there are three apartment buildings and five duplexes on Winding Lane and small single family dwellings. He stated he listed the property with a Realtor in June who suggested he try to get the 3.4 acres rezoned so that the purchaser could use it for a privacy barrier or build three duplexes along Gadd Road as it is not feasible to build on the remaining acres due to the elevation. He stated the request was denied at the Planning hearing because of two factors: the rezoning would impact single family dwellings and would involve adding congestion on Gadd Road. He stated the single family residences were impacted in the early 1970's and some property in the area was rezoned from R-1 to R-3 last year; that all of the traffic dumps onto Gadd Road, and he understands there are plans to widen Gadd Road. He stated he does not understand how his request could have much of any impact on any of the two reasons for denial from Planning.

REZONING (Cont'd.)

Councilman Lively expressed sympathy for Mr. Brown's situation; that he knows he is surrounded by duplexes. He stated whoever did that back before the Council came into being did not do the community a favor. He stated he really does not think the we are doing the community a favor because one wrong has been done (it) does not mean the Council will continue to do it.

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 IN THE 700 BLOCK OF GADD ROAD, BEING ON THE SOUTHWEST LINE OF GADD ROAD NORTHWEST OF TESSIE LANE, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE **was denied.**

REZONING

1997-159: Parks Properties, LLC

Pursuant to notice of public hearing the request of Parks Properties, LLC to rezone a tract of land located at 601 East 16th Street came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Bennett stated the request is for M-2 for a contractor's storage lot including trailers, scaffolds and other equipment; that the site area is 1.3 acres. He stated the surrounding zoning includes R-2 and some M-1 and C-2; that the land use in the area is predominantly commercial, with single family residential to the west on Jefferson; that on the south on East 16th Street is commercial/industrial development. He stated the reason for the Staff's recommendation to deny the M-2 is that it would permit open storage of trailers and equipment which is objectionable under the current M-3 zone. He stated the Southside Plan shows this area as eventually becoming residential development; that the Planning Board did recommend approval subject to conditions.

Larry Parks, President of Parks Properties, LLC, stated his office is diagonally across Main Street; that in addition to the property he is asking for, the company recently bought all of the property including the corner lot and need the land for storage. He expressed agreement with the Planning Commission with regard to the landscaping buffer and will work with anyone on exactly what that means.

REZONING (Cont'd.)

Chairman Swafford inquired as to the conditions regarding storage. Mr. Bennett stated the Planning Commission recommended the property be used for outdoor storage only with a screen all around the property to preclude having a building built on the back side of the lot.

Councilman Lively stated he could not imagine the property ever becoming residential again. He asked the applicant if he was agreeable to the conditions. Mr. Parks responded "yes;" that they have done the same thing (screening) along the property on Main Street.

At this point, Councilmen Lively and Eaves made the initial motion to approve this request on first reading.

Councilman Pierce stated he would like to support the motion, but this area is part of the Southside Plan; that the Plan was just passed by the Council a few weeks ago. He stated the zoning there now is more restrictive than the one being requested; that it will be in direct conflict to the Southside Plan to make this type of zoning. He stated he cannot support this; that it is part of his District, but he cannot support it; that we need to protect what we have. He stated the Southside Plan has housing as part of the Plan to bring more people back to downtown; that if we continue to use up land for industrial and manufacturing (use) we will never get our population back. He reiterated that he would not support this.

Chairman Swafford asked if Planning is recommending screening on all three sides. Mr. Bennett stated it is being recommended for all of the street sides except the side abutting the rear of the Main Street development. He stated the reason for the specific recommendation is that M-2 and M-3 zones have screening requirements built in, not only for property abutting residential zones but those that are in Streetscape.

Mr. Parks stated the way the site plan was drawn shows trees on the backside; that they do not have any problem with that. He stated they do not mind going down to the end or across with trees; that they will work with anybody on the definition of the landscape buffer.

Admin. Traughber stated as a member of CNE he is not sure but thinks there is something on the immediate "drawing board" regarding this area; that he would like to have time to review this and get back with the Council. Mr. Parks stated he understood it (plan) was for ten years.

REZONING (Cont'd.)

Admin. Traughber stated there has been some discussion about funding from the THDA Board that will take place immediately. He asked that the matter be tabled one week to give him opportunity to adequately check into it.

Councilwoman Hurley stated that was going to be her question; that she shares Councilman Pierce's view. She stated planning will have to be negotiated with the property owner; that she would like to see the type of screening similar to what was done at GPS. She stated the plan will have to be negotiated on a case-by-case basis for compatibility; that she would like to see it said in the plan we have seen for the Southside.

Admin. Traughber stated his reason for making the request to table the matter is only to check on the property that is scheduled; that he would like to check and report back to the Council.

Councilwoman Hurley stated she would like to see the map that has that provision and this project; that we are talking about the same thing in a sense, but also talking about the timing either within the next two years or not.

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 AT 601 EAST 16TH STREET, BEING ON THE NORTHEAST LINE OF EAST 16TH STREET AT JEFFERSON STREET AND MADISON STREET, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

**was tabled one week.**

REZONING

1997-161: The Pryor Bacon Company

Pursuant to notice of public hearing, the request of The Pryor Bacon Company to rezone tracts of land located at 7431, 7443, and 7455 Commons Boulevard came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Mr. Bennett stated this property is located in the Hamilton Place area; that the large section of O-1 shown on the map is part of the original tract Pryor had zoned at one time. He stated this is an extension of the C-2 extending back to the point east of Gunbarrel Road. He stated both the Staff and Planning Commission recommend approval of this with no conditions.

Councilman Eaves inquired as to whether there is any plan for an entrance to the property off Shallowford.

Russ Elliott with Pryor Bacon stated there is a large R-1 section behind this property that goes up to Shallowford; that there is no plan for an entrance off this property onto Shallowford.

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 7431, 7443, AND 7455 COMMONS BOULEVARD, BEING ON THE NORTHEAST LINE OF COMMONS BOULEVARD SOUTHEAST OF GUNBARREL ROAD, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE  
passed first reading.

REZONING

1997-162: Hareesh D. & Sumitra A. Patel

Pursuant to notice of public hearing the request of Hareesh D. & Sumitra A. Patel to rezone a tract of land located at 6923 Tyner Road came on to be heard.

A representative for the applicants was present; opposition was in attendance.

Mr. Bennett stated this request is for rezoning to R-T/Z for townhouse development on 15 acres. He stated the surrounding zoning includes R-1, with an abutting R-T-Z that was approved the latter part of last year. He stated the surrounding land use is predominantly single family residential northwest of the site; that to the east is vacant property, lots of single family residential and a multi-family apartment house. He displayed a drawing of the site plan for the project and stated the Staff and Planning Commission recommend approval subject to conditions, as well as review and approval of the site plan by the Council.

REZONING (Cont'd.)

Edwin Stephens represented the Patels and stated the homes will be in the range of \$120,000 - \$125,000.

Rose Ingle, a resident of Tyner that lives very close to the property, spoke in opposition to the request. She stated this property is very close to the (Tyner) junior and senior high schools and the elementary school is farther down the street. She stated her residence is on the far side near the school. She made reference to a former farm area that was converted into apartments some years ago that is near the site; that 59 houses were placed on a seven acre tract close to the property a few months ago, as well as this tract with 112 more houses coming in. She stated when school begins the school buses and school traffic people on her street have to time their leaving home so that they can get in and out. She stated she is not opposed to progress; that since the schools are now a part of the County the children no longer have bus service if they live within 1-3/4 miles of the school; that Tyner Road does not have sidewalks and the children will be walking in the street who live 1-3/4 mile of the school. She stated all the townhouses that are there have two vehicles to every one which is approximately 175 coming in-and-out. She stated she is sure when plans were made we were a City School System with bus service, but now many of the kids will have to walk. She asked if the matter could be tabled until the Department of Engineering and Public Works have time to come out and look over the situation prior to school beginning; that her main thrust is for the safety of the children because they will now have to walk rather than have bus service.

Kurt Johnson, of 7201 Tyner Road, stated he has lived at this address all his life; that Tyner is a retirement community. He stated he and others in the community opposed the rezoning on the tract around the farm house to no avail and the people who live in the area that went to the Planning Commission hearing about this rezoning could not come tonight. He stated one of the things occurring on the tract is that they will have to fill-in the whole area; that this was his grandfather's farm that was sold in the seventies and then sold to someone else. He stated there is a big spring and creek; that the whole area is very low and will probably have to be completely filled-in. He stated he is also concerned about the traffic on Tyner Road with the schools being nearby.

Chairman Swafford asked if there will be 112 houses or units. Mr. Bennett responded it will be 112 houses.



REZONING (Cont'd.)

Councilman Eaves stated he does not oppose R-T/Z zoning in that area; one reason being is that he did not want it to be a zone for "R-1 junkers" as that is what has happened to others. He stated he has not opposed R-T/Z for that reason as we have a certain amount of demands we can make on buildings to keep from having "junkers." He stated Mrs. Ingle is right; that he wants to talk with Admin. Marcellis and Mayor Kinsey because on one side or the other we will have to have some type of shoulder on Tyner Road as there will be several hundreds of children walking. He stated that is a narrow road and there is barely enough room for two cars; that we will have to have some way to handle the children walking now that the County has imposed the 1-3/4 mile rule. He stated we will have to have some type of shoulder for the children to walk on because in some places there is no shoulder. He asked that the matter be deferred one week so that he, Admin. Marcellis and the Mayor can get together to discuss the matter.

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6923 TYNER ROAD, BEING ON THE NORTHEAST LINE OF TYNER ROAD NORTHWEST OF TY-HI DRIVE, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS  
**was tabled one week.**

SPECIAL EXCEPTIONS PERMIT

1997-160: City of Chattanooga

There was no one present in opposition to this request.

Chairman Swafford stated there are two or three zoning signs in the area on Webb Road and asked if this request represents one of them.

Mr. Bennett stated there is a zoning case pending on Highway 58 which is still on hold; that this is the only other case he is aware of in this area.

REZONING (Cont'd.)

On motion of Councilman Lively, seconded by Councilman Taylor, A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A PRELIMINARY RESIDENTIAL PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED IN THE 4300 BLOCK OF WEBB ROAD, BEING ON THE WEST LINE OF WEBB ROAD SOUTHWEST OF CHAMPION ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO, AND MADE A PART HEREOF BY REFERENCE

was adopted.

ADOPTION OF HIGHWAY 153 ZONING POLICY

Councilman Lively stated the Planning Commission made a presentation before Committee regarding this request today; that it comes to the full Council with a recommendation for approval.

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION ADOPTING A ZONING POLICY FOR THE HIGHWAY 153 DEVELOPMENT CORRIDOR

was adopted.

DECLARE SURPLUS

Admin. Traughber stated this property was back tax property; that a year ago the City and County declared that the Chattanooga Housing Authority could receive the property. He stated the Housing Authority engaged a consultant and desires to have the property for future expansion; that the property is to be deeded for the purpose of enlarging the playground and utility construction.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED WEST OF GREENWOOD ROAD, MORE PARTICULARLY SHOWN ON THE MAP ATTACHED HERETO, AS SURPLUS AND AUTHORIZING THE TRANSFER OF SAID SURPLUS PROPERTY TO THE CHATTANOOGA HOUSING AUTHORITY

was adopted.

TENNESSEE RIVER DESIGNATION

Councilwoman Hurley stated this matter was discussed in Parks and Recreation Committee last week and comes with a recommendation for approval.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, A RESOLUTION ENDORSING THE NOMINATION OF THE TENNESSEE RIVER FOR DESIGNATION AS AN AMERICAN HERITAGE RIVER was adopted.

INTERLOCAL AGREEMENT

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY RELATIVE TO THE USE OF THE OLD CITICO CREEK PUMP STATION AS A MAINTENANCE FACILITY/RANGER STATION FOR THE RIVERWALK was adopted.

PERSONAL SERVICES AGREEMENT: INDU THAKER

On motion of Councilman Taylor, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING THE EXECUTION OF A PERSONAL SERVICE AGREEMENT WITH INDU THAKER, RELATIVE TO INSPECTIONS ON THE HOWARD HIGH SCHOOL REMEDIATION PROJECT, FOR AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) was adopted.

CONTRACT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES CONTRACT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE PHASE I CAP - STAGE A AT SUMMIT LANDFILL, FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-EIGHT THOUSAND, TWO HUNDRED FORTY-FIVE DOLLARS (\$338,245.00) was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) MOCCASIN BEND OUTFALL IMPROVEMENT, WITH RIVERBEND CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TEN THOUSAND, TWO HUNDRED NINETY-FIVE DOLLARS (\$10,295.00) FOR A REVISED CONTRACT AMOUNT OF TWO HUNDRED FIFTY-EIGHT THOUSAND, SIX DOLLARS (\$258,006.00) was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR ENGINEERING SERVICES RELATIVE TO THE DESIGN AND CONSTRUCTION OF AN INTERCEPTOR SEWER FROM MABEL STREET TO THE CITICO PUMPING STATION FOR AN AMOUNT NOT TO EXCEED EIGHTY-ONE THOUSAND, ONE HUNDRED DOLLARS (\$81,100.00) was adopted.

CHANGE ORDER

On motion of Councilwoman Hurley, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), CONTRACT NO. SS-1-96, FRAZIER AVENUE STREETScape, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHT THOUSAND, TWO HUNDRED EIGHTEEN AND 84/100 DOLLARS (\$8,218.84), FOR A REVISED CONTRACT AMOUNT OF NINETY-FIVE THOUSAND, FIVE HUNDRED SIXTY-TWO AND 79/100 DOLLARS (\$95,562.79) was adopted.

PURCHASE OF TWO LOTS

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) LOTS (TAX NOS. 149H-H-024 AND -025) ON PRESTON CIRCLE AT GUNBARREL ROAD FROM SUMITRA PATEL, RELATIVE TO CONTRACT NO. RW-7-96, GUNBARREL ROAD REHABILITATION NORTH OF SHALLOWFORD ROAD, FOR A CONSIDERATION OF SIXTY-NINE THOUSAND DOLLARS (\$69,000.00) was adopted.

(COUNCILMAN EAVES EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)

SEWER EASEMENT

On motion of Councilwoman Hurley, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM WILLIAM C. HAISTEN, JR. AND DEBORAH K. HAISTEN, RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NO. 109E, FOR A CONSIDERATION OF ONE THOUSAND, THREE HUNDRED DOLLARS (\$1,300.00) was adopted.

OVERTIME

Overtime for the week ending August 8, 1997 totaled \$64,001.39.

PERSONNEL

The following personnel matter was reported for the General Services Department:

CHARLIE M. GARRETT -- Promotion, Executive Secretary, Pay Grade 10/Step 4, \$24,195.00 annually, effective August 1, 1997.

PERSONNEL

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

FRED BROWN -- Suspension (three days without pay), Truck Driver III, City-wide Services, effective August 11 - 13, 1997.

RONALD E. THOMPSON, JR. -- Probationary period extension, Laborer II, City-wide services, effective August 1 through October 31, 1997.

RICHARD HAMMONDS -- Dismissal, Laborer II, City-wide Services, effective July 31, 1997.

ANTHONY L. CUNNINGHAM -- Employment, Laborer III, Waste Resources, Pay Grade 5/Step 1, \$16,151.00 annually, effective August 18, 1997.

BOBBY G. CRUTCHER -- Promotion, Laborer II, City-wide Services, Pay Grade 4/Step 2, \$15,640.00 annually, effective August 13, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

JON MARC PETERSEN -- Resignation, Patrol Officer, effective August 5, 1997.

CRAIG M. WRIGHT -- Resignation, Patrol Officer, effective August 14, 1997.

HOTEL PERMITS

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

QUALITY INN, 2000 East 23rd Street, Chattanooga, TN

SCOTTISH INNS/LOOKOUT MTN., 3210 S. Broad Street, Chattanooga, TN

KNIGHTS INN, 103 Patten Chapel Road, Chattanooga, TN

REFUND

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

ARMSTRONG TRANSFER & STORAGE CO. INC., Bill No. 64397, Double Assessed, \$6,423.23

PERSONNEL

The following personnel mater was reported for City Court:

CHERIL L. WILSON -- Return from leave, Court Clerk I, Pay Grade 5/Step 2, \$16,656.00 annually, effective August 4, 1997.

BOARD APPOINTMENTS

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

**BOARD OF APPEALS FOR VARIANCES & SPECIAL PERMITS:**

---Appointment of MRS. TERESA PLACE for a term ending August 1, 2000.

**HUMAN RIGHTS & HUMAN RELATIONS BOARD:**

---Appointment of MR. KYRON KILPATRICK for a term ending August 15, 2000.

RESOLUTION OF SUPPORT: BILL LEVI

Councilwoman Hurley stated it has come to her attention that Bill Levi, who served on the Board of Variances and Appeals, died within the last month; that she was out of the City when it occurred. She asked if the City Attorney could draft a Resolution of Support recognizing Mr. Levi's service to the Board and have the Resolution sent to his wife.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the City Attorney was requested to draft a Resolution of Support recognizing Mr. Levi's service; the motion passed.

HEARING RESULTS: STEVE KUIVENHOVEN

Councilman Lively stated a hearing was held last night at the request of Steve Kiuvenhoven. He stated Mr. Kiuvenhoven did not show up for the hearing, however, the Committee did hear from the City and voted to uphold the Department's ruling of termination.

HEARING: HAROLD HARMON

Councilman Hakeem inquired as to whether a request for delay for next week's hearing (Harold Harmon) has been received. City Attorney Nelson responded "no" he has not heard anything, nor did he hear anything last week.

PETITION NO. 1996-202: STEWARD  
MANUFACTURING

Councilman Taylor announced that Steward Manufacturing has requested that the closure and abandonment involving a short portion of Jerome Avenue be tabled for an additional three months to further develop their expansion plans. He indicated Steward would be responsible for notifying the neighborhood association regarding this matter.

On motion of Councilman Taylor, seconded by Councilman Lively, the matter was tabled an additional three months (November 18, 1997).

COMMITTEES

Councilman Hakeem stated an informational meeting of the Budget and Finance Committee was held earlier today to discuss items that will appear on the agenda within the next two weeks or so. He stated the Committee heard a report from the General Services Department regarding monies that we will be appropriating; in addition, we will have some items coming from the Finance Department regarding our certified tax rate. He indicated another Committee meeting will have to be held to set the rate; that we will have an item on next week's agenda regarding an amendment to the Operating Budget.

Councilman Lively stated a **joint meeting of the Legal and Legislative/Education/and Finance Committees will be held next week at 5 p.m.** to discuss an amendment to the qualifications for the "Together We Can Scholarship" recipients, as well as continuation of the discussion regarding an amendment to the Towing/Wrecker Ordinance.

HEARING: TERRY YATES

Councilman Pierce stated Councilwoman Rutherford was asked to recuse herself from serving on the Yates hearing panel, however she did not agree to do so. He asked if he has the right to have the City Attorney subpoenaed to testify in that case.

City Attorney Nelson stated a subpoena would be unnecessary (in this instance), but "yes" a subpoena would need to be issued.

Councilman Pierce stated he would like for the City Attorney to be present at the hearing.



CHARLES SHROPSHIRE

Charles Shropshire stated he had come before he Council sometime ago regarding water collecting in front of his home; that he was present to thank the Council, Public Works Department and Admin. Marcellis because (he believes) the matter has been corrected. He stated a "big construction company" came out and "called themselves" doing work and did not do it right; that Admin. Marcellis sent three of his employees, and they did the work for little or nothing; that someone is "throwing away some money."

Councilman Taylor expressed thanks to Admin. Marcellis for taking care of the problem.

Mr. Shropshire then asked if his street could be resurfaced!

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, August 19, 1997 at 6 p.m.

  
CLERK OF COUNCIL

  
CHAIRMAN

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