

Municipal Building
Chattanooga, Tennessee
November 18, 1997

The meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Crockett, Eaves, Hakeem, Hurley, Lively, Pierce, Rutherford and Taylor present. Assistant City Attorney Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

INVOCATION

Invocation was given by Councilman Crockett.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: JUDITH
SCHORR

Councilman Hakeem stated a couple weeks ago a citizen was recognized within the community who has made great contributions to our City who has a loving personality that radiates throughout the City; that she is a person of faith and "lives" her faith. He stated he wanted to take this opportunity to share with the Council and the citizens of Chattanooga that Judith Schorr received the "Citizen of the Year" award from Scenic Cities Beautiful so that she can be recognized once again. He also recognized the presence of Mrs. Schorr's mother, Marlene Brown.

Mrs. Schorr stated this is really an honor and expressed thanks to the City, City Council and Scenic Cities Beautiful. She stated she and others in her community have a lot of fun in what they do and wants the City to be proud of them. She again expressed thanks.

REZONING

1997-197: Glasscock Developments

On motion of Councilman Lively, 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 AT 1010 NORTH RUNYAN DRIVE, BEING ON
THE SOUTHWEST LINE OF NORTH RUNYAN DRIVE SOUTHEAST OF
RUNYAN DRIVE, FROM R-4 SPECIAL ZONE TO R-T1 RESIDENTIAL
TOWNHOUSE 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.

REZONING

1997-207: Harco Hospitality

On motion of Councilman Pierce, 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 2345 SHALLOWFORD VILLAGE DRIVE,
BEING ON THE NORTHWEST LINE OF SHALLOWFORD VILLAGE
DRIVE SOUTHWEST OF MCCUTCHEON ROAD FROM C-4 PLANNED
COMMERCE CENTER ZONE TO C-1 HIGHWAY COMMERCIAL ZONE

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

REZONING

1997-219: P. Barry Robinson

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 114 WEST MAIN STREET SOUTHEAST OF
WILLIAMS STREET, BEING ON THE SOUTHWEST LINE OF WEST
MAIN STREET SOUTHEAST OF WILLIAMS STREET, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE,
SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-221: Betty J. Thompson

Mr. Bennett stated the applicant is concerned about one of the conditions for this ordinance regarding the requirements for screening along the front of the property that abuts the Chattanooga Housing Authority's (CHA) property. He stated the applicant received a letter from Mark Rudisill (of CHA) which indicated the Housing Authority made a commitment twenty years ago to maintain the tree buffer between theirs and the residential property. He stated CHA feels it is not necessary for the applicant to have to put any additional landscaping in as they intend to maintain it themselves. He asked if this condition can be removed from the ordinance on the north end of the property.

Councilman Pierce made the motion to amend the ordinance; Councilwoman Hurley seconded the motion; the motion passed.

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 3951 CROMWELL ROAD, BEING ON THE
NORTHWEST LINE OF CROMWELL ROAD NORTHEAST OF CAINE
LANE, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE,
SUBJECT TO CERTAIN CONDITIONS

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

AMEND ZONING ORDINANCE RELATIVE TO
SPECIAL EXCEPTIONS PERMIT FOR PUD

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 AMEND ARTICLE
V, SECTION 1213, SUBSECTION (6) AND TO AMEND ARTICLE V,
SECTION 1312, SUBSECTION (6), RELATIVE TO THE
REQUIREMENTS FOR A SPECIAL EXCEPTIONS PERMIT FOR
PLANNED UNIT DEVELOPMENTS

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

AMEND ZONING ORDINANCE RELATIVE TO
TIME PERIOD FOR UTILIZING
PERMITS/VARIANCES

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE
VIII, SECTION 108(2), RELATIVE TO THE TIME PERIOD FOR
UTILIZING THE PERMITS OR VARIANCES ISSUED BY THE BOARD
OF ZONING APPEALS

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

AMEND ZONING ORDINANCE RELATIVE TO
OPEN SPACE SUBDIVISION DESIGN
OPTIONS AND LOT SETBACK EXCEPTIONS

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 ARTICLE
V, BY ADDING NEW SECTIONS 109, 110, 111, 112, 113, 114
AND 115, RELATIVE TO OPEN SPACE SUBDIVISION DESIGN
OPTION, AND TO AMEND ARTICLE VI, SECTION 108, RELATIVE
TO LOT SETBACK EXCEPTIONS

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 CITY CODE:
FIREMEN/POLICEMEN'S INSURANCE AND
PENSION FUND

On motion of Councilwoman Hurley, seconded by Councilwoman
Rutherford,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 16, SO AS TO PROVIDE AN INCREASE IN BENEFITS
UNDER THE FIREMEN'S AND POLICEMEN'S INSURANCE AND
PENSION FUND

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.

AGREEMENT: CSX TRANSPORTATION,
INC.

On motion of Councilman Eaves, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH CSX TRANSPORTATION, INC. (AGREEMENT NO.
CSX-030208), RELATIVE TO INSTALLING A COMBINED SEWER
CASTING AND CARRIER PIPE AT STATION 7229+72, MILE POST
00J-136.67, CHATTANOOGA SUBDIVISION, FOR A
CONSIDERATION OF FIVE THOUSAND DOLLARS (\$5,000.00)

was adopted.

AGREEMENT: CSX TRANSPORTATION,
INC.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH CSX TRANSPORTATION, INC. (AGREEMENT NO.
CSX-029939), RELATIVE TO INSTALLING A COMBINED SEWER
CASTING AND CARRIER PIPE AT STATION 7276+02, MILE POST
00J-136.88, CHATTANOOGA SUBDIVISION, FOR A
CONSIDERATION OF SEVEN THOUSAND DOLLARS (\$7,000.00)

was adopted.

AGREEMENT: PIEDMONT OLSEN HENSLEY

On motion of Councilman Eaves, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM WILLIE R. HINES AND SIBLEY M. HINES,
RELATIVE TO CONTRACT NO. 99C, MISCELLANEOUS SANITARY
SEWERS REQUIREMENTS CONTRACT, TRACT NO. 3, FOR A
CONSIDERATION OF SIX HUNDRED DOLLARS (\$600.00)

was adopted.

GENERAL SLOPE EASEMENT PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman
Crockett,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM JOHN J. KING AND SANDRA BELK KING,
RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN
AVENUE, TRACT NO. 6, FOR A CONSIDERATION OF FIFTY
DOLLARS (\$50.00)

was adopted.

AUTHORIZATION OF PAYMENT: FAO,
ARMY ENGINEER DIVISION

Councilwoman Hurley stated this matter was discussed in Parks and Recreation Committee and comes with the Committee's recommendation for approval.

On motion of Councilwoman Hurley, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF ONE HUNDRED SEVENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$174,500.00) TO FAO, ARMY ENGINEER DIVISION, FOR THE CITY'S SHARE OF A BANK STABILIZATION PROJECT AT TENNESSEE RIVERPARK, PHASE I was adopted.

CHANGE ORDER

Councilwoman Hurley requested that this matter be held one week for discussion in Parks and Recreation Committee.

On motion of Councilwoman Hurley, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH LOSE AND ASSOCIATES AND TWH ARCHITECTS, CONTRACT FOR ARCHITECTURAL AND DESIGN SERVICES FOR THE STADIUM OF 1000 DREAMS, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$92,500.00) FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00) was tabled one week.

DELEGATION OF AUTHORITY AND
AGREEMENT FOR PAYMENTS IN LIEU OF
AD VALOREM TAXES: SEARS ROEBUCK
AND CO. PROJECT

Councilman Crockett stated this and the following Resolution was discussed in the Economic Development Committee and comes with the Committee's recommendation for approval. He stated representatives of both companies were present at the Committee meeting and are present tonight.

On motion of Councilman Crockett, seconded by Councilwoman Hurley, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE SEARS ROEBUCK AND CO. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

DELEGATION OF AUTHORITY AND
AGREEMENT FOR PAYMENTS IN LIEU OF
AD VALOREM TAXES: JRB COMPANY INC.
PROJECT

On motion of Councilman Lively, seconded by Councilman Crockett,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE
JRB COMPANY, INC. PROJECT, TO DELEGATE CERTAIN
AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE
CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO
ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN
LIEU OF AD VALOREM TAXES
was adopted.

OVERTIME

Overtime for the week ending November 14, 1997 totaled \$11,265.53.

PERSONNEL

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

STEPHEN RHUDY -- New Hire, Custodian, Recreation Maintenance, Pay
Grade 1/Step 1, \$12,733.00 annually, effective December 3, 1997.

HARRIS E. TONEY -- Promotion, Safety Aide, Recreation Maintenance,
Pay Grade 3/Step 7, \$16,989.00 effective November 19, 1997.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Lively, the
following purchase was approved for use by the Parks and Recreation
Department:

TOWER CONSTRUCTION CO., INC.
Contract No. P0002117

Purchase of Change Order #1 for Facility and Site Improvements for
Three Recreation Centers

\$37,223.00 (Original Amount)
1,740.00 (Change Order #1)
\$38,963.00 (Total)

PURCHASES

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchases were approved for use by the General Services Department:

E. L. PATE TRUCKING CO., INC. (Lower and better bid)
Requisition No. R0005026

Purchase of Contract for Clean Up of St. Elmo Medal of Honor Museum

\$15,888.88

Councilwoman Hurley inquired as to whether this property has been turned over to the Museum. Admin. Traughber stated this is the last item that we needed to do; that this involves the clean-up of pigeon droppings which has to be treated as hazardous waste. He stated they need to get this cleaned up and it will then be turned over to the Museum; that discussions continue as to whether they will have the ability to launch a creditable funding campaign.

Councilwoman Hurley stated the Council has not passed an ordinance to do that, yet. Admin. Traughber stated one was passed to allow the Mayor to negotiate.

HART'S PARTS & EQUIPMENT (Lower and better bid)
Requisition No. R0003264

Purchase of Six Months Requirements Contract for Seals and Bearings

(Price information available and filed with minute material)

PERSONNEL

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

ANTHONY D. HUNTER -- Dismissal, Laborer II, City-wide Services, effective November 5, 1997.

PURCHASES

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

LANGDALE FOREST PRODUCTS
Contract No. A-1144982

Purchase of Extension of Contract To Supply Traffic Poles

(Price information available and filed with minute material)

CALGON (Lower and better bid)
Bid No. B0000046

Purchase of Contract for Emulsion Polymers

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Fire Department:

AARON MCREYNOLDS -- Retirement, Commander (35 year employee), effective November 20, 1997.

MARC A. ABERNATHY -- Resignation, Private, effective November 18, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

DARRYL BROWN -- Termination, Police Officer, effective November 12, 1997.

SHARON BLANKS -- Promotion, Dispatcher, Pay Grade 10/Step 5, \$25,010.00 annually, effective November 21, 1997.

BEVERLY C. JACKSON -- Promotion, Clerk III, Pay Grade 5/Step 2, \$16,656.00 annually, effective November 21, 1997.

PERSONNEL (Cont'd.)

JEAN C. RAY -- Promotion, Clerk III, Pay Grade 5/Step 2, \$16,656.00 annually, effective November 21, 1997.

Councilman Pierce inquired as to the number of Dispatchers, whether they are civilians and the number that are sworn officers.

Chief Dotson responded that there are only four sworn officers; that the supervisors on each shift are called the Officer in Charge and there is a Captain that is over the entire division. He stated if there is an officer who has been injured on duty that person will be temporarily assigned but not permanently (assigned).

REFUND

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refund for License and Gross Receipts:

EQUITY RESOURCES, INC. -- License No. 70512-1, License & bond not required, contractor is property owner, \$9,358.00.

OVERTIME FOR WEEK ENDING NOVEMBER
7, 1997

Admin. Boney stated the problem with the computer report for overtime ending November 7, 1997 has not been solved; that the report read tonight only reflected one week (week ending November 14). He stated the overtime for the week ending November 7 will be reported as soon as they can figure out how to solve the problem.

DAY AFTER CHRISTMAS

Admin. Boney stated in reference to the discussion last week as to whether the day after Christmas will be a day off for employees, he has been advised by the Mayor that we do not wish to ask for another holiday. He stated due to the City's liberal leave policy that day will be determined on a department-by-department basis.

STEWART MANUFACTURING STREET
ABANDONMENT

Councilman Taylor stated he received a letter from Steward requesting withdrawal of their petition for the abandonment of Jerome Avenue. He stated officials of the Company understand if they wish to apply again they will have to start the process all over.

On motion of Councilman Taylor, seconded by Councilman Pierce, Steward Manufacturing was allowed to withdraw their abandonment request; the motion carried.

COMMITTEES

Councilwoman Hurley scheduled a meeting of the Youth and Family Support Committee for Tuesday, December 2 at 4 p.m. to discuss the Families First program and Tuesday, December 16 at 4 p.m. for a report of the "First Things First" program.

Councilwoman Hurley stated a meeting of the Parks and Recreation Committee was held today and there is one other item that will be discussed on Tuesday, November 25 at 4:30 p.m.

Councilman Hakeem scheduled a joint meeting of the Budget and Finance/Legal and Legislative Committees for Tuesday, November 25 at 5 p.m. and stated the first part of the meeting will deal with the capital budget.

CAVALIER INQUIRY

Councilman Pierce inquired about the report regarding the status of the Cavalier Company and other real estate property previously requested. Admin. Traugher stated the Committee meeting regarding this matter had to be canceled; that they are not ready to come forward with an agreement. He stated he is still working with Mr. Guthrie to try to finalize the agreement.

NOTE OF THANKS!

Chairman Swafford expressed thanks to Ann Coulter and the staff of the Planning Commission for the presentation provided at a meeting in District 5 last evening in the Eastdale area.

WILCOX TUNNEL

Chairman Swafford stated he knows Admins. Traughber and Marcellis are working on the Wilcox Tunnel; that the Tunnel was mentioned at the community meeting in Eastdale last evening regarding lighting problems that continue there. He stated he knows they are working on the problem but residents of the area are concerned about safety in the Tunnel. Admin. Traughber confirmed he and Admin. Marcellis are working on the matter.

WILLIE E. RUSSELL

Willie Russell of 3030 Northway Lane stated his problem began with the Public Works Department in 1983; that he purchased a lot that is adjacent to his home and had the property fenced-in in 1986. He stated prior to fencing the property he inquired of Public Works as to whether it was okay to fence the property and was told it was "okay". He stated he was told the only time the fence might have to be moved is if the Department would need to lay sidewalks in the area. He stated since that time he has had numerous complaints from a neighbor who lives next door and the five foot drainage easement that runs between the two lots.

Mr. Russell stated he contacted Public Works three years ago about the problem in an effort to try to get them to alleviate the problem and was told his property was worthless. He stated moving the ditch 14 feet inside his property has eroded his property and the property his house is on and feels the city should make restitution and remove this ditch.

Chairman Swafford inquired as to whether Admin. Marcellis is aware of this situation. Admin. Marcellis stated he has no knowledge of this and would report back to the Council next week.

Chairman Swafford asked Mr. Russell to give Admin. Marcellis his home address and telephone number so that the matter can be checked into.

UTC GRADUATE STUDENTS

Chairman Swafford recognized the presence of UTC graduate students who were present to observe the meeting.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, November 25, 1997 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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