

Municipal Building
Chattanooga, Tennessee
March 10, 1998

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

INVOCATION

Invocation was given by Councilwoman Hurley.

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.

SPECIAL PRESENTATION: CHATTANOOGA
AREA VETERANS COUNCIL

Bob Lahiere, Chairman of the Chattanooga Area Veterans Council (CAVC), stated he and others with the Council are present to present the Council with a special plaque of appreciation for what the Council has done for their Council. He stated the City Council has been involved in several projects concerning veterans in this area; that the Armed Forces Day Parade was canceled a few years ago and the CAVC decided to continue it and could not have done it without the Council's help. He thanked the Council for their monetary and spiritual support with regard to the Armed Forces Pavilion and the amount of money and work involved; that this could not have been accomplished without the Council's help and assistance. He stated the CAVC is made up of 39 counties in a 75 mile radius and 12,000 - 15,000 members. At this point Mr. Lahiere read the inscription on the plaque and concluded his remarks by stating because of the Council's help Chattanooga is still known as a patriotic city and expressed appreciation for their support.

Chairman Swafford expressed appreciation to Mr. Lahiere and members of CAVC on behalf of the Council and stated the CAVC did a beautiful job with the ceremonies at the Pavilion and the community still enjoys the work they do with the Armed Forces Day Parade; that the plaque will be cherished.

SPECIAL RECOGNITION: MARSHALL
MEMORIAL FELLOWSHIP PROGRAM
PARTICIPANTS

Councilwoman Hurley welcomed participants of the 1998 class of the Marshall Memorial Fellowship Program and stated they have been in Chattanooga all day and will be here tomorrow; that Eleanor Cooper organized the group's visit. At this point she introduced each member of the group with each making brief remarks after introduction; each expressed how much they like Chattanooga and are enjoying their visit. Those in attendance included Karin, Knobelspies, media Policy Specialist from Bonn, Germany; Joanna Podolska, Journalist and Editor from Lodz, Poland, Antonio Troncoso Reigada, Professor of Constitutional Law from Madrid, Spain; Monique Younes, Reporter from Paris, France; and Thomas Zalesak, Project Coordinator from Bratislava, Slovakia.

Chairman Swafford thanked each of the Fellows for their presence and expressed hope that they continue to enjoy their visit.

AMEND CITY CODE: RETIREMENT AGE
FOR FIRE FIGHTERS

Councilwoman Rutherford made the motion to move Ordinances V(f) and VI(f) to the top of the agenda; Councilwoman Rutherford seconded the motion; the motion passed.

Councilwoman Rutherford and Eaves made the initial motion to approve the ordinance on second reading.

Prior to the motion on third reading Councilman Pierce stated he had a question regarding this Ordinance regarding the effective date; that he does not know whether Chief Coppinger will report on that.

Chief Coppinger stated at the time this was implemented it was felt four months was long enough; that if the Council feels this is not sufficient time it can be extended. He stated the Department has a lot of important issues going on and implementing this is what they want to do as they felt four months was enough. He stated if the Council wants to extend it six months . . .

Councilman Pierce stated he received a call regarding this; that in the beginning he took a compassionate position; that we are making a decision to force people out at age 65 which will affect three people who will be almost forced out within the next three-to-four months. He stated he feels it would be fair to extend that to next fiscal year, 1999, so they will have a chance to prepare for retirement.

AMEND CITY CODE: RETIREMENT AGE
FOR FIRE FIGHTERS (Cont'd.)

He asked that the Council consider this as he thought it had been worked out that administration would move the date up to next fiscal year.

Chief Coppinger repeated there are numerous things they are working on in the Department; that they would not have a problem in moving the date.

Councilman Pierce made the motion to move the date; Councilman Hakeem seconded the motion.

Councilwoman Hurley stated she happened to be in conversation with the Mayor about something else and it was her impression that moving the date gives no problem at all; that it affects three individuals who will only be given four months to make plans.

Councilwoman Hurley then made the motion to make the effective date July, 1999; Councilman Lively seconded the motion; the motion passed.

Chairman Swafford stated he will support this; that he hopes this is something that has been worked out as he does not want the message to be sent to administration that matters brought before the Council such as this would be stopped and adjusted; that this is a rare situation. He reiterated his support of this situation.

Councilwoman Hurley expressed support for Chairman Swafford's remarks and stated her support is not because we have been called but this is one of the adjustments administration was happy to make; that there are other important adjustments within the Fire Department that we will also act on.

City Attorney Nelson amended the Ordinance by adding the following: "Section 3: Be it further ordained that this ordinance shall be operative, as opposed to effective, as of July 1, 1999".

Councilman Pierce asked if there was anyone present representing the Fire Department who wished to speak at this time. (No one stood).

Councilwoman Hurley made the motion to accept the amendments to the ordinance; Councilman Lively seconded the motion.

AMEND CITY CODE: RETIREMENT AGE
FOR FIRE FIGHTERS (Cont'd.)

On motion of Councilman Lively, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 16, SO AS TO ADD A NEW SECTION 16-13, RELATIVE
TO RETIREMENT AGE FOR FIREFIGHTERS
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.

REZONING

1998-036: Alfred A. Scott

Pursuant to notice of public hearing the request of Alfred A. Scott
to rezone a tract of land located at 7304 Jarnigan Road came on to
be heard.

The applicant was present; there was no opposition.

Barry Bennett of Planning briefed the Council on this request by
stating the request is for C-2 for a beauty shop and hair salon;
that the surrounding zoning includes R-1, R-4 and C-2; that land use
is predominantly single family residential with a medical office in
the R-4 area across Jarnigan, and C-2 on Gunbarrel to the north. He
stated the Staff recommended against the zoning change because of
the existing commercial zoning as being the dividing line between
commercial, office and residential uses further west. He stated the
main concern was extending the zone too far down Jarnigan into the
residential area. He stated the Planning Commission Board
recommended approval of the commercial zoning subject to the growth
corridor development study and additional landscaping conditions for
the area abutting the residential property; that there was one
additional condition that the use be for a beauty shop and hair
salon only. He stated if the matter is approved they want the
conditions amended to also allow for office use for the property,
which is something permitted in the current R-4 zone.

Councilman Eaves stated this property is directly across the street
and on both sides, east and west, and zoned commercial and finds no
fault with it being used for office also. At this point, Councilman
Eaves made the motion to approve the request subject to conditions;
he indicated the applicant has accepted the conditions.

REZONING (Cont'd.)

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 7304 JARNIGAN ROAD, BEING ON THE SOUTHWEST LINE OF JARNIGAN ROAD NORTHWEST OF GUNBARREL ROAD, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND BUDGET ORDINANCE 10589

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 10589, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1998, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN ESTIMATED REVENUES; TO PROVIDE FOR CERTAIN CHANGES IN ESTIMATED REVENUE AND APPROPRIATION SET OUT IN SECTION 5; TO PROVIDE FOR CERTAIN CHANGES IN BUDGETS FOR SPECIAL FUNDS SET OUT IN SECTION 7; AND TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 8(c) passed second reading. On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE: ADOPT 1997
EDITION OF THE STANDARD GAS CODE
AND CERTAIN APPENDICES

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 19-1 AND 19-2, SO AS TO ADOPT THE 1997 EDITION OF THE STANDARD GAS CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL GAS CODE OF THE CITY OF CHATTANOOGA, TO AMEND SECTION 19-3 CONCERNING AMENDMENTS TO SAID CODE, TO AMEND SECTIONS 19-6(B) THROUGH 19-10 BY DELETING SAME IN THEIR ENTIRETY, TO AMEND SECTIONS 19-26 THROUGH 19-32 BY DELETING SAME IN THEIR ENTIRETY, AND TO AMEND SECTION 19-121(B), BY DELETING IT IN ITS ENTIRETY passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE: ADOPT 1997
EDITION OF STANDARD BUILDING CODE
AND CERTAIN APPENDICES

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 10-1 AND 10-2, SO AS TO ADOPT THE 1997B EDITION OF THE STANDARD BUILDING CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODE OF THE CITY OF CHATTANOOGA, TO AMEND SECTION 10-3 CONCERNING AMENDMENTS TO SAID CODE AND TO ADD A NEW SECTION 10-7 ADOPTING THE 1991 N.C. ACCESSIBILITY CODE WITH 1997 REVISIONS AS THE OFFICIAL HANDICAP AND ACCESSIBILITY CODE OF THE CITY OF CHATTANOOGA

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 CITY CODE: ADOPT 1997
EDITION OF THE STANDARD MECHANICAL
CODE AND CERTAIN APPENDICES

On motion of Councilwoman Hurley, seconded by Councilman Lively,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 22.5-1 THROUGH 22.5-3, SO AS TO ADOPT THE 1997 EDITION OF THE STANDARD MECHANICAL CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL MECHANICAL CODE OF THE CITY OF CHATTANOOGA, AND TO AMEND SECTION 22.5-3 CONCERNING AMENDMENTS TO SAID CODE

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

AMEND CITY CODE: ADOPT 1997
EDITION OF THE STANDARD PLUMBING
CODE AND CERTAIN APPENDICES

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 27-1 THROUGH 27-3, SO AS TO ADOPT THE 1997 EDITION OF THE STANDARD PLUMBING CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL PLUMBING CODE OF THE CITY OF CHATTANOOGA, AND TO AMEND SECTION 27-3 CONCERNING AMENDMENTS TO SAID CODE

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

1997-261: John Foskey

Pursuant to notice of public hearing the request of John Foskey to rezone a tract of land located in the 7500 block of Lee Highway came on to be heard.

The applicant was not present; opposition was in attendance.

Barry Bennett stated the initial request was for the entire tract from Lee Highway to Silverdale Road; that there is a proposed new road relocation and the request is for commercial for the frontage property.

Councilwoman Rutherford inquired as to whether this has been before the Council previously. Mr. Bennett stated the property adjacent to this has been; that there have been a couple of rezonings requested in this area.

Councilwoman Hurley inquired as to the conditions. Mr. Bennett read the conditions as listed in the ordinance.

Chairman Swafford asked Mr. Bennett to notify the applicant to be present for next week's meeting for second and third reading to assure he accepts the conditions specified in the Ordinance.

On motion of Councilman Lively, 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 IN THE 7500 BLOCK OF LEE HIGHWAY,
BEING ON THE NORTHWEST LINE OF LEE HIGHWAY NORTHEAST OF
SILVERDALE ROAD, FROM R-3 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS

passed first reading.

REZONING

1998-020: Provident Life & Accident Insurance Company

Pursuant to notice of public hearing the request of Provident Life & Accident Insurance Company to rezone tracts of land located in the 500 blocks of Lindsay Street and Houston Street, and the 400 block of Vine Street came on to be heard.

The applicant was present; opposition was in attendance.

REZONING (Cont'd.)

Mr. Bennett stated this request is for C-3 for an office and health facility on 2.5 acres; that the abutting zoning is C-3, R-1 and C-6 with predominantly R-4 to the south. He stated the recommendation is to approve subject to several specific conditions; that one condition was discussed with the applicant this evening regarding the 300 off-street parking places which has been amended to indicate they will provide 200 spaces on-site with the remaining 100 to be provided on-site but elsewhere off-street, perhaps on an adjacent lot. He stated the applicant has applied and has been approved for the downtown overlay zone for this area just last week.

Atty. John Anderson was present representing Provident and stated Mr. Bennett adequately outlined the request; that they have been to the Overlay Review Committee and have been given approval at this time.

Pamela O'Dwyer, a resident of the area, stated she has been to two of the meetings where approval was given; that it is her understanding that this matter is not completely approved and that Provident has to submit their plans. She stated she has not seen the traffic study and does not think anyone else has, either; that she wants to know what is going on and wants to be part of the meetings. She stated she has heard about the off-street parking and is concerned about what will be done about the traffic, particularly regarding the people who live there. She stated someone should decide which group is going to give approval and thinks this is being done for some legal reason; that the matter has been to the Planning Commission and the Overlay Commission and then here to the Council and asked if the matter goes back to the Planning Commission.

Chairman Swafford explained that the Council makes the final vote on the zoning and does not go back to Planning.

Mr. Bennett stated in regard to the overlay zone procedure final approval has been given; that what is being referred to is at the last meeting it was indicated that the Staff would like a better look at the new final plans; that it is not for additional approval but just to say that all the design features are being adhered to.

Ms. O'Dwyer stated she would like to see the plans; that she did not hear the height the building would be.

Atty. Anderson stated they have tried to explain their position to Ms. O'Dwyer and requested that the zoning be approved tonight to C-2 with the conditions as recommended.

REZONING (Cont'd.)

Chairman Swafford reiterated that the conditions will be amended to reflect 200 on-site parking places and 100 off-site parking places.

Councilman Pierce asked Ms. O'Dwyer if her concerns had been satisfied. Ms. O'Dwyer stated she wanted to make sure Provident does what they say they are going to build and not go higher.

Chairman Swafford stated amendments to the conditions will be made between now and the second and third reading.

On motion of Councilman Hakeem, 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 IN THE 500 BLOCKS OF LINDSAY STREET AND
HOUSTON STREET, AND THE 400 BLOCK OF VINE STREET, BEING
ON THE NORTHWEST AND SOUTHEAST LINES OF LINDSAY STREET
AT VINE STREET, AND THE NORTHEAST LINE OF VINE STREET
AT LINDSAY STREET AND HOUSTON STREET, FROM R-4 SPECIAL
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN
CONDITIONS
passed first reading.

REZONING

1998-027: William P. McCarthy

Pursuant to notice of public hearing the request of William P. McCarthy to rezone a tract of land located in the 2500 block of Cannon Avenue came on to be heard.

The applicant was present; Councilman Pierce spoke in opposition.

Mr. Bennett stated this property is within the 2500 block of Cannon Avenue; that the request is for C-2 for a commercial sign to be placed on the property facing I-24. He stated the surrounding zoning is predominantly R-2 along Cannon and there is some abutting M-1. He stated the land use is predominantly vacant property to the north and east, industrial to the west and a mix of various residential uses and church development to the south and southeast. He stated both the Staff and Planning Commission recommended against the zoning change; that there was opposition at the Planning hearing and a petition of names in opposition from the neighborhood.

REZONING (Cont'd.)

Charles Hunt distributed information regarding the request and stated he is trying to buy the property and get it rezoned; that he only needs a small spot to erect a sign. He stated after the Planning hearing, he went to see Pastor Sims (of Greater Beulah Baptist Church) and Mr. Ridley and told them he would not try to do anything that is deceiving nor put up a commercial building; that he will buy the property and deed it to the Church; that he only wants sign rights. He presented a petition bearing 107 names of members of the Church who would like to see this request go through.

Chairman Swafford stated a petition of persons in opposition was presented at the Planning hearing; that Mr. Hunt is now distributing a petition in support of the request. Mr. Hunt responded "yes".

Councilman Pierce stated this came up before Planning last month and he was present representing the community as well as himself. He stated this is the neighborhood he was raised in, and they have opposed commercial development in the past. He stated the community has been divided over the years with the coming of the freeway which took most of the community; that Cannon Avenue is the main street going through the community. He stated this property is the first piece you will come to as you come under the interstate; that the Church would like to have the property for parking, but at this time it is a spot zoning request and no one wants to have commercial property intruding into their community. He stated there was another petition signed by members of the church saying they would not support this, but in the meantime when the Planning Commission refused to grant the zoning the applicant went to the Church and made the proposal to deed the property to the Church if they can put the sign there. He stated he thinks it is bad to use tactics such as this to bribe these people and will vote to deny the request; Councilwoman Hurley seconded the motion.

Councilman Taylor asked for clarification regarding the property. Mr. Hunt stated he plans to have the property deeded to the Church; that he is not trying to bribe anyone and that is not a correct statement to say that he is. He stated it has been said there would be commercial development on the corner; that all he wants to do is put a billboard on the property.

Councilwoman Hurley stated she has talked with Mr. Hunt and Mr. McCarthy; that she does not think we need another billboard up on the interstate and at an entrance to a community; that that is why she seconded the motion for denial.

REZONING (Cont'd.)

Councilman Hakeem inquired as to whom the taxes will be assessed if the property is deeded in the Church's name; whether by doing this would they avoid paying taxes. City Attorney Nelson stated they will avoid the majority of the taxes.

Chairman Swafford asked if anyone from the Church would like to make a statement.

Artis Ridley spoke on behalf of the Church and stated they need the property for parking; that they are presently parking across the street, now. He stated they cannot go around the Church as part of the property was cut off when the street was widened and there is not enough room to go around the building. He stated after Mr. Hunt came to them he said his request would help them as their Church is not able to buy the property and felt it would be good to have a chance to use the property for parking. He stated the first petition they were asked to sign made reference to a factory being built, and they did not want that. He stated they had a meeting and was told Mr. Hunt was trying to "run something over on the Church"; that then they reconsidered because it was not explained to them properly; that it was clarified that the property would be deeded to the Church. He stated the Church needs the space for parking badly.

Councilman Hakeem asked for clarification; that on Sundays the Church members are parking across the street. Mr. Ridley responded "yes;" that sometimes the employees of the business across the street are there on Sundays and then they have to park along the street.

Councilman Pierce stated he went to the business (General Thermal, Inc.) across the street and talked to Mr. Pruett (owner) who wrote a letter regarding the parking matter which states, ". . . Greater Beulah Baptist Church members are welcome to use our parking lot for parking on Sundays and during the week as needed". He stated Mr. Pruett indicated that he never had any idea of denying the Church parking and has no idea of changing it; that if the Church notifies him ahead of time they were having a funeral he would have his employees park in the back so there will be adequate parking. At this point he "called for the question".

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 IN THE 2500 BLOCK OF CANNON AVENUE,
BEING ON THE SOUTHEAST LINE OF CANNON AVENUE NORTHEAST
OF COMMERCE STREET, FROM R-2 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE

denied; Councilman Taylor voted "no".

REZONING

1998-031: Jackey D. Stevens

Pursuant to notice of public hearing the request of Jackey D. Stevens to rezone a tract of land located at 3200 Dodds Avenue came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request had no opposition at Planning; that the Staff and Planning Commission recommend approval subject to conditions. Councilman Taylor stated at the present time the property is bordered by M-2 on both sides. Mr. Bennett responded "that is correct;" that this property is the last remaining residentially zoned parcel in this area.

On motion of Councilman Taylor, 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 AT 3200 DODDS AVENUE, BEING ON THE
SOUTHEAST LINE OF DODDS AVENUE AT EAST 32ND STREET,
FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS
passed first reading.

(COUNCILWOMAN RUTHERFORD EXCUSED HERSELF FROM THE MEETING
AT THIS POINT.)

REZONING

1998-034: Ray & Leola Campbell

Pursuant to notice of public hearing the request of Ray & Leola Campbell to rezone a tract of land located at 7127 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request had no opposition at Planning; that the request for R-4 is recommended for approval by both the Staff and Planning Commission.

Tom Rourke represented the applicant and stated he would like to have the conditions amended; that the conditions make reference to a 50 foot buffer line; that they have two problems with the buffer. He stated the first problem is that it is a vegetative area and difficult to landscape and a storm sewer runs through it, and they cannot plant on a storm sewer easement. He stated the area is already heavily wooded.

REZONING (Cont'd.)

Mr. Rourke stated the second problem is that it is his understanding that they have been asked not to touch the grassed-in area; that if it is left as it presently is the land will be disturbed by the building they are planning to build; that they would like to leave it as a green space. He stated they will work with the Staff to see what they need to do to infill the area for the density they need and will regrass it when they are through.

Councilman Eaves asked how many feet there are from each of the buildings to the branch or creek in the area. Mr. Rourke stated right now it is at the 52-53 feet; that the furthest point is at 60 feet.

Councilman Eaves asked if they do the infilling who will enforce the buffer. Mr. Bennett stated the building department will enforce the buffer.

Councilman Eaves stated the green area is about as thick as it can get; that this really makes sense if they are willing to follow the landscape rules and infill into that buffer; that what they are proposing makes sense.

Mr. Bennett stated that actually physical plantings would be more an important element for the people across the creek than a 50 feet distance would be; that language could be added within the ordinance that would provide for the maintenance of existing trees and vegetation to serve as a sight obscuring screen and supported with additional plantings. He stated this is in an area where there is nothing in the provisions of the landscape ordinance that this would be acceptable.

City Attorney Nelson stated we have heard complaints from the building inspectors in the past where we need to maintain the tree line; that if the tree dies or is blown over by storms there is no way for the building inspector to know what was there originally. He stated there is no way to enforce an ordinance unless we say they must maintain a solid screen of trees across the back shielding them from houses to the rear and north. He stated we need something more than just maintaining the present tree line.

Councilwoman Hurley expressed her thoughts that she had heard the applicant suggest they will do an inventory of certain trees and file that with the building inspection to protect them from the adjacent R-1. She suggested the matter pass on first reading and for the applicant to be in touch so that the language speaks to what it should be.

REZONING (Cont'd.)

Chairman Swafford stated the language will be amended prior to second and third reading; that over the course of the next week everything will be worked out.

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 7127 LEE HIGHWAY, BEING ON THE
NORTHWEST LINE OF LEE HIGHWAY AT ST. STEPHENS PLACE,
FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1998-037: Fidelity Trust Company - Paul Mallchok

Pursuant to notice of public hearing the request of Fidelity Trust Company - Paul Mallchok to rezone a tract of land located at 1832 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request is for rezoning to C-2; that it conforms with the plan for the area. He stated there was a request for lifting conditions for two commercially zoned parcels to the north; that the applicant asked that it be pre-advertised to lift conditions so that the matter could come up at the same time as the rezoning.

Councilman Eaves stated it was his understanding there are two lots in there; that that was creating some problems and now the property has since been folded into this parcel.

Paul Mallchok stated one of the parcels is on Igou Gap and one is on Gunbarrel; that this is a third lot; that there is a bank that is buying all three. He stated the lifting of conditions was filed for and heard yesterday at the Planning Commission; that they requested through the Planning Commission that they go ahead and fold it into this.

Mr. Bennett stated the recommendation is to approve lifting the conditions; that there is no problem with that.

REZONING (Cont'd.)

Mr. Mallchok stated the property was zoned C-2 a year-and-a-half ago with conditions; that one lot was R-1 and was changed to C-2; that these three lots are the development in question. He stated curb cuts for all three lots will be on one (lot). Mr. Bennett stated the curb cuts were all worked out with an agreement with the Traffic Engineer.

Chairman Swafford stated the Council can act on the rezoning matter tonight; that Mr. Mallchok will have to wait on the lifting conditions request until that is officially before the Council as it is not on the agenda tonight and will have to be advertised.

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 1832 GUNBARREL ROAD, BEING ON THE
SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP
ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1998-059: Bruce Weiss

Pursuant to notice of public hearing the request of Bruce Weiss to rezone a tract of land located at 30 Frazier Avenue came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Hurley, seconded by Councilwoman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 30 FRAZIER AVENUE, BEING ON THE
SOUTHWEST LINE OF FRAZIER AVENUE BETWEEN THE MARKET
STREET BRIDGE AND THE WALNUT STREET BRIDGE, FROM C-2
CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

RECOGNITION OF BRUCE WEISS

Councilwoman Hurley stated she wanted to recognize Mr. Weiss as one of the artists who worked on the "In Your Face" project. Mr. Weiss expressed thanks for his having been given the opportunity to work on the project.

SPECIAL POLICEMAN

On motion of Councilman Lively, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL E.
HAYNES AS A SPECIAL POLICEMAN FOR THE CHATTANOOGA
METROPOLITAN AIRPORT AUTHORITY TO DO SPECIAL DUTY AS
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT: TWH ARCHITECTS

Councilman Pierce stated he would like to know where Chief Dotson is going on this. Chief Dotson stated this is the request to complete the administrative space in the 911 building to allow for space allocations for the Police Department.

Councilman Pierce asked if the space is necessary at this point. Chief Dotson responded "yes, it is absolutely necessary;" that they are "busting at the seams". He stated if they bring on more civilians for administrative functions they will have people spread throughout the place; that this will bring administration together under one section.

On motion of Councilman Lively, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA
POLICE DEPARTMENT TO ENTER INTO A CONTRACT WITH TWH
ARCHITECTS FOR ARCHITECTURAL SERVICES ON THE 911
BUILDING PROJECT FOR AN AMOUNT NOT TO EXCEED FORTY-ONE
THOUSAND, NINE HUNDRED SIXTY-FOUR AND 48/100 DOLLARS
(\$41,964.48)
was adopted.

CONTRACT: CHARLES TINKER

Councilman Pierce inquired as to whether this contract is just for property. When it was realized Admin. Traughber was not present to explain the request, the matter was motioned to be tabled one week.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL
SERVICES TO ENTER INTO A CONTRACT FOR PERSONAL SERVICES
WITH CHARLES TINKER, RELATIVE TO ASSISTING WITH
PROPERTY MAINTENANCE AND DISPOSITION AND OTHER REAL
ESTATE ACTIVITIES, PRIMARILY FOR THE ORCHARD KNOB URBAN
RENEWAL AREA, FOR AN AMOUNT NOT TO EXCEED TEN THOUSAND
DOLLARS (\$10,000.00) PER YEAR
was tabled one week.

CONTRACT: HAREN CONSTRUCTION
COMPANY

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 28F,
INFLUENT RELIEF PUMP STATION, TO HAREN CONSTRUCTION
COMPANY FOR THEIR LOW BID OF TWO MILLION, SEVEN HUNDRED
SEVENTY-FIVE THOUSAND DOLLARS (\$2,775,000.00)
was adopted.

CONTRACT: MAYSE CONSTRUCTION
COMPANY

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 28F,
INFLUENT RELIEF FORCE MAIN, TO MAYSE CONSTRUCTION
COMPANY FOR THEIR LOW BID OF FIVE HUNDRED FIFTY
THOUSAND, THREE HUNDRED SIX DOLLARS (\$550,306.00)
was adopted.

MINORITY CONTRACTORS INQUIRY

Councilman Taylor stated he met last week with the minority
contractors and inquired as to how they are being brought in
regarding these contracts.

Admin. Marcellis stated minority subcontractors are brought in from
time-to-time; that he does not know what Mayse plans to use on this
contract but can find out.

Councilman Taylor clarified that his inquiry was in regard to all
contracts, not just the one with Mayse.

CONTRACT: STEIN CONSTRUCTION
COMPANY

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
SWM-5-98, COOLIDGE PARK STORMWATER, TO STEIN
CONSTRUCTION COMPANY, FOR THEIR LOW BID OF FORTY-FIVE
THOUSAND, THREE HUNDRED THIRTY DOLLARS (\$45,330.00)
was adopted.

TEMPORARY USE: ARTECH DESIGN
GROUP, INC.

On motion of Councilman Lively, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING ARTECH DESIGN GROUP, INC. TO
USE TEMPORARILY THE SIDEWALK AT 1410 COWART STREET FOR
THE INSTALLATION OF AN ENTRANCE DOOR AND AN AWNING,
MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS
was adopted.

AGREEMENT: CHATTANOOGA GOLF AND
COUNTRY CLUB

Councilman Lively inquired as to whether we would be paying the
Corps of Engineers for easements when it is to their good we are
doing this. Councilwoman Hurley indicated that the Corps of
Engineers' easements have been done. Admin. Marcellis stated the
main reason for this involves shoreline; that they are trying to
protect the shoreline. Councilman Lively stated this is not to our
advantage.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC
WORKS TO ENTER INTO AN AGREEMENT WITH CHATTANOOGA GOLF
AND COUNTRY CLUB FOR PERMANENT AND TEMPORARY EASEMENTS
RELATING TO THE CORPS OF ENGINEERS RIVERBANK
STABILIZATION PROJECT IN THE AMOUNT OF TWENTY-NINE
THOUSAND, EIGHT HUNDRED DOLLARS (\$29,800.00),
APPROXIMATELY SEVENTY-FIVE PERCENT (75%) TO BE
REIMBURSED BY THE CORPS OF ENGINEERS
was adopted; **Councilman Lively voted "no"**.

CONTRACT: MANAGEMENT AND
PERSONNEL SYSTEMS, INC.

Councilman Hakeem inquired as to what is being done here. Donna
Kelley stated this is for creating new eligibility to be used for
two years to promote fire personnel to the next highest level.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO
EXECUTE A CONTRACT WITH MANAGEMENT AND PERSONNEL
SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED THIRTY
THOUSAND DOLLARS (\$30,000.00) TO PROVIDE ASSESSMENT
SERVICES TO THE CHATTANOOGA FIRE DEPARTMENT FOR
PROMOTIONAL TESTING
was adopted.

CONTRACT: KOESTER ENVIRONMENTAL,
INC.

On motion of Councilman Lively, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
BL-2-98, BIRCHWOOD LANDFILL LEACHATE PUMPING AND
STORAGE FACILITIES, TO KOESTER ENVIRONMENTAL SERVICES,
INC. FOR THEIR LOW BID IN THE AMOUNT OF FIVE HUNDRED
TWENTY-FIVE THOUSAND, THREE HUNDRED TWENTY-SEVEN
DOLLARS (\$525,327.00)

was adopted.

CONTRACT: B&W CONTRACTORS, INC.
d/b/a/ CHEROKEE CONSTRUCTION
COMPANY

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
BL-1-98, BIRCHWOOD LANDFILL ON-SITE SUPPORT FACILITIES,
TO B&W CONTRACTORS, INC., D/B/A/ CHEROKEE CONSTRUCTION
COMPANY, FOR THEIR LOW BID IN THE AMOUNT OF ONE
MILLION, TWO HUNDRED FORTY-FOUR THOUSAND, NINE HUNDRED
ELEVEN DOLLARS (\$1,244,911.00)

was adopted.

OVERTIME

Overtime for the week ending March 6, 1998 totaled \$14,309.78.

PERSONNEL

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

STUART A. INBODY -- New Hire, Budget Coordinator, Administrative
Office, Pay Grade 12/Step 5, \$28,635.00 annually, effective March
16, 1998.

DAVID A. MOSTELLER -- Promotion, Pro Shop Clerk, Golf Course
Division, \$13,130.00 annually, effective March 18, 1998.

CLAUDE B. NORRIS -- Promotion, Food Clerk, Golf Course Division,
\$13,130.00 annually, effective March 18, 1998.

PERSONNEL (Cont'd.)

TONYA JENKINS -- New Hire, Zookeeper, Pay Grade 4/Step 1, \$15,165.00 annually, effective March 17, 1998.

REBECCA D. KOONTZ -- Promotion, Adult Activities Coordinator, Recreation Division, Pay Grade 10/Step 5, \$25,010.00 annually, effective March 13, 1998.

EDITH A. WESTMORELAND -- Resignation, Food Clerk, Golf Course effective March 15, 1998.

EDDIE J. SWANSON -- Resignation, Custodian, Recreation Maintenance, effective March 10, 1998.

PURCHASES

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

ADUDEL ROOFING & SHEET METAL, INC. (Lower bid meeting City of Chattanooga specifications)
Requisition No. R0032418

Purchase of Contract to Replace Roofing

\$85,222.00

NEWTON CHEVROLET (Only bid received)
Requisition No. R0032443

Purchase of One 1998 Pick-Up Truck, 4-Door Crew Cab (Less 1991 Ford F350 trade-in [\$6,500.00])

\$17,450.00

PERSONNEL

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

RONALD L. MARTIN -- New Hire, Assistant Purchasing Agent, Pay Grade 15/Step 5, \$35,407.00 annually, effective January 30, 1998.

CHEWONNA L. FLETCHER -- New Hire, Purchasing Technician, Pay Grade 6/Step 2, \$17,739.07 annually, effective February 27, 1998.

PURCHASE

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

SAFETY & COMPLIANCE MANAGEMENT (Best bid for the City of Chattanooga)
Requisition No. R0005325

Purchase of Drug and Alcohol Testing

\$4,870.00

PERSONNEL

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

ROGER D. HAMRICK -- Rehire, Laborer II, Wastewater Resources, Pay Grade 4/Step 1, \$15,165.00 annually, effective February 25, 1998.

PONNIE L. MASTIN -- Suspension (3 days without pay), Sanitation Worker I, City-wide Services, effective February 23, 24, and 26, 1998.

AARON D. MCCRARY -- Suspension (10 days without pay), Laborer I, City-wide Services, effective February 23, 1998 - March 6, 1998.

CHARLES J. WHITLOCK -- Suspension (5 days without pay), Laborer II, City-wide Services, effective March 2 - 6, 1998.

RANDOLPH L. MALONE -- Promotion, Crew Leader, City-wide Services, Pay Grade 6/Step 1, \$17,201.00 annually, effective February 11, 1998.

HUMPHREY L. GAINES -- Removal from Payroll, Survey Technician, Engineering Division, effective February 13, 1998.

CHARLES B. CASLIN -- Family Medical Leave, Laborer II, City-wide Services, effective February 11, 1998 - May 6, 1998.

Councilman Hakeem inquired about the removal from payroll regarding the second person from the end on Public Works' personnel report; whether this person is being "thrown out the door"; that he has sustained three heart attacks. Admin. Marcellis stated the person has gone beyond the six months leave, and they have tried to get him into Personnel to find another job but he has not come in.

PERSONNEL (Cont'd.)

Personnel Director Donna Kelley was present at the Council meeting and confirmed that the person has not come into Personnel so that another position could be found for him nor has he applied for disability; that the person has not been awarded disability. She stated Personnel used to work in conjunction with the General Pension Board; that the Board now coordinates with Provident and the City has been taken out of the process. She stated the person has been contacted but has not been awarded disability. She stated she will be happy to get the information regarding the status of this person and put the information in memo form to Councilman Hakeem on tomorrow.

SHALLOWFORD/TUNNEL BOULEVARD
IMPROVEMENTS

Chairman Swafford asked Admin. Marcellis to provide information regarding the project that is taking place on Shallowford and Tunnel Boulevard at the next Public Works Committee meeting; that he would like to have the name of the contractor that was awarded the project and the original date the project was to have been completed. Admin. Marcellis expressed that he can and will provide the information at the meeting.

PURCHASES

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

SIGNS AND BLACKS, INC. (Overall low bid)
Requisition No. R0030760

Purchase of Twelve Month Requirements Contract for Sheeting, Sign Faces, Film and Tape

(Price information available and filed with minute material)

PREBUL JEEP, INC. (State Contract SWC 223-2032495)
Requisition No. R0031877

Purchase of 1998 Jeep Cherokee (Per TCA 6-56-301)

\$18,694.38

PURCHASES (Cont'd.)

LEE-SMITH, INC. (Lower and better bid)
Requisition No. R0031848

Purchase of Tandem Truck

\$68,100.00

PERSONNEL

The following personnel matters were reported for the Fire Department:

RUSSELL E. RYMER -- Lateral Transfer, Firefighter, Pay Grade 10/Step 10, \$29,121.00 annually, effective March 6, 1998.

TERRANCE L. ANDREWS, LESLEY E. COLE, DALE A. DODD, THOMAS J. FORMAN, CARLOS D. HAMPTON, ALFRED D. HUBBARD, LLOYD C. JONES, AARON S. MCCULLOUGH, RICHARD D. MIZELL, ROY D. ROGERS, JR., ROBERT S. SHEETS, KINNEY H. SHORT, JR., MICHAEL P. WRIGHT, -- Hire, Firefighter, Pay Grade 10/Step 1, \$21,747.00 annually, effective March 6, 1998.

EDWARD L. JACKSON -- Hire, Firefighter, Pay Grade 10/Step 2, \$21,747.00 annually, effective March 9, 1998.

PERSONNEL

The following personnel matter was reported for the Police Department:

ELIZABETH MCCOLLEY -- Hire, Dispatcher Trainee, Pay Grade 6/Step 1, \$17,201.00 annually, effective March 13, 1998.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, the following purchase was approved for use for the the Finance Department's Information Services Division:

MICRO WORLD (Lower and better bid)
Requisition No. R0029146

Purchase of Six Months Requirements Contract for Desktop Computers for all departments.

(Price information available and filed with minute material)

PURCHASE

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

FIRST TENNESSEE BANK (Lower and better bid)
Requisition No. R0029835

Bank Custodial Services

\$12,300.00 (1 year)
8,230.00 (2 years)

PERSONNEL

The following personnel matter was reported for the Personnel Department:

LINDA MANNING -- Transfer, Secretary, Pay Grade 6/Step 5, \$19,351.00 annually, effective March 23, 1998.

FILE SUIT

City Attorney Nelson requested Council authorization to file action against Charles Watkins who rear ended one of the City's cars; that \$6,000 - \$7,000 in medical benefits and costs have been incurred and they have been unable to reach a settlement.

On motion of Councilman Lively, seconded by Councilman Taylor, the City Attorney was authorized to move forward on the suit.

HEARING: RANDY BRADY

Councilman Lively stated a hearing was held for Randy Brady last evening who was terminated regarding an instance that took place wherein a fight and scuffle was held and a firearm was displayed. He stated the Committee consisted of three persons from the Council who voted to uphold the City's position in the matter.

HEARING: PAUL HILL

City Attorney Nelson reminded the Council of the hearing for Paul Hill scheduled for Monday, March 16 at 6 p.m. with Councilmen Hakeem (serving as Chairman for the hearing) and Crockett and Taylor comprising the committee hearing the appeal.

COMMITTEES

Councilman hakeem scheduled a meeting of the **Budget and Finance Committee for Tuesday, March 17 at 4:30 p.m.** for discuss Community Development's allocations.

Councilwoman Hurley scheduled a meeting of the **Parks and Recreation Committee for Tuesday, March 17 at 4 p.m.** for a discussion regarding a report from the Tree Commission and acquisition of Lakewood Memorial Gardens and South Chickamauga Greenway properties.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, March 17, 1998 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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

Municipal Building
Chattanooga, Tennessee
March 3, 1998

The special (advertised) meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Eaves, Hakeem, Hurley, Pierce, Rutherford and Taylor present; Councilmen Crockett and Lively were out of the city on business. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal were also present.

BOND AWARD

Admin. Boney stated a comprehensive bond bid has been conducted with four bidders, with the low bidder being Paine Webber at a true interest rate of 5.026576%. He recognized the presence of Hal Canary of Public Advisory Management and Craig Scully of Winthrop, Stimson, Putnam and Roberts (bond counsel) and stated they have been with us for a long time. He stated there was a refunding portion we had hoped would be included; however, the interest rates have been increasing since late last week and everyone agreed to forego the refunding portion. He stated this request involves only new money and we will revisit the refunding portion when it will become economically possible in the next four months.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,
A RESOLUTION AWARDED SIXTY-FOUR MILLION DOLLARS
(\$64,000,000) CITY OF CHATTANOOGA, TENNESSEE GENERAL
OBLIGATION BONDS, SERIES 1998 TO PAINE WEBBER
was adopted.

RECESSION OF MEETING

Chairman Swafford recessed the meeting until 6 p.m., March 3, 1998.


CLERK OF THE COUNCIL


CHAIRMAN