

**Municipal Building
Chattanooga, Tennessee
February 13, 2001**

Chairman Hakeem called the meeting of the Chattanooga City Council to order with Councilmen Crockett, Eaves, Franklin, Hurley, Lively, Pierce, Rutherford, and Taylor present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, City Attorney Randall Nelson gave the invocation.

MINUTE APPROVAL

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

**AMEND CITY CODE
TRAFFIC DEVICES**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 24, SECTION 24-261, RELATIVE TO THE
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES**
passed second reading. On motion of Councilman Franklin, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2001-016 (FIDELITY TRUST COMPANY)

Upon request, this Ordinance was taken out of order. Mr. Paul Mallchok was present and requested that this matter be tabled a few weeks.

On motion of Councilman Taylor, 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 21 WEST 28TH
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
M-1 MANUFACTURING ZONE AND M-3 WAREHOUSE AND
WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

was deferred for four weeks.

PLANNING STUDY

2001-014 (CITY OF CHATTANOOGA)

Councilman Pierce asked that this Ordinance also be taken out of order.

John Bridger of Planning gave a brief presentation. He stated that they were asked this fall to do a Rezoning Study for the Southside Area; that it was a grassroots effort with several charettes. He stated that there were positive changes as a result of these efforts; that they needed to get the zoning changed to be in accordance with the Southside Plan; that they were asked to do a Rezoning Study; that it was a large area that was done in pieces; that the area we were looking at tonight was Cowart Place and the uses outlined in the Plan calls for residential. Mr. Bridger stated that they had two public meetings and announcements were mailed to residents in the area; that they discussed the Plan and received feedback and from this feedback developed recommendations. He explained that the area was mostly vacant and new homes were going in; that the zoning is mostly M-1 in the block and in the middle CNE is doing a residential development envisioned by the Plan, and they needed to get the zoning intact. Mr. Bridger presented their recommended Zoning Plan.

Councilman Pierce asked Mr. Bridger if he realized that this was **not** rezoning and **just** a Study.

Attorney Nelson explained that Planning was asked to do a Study and this Study does not rezone all of these areas and this (Ordinance—Resolution) just adopts the Study.

Mr. Barry Bennett, Director of Planning, stated that this was just the First Phase for CNE to start the residential development, which requires a zoning change. He stated that the purpose of this Study was to rezone because a Study had already been done and a Land Use Plan was in place; that it had to be rezoned because they could not accomplish what the Plan called for without rezoning. He stated that this would allow CNE to continue with their plans.

Councilman Pierce pointed out that the (Ordinance) says that this is a Zoning Study.

Mr. Bennett responded that a Zoning Study can result in Policy or an actual recommendation to rezone. He stated that this was a Rezoning Study, but the Plan had already been adopted.

Chairman Hakeem suggested that this be deferred for one week so that everyone could come to an understanding; that this was not to imply that Planning had done anything incorrectly but everyone needed to be on the same page.

PLANNING STUDY (CONT'D.)

On motion of Councilman Pierce, seconded by Councilman Lively,

A RESOLUTION REQUESTING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION TO CONDUCT A STUDY OF PROPERTIES LOCATED BETWEEN BROAD STREET AND MARKET STREET AND BETWEEN WEST 16TH STREET AND WEST 20TH STREET, WITH THE EXCEPTION OF TWO PARCELS ON THE NORTHWEST CORNER, MORE PARTICULARLY DESCRIBED HEREIN, AND SUBJECT TO CERTAIN CONDITIONS

was deferred for one week.

AMEND PROP. DESCRIPTION

2000-190 (S. REGINALD RUFF, III)

Pursuant to notice of public hearing, this matter came before the Council. Mr. Pace of the Planning Staff explained that this just cleans up the language and corrects a typing error but does not change the original request.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND THE PROPERTY DESCRIPTION CONTAINED IN ORDINANCE NO. 11081 ON PROPERTY LOCATED AT 4625 ST. ELMO AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2000-225 (Wael Tarkouri and Mohammed Alazzam)

Pursuant to notice of public hearing, this request to rezone a tract of land located at 1725 North Orchard Knob Avenue came on to be heard.

REZONING (CONT'D.)

Mr. Jerry Pace of the Planning Staff made the presentation. He explained that this was located in the Orchard Knob, East Chattanooga area north of Bushtown; that it is an existing grocery store. The request is for C-2. C-2 Zoning was previously denied in 1999 by this Council and C-5 was approved with the condition that a convenience store would be allowed and that they could not sell alcohol and beer and could not have a car wash. Mr. Pace explained that the neighborhood had opposed the selling of alcohol and the Council followed the wishes of the neighborhood. Since then, the ownership has changed hands, and the new owner wants to have the right to sell beer at this location. Because of the past wishes of the neighborhood, Mr. Pace stated that both the Staff and Commission recommend denial.

Mr. Tarkouri, the applicant, spoke next. He stated that he was here to get permission to rezone and would make it short. He explained that he would like to change the zoning just to have the opportunity to open up other avenues for his business; that business had been poor, and he was looking at other opportunities to build up business. He stated that he had been at this location for a year now, and business had not picked up. He explained that right across the street from him the property was zoned C-2 and right beside that is property that is zoned M-3, which is a manufacturing-type. He stated that there were other commercial uses in this area, and he would appreciate it if the Council would consider changing the zoning from C-5 to C-2.

Councilman Pierce stated that the Council heard this same application a year or so ago and turned it down and had bent over backwards to put conditions on it so that they would not be able to sell alcoholic beverages and that that is the condition that this applicant wants lifted tonight.

Mr. Tarkouri stated that he had 350 signatures supporting him on what he was applying for; that he did not know if the Council had a copy of this or not but explained that he had turned this in to Planning, and they had said they would get it to the Council.

Councilman Pierce stated that he had talked to the president of the neighborhood association, and she was not aware this was coming up, and they did not want this in their community. He mentioned a problem that had arisen near this location just two weeks ago, and they did not want to tolerate this in this area.

Mr. Tarkouri responded that robberies were happening everywhere, and it had just happened once to him; that the location Councilman Pierce was referring to was another store that had been robbed many times. He stated that he was trying to help the people in his neighborhood by being a neighborhood store, and the people in the neighborhood were protecting him.

REZONING (CONT'D)

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 1725 NORTH ORCHARD KNOB AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was denied.

REZONING

2000-226 (KLH DEVELOPMENT, LLC)

Pursuant to notice of public hearing the request to rezone a tract of land located in the 3000 and 3100 Blocks of Jenkins Road came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation. He explained that the Planning Commission recommended approval with conditions that the proposed use be office and warehouse only in accordance with the attached revised site plan, and that all existing easements be retained. He went over the surrounding zoning and stated that the original request was for a different zone, but the applicant and neighborhood met with the Planning Staff and the site plan was shown to the neighborhood and M-3 rezoning was reached, as this is very low density. He stated that both the Staff and Commission recommend the request to M-3 with conditions. He noted that the Staff had originally recommended R-4.

Councilman Eaves questioned the Staff's recommendation of R-4. He mentioned the type of business going there, noting that there would be a lot of stuff to be stored outside and stated that he, too, thought R-4 would be sufficient.

A representative of KLH spoke next, stating this was the zoning requested by another company who wanted outside storage; that this business was strictly office and warehouse.

Councilman Eaves asked if this could be a part of the Ordinance conditions—that there would be **no outside storage**. The representative of KLH agreed to this condition.

Mr. Pace added that they applicant had agreed to move the parking and the neighborhood association had agreed with the revised Site Plan, which called for M-3 zoning. He stated that they could add “no outside storage” as a condition.

REZONING (CONT'D.)

Councilman Eaves stated that he would like to see this added, and it could be lifted later if necessary.

Attorney Nelson added this condition to the Ordinance in open meeting and then read the conditions.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 3000 AND 3100 BLOCKS OF JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2001-007 (BRIAN TUNE)

Pursuant to notice of public hearing, this request to rezone a tract of land located at 6632 Lee Highway came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation. He stated that this was located in the East Brainerd area just before you get to Hickory Valley Rd.; that there is commercial zoning along Lee Highway; that this is near the Baptist Children Home and Ryan's Steak House; that Hickory Valley Rd. is zone R1 Residential. He also noted that there was a vegetable stand in front, and the property is zoned C-2 for assembly of computers. He stated that they felt the M-2 Zone was still a low-intensity use and both the Planning Staff and Commission recommend approval.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6632 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2001-008 (RICK L. STALLARD & TIM WALLS)

Pursuant to notice of public hearing, the request to rezone a tract of land located at 2403 Jenkins Road came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation. He explained that this was off E. Brainerd Rd. He went over the surrounding zoning, noting that this was a request to rezone from R-1 to RZ-1 for patio homes.

Councilman Eaves asked if there was any opposition at the Planning Commission meeting, and the answer was “no”.

On motion of Councilman Pierce, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2403 JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE

passed first reading.

REZONING

2001-009 (JAMES D’HONDT)

Pursuant to notice of public hearing, the request to rezone a tract of land located at 141 Dower Road came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation. He stated that this was located in the Lookout Valley area, and the area is mostly R-1. He showed a slide of the residential property surrounding this. The request is to rezone from R-1 to RZ-1 with a Zero lot line. He noted that the number of units that could conceivably be placed on this property was 112 units, but the applicant was requesting only 50+ units. He also noted that if the property remained R-1 that the applicant could place 30 to 35 single-family residences in a subdivision. He stated that the Staff felt that this was a reasonable request with conditions that there be no driveway access off Dower Road, and the applicant would comply with this condition.

Councilman Lively stated that he respected the work that the Planning Staff does and he usually agreed with them 90% of the time, but he was surprised to see them recommending this.

REZONING (CONT'D.)

Councilman Lively went on to say that they were engaged in a running battle with Stormwater in this area; that the folks were getting washed away with flash floods. He stated that this would be 53 houses on 7.8 acres and in the Mountain Creek area houses are on 5-10 acre lots and still have problems, and he felt this would result in a monumental problem with flooding below.

Mr. Pace explained that they would have to comply with Stormwater requirements and Planning had no control over this.

Mr. D'hondt, the applicant, spoke next. He asked the Council to please forgive his speech impediment. He stated that he had talked with Traffic Engineering and the Counselor and had agreed to turn the houses around on Dower Road, which resulted in his having to cut down on some of the project. He stated that there were no storm sewers there now to get rid of the water; that when his construction was completed, he would have to meet all requirements such as stormwater, curbs, roads, and landscaping and everything would have to be reconditioned. He stated that he proposed to do all of the proper landscaping. He asked if the patio homes were not allowed to go here, if he would have to go through another rezoning to leave this property R-1 and put 30 houses in there.

Mr. Pace explained to him that he would not have to go through the rezoning process but would have to submit a Subdivision Plat.

Councilman Crockett stated that he went out to look at this and asked if any construction was going on or grading. Mr. Pace stated that he was out there Friday, and it looked like grading was going on. Mr. D'hondt explained that he was getting the trees cut but no actual building was going on; that it was not a bulldozer that they saw; that he could not start construction until he got an "okay".

Mr. Brad Fryar of 138 Dower Road spoke in opposition. He stated that he was across the street from the proposed project. He presented a site plan, also, and a petition, along with pictures showing how steep the hill is for 52 homes. He stated that the petition was signed by people in the immediate neighborhood. He requested that the Council deny this and keep the property R-1. He stated that he agreed with what Councilman Lively said about the stormwater; that they had approached the Stormwater Office about doing some work in the ditches, and they had said they would do nothing about the site; that water stands on everyone's lots; that stormwater is a problem down Center Street, and there was a wetland in his front yard. He stated that he felt there would be an increased water flow with that many houses on the hill. He stated that the stormwater was just one problem; that another problem was the traffic flow; that a patio house typically had five trips per day, which would put 250 trips onto a secondary road that was very small. He stated that this created too many problems. He stated that the third thing they had a

REZONING (CONT'D.)

problem with was the style of the homes; that all of this was zoned R-1 and had been R-1 forever, and they wanted to keep it residential and single-family dwellings, and these type homes would not blend in.

Mr. Dan Snider of 227 Dower Road was the next speaker in opposition. He stated that water comes off the hill now and there is a 20 ft. ditch; that he had to put brush and leaves in the ditch to keep his yard from washing away. He stated that he felt this would increase the run-off, and his yard would be gone.

Mr. D'hondt stated that he did not want hard feelings or complications with the neighbors; that he thought it might be in their minds that he would get the money and run. He assured that things would be done right; that he could not cut corners because of all of the City's regulations; that there was no control over the water problem now, and if this was allowed, it would be controlled. He reiterated that he wanted no hard feelings and went into this with a friendly manner.

Councilman Eaves asked the difference in the amount of houses allowed on R-1 property and RZ-1 property. Mr. Pace answered that on R-1 you have a minimum of 7500 sq. ft. and on RZ-1 property you could get 112 houses; on R-1 you could place 30-35 houses. Councilwoman Rutherford noted that she understood the applicant was going to limit this to 50. Mr. Pace stated that he had said 50+; that "only 50" could be placed in the Ordinance as a condition to limit the number. Councilwoman Rutherford asked how many trips a day were common in R-1 zones. Mr. Pace responded that Traffic Engineering told them 10 trips per day versus 5 trips for patio homes. Councilwoman Rutherford pointed out that patio homes would generate fewer traffic trips. Mr. Pace added that normally there are older residents in RZ-1. Councilwoman Rutherford asked if the applicant had any drawings or pictures of what he was proposing. Mr. Pace responded that there was just his site plan. Councilwoman Rutherford pointed out that one of the problems the neighbors had mentioned was the style of the homes. Mr. D'hondt stated that he gave his pictures to Councilman Lively to show to people. Councilwoman Rutherford went on to question the sq. footage of the homes, which was 950 to 1200 sq. ft. each.

Councilwoman Hurley stated that she sat on the Planning Commission when this was heard, and she was the only negative vote and questioned stormwater and elevation in the neighborhood.

REZONING (CONT'D.)

Councilman Crockett stated that he appreciated the sincerity of the applicant, but noted that this property was as steep as Big Ridge in Hixson, which had flooding problems. He stated that they had spent a great deal of money. He stated that we did not have a “perfect” science with Stormwater, even though we have a Stormwater Ordinance. He stated that he would have to vote “no” for this reason.

Councilman Lively stated with no reflection on Mr. D’hondt’s proposed development, he felt the problem would become worse, reiterating that this was no reflection on what the applicant was planning on doing.

Mr. D’hondt verified that he could put 35 houses in this R-1 Zone; that there was no problem with that, and he asked if the houses could face Dower Road. Mr. Pace explained to him that he would have to go through a Subdivision Review and get these houses designed by an Engineer; that there would be no restrictions from this Board (Council).

On motion of Councilwoman Hurley, 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 141 DOWER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied.

REZONING

2001-012 (CHATTANOOGA COMMUNITY HOUSING DEVELOPMENT & SCGC)

Pursuant to notice of public hearing, the request to rezone a tract of land located at 2516 Long Street came on to be heard.

Mr. Pace of the Planning Staff made the presentation.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2516 LONG STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

passed first reading.

EXPENDITURE
HARGRAVES FIELD

On motion of Councilman Lively, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FIFTY THOUSAND DOLLARS (\$50,000.00) TO THE GREATER CHATTANOOGA SPORTS & EVENTS COMMITTEE TO UPGRADE THE FIELD AND LIGHTING AT HARGRAVES FIELD

was adopted.

CONTRACT AMENDMENT

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO SIGN AMENDMENT NO. 1 TO CONTRACT No. 1999260, PROJECT STP-EN-9202(64), LP NO. 847 (CITY, COUNTY AND STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION); AND CONTRACT NO. 2000604, PROJECT STP-3N-9202(75), LP NO. 2766 (CITY, COUNTY AND STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION), RELATIVE TO THE COMPLETION OF THE RIVERWALK

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT SWM-4-99, STORM WATER IMPROVEMENT PROJECT, TO HBJ CORPORATION FOR THEIR LOW BID IN THE AMOUNT OF FIVE HUNDRED EIGHTY-THREE THOUSAND THREE HUNDRED TWELVE AND 75/100 DOLLARS (\$583,312.75)

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT RW-1-00, LOST MOUND DRIVE AT AMNICOLA HIGHWAY, TO LONAS CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED TWENTY-TWO THOUSAND EIGHT HUNDRED TWELVE AND 15/100 DOLLARS (\$122,812.15)
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT SS-10-00, SECOND STREET STREETScape PROJECT, TO RAINES BROTHERS, INC., FOR SCHEDULES I, II AND V, FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED NINETEEN THOUSAND SEVEN HUNDRED TWENTY-TWO AND 00/100 DOLLARS (\$219,722.00)
was adopted.

CONTRACT CHANGE ORDER

Councilman Pierce asked if this change order was just for one block or if it was for the overall job. He stated that this seemed to be the same thing that he raised a question about last week—the amount of a change order.

Mr. Lynn explained that this was two and one-half blocks; that originally the project was to have stopped at South Seminole, and we decided to go to the tunnel and the contractor had agreed to use the same unit price rather than us having to re-bid, and we were able to use a change order to get this accomplished. The original bid is a year old.

Councilman Pierce stated that it seemed like we had no control over change orders; that there should be some way designed to have a check point on these bids and contracts.

Attorney Nelson stated that the Council could adopt a written statement that said no change orders beyond 5% to 10%, but this would put departments in a “box” if an emergency should come up. He stated that this could be discussed with the next Administration; that there could be one overall review process. Councilman Pierce indicated that this sounded like something we should do.

CHANGE ORDER (CONT'D.)

Councilman Lively stated that he agreed with Councilman Pierce; that change orders are getting larger and larger, but none are decreasing in price; that we should be able to reach a happy medium; that change orders should be a certain percentage of the contract; that he realized things came up; that maybe we should have asked for another contract; that he could see where Councilman Pierce was coming from.

Attorney Nelson explained that in a lot of cases the reason we were not seeing any decreases was because the Contract was written up "amount not to exceed", and they did not need to come back and ask for "less" money.

Councilwoman Rutherford added that this change order was for additional work, and it came within the budget.

Councilman Pierce stated that it seemed that people felt free if it was under budget to increase the cost. He stated it was still not fair.

Ms. Johnson explained that this was additional work that was not part of the original contract; that if it had been part of the overall cost, it could have been bided as such.

Councilman Pierce stated that if the original cost had been completed, then we could have gotten another bid.

Ms. Johnson explained that getting another bid would have cost us more than \$79,706.00; that we got a better cost doing it this way.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, CONTRACT SS-2-99, BRAINERD ROAD STREETScape PROJECT, RELATIVE TO THE EXTENSION OF THE STREETScape FROM SOUTH SEMINOLE TO THE TUNNEL ON THE SOUTH SIDE, WITH TOWER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SEVENTY-NINE THOUSAND, SEVEN HUNDRED SIX AND 60/100 DOLLARS (\$79,706.60), FOR A REVISED CONTRACT PRICE OF THREE HUNDRED THIRTY-FOUR THOUSAND, SIXTY-TWO AND 55/100 DOLLARS (\$334,062.55)

was adopted.

AGREEMENT AMENDMENT

Mr. Lynn explained that this was for design services for the 17th Street Steel Water Tower; that as we got more and more into this, it appeared that we needed something better. He noted that it was hard to make a water tower attractive. He added that the recycling system took more engineering effort than we anticipated.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC., CONTRACT NO. SS-1-98, RELATIVE TO THE SOUTHSIDE GRAY WATER STORAGE SYSTEM AND 17TH STREET WATER TOWER, FOR AN ADDITIONAL AMOUNT OF TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00), FOR A TOTAL FEE NOT TO EXCEED SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00)

was adopted.

OVERTIME

There was no overtime report. This will be included in next week's minutes.

RECOGNITION

At this point Chairman Hakeem recognized Mr. Charles Love, Chairman of the School Board, who was in the audience.

PERSONNEL

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

PRINCESS HUDSON – Transfer of Office Assistant, Pay Grade 3/6, \$19,419.00 annually, effective 2/09/01.

PERSONNEL

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

ELAINE SMITH – 14-Day Suspension without pay for Communications Officer, effective 2/09/01.

ERIC TUCKER – Reinstated as Police Officer, effective 4/07/00.

PERSONNEL

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

BARRY JOYNER – Employ as Concrete Worker, Pay Grade 6/1, \$18,945.00 annually, effective 2/7/01.

ANTHONY L. THURMAN – Resignation of Equipment Operator, effective 1/19/01.

ANGELA D. ADAMS – Resignation of Custodian, effective 2/9/01.

DANNY MONTGOMERY – Resignation of Equipment Operator, effective 1/22/01.

KEVIN R. PALMER – Resignation of Crew Worker in Street Maintenance, effective 1/23/01.

JAMES CORNETT – Disability Resignation of Heavy Equipment Operator at the Landfill, effective 2/2/01.

JACKIE R. OOTEN – Resignation of Equipment Operator in Emergency Services, effective 2/8/01.

DAVID HUNTER – Dismissal of Crew Worker, effective 1/31/01.

SANTONIA M. BLACKMON – Termination of Crew Worker, effective 2/7/01.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Public Works Dept.:

SWARCO REFLEX, INC. (Lowest & best bid meeting City Specs.)
Requisition R0046495/P0015714

Glass Beads

(See Minute Material for prices)

VULCAN ALUMINUM (Only bid meeting City Specs.)
Requisition R0046494/P0015718

Aluminum Sign Blanks

(See Minute Material for price information)

TEMPLE, INC. (Single Source Purchase)
Requisition R0048967/P0015740

Traffic Signal Controller

\$14,400

METROPOLITAN SECURITY, INC.
Requisition R0053029/P0015651

Security Guard Services

(See Minute Material for prices)

PERSONNEL

The following personnel matters were reported for Finance & Administration

BEVERLY ISAAC – Hire as Budget Analyst, Pay Grade 17/1, \$31,451.00 annually, effective 2/9/01.

JOSEPH HUMBERD – Promotion from Programmer to Systems & Database Specialist, Pay Grade 20/2, \$36,605.00 annually, effective 2/23/01.

PROPERTY TAX REFUND

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the Finance Administrator was authorized to make the following refund:

SISTERS OF CHARITY OF NAZARETH—In the amount of **\$9,013.27**, Map No. 110J-A-022.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Department of Finance and Administration:

BELLSOUTH COMMUNICATIONS (Single Source Purchase)
Requisition R0041770/P0015858

Nortel Software Terminal Number Additions for Police & Fire Departments

\$10,288.89.

Adm. Boney made the Council aware that the Calendar for the next round of Bonds was being prepared. He stated that he would be requesting a Budget Committee meeting to apprise the Council. He went on to explain that we would be taking our bids from the underwriter on the Internet; that we could get the best shot instantaneously; late bids are guaranteed to be excluded.

LEGAL ACTION
RANDY JONES

Attorney Nelson stated that he had been asked by the Parks and Recreation Dept. to get Council permission to bring suit against Randy Jones to evict him from Ross' Landing for non-payment of rent. He went on to explain that Mr. Jones claims his rent is offset by work he has done, and we have not been able to reach an agreement with him and would like permission to take him to court. **On motion of Councilman Lively, seconded by Councilwoman Rutherford, permission was granted.**

HEARING: JEFF CHAMBERS

Councilwoman Hurley stated that the hearing continued for Officer Chambers on Thursday, February 8th. It was a two-day event and the action by Administration was upheld.

BETTER HOUSING APPEAL:
PHILLIP OSBORNE, JR.

This appeal was set to immediately follow the Council meeting of February 20th. The attorney for Mr. Osborne called and asked if this appeal could be rescheduled, as he has a PTA meeting that date. **On motion of Councilman Lively, seconded by Councilwoman Hurley, the appeal was postponed for an additional week and will be heard immediately following the Council meeting of February 27th.**

RAY SINOR

Mr. Sinor approached the Council, stating that he lived at Mountain Creek and had been before the Council before speaking about this same item. He stated that they had a problem on Westview Rd.; that their subdivision in the Mountain Creek area is in the range of a \$13 to \$14 million dollar project, and it is across from Mr. James Marler. He explained that essentially they had a tremendous amount of vehicles here, and it was just a junk yard. He stated that since their appeal last time, they remained frustrated that nothing had been done. He asked that the City investigate this situation and encourage Mr. Marler to improve the conditions there. He mentioned that they were forced to look at large dump trucks, empty cars, old tires, earth moving equipment, truck hoods, spare parts, metal, etc. He requested that this be looked at and with due compassion to Mr. Marler that something be done. He stated that there was property for sale in the area that would remain unsold because of this condition.

RAY SINOR (CONT'D.)

Mr. Sinor went on to mention the water run-off problem from Mr. Marler's property, which he stated could be easily corrected. He stated that he ran through a branch when he came down here today. He stated that he was 72 years old, and the neighborhood consists mainly of senior citizens, and they were requesting that this be looked at and corrected. He noted that the ditch was large and in cold weather could be hazardous, which he stated he thought Councilman Lively would attest to. He urged that this be looked into.

Chairman Hakeem responded that we would direct Inspection to take a look at this and give a report back.

Councilman Lively asked if the owner lived on the premises. Mr. Sinor responded that "yes", he did and had lived here for many years, probably 40-50 years, and he felt certain that Mr. Marler felt he had been "grandfathered-in". He stated that he had no problem with Mr. Marler; that he just felt this was a tremendous eyesore, and they needed some help. He stated that he did not know what could be done legally, but it needed to be done with great compassion.

Attorney Nelson explained that unless it was a legal use in the County, it could not be grandfathered-in.

Chairman Hakeem reiterated that we would ask Inspection to look into this.

Mr. Sinor added that he thought the "Wastewater Lady" looked it over.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, February 20, 2001, at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

