

Municipal Building  
Chattanooga, Tennessee  
June 2, 1998

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

INVOCATION

Invocation was given by J. B. Collins.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE: PERMITS  
AND STANDARDS FOR COMMERCIAL  
TOWERS

Beverly Pasley stated a couple of weeks ago this ordinance was before the Council for second and third reading and was delayed at the Planning Staff's request so that it could be looked over again to make sure we are as restrictive as we can possibly be. She stated they have had an opportunity to review and have made a few changes which include requiring a 50 foot setback in commercial zones and to take full advantage of landscaping for towers located in principal arterials, minor arterials and collector streets. She stated the other amendment is to pull together an administrative committee consisting of representatives from Planning and Public Works; that they will review each application that comes before the Building Inspector for a permit and at the same time the application is permitted, will visually look at each site. She stated at the same time the application comes in each Council member will be notified as to whether the tower is in their district and will be given the location so that they will be fully aware.

AMEND ZONING ORDINANCE: PERMITS  
AND STANDARDS FOR COMMERCIAL  
TOWERS (Cont'd.)

Bob Mitchell expressed his knowing that the Council is in a difficult position; that his wish is that there could have been a plan submitted showing the number of towers that will geographically cover the City. He stated the moratorium is still in effect and when the Council "lets go" of that we will be at the mercy of "whatever" and again expressed appreciation for the hard work that has been put into this process. He made reference to the tower on Brainerd Road; that if the company had come for a variance there would have had to have been public comment. He stated if there had been public input the strobe light would not be shining-in on a whole neighborhood. He stated he is not against towers; that the way this has been done seems chaotic and will result in "a feast of hungry sharks coming in." He stated if there happens to be a City plan he would love to see it.

Patricia Rogers stated she lives in Ridgedale and represents the rational things on the part of the people who live there. She stated there is a structured way this can be done; that the lines of communication need to be kept open for everyone to participate; that communication is a vital concern to all citizens as well as appropriate locations (for towers). She stated citizens need to be assured of getting good information and time to consider the issues; that she was not informed on this issue until recently and understands this has been going on since February. She stated citizens need to be able to get the right people involved; that the physical placement of the tower in Brainerd is intimidating. She stated we have a real issue here; that she wishes there was something that could be done - possibly a legal case; that she is very concerned as a citizen.

Hugh Siniard stated he is in Real Estate and serves on the City's Sign Board and the Hamilton County Zoning Board of Appeals. He stated this is a real concern for the Board of Appeals; that five requests for towers came before the Committee last month regarding putting them up; that they have for the most part done a good job and are trying to cooperate with the governmental agency and had a fine attorney representing them. He stated he is disappointed in the way "who ever" permitted the tower to be erected on Brainerd Road; that it is a disgrace to the community to have that towering down at them. He stated he asked the attorney representing the company why it was put there, and he gave him a number of reasons; that he (Siniard) would have preferred to see it set back on a hillside. He stated people going up and down Brainerd Road view it both ways; that he understands the geographic location.

AMEND ZONING ORDINANCE: PERMITS  
AND STANDARDS FOR COMMERCIAL  
TOWERS (Cont'd.)

Mr. Siniard stated there needs to be some type of "watch dog" system; that the attorney said it was legal but he (Siniard) told him that did not make it beautiful! He stated they are madly planting around it to make it beautiful; that the placement of the tower goes against his principles. He stated Councilwoman Rutherford has made a real effort to have it removed and so has Commissioner Adams; that it is his understanding at least three users can share the tower.

City Attorney Nelson stated the tower that went up was applied for before the moratorium was put into effect; that since then there has been no new tower put up anywhere that resembles that. He stated within the last two weeks the ordinance has been modified to include a 50 foot setback so that it will not be right on the roadway and requires three co-locators on each pole.

Councilwoman Rutherford asked that persons from the various neighborhoods to stand; that these people have real concern about what has happened to our community and what can possibly happen. She expressed thanks to Beverly Pasley, Barry Bennett, Ken Hays and others who worked diligently for months, but particularly the last two weeks; that it is a better ordinance than what was deferred two weeks ago. She stated she has issues that concern her greatly: (1) Bob Mitchell made reference to a plan for cellular towers throughout the City; that there is a plan for Parks and Recreation that is being worked on to make the quality of life better; that she and others have gone through extensive work to have an Eastgate Plan; that she feels a plan of responsibility is what is needed before the moratorium is lifted.

Councilwoman Rutherford stated the second item of concern indicates that there is nothing in the ordinance that allows or asks for public input on the individual sites that will be used; that in any zoning the public has the right to express their concerns. She stated the Council, in this ordinance, is turning the entire issue over to the building department; that there will be a committee appointed by the Mayor who will review these. She stated all nine Council members are elected to represent the public; that we are shirking our responsibility when we turn this over to the staff to do and in doing so (we) are insulting our constituents. She stated the strobe light on the tower shines in houses on Hill Top; that she is not sure anyone in Planning or the building office had a clue this would happen; that she did not know it was shining in these homes until residents called her. She stated we need public input and because of that she cannot vote for this ordinance.

AMEND ZONING ORDINANCE: PERMITS  
AND STANDARDS FOR COMMERCIAL  
TOWERS (Cont'd.)

Councilman Pierce stated this was discussed in his Committee and passed first reading a few weeks ago; that it was tabled two weeks ago so that Staff could have an opportunity to come up with amendments. He stated the amendments to the ordinance were recommended for approval by the Committee for second and third reading.

Chairman Crockett indicated to Mr. Mitchell that the moratorium will be lifted and can be reimposed at any time under federal law; that he thinks the Council will look closely at what happens in the coming weeks and months.

Councilman Pierce made the motion to approve the amendments to this ordinance; Councilman Lively seconded the motion; the motion passed with **Councilwoman Rutherford voting "no"**.

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE  
CHATTANOOGA ZONING ORDINANCE, AS AMENDED, BY ADDING  
THERETO REGULATIONS REGARDING ISSUANCE OF SPECIAL  
EXCEPTIONS PERMITS AND STANDARDS FOR COMMERCIAL TOWERS  
passed second reading with **Councilwoman Rutherford voting "no"**. On  
motion of Councilman Lively, seconded by Councilman Pierce, the  
ordinance passed third and final reading and was signed in open  
meeting; **Councilwoman Rutherford voted "no"**.

AMEND RESOLUTION 21687 TO LIFT  
MORATORIUM ON CELLULAR TOWERS

Councilwoman Rutherford made the motion to move Resolution 7(a) up on the agenda; Councilman Pierce seconded the motion; the motion passed.

On motion of Councilman Pierce, seconded by Councilman Lively,  
A RESOLUTION TO AMEND RESOLUTION NO. 21687, ENCAPTIONED  
HEREINBELOW, RELATIVE TO A MORATORIUM DECLARED ON  
CERTAIN REZONINGS AND BUILDING PERMITS PENDING STUDIES  
ON REGULATION OF CELLULAR TOWERS, SO AS TO LIFT THE  
MORATORIUM  
was adopted; **Councilwoman Rutherford voted "no"**.

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

REZONING

1998-069: Darrell Hill

Ed Fisher was present representing the applicant and stated the architect was present with him to display a rendering of the building they would like to propose for the property. He stated he has received nine letters from people in the neighborhood directly affected by the rezoning and all are asking that the Council approve this.

David Barlow of Barlow and Neuhoff stated he was asked to look at this site and come up with a proper building layout with the parking and landscaping; that based on the topography they propose to enter off Old Hixson Pike and not have an entrance off Austin. At this point he displayed a schematic drawing of what is proposed.

Chairman Crockett inquired as to whether the back of the property will be landscaped and noted that it is already heavily wooded. Mr. Barlow stated the heavily wooded area would remain and indicated a parking lot and retention pond will be installed.

Chairman Crockett indicated that the proposed rendering does not reflect the buffer. Mr. Barlow stated the back of the property is where the buffer zone against the duplexes will be; that they have a huge landscape of trees and a lot of bushes planned.

Chairman Crockett inquired as to the depth of the buffer. Mr. Fisher added it will be about 15 feet from the street's right-of-way; that we have more than enough land around the building; that the buffer will probably be about 25 feet.

Chairman Crockett stated Planning had some very strong opinions about trying to keep the residential fabric in place and that is something he supports; that in other places we have "nibbled away one bite at a time" the residential character of neighborhoods. He stated he went out to the area several times and is inclined to think this would work if it is screened the right way. He asked if Mr. Fisher could get with Planning as there is a need to put in restrictions; that he wants to make sure it will work with the site plan for the property. He stated he will probably support this if the applicant can work with Planning to figure out how to situate the buffer between the residential areas and bring the matter back in two weeks.

Councilman Lively stated that was one of the things we discussed two weeks ago; that there are four conditions on the zoning, now.

REZONING (Cont'd.)

Chairman Crockett again reiterated his wanting the applicant to get with Planning to work out the details on the entrance, setbacks and site plan.

Councilman Swafford asked if the matter can be passed on second reading tonight and hold the third reading. Councilman Hakeem asked if the ordinance can be amended to reflect what is needed tonight.

Mr. Barlow stated the intent is to do real good landscaping on this; that if they have to do a 25 or 30 foot buffer in landscaping, it will not be a problem for them at all.

Mr. Fisher asked if the ordinance can be approved subject to a 25 foot buffer on each of the two residential lines; that there is a landscaping ordinance that has been approved, and they certainly will be willing to have a 25 foot buffer of natural vegetation if that is acceptable.

Councilmen Lively made the motion to amend the ordinance to reflect that the entrance will be Austin Drive, and there will be a 25 foot site obscuring setback; Councilman Eaves seconded the motion.

Barry Bennett stated a landscaping screen would be better than a greenery buffer; that the buffer refers to a depth that would not be used in a landscaping screen.

City Attorney Nelson asked for clarification of the street entrance names, whether it is Austin Drive or Helena Road. Mr. Fisher indicated it is listed as "Helena Road" on the map even though no one knows it as Helena.

Barry Bennett stated Planning's maps indicate it as Helena, also; that Planning addressed the use of the property subject to use as a recording studio and the question of access was not addressed.

Mr. Fisher stated the access really does not matter to them; that there is much more traffic on Old Hixson Pike, but not on Austin Drive.

Admin. Marcellis stated there is no problem with the entrance on Helena Road and made reference to better control of the entire frontage of the property for site distances; that this is okay.

At this point Councilman Pierce "called for the question."

REZONING (Cont'd.)

City Attorney Nelson clarified the amendments to the ordinance to reflect, . . . "(2.) All entrances will be off of Helena (Austin) Road" and ("3.) There shall be a 25' site-obscuring landscape greenery screen . . ."

At this point the motion and second by Councilmen Pierce and Eaves to amend the ordinance was voted upon; the motion passed.

On motion of Councilman Pierce, 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 5205 OLD HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS 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 BUDGET ORDINANCE: CHANGES  
IN SECTION 8(C)

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, 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 PERSONNEL SET OUT IN SECTION 8(C)

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

AMEND CITY CODE: FILLING OF  
PROPERTY REQUIREMENTS

Councilmen Swafford and Taylor made the motion and second to approve the amendments to this ordinance; the motion passed.

Councilman Lively stated one thing he is hung up on has to do with the 90 day waiting period before a company can go back on the same property; that it does not make sense.

AMEND CITY CODE: FILLING OF  
PROPERTY REQUIREMENTS (Cont'd.)

Councilman Lively stated it makes more sense to allow another 90 days to fill it up and cover it over right; that the contractor will do what he has to do to get by during that period and would not come back.

City Attorney Nelson stated one of the amendments this afternoon was to say the permit would only be granted in conjunction with improving the property; that while the contractor does have to wait 90 days he has to improve the property if he comes back.

Councilman Lively asked why not give the contractor another 90 days to fill it in and cap it off for good and be done with it.

Councilman Taylor stated this matter was discussed in Public Works Committee today and would like to hear Admin. Marcellis' response regarding the 90 day period if the contractor obtains a building permit.

Admin. Marcellis stated when the contractor needs the 90 days is the question; that it might be 180 days or two years; that the 90 days was an arbitrary amount to force the contractor to plan how much he will fill.

Councilman Lively stated now that it has been stated that way it makes sense. Admin. Marcellis stated this way it puts the burden on the contractor to plan what he will do.

Councilwoman Rutherford stated on the amendment we can take out "only after 90 days". She asked why we would make a contractor wait 90 days. City Attorney Nelson responded that he would have to wait the 90 days because he (contractor) would have had a year to complete his project.

Councilwoman Rutherford then asked what if he is ready to start building after that year. Admin. Marcellis stated if all he needs to do is build he can get a permit; that the contractor should have finished his filling within a year. City Attorney Nelson indicated the contractor has to wait the 90 days.

Councilwoman Rutherford used an example which indicated if the contractor comes in one day after the year for a permit he will have to wait 90 days and asked why. City Attorney Nelson stated the reason being the neighborhood whose houses surround the property have had to put up with inconveniences of dirt, dust, etc.; that if he is that close to completing he should plan it better within the year in order to finish his fill within that year's period; that there has to be a point when he is done.



AMEND CITY CODE: FILLING OF  
PROPERTY REQUIREMENTS (Cont'd.)

Councilman Swafford stated that was the whole point to encourage them to plan and if their project comes in with one day left, it is their responsibility.

On motion of Councilman Lively, seconded by Councilman Swafford,  
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 31, BY ADDING THERETO A NEW SECTION 31-325  
RELATIVE TO ADDITIONAL REQUIREMENTS AND CONDITIONS ON  
THE FILLING OF PROPERTY IN OR ADJACENT TO CERTAIN  
RESIDENTIAL AREAS

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

AMEND BUDGET ORDINANCE: CHANGES IN  
SECTION 5

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
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 REVENUE AND  
APPROPRIATION SET OUT IN SECTION 5

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: DEFINITION OF A  
SIGN

Councilman Pierce stated this ordinance with withdrawn during this afternoon's Legal and Legislative Committee.

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
SECTION 3-2, RELATIVE TO THE DEFINITION OF A SIGN  
**was withdrawn from the agenda.**

SEWER EASEMENT ABANDONMENT

MR-98-006

On motion of Councilman Taylor, seconded by Councilman Lively,  
AN ORDINANCE ABANDONING A SEWER EASEMENT LOCATED ON LOT  
2, RATHUN M. BROWN SUBDIVISION, AS RECORDED IN BOOK  
2654, PAGE 170, REGISTER'S OFFICE OF HAMILTON COUNTY,  
AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE  
passed first reading.

ACQUISITION OF PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY  
LOCATED AT 715 CENTRAL AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM THE INNER CITY DEVELOPMENT  
CORPORATION FOR THE APPRAISED VALUE OF FORTY THOUSAND  
DOLLARS (\$40,000.00)  
was adopted.

GRANT

Councilwoman Rutherford inquired as to where this money will be  
spent. Admin. Traugher stated this program is contracted out with  
CNE; that they incorporate it in their overall housing strategy.

On motion of Councilman Hakeem, seconded by Councilman Taylor,  
A RESOLUTION AUTHORIZING AND ACCEPTING A GRANT FROM THE  
TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) IN THE  
AMOUNT OF ONE HUNDRED SIXTY-EIGHT THOUSAND DOLLARS  
(\$168,000.00) FOR CREATING, MAINTAINING OR MAKING MORE  
AFFORDABLE HOUSING TO LOW AND VERY LOW INCOME PERSONS  
was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Rutherford, seconded by Councilman  
Swafford,  
A RESOLUTION AUTHORIZING THE APPOINTMENT OF SHELIA R.  
MILLER AND DORIS PARHAM AS SPECIAL POLICE OFFICERS FOR  
THE DEPARTMENT OF NEIGHBORHOOD SERVICES, DIVISION OF  
CODES AND COMMUNITY SERVICES, WITH THE CITY OF  
CHATTANOOGA, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN,  
SUBJECT TO CERTAIN CONDITIONS  
was adopted.

REVOKE SPECIAL POLICEMAN  
COMMISSION

On motion of Councilman Lively, seconded by Councilwoman Rutherford,  
A RESOLUTION TO REVOKE THE SPECIAL COMMISSIONS OF MARY  
B. HUTSON, JOSEPH J. SHEATS, CHARLES W. MOORE, AND  
DAVID T. GILLILAND  
was adopted.

AGREEMENT: TENNESSEE DEPARTMENT  
OF TRANSPORTATION

Councilman Taylor stated Resolutions 7(f) - (h) were discussed in  
Public Works Committee and comes with the Committee's recommendation  
for approval.

On motion of Councilman Swafford, seconded by Councilman Taylor,  
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF  
TRANSPORTATION (TDOT), RELATIVE TO PROJECT NO.  
STP-M-9202(55), NORTHSIDE-SOUTHSIDE ALTERNATE  
TRANSPORTATION CORRIDOR ENGINEERING SURVEY AND STUDY,  
FOR A TOTAL COST NOT TO EXCEED FIFTY THOUSAND DOLLARS  
(\$50,00.00) WITH THE CITY'S SHARE NOT TO EXCEED EIGHT  
THOUSAND, SEVEN HUNDRED FIFTY DOLLARS (\$8,750.00)  
was adopted.

TEMPORARY USE: CORKER GROUP, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,  
A RESOLUTION AUTHORIZING CORKER GROUP, INC. TO USE  
TEMPORARILY THE CITY'S RIGHT-OF-WAY OVER THE SIDEWALK  
AT 735 BROAD STREET TO INSTALL TWO (2) FLAGPOLES ON THE  
JAMES BUILDING AT 735 BROAD STREET, SUBJECT TO CERTAIN  
CONDITIONS  
was adopted.

TEMPORARY USE: CORKER GROUP, INC.

On motion of Councilman Taylor, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING CORKER GROUP, INC. TO USE  
TEMPORARILY THE CITY'S RIGHT-OF-WAY OVER THE SIDEWALK  
AT 832 GEORGIA AVENUE TO INSTALL AWNINGS ON THE GEORGIA  
AVENUE, PATTON PARKWAY, AND M.L. KING BOULEVARD SIDES  
OF THE VOLUNTEER BUILDING AND TO PLACE TWO (2)  
FLAGPOLES ABOVE THE ENTRANCE ON GEORGIA AVENUE, SUBJECT  
TO CERTAIN CONDITIONS  
was adopted.

OVERTIME

Overtime for the week ending May 29, 1998 totaled \$23,799.53.

PURCHASES

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

LITTLE TIKES (Lower and better bid)  
Requisition No. 0031395

Purchase of Playground Equipment

\$16,078.00

CARD'S PAVING (Lower and better bid)  
Bid No. B0000149

Purchase of Bid to Apply New Asphalt

\$13,420.00

PERSONNEL

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

LUTHER BRYSON -- New Hire, Welder, Parks Division, Pay Grade 8/Step 1, \$19,510.00 annually, effective June 3, 1998.

PURCHASE

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

MURPHY MANUFACTURING COMPANY (via Wabash Manufacturing)  
Single Source Purchase  
Requisition No. 0032600

Purchase of Trash Receptacles per TCA 6-56-301

\$16,816.00

PERSONNEL

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

ROBBIE K. HENRY, II -- Return from Leave of Absence, Sanitation Worker I/Laborer I, City-wide services, effective May 26, 1998.

ROBERT D. YOUNG -- Return from Family Medical Leave, Truck Driver II, City-wide Services, effective May 21, 1998.

JEROME K. BURCH -- Suspension (2 days without pay), General Foreman, City-wide Services, effective May 11-12, 1998.

ERIC E. BURNETT -- Promotion, Traffic Operations, Pay Grade 15/Step 5, \$35,407.00 annually, effective April 24, 1998.

RETRACTION

Admin. Marcellis stated he answered a question last week regarding completion of the Wilcox Project and indicated it would be complete within a two week time period. He stated he will have to retract that statement because they have run into some utility problems, and it will be the end of June before the area is open to traffic.

SHALLOWFORD/TUNNEL BOULEVARD  
PROJECT

Councilman Swafford stated the Shallowford/Tunnel Boulevard Project is a great project and inquired as to the landscaping maintenance for the trees that have been planted. He expressed concern for the trees due to the immense heat generated by high temperatures. Admin. Marcellis stated the landscaping will be maintained by the Parks and Recreation Department; that the trees should have been heavily watered.

Councilman Swafford inquired as to the maintenance of the grass that has been planted. Admin. Marcellis stated the grass will be maintained by Parks and Recreation, as well; that he will make arrangements to make sure the situation is looked into.

PURCHASES

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

CEGELEC AUTOMATION (Sole Provider)  
Requisition No. 0034816

Purchase of Delta Module, Omega Module, Power Supply and Annual Service Contract (Per TCA 6-56-301)

\$20,426.00

FOUR RIVERS SOFTWARE SYSTEMS, INC. (Single Source)  
(Per TCA 6-56-301)

TMS Maintenance Management System

\$46,000.00

CHATTANOOGA FORD TRACTOR (Lower and better bid)  
Requisition No. B0000140

Purchase of Three Tractor/Loaders at \$34,964.00 each

\$104,892.00

PURCHASE

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

PROFESSIONAL CLEANING SVC. (Lower and better bid)  
Requisition No. 0032813

Purchase of Twelve Months Contract for Janitorial Services (1,750.00 per month)

\$21,000.00

PERSONNEL

The following personnel matters were reported for the Police Department:

MARTIN SANTOS -- Patrolman, two day suspension without pay, effective May 29, 1998.

GRACE ASHFORD -- Hire, Dispatcher Trainee, Pay Grade 6/Step 1, \$17,201.00 annually, effective June 5, 1998.

DEBORAH LLOYD -- Hire, Dispatcher Trainee, Pay Grade 6/Step 1, \$17,201.00 annually, effective June 5, 1998.

OMEGA "MEG" GUFFEY -- Hire, Administrative Secretary, Pay Grade 8/Step 1, \$19,510.00 annually, effective June 5, 1998.

PURCHASE

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

EAST RIDGE UNIFORMS

Bid No. 0006672

Purchase of One Year Contract for Police Uniforms (Does not include winter jackets)

**(Price information available and filed with minute material)**

REFUNDS

On motion of Councilman Pierce, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following property tax refunds for 1997:

RIVERMONT CENTER ASSOCIATES, Bill No. 47856, State Board Change, \$3,588.82

J. C. PENNEY CO., INC., Bill No. 28693, State Board Change, \$8,243.93

COMMITTEES

Councilman Swafford scheduled a meeting of the **Budget and Finance Committee for Tuesday, June 9 and 16 beginning at 4 p.m.**

Councilman Taylor stated the **Public Works Committee will meet at 3:30 p.m. on Tuesday, June 16.**

Councilman Eaves scheduled a meeting of the **Safety Committee for Tuesday, June 16 at 4:30 p.m.**

NEXT WEEK'S COUNCIL MEETING

Chairman Crockett indicated that he will be out of the city on next Tuesday and that Vice Chair Lively will chair the Council meeting.

LAURA CARTER

Laura Carter stated she is a candidate for the Tenth Senatorial District and expressed her concern regarding the Council's previous approval of the standards regarding cellular towers; that she feels it is in the best interest of all concerned to meet with the Council and Planning Staff regarding this matter.

MARY LOUISE COLLINS

Mary Louise Collins of Six South Brooks Avenue, addressed the Council regarding the Golden Mart on Brainerd Road. She stated she does not oppose the building, however, since the business has been there there has been trash and speed dragsters in the back of the building. She stated there is a spot for a dumpster on the property, and one can throw trash from her front step into the dumpster. She stated it would help if a swing gate at McBrien Road and Brooks was placed at the back of the building where the alley is; that the gate could be opened at 8 a.m. in the morning and the dumpster could be moved. She stated she has a neighbor who has moved in and has done a lot of work on her property; that she has two children and those speeding through present a danger to the children. She stated she took the word of Kenny Suh and the architect when this came before the Council but did not understand there would not be a way to drive around the building; that the only way to get out is to come down Brooks, turn back on South Brooks and go in front. She again made reference to the drag racing that takes place at night in the alley in the back of the building; that she cooperated 100%. She stated a bank was there previously and the property was in terrible condition. She reiterated her request for a swing gate and moving the dumpster.



MARY LOUISE COLLINS (Cont'd.)

Councilwoman Rutherford stated one of the problems we have with this property is that Mr. Suh was allowed to build a building too large for the property; that the road in back is not an alleyway; that it has been set aside for parking spaces as he does not have enough parking spaces to accommodate what the City ordinance says he has to have. She stated there should be eight parking spaces designated in the rear of the building and (she) knows they are not used; that the building was built before it was realized there were parking problems. She stated there are conditions on this zoning that there has to be a buffer between parking and and other properties; that if Mr. Suh has not planted that buffer we will get in touch with him about that.

Ms. Collins stated Mr. Suh has taken a large can, dug a hole in the pavement and stuck a shrub in there; that the dumpster is there, as well; that the area in the back will not be used for parking. She asked why would one side is landscaped when they could have moved the building over.

Councilwoman Rutherford stated Mr. Suh got a variance to build the building, and the variance indicated the setback needed; that she does not think the Appeals Board or anyone else realized what size building that would be; that a certain number of parking places is required. She stated she asked John VanWinkle to go out and look at the property; that the natural vegetation was one thing we argued for months over as the property owners behind the building should be protected by natural vegetation.

Admin. Marcellis asked that he and John VanWinkle be allowed to look at the situation again.

Ms. Collins inquired as to whose fault this situation is attributed. Councilwoman Rutherford responded that she could not answer that; that the Appeals Board gave a variance on the setback.

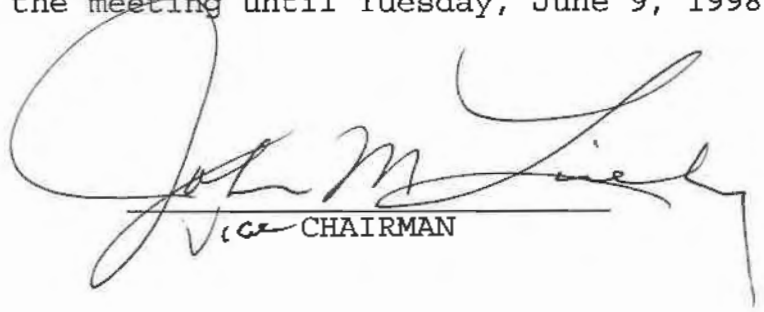
Susan Adcox stated she lives behind the building and there are no parking spaces in the back of the building. She stated she has to protect her children from going into the road in the back of the building; that all Mr. Suh has done is dig a hole in the asphalt and placed a plant in a bucket in the hole on top of concrete!

Councilwoman Rutherford stated she, Admin. Marcellis and Mr. VanWinkle will look at it. Admin. Marcellis stated he will have Don Young look at this also.

Mr. Adcox stated he has a copy of the blueprint of what was agreed upon.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, June 9, 1998  
at 6 p.m.

  
Vice CHAIRMAN

  
CLERK OF COUNCIL

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