

Municipal Building
Chattanooga, Tennessee
August 25, 1998

The meeting of the Chattanooga Council was called to order by Chairman Crockett, with Councilmen Eaves, Hakeem, Lively, Pierce, Rutherford, Swafford, and Taylor present. Councilwoman Hurley was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Assistant Council Clerk Shirley Crownover were also present.

INVOCATION

City Attorney Randall Nelson delivered the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION
HARRY WEST, DIRECTOR OF ATLANTA
REGIONAL COMMISSION

Chairman Crockett introduced Mr. West, who is the Director of the Atlanta Regional Commission, a body of ten counties in Metro Atlanta. Chairman Crockett noted that this is a 40-member Board and a working partner in our collaboration and that Mr. West was in town for another meeting.

Mr. West stated that he appreciated the opportunity to appear before the Council; that he knew the Council had a great deal of business to discuss, and he would be brief. He thanked the Council for the warm reception they had received in Chattanooga and for the people designated to work with them -- that they had open minds and open hearts to accomplish good for all; that they had been asked several times "why Chattanooga?" "What has Atlanta got to gain working for something with another State?" He mentioned that a great deal of Chattanooga's influence is in Georgia. He mentioned that this was a real opportunity for a group of people working together to move ahead; that the two metro areas -- Atlanta and Chattanooga -- are growing together whether we do anything at all. He stated that this was much more than just a railroad -- that it was an opportunity to take two healthy economic regions and make one that is greater than the sum of its parts.

SPECIAL PRESENTATION

Mr. West stated the question had been asked, "What is taking so long?" Mr. West noted that it had not been six months, yet, since the first meeting; that in six months they had had three major meetings and had been to Washington to lobby and had been successful in getting \$5 million dollars authorized by Congress to move ahead; that they had hired a consultant to put together the scope. He asked, "What else can we do in six months!"

Mr. West again thanked the Council and expressed that working with Chattanooga has been a real pleasure and that they were looking forward to continuing this pleasant relationship; that it won't be finished in the next six months, and he would be around for a while; that he was glad to be in this from the beginning. (He added that the Council Chairman is a great American, and he was paid extra for saying that!!!)

Councilman Hakeem thanked him for the efforts he had put forth.

#1998-129 (INMAN, LLC)

REZONING

Councilman Lively verified that the opposition and applicant had reached an agreement.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the amended Ordinance was accepted.

On motion of Councilman Lively, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 4100 BLOCKS OF CUMMINGS HIGHWAY AND CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE & R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS 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 ZONING ORDINANCE
LANDSCAPE PROVISIONS

On motion of Councilwoman Rutherford, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO PERMIT PROCEDURES; PLACEMENT OF PLANTS; ADDING A DEFINITION; AND REVISING THE NUMBERING SYSTEM OF THE LANDSCAPE PROVISIONS ADOPTED IN ORDINANCE NO. 10692 passed second reading. On motion of Councilman Swafford, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE
NORTHSHORE MIXED USE ZONE
CORRECTIONS

On motion of Councilman Lively, seconded by Councilman Taylor, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY RESCINDING ORDINANCE NO. 10717 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF THE FOLLOWING IN ORDER TO CORRECT CERTAIN TYPOGRAPHICAL AND COMPUTER ERRORS RELATIVE TO THE NORTHSHORE COMMERCIAL/MIXED USED ZONE PREVIOUSLY ADOPTED BY THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION ON APRIL 13, 1998 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.

REZONING

#1998-131 (John Pauley)

Chairman Crockett went over the procedures for Ordinances on First Reading, explaining that three people could speak up to three minutes for the applicant and three people in opposition for up to three minutes and there would be an opportunity for rebuttal. He noted that the Planning Staff would first give a brief presentation. Mr. Bennett of the Planning Staff explained that this case had been tabled two weeks to give the Public Works Dept. an opportunity to take a look at the drainage. He stated that the requested R-4 Zone is compatible with the Hamill Rd. Plan; that the only basic difference between O-1 and R-4 is that R-4 also allows residential use. He stated that both the Planning Staff and the Planning Commission recommends this rezoning.

REZONING (CONT'D.)

Mr. Phil Rhodes was present representing the applicant. He stated that at first they did not realize they had a problem, but they now realized that Mrs. Bucher had serious problems which he did not think was of their making; that if this remained O-1, they could put an office on it. He stated that an Assisted Living Facility did require R-4 zoning -- that this was not a zoning problem but a permitting problem; that they had met with Tom Scott and thought that they had resolved the problems.

Mr. Terry Barker, Architect, spoke next for the applicant. He stated he had spent time up to the last minute with Tom Scott at the site; that this was a matter of run-off for a considerable area; that there was no relief other than a minor outlet; that Tom Scott had observed that they could extend the line through the easement and can get water collected from both directions in an expedient way and will be able to solve Mrs. Bucher's problem. He explained that this Assisted Living Facility would be adjacent to the North Park Hospital which was a plus and there should not be much of a volume of traffic or run-off. He explained they were attempting to decrease the run-off and increase the absorption; that they were taking steps to be good neighbors and were making certain that they got the drainage problem solved; that they had already got the first step taken care of with Mr. Scott. He stated that he hoped the Council would act favorably in approving this and get this lady some relief.

Mrs. Bucher of 4913 Bradington Ave. spoke in opposition. She stated that she had heard the word "if" used; that she was here two weeks ago; that had Mr. Pauley done **one** thing he was supposed to do, she would not be here tonight. She read a prepared statement and stated this would put more water on her; that she had spent hours on the phone attempting to reach Mr. Pauley and her attorneys had written many letters; that she had lost her grapevines, garden, etc. She stated Betts Engineering Co. had been contacted about this; that she had to care for her 93 year old mother in 1985, who had since died, and her health had prevented her from getting this problem solved in the manner she would have liked to. She stated Mr. Scott did an on-site inspection; that she felt the flooding would continue; that it was degrading to her to have to beg for assistance. She stated she was opposing any rezoning; that any kind of building they put there would flood her. At this point she displayed a court deposition. She stated a person could just take so much, and she had had assurances before. She stated she could produce tons of other pictures showing the flooding; that Mr. Barker had mentioned 2 ft., and she had heard 3 ft.

REZONING (CONT'D)

Mrs. Patty Bucher Noblitt spoke next in opposition. She stated she was Mrs. Bucher's daughter, and they had not been notified of the first meeting (Planning Commission); that they were not informed of this meeting but had been to every other meeting involving this; that had they been at the Planning meeting, there would have been opposition. She stated her mother had had to endure this for 30 years, and she is fighting for what she has; that all promises had been unkept and questions unanswered. She stated she had a problem with a person saying "if you don't let us do what we want, we will do something else." She reiterated that her mother had had problems for 30 years, and it was time for this to be stopped. She stated they did oppose this; however, they hoped that something good would come out of this. She stated they were not opposing the men that were present tonight.

Mr. Rhodes explained that Mr. Pauley had nothing to do with the development -- that he owns the property. He stated he thought this would help Mrs. Bucher rather than hurt her -- that it was a permitting process; that unless they could control their water, they would not get a permit. He urged the Council to approve their zoning and let them continue.

Mr. Barker explained there was not a clear understanding as to how this relates to Mrs. Bucher's property; that they faced on Hamill Rd. and there were four lots between them and Mrs. Bucher; that they were shaping the property and were not contiguous to her property.

Councilman Lively verified that the drainage work needs to be done to solve Mrs. Bucher's problem whether this is rezoned or not. Mr. Barker explained that this crosses a dedicated street and not anyone else's property; that it is on public property. Councilman Lively noted that the City would have to do the work to solve this problem.

Councilman Hakeem stated that it seemed the property owner had not kept promises in the past; that this property is separated from the opponent by other property, but he felt it could have some impact on this lady's property. He questioned the plan in place to solve her problem.

Adm. Marcellis stated the City would do the work on their own or in conjunction with this developer; that even if this rezoning does not happen, they (City) will take care of the water problem.

Mrs. Bucher asked what was going to be done about the alleyway.

Councilman Hakeem verified that if this rezoning is approved, they will participate in solving this problem; that either way it is done, her problem should be solved.

REZONING (CONT'D.)

Mrs. Bucher stated that if her problem is solved within two years that she would not oppose this rezoning -- that she would withdraw her opposition. Her daughter added that only one person got a notice about this.

Councilman Hakeem stated he understood the problems Mrs. Bucher had had over the years, but this problem would be resolved, and he wanted it on record that Mrs. Bucher was giving the City the opportunity to solve this problem.

Mrs. Bucher stated they would come within 15 ft. of her property if they built up 2 ft. Mr. Barker stated he did not think they were within 100 ft. of her property.

Councilman Taylor asked for a picture to get a bearing on the location.

Councilwoman Rutherford stated that Adm. Marcellis had already answered her questions; that she did not quite understand if this is done how it would harm her; that she felt it would help her; that the City and the Developer could work together to solve the problem.

Councilman Swafford stated that Councilwoman Rutherford had basically stated his comments.

Chairman Crockett stated he thought this was a good development, and it fits the Plan and is close to the hospital; that the developer is not the owner of the property; that there are unresolved problems with the owner of the property and he (owner) will profit from this; that the people who have had to put up with this problem should have absolute confidence that this will be fixed; that he would support this on first reading, but he would like to see in writing from the applicant and the City what they intend to do and the time-frame before second and third readings.

Mr. Rhodes stated Mr. Bennett should have something on slides; that he could get some photographs and tax maps.

Chairman Crockett stated he was not comfortable voting on second and third readings until this is nailed down. Mr. Rhodes stated this was a serious problem, and they wanted to help fix it.

Councilman Pierce asked Adm. Marcellis if they were also going to include the property owner on this.

REZONING (CONT'D.)

Adm. Marcellis responded that they were trying to see what he (owner) plans to do and what he has done. Councilman Pierce stated he was looking to sell the property, and he should bear some of the responsibility.

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, 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 2000 BLOCK OF HAMILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM 0-1 OFFICE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

#1998-136 (Paul & Margaret Wofford)

Mr. Bennett reminded the Council of the circumstances surrounding this case; that it had been held for two weeks so that members of the Council could take a look at the property; they were requesting C-6 Zone. Mr. Bennett stated that the Planning Commission recommended approval with the condition that there be no billboards; that the Staff recommended against the rezoning as this is totally residential, and this would be spot commercial zoning. He reiterated that this was spot zoning and would open this entire area up to commercial zoning, and it would be difficult to turn additional requests down adjacent to this.

John Anderson, Attorney, represented the applicants. He stated that as Mr. Bennett had indicated they were asking for rezoning from R-1 to C-6. He asked that Mr. Bennett show the slide of the location of the property. He explained that the property is near the right-of-way, and this will change the character of this neighborhood; that a screening of trees would be removed which presently exists, and this would make the property visible to 110,000 cars on the freeway; that there is a clinic not far away in East Brainerd, which proves that there is a demand for this; that the property further south is also commercial (C-2), although undeveloped. He stated that whether this is rezoned or not, as soon as the trees are gone Planning will be inundated with lots of requests for commercial zoning. He asked that the Council approve this application from R-1 to C-6.

REZONING (CONT'D.)

Ms. Diane Reed spoke in opposition. She stated she was just down the street on Hickory Valley Rd.; that she had sent a fax earlier in the day to each Council person which should be self-explanatory. She stated this was mostly a community of dead-end streets; that they were trying to keep the community a small community like it is; that the only business is a small barber shop which comes under the grandfather clause; that they have no control over East Brainerd Rd. where P & S Paper Supplies is located. She stated this is a community of dead-end streets and no outlets; that they don't know what it will entail when the freeway comes through; that they want to maintain the neighborhood as commercial-free. She stated they already have two large apartment complexes in the area; that it took one lady 5-10 minutes to make a left turn; that if we open this up to C-6, we will be opening it up to even more people coming in. She asked the Council to turn this down.

Sandy Defoor was the next person to speak in opposition. She stated she lived on the same street as Ms. Reed, and they have all kinds of traffic problems; that this is a quiet little neighborhood, and they try to keep it that way; that it is a narrow two-lane road with no shoulders and back-to-back property. She stated she was concerned about property values; that it would not be a year before another one would want to be zoned commercial. She stated none of the neighbors were aware of this; that there was no visible sign posted; that they knew nothing about this which made them suspicious; that they wanted to stay in their little nest.

Ms. Kim Beck spoke next in opposition, stating that she also lived on Hickory Valley Rd. She stated as everyone knew, their area had suffered through the tornado, and they had gone through a lot of stress and were trying to build back their lives and houses; that they had new homes, and this would degrade their property very much. She stated she had lived here since 1982, and her property had been acquired through blood, sweat, and tears; that the neighbors are very concerned; that they had contacted the media; that she knew Chattanooga was growing and understands the growth but would like to keep her home. She stated she was a business woman that represented a lot of people, as she was a Social Worker. She pleaded with the Council to vote "No" and thanked them for their time.

Attorney Anderson stated that signage was posted by the Planning Dept.; that it may have been taken down by the weather or otherwise; that it had been replaced several times. He stated he understood the concern of change in the neighborhood; that there had been considerable change in the neighborhood, and there would be more when the trees are gone; that there would be 110,000 cars going by each day. He asked the Council to rezone this from R-1 to C-6.

REZONING (CONT'D.)

Councilwoman Rutherford asked Attorney Anderson if he knew when the widening of the freeway would take place; that she had tried to find out. He indicated that he did not have a crystal ball. Adm. Marcellis stated that they had had a pre-construction meeting today, and it should begin very shortly; that it would take them two years to finish.

Councilwoman Rutherford asked Mr. Bennett if we rezone this to C-6, what are the other uses that would be allowed. Mr. Bennett responded that C-6 was primarily designed for big box commercial retail such as appliance and furniture stores and other buildings with large square footage and a lot of inventory and commercial endeavors that would generate less traffic. Councilwoman Rutherford noted that even hospitals would be allowed; that everyone had seen areas where we have just allowed a commercial zone to happen and did not plan for it; that it becomes a disaster area. She stated this was spot zoning, and she would like it referred to the Planning agency and let them give us some guidelines. **She moved that this request be denied.**

Councilman Eaves moved that this be granted without conditions.

Councilman Taylor seconded Councilwoman Rutherford's motion to deny on roll call vote as follows:

COUNCILMAN EAVES	"NO"
COUNCILMAN HAKEEM	"NO"
COUNCILMAN LIVELY	"NO"
COUNCILMAN PIERCE	"NO"
COUNCILWOMAN RUTHERFORD	"YES"
COUNCILMAN SWAFFORD	"NO"
COUNCILMAN TAYLOR	"YES"
CHAIRMAN CROCKETT	"YES"

The motion to deny did not pass.

REZONING (CONT'D.)

Councilman Taylor moved to table the matter. This was seconded by Councilwoman Rutherford on roll call vote as follows:

COUNCILMAN EAVES	"NO"
COUNCILMAN HAKEEM	"NO"
COUNCILMAN LIVELY	"NO"
COUNCILMAN PIERCE	"NO"
COUNCILWOMAN RUTHERFORD	"YES"
COUNCILMAN SWAFFORD	"NO"
COUNCILMAN TAYLOR	"YES"
CHAIRMAN CROCKETT	"YES"

The motion failed. Councilman Eaves called for the question on the motion to approve without conditions.

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1518 HICKORY VALLEY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-6 COMMERCIAL ZONE

passed first reading on roll call vote as follows:

COUNCILMAN EAVES	"YES"
COUNCILMAN HAKEEM	"YES"
COUNCILMAN LIVELY	"YES"
COUNCILMAN PIERCE	"YES"
COUNCILWOMAN RUTHERFORD	"NO"
COUNCILMAN SWAFFORD	"YES"
COUNCILMAN TAYLOR	"NO"
CHAIRMAN CROCKETT	"NO"

Councilman Rutherford asked to make a comment for the record. She was deemed out of order by Chairman Crockett.

CLOSE AND ABANDON

Councilman Taylor noted that the following Ordinances came before the Public Works Committee and all were recommended.

#1998-084 (Hamilton County Real Property)

On motion of Councilman Pierce, seconded by Councilman Hakeem, AN ORDINANCE CLOSING AND ABANDONING BASKETTE STREET, EAST 16TH STREET, AND ALLEYS SOUTHWEST OF EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE passed first reading.

CLOSE AND ABANDON

#1998-087 (Hamilton County Government and City of Chattanooga)

On motion of Councilman Pierce, seconded by Councilman Lively, AN ORDINANCE CLOSING AND ABANDONING 10TH AVENUE AND ALLEYS NORTHEAST FROM EAST 37TH STREET, BETWEEN 7TH AVENUE AND DODDS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE passed first reading.

CLOSE AND ABANDON

#1998-092 (Hamilton County Government, Real Property Office)

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE CLOSING AND ABANDONING 14TH AVENUE AND ALLEYS NORTHEAST OF EAST 38TH STREET, BETWEEN 13TH AVENUE AND 15TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

CLOSE AND ABANDON

#1998-108 (Hamilton County Government and City of Chattanooga)

On motion of Councilman Taylor, seconded by Councilman Lively, AN ORDINANCE CLOSING AND ABANDONING EAST 25TH STREET, EAST 26TH STREET, READ AVENUE, BALDWIN STREET, AND ALLEYS SOUTHEAST OF MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

CLOSE AND ABANDON

#1998-121 (L&P, LLC)

On motion of Councilman Swafford, seconded by Councilman Pierce, AN ORDINANCE CLOSING AND ABANDONING 7TH AVENUE AND ALLEY SOUTHWEST OF EAST 24TH STREET PLACE, BETWEEN 8TH AVENUE AND 6TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND CITY CODE
ELECTRICAL CONTRACTORS

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 14-15, REGARDING FEES FOR NEON TRANSFORMERS, SECTION 14-75, REGARDING QUALIFICATIONS OF SIGN ELECTRICIANS; AND SECTION 14-82, REGARDING RESPONSIBILITIES OF CLASS III ELECTRICAL CONTRACTORS IN THE INSTALLATION OF NEON, GAS FILLED TUBE, DECORATIVE LIGHTING passed first reading.

PURCHASE OF PROPERTY
ADJACENT TO BROWN ACRES GOLF COURSE

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY ADJACENT TO BROWN ACRES GOLF COURSE (TAX PARCEL #1581-C-020), MORE PARTICULARLY DESCRIBED HEREIN, FROM BRADLEY S. GRUNER FOR USE AS PART OF BROWN ACRES GOLF COURSE FOR A CONSIDERATION OF TEN THOUSAND DOLLARS (\$10,000.00) **was delayed until next week for discussion in committee.**

AGREEMENT

Councilman Taylor noted that Resolutions (b) thru (e) were discussed in Committee and come with a recommendation.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH HAMILTON COUNTY RELATIVE TO TRAFFIC SIGNAL CONTROLLER MAINTENANCE SERVICES was adopted.

AGREEMENT AMENDMENT

On motion of Councilman Swafford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS ADMINISTRATOR TO EXECUTE AMENDMENT NO. 1 TO THE ENGINEERING SERVICES AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE CENTRAL AVENUE CSO CONTROL FACILITY, CONTRACT NO. CSO-2-98, WHICH INCREASES THE CONTRACT AMOUNT BY FORTY-THREE THOUSAND DOLLARS (\$43,000.00) FOR A REVISED CONTRACT AMOUNT OF THREE HUNDRED ELEVEN THOUSAND, THREE HUNDRED DOLLARS (\$311,300.00) was adopted

CONTRACT CHANGE ORDERS

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2, HOUSEHOLD HAZARDOUS WASTE FACILITY, WITH FOSTER CONSTRUCTION, INC., WHICH CHANGE ORDERS INCREASE THE CONTRACT TIME BY ELEVEN (11) DAYS AND THE CONTRACT AMOUNT BY TWO HUNDRED DOLLARS (\$200.00), RESPECTIVELY, FOR A REVISED CONTRACT PRICE OF TWO HUNDRED FORTY-ONE THOUSAND, FOUR HUNDRED FIVE DOLLARS (\$241,405.00) was adopted.

TEMPORARY USAGE

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING SOUTHERNBELLE, LLC, TO USE TEMPORARILY AN UNUSED AND UNOPENED SECTION OF FISK AVENUE FOR THE PURPOSE OF EMPLOYEE PARKING, SUBJECT TO CERTAIN CONDITIONS was adopted.

DESIGN GUIDELINES
FORT WOOD & BATTERY PLACE

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION ADOPTING DESIGN GUIDELINES FOR THE FORT WOOD HISTORIC DISTRICT AND THE BATTERY PLACE HISTORIC DISTRICT, SAID GUIDELINES ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE was adopted.

OVERTIME

Overtime for the week ending August 21, 1998 totaled \$17,539.83.

PERSONNEL

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

ALICE SPENCE -- Retirement of Asst. Administrator, effective 7/31/98.

HEAD START

RACHEL JONES -- Promotion to Lead Teacher/Supervisor, \$23,592.15, effective 8/14/98.

MELANIE MORRIS -- Promotion to Lead Teacher/Supervisor, \$23,963.45, effective 8/14/98.

SATANN STEWART -- Promotion to Lead Teacher/Supervisor, \$19,027.20, effective 8/14/98.

CHAUNDRA SUTHERLAND -- Promotion to Head Start Teacher, \$11,111.10, effective 8/14/98.

TERESA JOHNSTON -- Hire as teacher, \$16,489.20, effective 8/14/98.

PERSONNEL (CONT'D.)

SHERRELL GIBSON -- Hire as teacher, \$14,578.20, effective 8/14/98.
JENNIFER HARTZONG -- Hire as teacher, \$16,671.21, effective 8/14/98.
MELODY JOHNSON -- Hire as teacher assistant, \$13,049.40, effective 8/14/98.
CHERYL HOWARD -- Hire as Teacher Assistant, \$8,053.50, effective 8/14/98.
LORI DOWDEN -- Hire as Teacher Assistant, \$8,190.00, effective 8/14/98.
ROSALIND DOOLEY -- Hire as Teacher Assistant, \$11,138.40, effective 8/14/98.
TERRIOUS SMITH -- Hire as Teacher Assistant, \$8,271.90, effective 8/14/98.
JENNIFER STOLZ -- Hire as Teacher Assistant, \$13,286.00, effective 8/14/98.
PATRICIA BROWN -- Hire as Family Services Assistant, \$12,380.68, effective 8/14/98.
KIMBERLY LONG -- Hire as Family Services Assistant, \$8,872.50, effective 8/14/98.
GLORIA HOLT -- Hire as Family Services Assistant, \$9,227.40, effective 8/14/98.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following purchase was approved for use by the Human Services Dept.:

BUILDING SERVICES, INC. (Lower and better bid)
Requisition No. R0034436

Twelve (12) Months Requirement Contract for Janitorial Services

\$11,870.00

PERSONNEL

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

JOHN JACOB HINELY -- Hire as Laborer II, Ross' Landing, Pay grade 4/1, \$15,165.00 annually, effective 8/26/98.

PAUL MEYNEERS -- Hire as Laborer II, Ross' Landing, Pay Grade 4/1, \$15,165.00 annually, effective 8/26/98.

ERIC PENTECOST -- Hire as Laborer II, Ross' Landing, Pay Grade 4/1, \$15,165.00 annually, effective 8/26/98.

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Parks and Recreation Dept.

TURF CARE PRODUCTS (LOWER AND BETTER BID)
Requisition No. R0035461

Water Aerator and Lift Kit
\$24,209.00

NEWTON CHEVROLET (BETTER BID FOR CITY)
Requisition No. R0035726

1998 Compact Ford Pick-Up Truck
\$14,450.00

GENERAL SERVICES

Adm. Traughber did not have any personnel nor purchase reports, but he did seek the Council's guidance. He stated he was ready to make a selection of the architect for the Jail Project; that Mr. Burns had also been working on this project; that he would be ready to submit this at the next Council meeting. He asked whether the Council wanted him to just have a Resolution prepared to enter into a contract or whether they would like to have this discussed thoroughly in a committee meeting. Chairman Crockett indicated that he would prefer a discussion in a committee meeting and stated that then the Council would be happy to place it on the agenda.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

CITY-WIDE SERVICES

JACK NATION -- Resignation of Laborer II, effective 8/5/98.

MICKEY HYDE -- Resignation of Laborer III, effective 8/13/98.

ROBERT BAINE, JR. -- Promotion of Truck Driver III, Pay Grade 6/1, \$17,201.00 annually, effective 8/19/98.

CURTIS L. STALLINGS -- Employment as Sanitation Worker I/Laborer I, Pay Grade 3/1, \$14,307.00, effective 8/26/98.

PURCHASE

The following purchase was approved for use by the Public Works Dept.:

TENN VALLEY ICE COMPANY (Lower and better bid)
Requisition No. 0034789

Crushed Ice Contract

\$.45 per bag

PERSONNEL

The following personnel matters were reported for the Police Dept.:

ELIZABETH ANN HECK -- Resignation of Adm. Secretary, effective 8/27/98.

BELINDA SANFORD -- Return from Medical Leave as Meter Officer, effective 8/17/98.

PURCHASE

On motion of Councilman Swafford, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Police Dept.:

NEC TECHNOLOGIES, INC. (Single Source Purchase TCA 6-56-301)
Requisition No. 27711

Maintenance Agreement on NEC Automated Fingerprint Identification System for Investigative Services

\$ 4,274.00 monthly
\$51,288.00 annually

Councilman Pierce mentioned a little badge that he was wearing that several of the Councilpersons had asked him about. He asked Chief Dotson if he could "deputize" the rest of the Council. Chief Dotson quipped, "only if they go through the same training as you did!"

COMMITTEES

Councilman Taylor reminded Council members of the **Public Works Committee scheduled two weeks from today on September 8, 1998.**

Councilman Rutherford scheduled a **Parks and Recreation Committee immediately following the Health, Education, and Housing Committee on Tuesday, September 1, 1998.**

Councilman Crockett scheduled a **Committee-of-the Whole meeting immediately following the Parks and Recreation Committee on September 1, 1998** to discuss the architect for the Jail Project and to authorize the City Attorney to do what is necessary.

RESIGNATION OF COUNCILMAN SWAFFORD

Chairman Crockett stated that he has received a Letter of Resignation from our District 5 Representative and turned the meeting over to Councilman Swafford.

Councilman Swafford stated that he had prepared a statement; that as everyone knew on next Tuesday he would be sworn in as Juvenile Court Clerk, and he read from his statement which he had prepared, which is spread upon the minutes:

TO: Councilman David W. Crockett, Chairman

FROM: Ronald E. Swafford

DATE: August 25, 1998

RE: RESIGNATION FROM COUNCIL AS DISTRICT 5 REPRESENTATIVE

It is with mixed emotions that I submit this resignation to you as the District 5 representative on the City Council effective at the close of Council business today, August 25, 1998.

RESIGNATION OF COUNCILMAN
SWAFFORD

District 5 has seen many improvements over the years. The Eastdale Plan will come before the Council soon; the support of the Council as a whole is requested for the improvement of that area. It is hoped that the Streetscape project in the Eastdale-Woodmore area continues; one phase is complete and two more are scheduled. The Streetscape project completed at the Tunnel Boulevard/Shallowford Road intersection would be an excellent extension on the far end of Tunnel Boulevard near the project underway by the New United Church. It would be good if the City could partner with them in an effort to develop that end of Tunnel Boulevard. The improvements in the area of recreation in the Shepherd and Washington Hills communities are appreciated, however, there is still unfinished work that needs to take place.

Upon reflection, there have been many pressing issues before this Council that required careful deliberation. It is hoped that the citizens of Chattanooga know that the votes I cast on all issues, whether difficult or otherwise, were for the benefit of the City as a whole and not just District 5.

Upon exiting this office, I would like to express appreciation to my family for the support they have given, to my friends on this Council and the previous one for the camaraderie shared, to the Mayor and others in Administration for their cooperation, and to the Council Office staff for their professional assistance. A special note of appreciation and thanks is extended to the residents of District 5 who cast their vote of confidence for two terms. It has been my genuine pleasure to serve in this capacity!

Councilman Swafford thanked the Council, Mrs. O'Neal and the Council Staff. He stated that the Council Staff had really been tremendous--that there was not a better Staff anywhere--that they were always courteous; that they spoil the Council members and do an out-standing job. He noted that along with Mrs. O'Neal, Randy Burns was also present tonight and Shirley Crownover. Councilman Swafford also recognized his wife and son, Sharon and Jonathan, stating that he loves and appreciates them and that his other son is away at school. He invited everyone to the Swearing-In ceremonies.

Chairman Crockett stated that it was with reluctance that we accept this resignation. He stated that on a personal note he had gotten to know Councilman Swafford and how he related to his family; that he took care of his family and put them first and also represented the City as a whole; that Councilman Swafford had gone above and beyond what was expected of him.

RESIGNATION (CONT'D)

Councilman Lively stated that he thought each of the Councilpersons could say that it has been a pleasure working with Councilman Swafford; that he had been independent in his voting and very cooperative; that he had voted for the whole City and not just his District. He stated that we would miss him and congratulated him on winning the election. He added we would also miss his tall tales about Sale Creek!

Councilwoman Rutherford stated that Councilman Swafford, Councilman DiStefano, and herself came on the Council together which she felt had created a special bond -- that now he was leaving her by herself. She noted that Councilman Swafford's district and her own abut, and they had helped each other many times. She stated that without Councilman Swafford's assistance the senior citizens at Eastgate would not have what they have now.

Councilman Taylor stated that he was going to miss Councilman Swafford -- that he had been a good example, along with all of the other Councilpersons, to him; that he was always straightforward, and he did appreciate him. He stated he would miss him as his representative of his Funeral Home District. He stated he would also miss him in his little corner on the Council dais. As an added thought, he asked for his cubicle with the window!!

Councilman Pierce stated that he had enjoyed the past five and one-half years; that he had found him to be a person who made up his own mind and that they had not always agreed. He jokingly stated that he had made a small contribution to his campaign and if there was anything left over, he would like it back. He stated we would certainly miss Councilman Swafford on this Council. He wished him well and encouraged him to endure and meet the calling.

Chairman Crockett stated that Councilman Swafford was now officially no longer a member of this Council. He asked his wife and son to stand.

Councilman Eaves stated that we would miss Councilman Swafford, jokingly stating that he would "miss his bragging". He stated that it was with a great deal of regret that he says "we hate to see him go".

Councilman Pierce asked if the entire Council could accept his resignation, and if we could do it on roll call and everyone vote "No"!!

Councilman Swafford stated that his tenure as a Councilman had been a true pleasure.

REPLACEMENT OF DISTRICT 5 SEAT

At this point Chairman Crockett stated that the Council needed to decide how we will proceed to address the District 5 Representation.

Councilman Pierce stated that the Council had received a couple of names, maybe three. He suggested that this matter be referred to committee for one week; that we need a process; that we have no guidelines as to how we would do this; that we need to give the District an opportunity to realize that a vacancy has occurred. He stated he thought it would be a fair process to refer this back to committee for one week, and then we would be able to appoint someone. He stated he thought former Councilman Swafford had someone he wished to support, and he had no problem with this. He stated he would just like the public to know our process.

Councilman Hakeem stated that he was selfish -- that he would not be here next week, and he was interested in taking care of this tonight; that the Council needed to go ahead and make a decision and not allow something this important to drag on when it is not necessary; that the people knew Mr. Swafford was running for another position, and he thought if we delayed, we would be opening up something we are not prepared for. He stated he would like to see the Council move forward tonight and get this settled tonight, and **he made the motion that the Council act on this tonight. This was seconded by Councilman Taylor.**

Councilman Lively stated we knew from the determination of the City Attorney that an election has to be held in November, which is only a couple of months away; that selecting someone as a caretaker is a good way to put it; that the people will select someone in November; that this is in no way a perfect way to do this but to drag it on would complicate it more. He stated that a couple of names had been put forward, and he felt we should go on with the process and started to present a name. Chairman Crockett asked that the Council not get into names at this point. **A roll call vote was taken as to whether to proceed with a selection for District 5 representation tonight which was as follows:**

COUNCILMAN EAVES	"YES"
COUNCILMAN HAKEEM	"YES"
COUNCILMAN LIVELY	"YES"
COUNCILMAN PIERCE	"NO"
COUNCILWOMAN RUTHERFORD	"YES"
COUNCILMAN TAYLOR	"YES"
CHAIRMAN CROCKETT	"YES"

DISTRICT 5 REPRESENTATION (CONT'D.)

Chairman Crockett noted that this issue had been discussed in two committee meetings -- once briefly and once in a little more detail; that we have to replace Councilman Swafford subject to the November election with September 19th being the qualifying date for anyone wishing to run for the position in November; that the Charter mandated that we "shall" fill the position; that it is for a short period of time, and it should be done expeditiously. He then opened the floor for the process of filling the vacancy.

Councilman Pierce stated that the mandate said it had to be filled, but there was a time element involved -- that it said a "reasonable time"; that he had no problem with appointing someone as a caretaker. He stated he could not support filling this vacancy at this time.

Councilman Hakeem offered the name of Luther Shockley for the interim position. He stated that Mr. Shockley was a former educator and full-time golfer from District 5. He made this in the form of a motion.

Councilman Taylor moved to close the nomination on this said name.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, and on roll call vote as follows, Mr. Luther Shockley was selected as the Interim Caretaker for District 5:

COUNCILMAN EAVES	"YES"
COUNCILMAN HAKEEM	"YES"
COUNCILMAN LIVELY	"YES"
COUNCILMAN PIERCE	"NO"
COUNCILWOMAN RUTHERFORD	"YES"
COUNCILMAN TAYLOR	"YES"
CHAIRMAN CROCKETT	"YES"

Attorney Nelson stated that Mr. Shockley would need to file a bond and be given the oath of office in order to serve the citizens of District 5, and this could happen before the next meeting.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, September 1, 1998, at 6:00 P.M.


CLERK OF COUNCIL


CHAIRMAN

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