

Municipal Building  
Chattanooga, Tennessee  
February 17, 1998

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

INVOCATION

Invocation was given by Councilman John Taylor.

REZONING

#1997-233 (William E. McCallie)

**On motion of Councilman Lively, seconded by Councilman Hakeem, the amended version of this Ordinance was accepted.**

Since there were a large number of people interested in this case, Chairman Swafford asked the applicant to come forward before the opposition spoke.

**Attorney Fred McClure** was present representing the applicant, and he stated he would respond to whatever came up from the opposition.

**Dede Gram** of Longview Rd. was present to speak for the opposition. She stated she did have new information to present and apologized for her unpreparedness, stating she did not think she would have to back up everything she said--that she thought she could just talk. She noted that she had left packets of information in all of the Council boxes which contained new facts and findings. She proceeded to go over some of these findings, stating that she could prove that this property was not grandfathered-in and was not zoned commercial before annexation. She stated that their roads in the neighborhood would not accommodate this business; that it was spot zoning; and that the residents were overwhelmingly against this.

Ms. Gram went on to explain why she did not think this was grandfathered in, stating she had gotten some of her information from the City Directory. She stated it was officially brought into the City in 1971 and that in 1973 Mrs. McCallie opened a Real Estate office at this location; that later on it was vacant; that it had been vacant several times over the 100-day limit which would make the grandfather clause null and void. She stated this had never been zoned commercially since 1971 and that the roads would not accomodate this.

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REZONING (CONT'D.)

She explained that this was a Repossession Lot and that trucks turned in here. She explained that people speeded up and down their street at 55 mph; that they were test driving the cars since this car lot had opened. At this point she asked those in opposition to raise their hands, and a large number were present. She noted that she had a petition with 75 names of people in the neighborhood who did not want this. (This is made a part of the minute material). She stated that she had now found out about a deal reached with the owner of the Repossession Lot to purchase a larger piece of property; that they were using this place to store cars and not just to sell them. She stated that both of their business licenses were current--one to sell cars and one to repossess.

Ms. Gram stated that Mr. McCallie had paid commercial taxes but according to the Assessor's Office that just being zoned commercial did not mean that a lot was taxed commercially.

Ms. Gram referred to minutes of past Council meetings where it had been stated that the property had been in continuous use as commercial in excess of 35 years. She stated that with no disrespect to Councilman Eaves, he was going on memory about the annexation; that he had stated he remembered this property and the fact that it had been a motel. She stated that in the minutes of December 9th, Mr. McCallie stated this had been used commercially for 75 years. She stated this was not so.

Ms. Gram stated that one resident wanted to know why he could not go somewhere else for a commercial use since there were so many good properties already zoned commercial which were vacant. She stated she thought the reason was that commercial property is more expensive--that Mr. McCallie was fighting for "one little corner of a dollar bill", and they were fighting for the future of their homes.

Attorney McClure responded to these comments. He stated this was not a matter of emotion--just facts. He stated that he had a document from an official office of the City of Chattanooga produced in 1972, which stated this was a commercial property. He stated this was commercial property--that no one would pay higher taxes than they have to. He noted that by Ms. Grams' own admission there is C-1 property immediately adjacent which would be spot zoning. He stated that by a quick glance at all the addresses, the people did not really live by this property. He explained that the piece of property being rezoned is a fraction of a larger tract which offers a buffer. Attorney McClure stated he thought they were being conciliatory and taking the middle ground and were now undergoing an all-out assault against his client. He stated his client was making all of the offers in the interest of getting this resolved; that the next thing you knew,

REZONING (CONTINUED)

El Nino would be responsible for the people speeding down the road. He stated that it still remained that they had the only official written document by an official government office--the Planning Commission. He stated this property had been annexed, de-annexed, and annexed again.

Attorney McClure went on to say that the City Directory is not an authoritative source to establish use of property; that the opposition had spent an enormous amount of time and still had not produced documents that could in any manner be construed as pertinent to this case. He agreed that neighbors have a right to complain but stated these people were not in the immediate neighborhood--that they were four acres removed.

Mr. Bennett agreed that in 1972 a zoning letter was sent from the Planning Commission indicating that the property was zoned C-2; that they had researched this and none of their maps showed that it was zoned commercially. He explained that this was before the Hunnicut maps were adopted and this might be the reason the error occurred. He stated that the letter Attorney McClure was referring to was in error.

Chairman Swafford verified that Mr. Bennett was saying that this was an official letter issued by the Planning Commission but that it was issued in error.

Councilman Eaves asked to speak at this point. He stated that he would like to tell the neighborhood that he was sorry this had become an emotional issue; that he felt like there needed to be some explanation; that he had lived in this area all of his life, and he had never had any connection with the applicant, Mr. McCallie. He stated this case came before the Council for one reason--that it was grandfathered-in and used as a car lot, and the man across the street was using this as an excuse for another car lot. He explained that rezoning this to C-2 would not change the use of the lot--that the lot will still be grandfathered-in, and the car lot is there and will remain there. He noted that the applicant was willing to go along with the buffer to protect the neighborhood. He stated that no matter what the Council's vote is, this will still be used as a car lot. He explained that the man across the street is not grandfathered-in--that the fact that the car lot is there will not change; that the Council has no control over grandfathering-in; that to get this off the board, the applicant was willing to make some conciliations. He stated that he did not beat on neighborhoods, and he urged those present to not let this become emotional because the situation would **not** change.

REZONING (CONTINUED)

Councilwoman Rutherford noted that the Planning Staff had recommended denial. She asked if this was because it intruded into a residential area and was an illegal non-conforming use. She questioned how the City could grandfather this in if it were an illegal non-conforming use to begin with.

Mr. Bennett explained that it was referred to as a legal non-conforming use when it was annexed.

Councilwoman Rutherford asked if it were illegal and was not grandfathered in, would that mean that the car lot would have to be moved; that a denial of C-2 tonight could clean up the entrance to the neighborhood.

Councilman Pierce addressed Mr. Bennett, stating that he was not quite clear on annexation and de-annexation and when this all took place. He stated that he would like to have dates on annexation and de-annexation. Mr. Bennett responded that he did not have these dates.

Mr. Gram stated that they had them (dates). She read that it was legally annexed in December of 1971. Councilman Pierce asked when it was de-annexed. Mr. Bennett responded that all of this was not material to this case; that when it was annexed it became an illegal non-conforming use, not a legal non-conforming use.

Attorney Nelson stated that it was never de-annexed; that it was annexed and Chancery Court said it should be de-annexed; that it had always been in the City of Chattanooga since 1971.

Councilman Pierce questioned if it were operating as a car lot in 1971 when it was annexed would it then not be grandfathered-in to the City as a car lot. Attorney Nelson responded only if it were a legal use. Councilman Pierce stated he had always understood that when a property was annexed from the County, they would be annexed in with the same use. Attorney Nelson explained that at the time it came into the City it would have to be a legal use in the County.

Councilman Taylor, in an effort to understand, verified that this was annexed in 1971 and grandfathered-in; that if the property was vacant at that time, he questioned what way it would be grandfathered-in and also the meaning of grandfathering-in. Mr. Bennett responded that grandfather-in means a legal non-conforming use that had operated legally in the County. Councilman Taylor asked if it were vacant when it was annexed-in, who threw the "grandfathered-in" word out. Mr. Bennett explained when there has been commercial use on the property, when it is annexed in people normally assume it has been grandfathered-in, and it is not always a legal use.

REZONING (CONTINUED)

Councilman Hakeem questioned the letter of 1972 that everyone had been talking about. He asked if it were a certified copy from the Planning Commission, and he questioned if this made it a legal document.

Attorney McClure stated it was not a certified copy--that the author of the letter was Mark Rudisill.

Councilman Hakeem verified that Mr. Rudisill stated facts in his letter and the zoning maps say something different. He asked from a legal standpoint, what weight the letter would have. Attorney Nelson responded that the letter would not override the zoning maps.

Councilman Hakeem verified that in 1971 and 1972 this was taxed at a commercial rate, which would make one assume that it is a commercial piece of property. Attorney Nelson explained that this was predicated on **how** the property was being used and not necessarily that it was zoned commercial.

Councilman Hakeem stated that he had heard that this had been vacant and then that it had been used consistently commercially; that he was hearing they had paid taxes at a commercial rate and yet it was vacant some. Attorney Nelson explained that if it were vacant for more than 100 days, then it could not be considered commercial use. Councilman Hakeem asked if we had anything saying he had been out of business for 100 days. Attorney Nelson responded that he had seen nothing to lead him to say either way.

Councilman Lively noted that apparently Mr. McCallie had all the licenses to operate as a business and questioned if he had been operating illegally for 27 years. He stated he did not understand this--even if it were off and on. He questioned if it were only now being discovered that he was operating out of zone. Councilwoman Rutherford noted that on business licenses you don't have to use your business address. Councilman Lively stated that apparently all the neighborhood had witnessed this as a business, and everybody in the City knew he was there.

Councilman Hakeem asked if the letter from Mr. Rudisill was a straightforward letter. Attorney Nelson responded that Mr. Rudisill felt that the property was zoned C-2, which permitted a Real Estate Office; whether he was mistaken in his belief, he had no way of knowing. Mr. Bennett stated this was the same sort of letter that is sent out today--that it is a form letter; that anyone in the office could have looked up this information and sent the letter out.

REZONING (CONTINUED)

Attorney McClure questioned if you can't depend on the veracity of a letter from a Government Office and have been taxed on that basis, what can you depend on? He stated he felt that equality and fairness lay on the part of the resident and questioned if Mr. McCallie would get a rebate for all of the taxes he had paid. He stated in all fairness we should be able to rely on this letter which was also recognized by the State of Tennessee.

Councilman Crockett stated that the letter bothered him; that the Planning Commission was the only body of government who could determine the proper zone, and we had to rely on what they gave us; that if you could not rely on government letters how could you have any consistency? He stated this was one big problem--that if it were a mistake or not a mistake that the letter was issued by an official body of government and was relied on by a citizen as being an accurate document. He questioned what percentage of government letters are accurate and what percentage are not; that we have to assume they are right when the letters are sent out. He asked the opinion of Attorney Nelson on this matter.

Attorney Nelson responded that he would answer his question with a question. When was this property rezoned to R-2--that Planning had to be wrong one time or another.

Councilman Pierce stated that he kept hearing about the tax issue; that if the Assessor looks at a piece of property as a business, he assesses it as a business; that there are no checks and balances in place.

Attorney McClure stated he would like to make one correction--that they had agreed to a 30 ft. buffer on the **south** line and the condition in the Ordinance stated "maintain a 30 ft. buffer on **all** sides of the property contiguous to a residential zone." Councilwoman Rutherford stated she was the one who requested the buffer, and she requested this where any residences are concerned and more than just the south line. She stated that any residential property needs to be protected. Attorney McClure responded that if that satisfies to solve, that they would go with this (all sides contiguous to a residential zone).

Councilwoman Rutherford stated that she was going to vote against the rezoning, but if this was to be rezoned she certainly wanted the buffer to be included and she questioned Attorney Nelson how she should vote. He responded that she could vote for the amendment and at this time it was noted that **Councilman Lively, seconded by Councilman Hakeem, had moved for the amended version. A vote was taken, and it was unanimous in favor of the amended version.**

REZONING (CONTINUED)

On motion of Councilman Hakeem, seconded by Councilman Eaves, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6808 CONNER LANE BEING ON THE SOUTH-WEST LINE OF CONNER LANE SOUTHEAST OF LEE HIGHWAY, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO A CERTAIN CONDITION

passed second reading on roll call as follows:

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

On motion of Councilman Hakeem, seconded by Councilman Lively, the ordinance passed third and final reading on roll call vote as follows:

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

and was signed in open meeting.

REZONING (CONTINUED)

Attorney McClure took this opportunity to thank all of the Council and to let them know that he was moving to Florida next month. He stated it had been a great privilege and honor to work with the Council, and he cherished the time with them and hoped sometime to return and be of service to his hometown.

Dede Gram also thanked the Council for the time they had spent on this case. She stated that she and the neighbors felt like "they had had their day" now.

REZONING

#1998-013 (Edward E. Stephens)

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED IN THE 7800 BLOCK OF HOLIDAY HILLS  
CIRCLE, BEING ON THE NORTHWEST LINE OF HOLIDAY HILLS  
CIRCLE NORTHWEST OF HOLIDAY HILLS DRIVE, FROM R-1  
RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE

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

REZONING

#1998-014 (Joseph E. Weeks)

On motion of Councilman Lively, seconded by Councilman Eaves,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED IN THE 2800 BLOCK OF WATAUGA STREET,  
BEING ON THE SOUTHEAST LINE OF WATAUGA STREET AT EAST  
28TH STREET, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT  
INDUSTRIAL ZONE

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

REZONING

#1998-015 (Wildflower Properties, LLC)

Mr. Bill Howell was present in the interest of this case. He explained that one of the neighbors had expressed concern about lighting being evidenced from their home, and he had been working with their attorney, Jonathan M. Minnen, and they had come up with a mutual agreement to construct an earthen berm along the curve of Preston Circle; that Attorney Minnen had come up with certain wording, and they had agreed to it. He explained there would be no lighting at the rear of the building aimed toward Preston Circle.

Councilman Eaves stated that he had asked that this be held up and verified that the people had agreed to a berm and vegetation on top of it, which would be an addition. **He moved that this amendment be accepted.**

Attorney Jonathan Minnen stated that he represented Mr. Kinser and that they agreed to this.

Attorney Nelson questioned if this was to be substituted.

Councilman Eaves explained that it was only the area where Preston Circle comes in; that this was not **"instead of"** but **"in addition to"**.

Councilman Lively moved, since the addendum was quite lengthy, that the Council table the third reading until next week. **On motion of Councilman Lively, seconded by Councilman Hakeem, this was to be tabled one week;** however the applicant indicated that he was from out of town, and this would be an inconvenience to come back, and Councilwoman Hurley suggested that this be put to the end of the agenda to give Attorney Nelson a chance to add this to the Ordinance. That being the case, **Councilmen Lively and Hakeem withdrew their motions to hold this.**

Attorney Nelson questioned if the material that he had been given, as it relates to the area on the map, was **"in addition to"** or **"in place of"**. Mr. Howell responded "both"--that there would not be an undisturbed vegetative buffer because they had to build the berm.

Later in the meeting the Council returned to this case and Attorney Nelson noted that he had worded a new section to take care of this amendment. **On motion of Councilman Lively, seconded by Councilwoman Hurley, the new amended version was accepted.**

REZONING (CONTINUED)

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 7429 SHALLOWFORD ROAD, BEING ON THE NORTHEAST LINE OF SHALLOWFORD ROAD SOUTHEAST OF GUNBARREL ROAD, FROM O-1 OFFICE 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.

REZONING

#1998-017 (Pro Storage)

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITION NUMBER ONE IMPOSED IN ORDINANCE NO. 10145 TO PERMIT ADDITIONAL USES ON A TRACT OF LAND LOCATED AT 935 MOUNTAIN CREEK ROAD, BEING ON THE NORTHWEST LINE OF MOUNTAIN CREEK ROAD AT THE "W" ROAD, 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.

REZONING

#1998-019 (John Wise)

Pursuant to notice of public hearing the request of John Wise to rezone a tract of land located at 13 Bell Avenue and 601-613 Hamilton Avenue came on to be heard.

Chairman Swafford noted that this case was held pending conditions to be submitted by the Design Center. These conditions had been submitted and made a part of the Ordinance. A representative (Tracey Tindell) of the applicant was present and stated that she had talked to John Bridger about this and that they were in agreement.

REZONING (CONTINUED)

On motion of Councilman Lively, 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 13 BELL AVENUE, AND 601-613 HAMILTON AVENUE, BEING ON THE NORTHEAST LINE OF BELL AVENUE AT NORTH MARKET STREET, AND THE NORTHWEST LINE OF HAMILTON AVENUE AT BELL AVENUE, FROM R-2 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND CITY CODE  
RELATIVE TO STORM WATER FEES

Councilwoman Rutherford noted that this had been discussed in a Public Works Committee meeting. Adm. Marcellis stated that since that discussion they had changed the adjustment from the current year involved in the protest plus one existing year to the current year plus two existing years. Councilwoman Rutherford stated that there was a person present at the committee meeting and that he was trying to go back four years. Adm. Marcellis responded that they were trying to get every penny they could--that this was the current year plus two more.

A man was present in the audience who stated that he had requested refunding; that he had been billed in error and felt he should get all of this back.

Councilwoman Rutherford stated that she had a problem with this since it was a new assessment, and the City did not have a policy. She stated she would feel better if we went back four years. Adm. Marcellis again stated we were going back two additional years. Councilwoman Rutherford stated no one understood this when it was first started and again stated she really felt we should go back four years since it was just now being brought to the Council's attention.

Councilman Taylor asked the man if the number of years his billing was in error was four years.

Councilman Eaves stated that if the Council did not understand the Ordinance then they should not have voted on it; that there are rules in place, and they were just fine with him.

STORM WATER FEES (CONT'D.)

Councilman Lively stated that perhaps we should use different terminology; not to say that people were not billed correctly but that they were making an appeal to have an adjustment--that the answer might be "yes" and maybe "no"; that it was not being billed incorrectly but just an adjustment; however Adm. Marcellis maintained that they were billed incorrectly--that it was just a matter of how many years we wanted to go back--that anything further than the two years will be additional dollars. Councilwoman Rutherford asked how many additional dollars we were talking about, and Adm. Marcellis responded from \$50,000 to \$55,000. Councilwoman Rutherford stated she thought this was very little money to make this right; that the public did not have an understanding, letting Councilman Eaves know that she was referring to the Public and not the Council earlier, and she did not think it was fair to make businesses pay where we (City) had billed incorrectly.

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 31, SECTIONS 31-351 AND 31-355(b), RELATIVE TO  
STORM WATER FEES AND CORRECTION OF ERRORS  
passed first reading with Councilwoman Rutherford in opposition.

LEASE AGREEMENT

On motion of Councilman Pierce, seconded by Councilwoman Hurley,  
A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE  
AGREEMENT WITH THE KIDNEY FOUNDATION OF THE GREATER  
CHATTANOOGA AREA, INC. FOR THE USE OF ROSS'S LANDING  
FOR THE KIDNEY FOUNDATION'S ANNUAL RIVER ROAST  
was adopted.

CONTRACT

This contract concerned the installation of a traffic signal at the intersection of State Route 27 (Rossville Boulevard) at 42nd Street. Councilman Pierce noted that this concern was raised at the last meeting, and Adm. Marcellis was not able to give justification for the light. Adm. Marcellis responded that this involved the State of Tennessee; that there would be an increase in traffic due to a new company going in and adding 200-300+ jobs at this location. Councilman Pierce indicated that he did not think the light was necessary at all times and asked if it was on a cycle. Adm. Marcellis explained that there was a cycle when traffic is waiting at the intersection.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION  
RELATIVE TO INSTALLATION OF A TRAFFIC SIGNAL AT  
THE INTERSECTION OF STATE ROUTE 27 (ROSSVILLE  
BOULEVARD) AT FORTY-SECOND (42ND STREET)  
was adopted.

OVERTIME

Overtime for the week ending February 13, 1998, totaled \$101,353.52.

PERSONNEL

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

MICHAEL W. RICHARDS--Promotion from Truck Driver II to Truck Driver III, Pay Grade 6/6, \$19,888.00 annually, effective 2/11/98.

APRIL D. RIKER--Resignation of Laborer III, effective 2/17/98.

JEANETTE EIGLESBACH--Hire Program Coordinator for Scenic Cities--\$19,000.00 annually, effective 2/27/98.

PURCHASES

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

NABCO ELECTRIC COMPANY (Lower and better bid):  
Requisition No. R0030942

12 Months Requirements Contract to supply Electrical Work for Municipal Parks

(See minute material for prices)

NEWTON CHEVROLET (Lower and better bid):  
Requisition No. R0032337

Pick-Up Truck

\$19,450.00

TENNESSEE ELECTRIC MOTOR COMPANY (Lower and better bid):  
Requisition No. R00030534

Four Year Lease/Purchase of New Golf Carts

Lease --\$52.50 per car per month  
Rental -- \$40.00 per car per month

PURCHASES (CONT'D.)

LEE-SMITH, INC. (Best bid for the City):  
Requisition No. R0032423

Tri-Axle Dump Truck

\$66,501.00 (net after trade-ins)

COLLEGEHILL COURTS

Councilman Pierce asked Adm. McDonald about Collegehill Courts being closed down five weeks because of a heating problem. Adm. McDonald responded that the Chattanooga Housing Authority is responsible for the maintenance and upkeep; that there has been a problem with the heating system off and on. He stated it was supposed to be repaired or either they were getting a new system. He reiterated that the Chattanooga Housing Authority was responsible for maintenance and repairs, and he thought they were working on it.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the General Services Dept.:

MOSTELLER'S (Lower and better bid):  
Requisition No. R0031146

Twelve Month Requirements Contract to supply towing service

(See minute material for varied prices)

PERSONNEL

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

TIMOTHY PERKINS--Resignation of Sanitation Worker II, effective 2/5/98.

PETER J. BATES, JR.--Promotion to Sanitation Worker I, Pay Grade 4/4, \$16,587.00 annually, effective 2/12/98.

PURCHASE

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

PB&S CHEMICALS (Change in price on Contract #P0004052):

(Purchasing recorded this as \$143.00/ton. It should have been \$286.00/ton or \$14.30/cwt.)

Councilman Hakeem verified that this was still the low bidder.

PURCHASE

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

PIPELINE, INC. (Lower and better bid):  
Requisition No. R0030637

Fire Hose

\$15,031.45

PERSONNEL

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

JOHNNY WHITE--Resignation of School Patrol Officer, effective 2/12/98.

DAVID M. BUKOWSKI--Resignation of Sergeant, effective 2/24/98.

ED FORESTER--28-day suspension without pay for Lieutenant, effective 2/13/98.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following Change Order was approved:

JENKINS ENTERPRISE (Change Order #1 to Contract #P0001134):

To complete construction of a block wall around the parking lot at 3208 Amnicola Highway

\$23,245.00 (original contract)  
\$ 1,975.00 (Change Order #1)

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Information Services Dept.:

DPEC (Lower and better bid):  
Requisition No. R0029115

12-Month Requirements Contract for Maintenance on Desk-Top Computers

(See minute material for individual prices)

ADM. BONEY

Adm. Boney stated that he needed a Budget Committee meeting set on the 24th for three reasons: (1) Amendment to the Budget Ordinance to include personnel position changes including the Fire Dept. Adm. Boney stated there might be additional changes. (2) Resolution authorizing \$70 million bonds and (3) Looking at the sale date of March 3rd for competitive bids. Adm. Boney asked that the Council be present at 11:30 on that date to pass the Resolution and to have lunch.

Councilman Pierce questioned having this meeting on the 24th since some of the Council would be coming back from Nashville on that date. Adm. Boney stated that he, too, was going to Nashville.

Attorney Nelson stated that a Council meeting on March 3rd at 11:30 a.m. would need to be advertised in the paper by February 24th.

DEDICATION OF BUILDING

Chief Dotson reminded the Council to be present tomorrow at 2:00 P.M. for the dedication at the Police Services Center building honoring former Police Chief Ralph Cothran. He stated he wanted the public to be aware of this.

PERSONNEL HEARINGS

A hearing date was set for **Randy Brady at 6:00 P.M. on Monday, March 9th. Councilman Lively** will chair this meeting with Councilwomen Rutherford and Hurley participating.

A hearing date was set for **Paul Hill at 6:00 P.M. on Monday, March 16th. Councilman Hakeem** will chair this meeting with Councilmen Taylor and Crockett participating.

Councilman Pierce asked about the delay on Mr. Brady's case. Attorney Nelson explained that he had asked for a hearing and was not informed that he would not get a hearing; that this was handled through the Mayor's office, and we needed to give him his hearing; that Mr. Brady did ask for a hearing on December 3rd--that he was timely, and we were not.

COMMITTEES

Councilman Crockett stated that he needed a short meeting of the **Economic Development Committee on February 24th** to look at a Resolution. It was agreed that this could be added to the **Budget and Finance Committee meeting scheduled for 4:30 P.M. on Tuesday, February 24th.**

COMMUNITY MEETING

Councilman Taylor announced a Community Meeting to be held on February 19th, Thursday, for the Piney Woods and Alton Park neighborhoods to discuss Highway 17. He urged the community to come out for this. He stated TDOT would hold a meeting on this subject on February 26th.

MAYOR'S NIGHT OUT

Chairman Swafford reminded everyone that **Mayor's Night Out** will be held on **March 2nd at 5:00 P.M. at Brainerd High School.**

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, February 24, 1998, 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)