

**Municipal Building  
Chattanooga, Tennessee  
May 11, 1999**

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

**INVOCATION**

Randy Burns delivered the invocation for the evening.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: VISITING  
DIGNITARIES**

Councilman Crockett introduced visiting dignitaries from Thailand, the Polish Parliament and the Netherlands' Ministry of Finance. Ms. Wasana Khikaow, New Chief with the Television of Thailand, stated she is very pleased to visit Chattanooga and indicated how beautiful it is. She stated the most important thing is that she and others had a chance to visit Chattanooga, the model city that can solve the air pollution problems in the world. Methi Na-Nakhon, District Officer of Thailand expressed how pleased he was to visit Chattanooga, the city that solved the problem of air pollution. He stated he would take information back to Thailand in an effort to try to solve the problems there.

Ms. Irena Lipowicz was introduced as a member of the Polish Parliament. In her remarks to the Council Ms. Lipowicz stated it is not safe to be in Poland, now; that she comes from a region that has the highest air pollution in the country. She stated they have joined the NATO Alliance and hopes all things between Europe, Poland and America will grow. She stated they can learn from Chattanooga's lessons and invited the Council to visit Poland.

**SPECIAL PRESENTATION: VISITING  
DIGNITARIES**

Van Andel, Senior Policy Advisor with the Netherlands' Ministry of France, was the last visitor to speak. He stated that he is looking forward to meeting people in Chattanooga to learn how problems here have been solved. He stated he is from a small country in the Netherlands and arrived today; that Chattanooga has a nice sound to it; that in Europe they have the American culture coming to them through television and radio, reiterating that Chattanooga has a very nice sound. He stated he is sure his visit will be a success.

Councilman Crockett thanked Jim Frierson and Josh Gage for bringing the dignitaries to the Council meeting and escorting them around the City.

**SPECIAL PRESENTATION:  
COUNCILWOMAN HURLEY**

Councilwoman Hurley stated Flo Summitt, who is very active with the Chattanooga and Tennessee Bar Associations and is the wife of Judge Robert Summitt, asked her to show the Council their new book, which is the creation of both Associations. She stated the book is entitled "*When You Become 18 In Tennessee*" and has been distributed to all school systems. She stated the book urges people to vote, informs them of the jury system, law enforcement and laws that all of us need to learn about. She stated the book is worthy of everyone's reading.

**FRANCHISE**

On motion of Councilman Eaves, seconded by Councilman Pierce,

**AN ORDINANCE GRANTING A FRANCHISE TO THE DIXIE GROUP, INC. OR ITS SUCCESSORS OR ASSIGNS TO OPERATE AND MAINTAIN AN EIGHT INCH (8") INDUSTRIAL WATER SUPPLY LINE ALONG CERTAIN STREETS AND ALLEYS AND IN THE RIGHT-OF-WAYS THEREOF, AS MORE PARTICULARLY DESCRIBED HEREIN, FOR A PERIOD OF TEN (10) YEARS, ON CERTAIN TERMS AND CONDITIONS AS MORE FULLY DESCRIBED HEREIN**

Passed second reading.

**AMEND CITY CODE**

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 16-2, WHICH ESTABLISHES MINIMUM AND MAXIMUM AGES AT WHICH CHATTANOOGA POLICE OFFICERS AND FIREFIGHTERS MAY BEGIN THEIR SERVICE**

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

**AMEND CITY CODE**

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SO AS TO ADD SECTION 2-12, RELATIVE TO THE REMOVAL OF MEMBERS FROM BOARDS AND/OR COMMISSIONS**

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

**CLOSE AND ABANDON**

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,  
**AN ORDINANCE ABANDONING AN OLD TENNESSEE ELECTRIC POWER EASEMENT LOCATED AT 1019 NORTH MOORE ROAD BETWEEN LARCHMONT AVENUE AND NORTH MOORE ROAD, MORE PARTICULARLY DESCRIBED HEREIN**

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**

Councilman Eaves made the motion to move Ordinance 7(e) up on the agenda to immediately follow this rezoning request; Councilman Franklin seconded the motion, the motion carried.

**REZONING (Continued)**

**1999-034: Jenkins Corner**

Pursuant to notice of public hearing the request of Jenkins Corner to rezone four tracts of land located at 7810, 7814, 7816 Shallowford Road and 2239 Jenkins Road came on to be heard.

The applicant was present; there was no opposition.

Barry Bennett stated both rezoning requests are part of the same development; that both are for rezoning to C-2 for retail commercial and restaurant use. He stated the surrounding zoning on Shallowford includes C-2 abutting both sides of the request and also commercial on the east side both north and south of Shallowford. He stated other zones includes R-1 and R-2; that the Staff recommended approval subject to conditions for both requests.

Peggy Haynes, applicant, stated everyone is concerned about traffic in East Brainerd.

Councilman Eaves stated the road is scheduled to be widened and inquired about the right-of-way. Admin. Marcellis stated the City should acquire a distance of 40 feet from the centerline to the south side of Shallowford.

Councilman Eaves stated the right-of-way would definitely be needed as the road cannot be widened without it. He asked the applicant if she objects to the 40 foot right-of-way being added as part of the conditions.

Ms. Haynes responded “no”; that the right-of-way is drawn on the map. She distributed photos of the area and stated this is a combined request with Ordinance 7(e). She stated the rezoning is requested for neighborhood businesses and will not be drawing traffic like the Mall. She stated the businesses will include a tap dance school, beauty shop, dry cleaner and all kinds of things that are in neighborhoods and the traffic will not be worsened at all.

Jim Garner, a resident of 7818 Shallowford, stated the middle piece of property is presently zoned R-2; that this is a small retail proposed development. He stated they have kept it to alleviate any possible problem with traffic flow. He stated the map shows the traffic pattern will enhance the flow on Shallowford; that there is a turn lane provided and there will be no exits turning against traffic on Shallowford. He stated they would exit either onto the east on Shallowford or the south or north on Jenkins.

Councilman Eaves asked Mr. Garner if he had any objections to the 40 foot right-of-way. Mr. Garner responded “no”.

**REZONING (Continued)**

At this point Councilman Eaves made the motion to approve the request with the addition of the 40 foot right-of-way; Councilman Franklin seconded the motion.

Councilman Hakeem asked Admin. Marcellis if liability in regard to ingress and egress on this property is being done in such a way as to minimize accidents. Admin. Marcellis stated as far as he understood they are preventing left hand turns out of their property to go west on Shallowford, which will improve the possibility of accidents along Shallowford. He stated it sounds like they will require them to turn off Jenkins and go through a four way stop at the intersection, which will reduce accidents.

Councilwoman Hurley clarified that the Council is approving the request on the conditions that were recommended. She asked Ms. Haynes if she accepts the conditions. Ms. Haynes responded “yes”.

City Attorney Nelson stated he has modified the caption to put at the end “subject to certain conditions” and added five conditions to the ordinance.

Councilman Taylor asked if the City is purchasing the 40 foot right-of-way from them. City Attorney Nelson responded “no”; that they are giving it to the City at no charge.

On motion of Councilman Eaves, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS , KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE FOUR (4) TRACTS OF LAND LOCATED AT 7810, 7814, 7816 SHALLOWFORD ROAD AND 2239 JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

**REZONING**

**1999-068: Lois V. McDaris**

Pursuant to notice of public hearing, the request of Lois V. McDaris to rezone a tract of land located at 2241 Jenkins Road came on to be heard.

**REZONING (Continued)**

The applicant was present; there was no opposition.

City Attorney Nelson stated this request is not subject to any right-of-way.

Mr. Bennett stated this is the same property he described earlier; that it is part of the same development.

Councilman Eaves inquired about the right-of-way for this request. Admin. Marcellis stated this is a collector street and should have a right of way 30 feet from the centerline.

The applicant was asked if she accepted the conditions with the 30 foot right-of-way. The applicant responded “yes”. At this point, City Attorney Nelson amended the ordinance in open meeting.

Mr. Bennett stated he needed to make one point; that in regard to the condition on the right-of-way three-fourths of the property is on Shallowford and part is on Jenkins; that one would have a 40 foot right-of-way on Shallowford and the other a 30 foot right-of-way on Jenkins.

Chairman Lively stated the details could be worked out prior to second and third reading. City Attorney Nelson stated the applicant is willing to dedicate 30 feet on Jenkins, also, for a right-of-way. He added he 30 foot right-of-way to the conditions for this and the previous request.

On motion of Councilman Eaves, 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 2241 JENKINS ROAD, BEING ON THE NORTHWEST LINE OF JENKINS ROAD SOUTHWEST OF SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

**REZONING**

**1999-002: John Graham**

Pursuant to notice of public hearing, the request of John Graham to rezone a tract of land located at 6112 and 6114 Hixson Pike came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for rezoning to C-2 for a janitorial service; that the site is 1.9 acres with surrounding zoning including C-2, R-4, R-2 and R-1. He stated both the Staff and Planning Commission recommended against the zoning.

John Graham, owner of the property, stated he currently owns a janitorial service down by the University; that the State needs the property for the University's expansion if they get the budget problems worked out. He stated he needs to move his janitorial service and has property suitable for it. He stated the neighborhood would never know a janitorial service is there as there will be no signage; that there might be two extra vehicles parked at different times. He stated employees will pick up equipment and leave; that there will be some storage of equipment and supplies used to service buildings, but he does not have a great amount of equipment. He stated he has talked with State Engineers and they have given him two 40 foot curb cuts in and out and that will not be a problem. He stated he talked with the Planning Commission and they agreed on the zoning he needs. He stated the property should be zoned C-2; that the property is in a bad location and is no longer fit for residential. He stated 120 apartments will be built behind the property and he looks at a strip mall out his back window. He stated the property value for residential is going downhill; that he needs the property rezoned for his janitorial service and sees no reason why it should not be rezoned.

Councilman Crockett expressed agreement that the property will have to have something else other than residential because with the widening of Hixson Pike into a five lane highway, 153 will go right into his porch. He stated with the last zoning of the Food Lion and a commercial complex done during this term, commercial is highly opposed by the neighborhood. He stated he was not at the last Planning meeting and made the motion to uphold the recommendation by Planning and Staff.

Councilman Eaves inquired as to the objection to the rezoning.

**REZONING (Continued)**

Mr. Bennett stated it is very difficult in this area; that the commercial extends down the middle of the block rather than at an intersection. He stated it is difficult to find a final stopping point for commercial; that abutting zoning to the rear is R-4. He stated he does not think the Staff or Planning would have a problem with R-4 or O-1 for offices or higher density residential which would serve as a buffer or transitional zone between the commercial and residential properties. He stated for the benefit of the applicant, if the commercial zone is denied he cannot reapply for another nine months; that the Council can consider the R-4 or O-1 because those options were discussed at the Planning hearing and the applicant would not have to go back for that to be considered. He stated he does not know if this is something the applicant wants to consider; that if he is willing to take R-4 or O-1 he can come back at any time for another zone, reiterating if the C-2 is denied he cannot come back for nine months.

Chairman Lively asked if Mr. Graham's business could operate in an R-4. Mr. Bennett stated he could operate an office; that there is a problem with storage of material and warehousing on site that will not be accommodated in R-4 or O-1.

Councilman Taylor inquired as to the zone that would accommodate Mr. Graham's business. Mr. Bennett responded "C-2", which is the most restrictive zone to accommodate everything.

At this point Councilwoman Hurley seconded Councilman Crockett's denial of the request.

Councilman Crockett asked the applicant if he is willing to consider the R-4 or O-1 zone. Mr. Graham responded "no"; that C-2 is the only zone that fits his business.

Councilman Taylor asked if Mr. Graham's property abuts C-2. Mr. Bennett responded "yes, to the north".

Councilman Crockett stated originally that was to be C-2 at a corner and that was elongated in a plan against the recommendations of the plan for the area that has been long standing and significantly expanded. He stated this is not just a little more, it is a "giant step" down the middle, which makes it more difficult.

Chairman Lively asked Mr. Graham if he is certain he does not wish to consider the R-4 or O-1 zone. Mr. Graham responded "yes".

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

**REZONING (Continued)**

On motion of Councilman Crockett, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6112 AND 6114 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**

**Was denied.**

**ACCEPT PROPOSAL BY TDOT**

Councilman Crockett made the motion to move Resolution 8(c) up on the agenda explaining that he has to leave the meeting early due to another commitment; Councilman Pierce seconded the motion; the motion passed.

**(Councilman Eaves excused himself from the meeting at this point.)**

Councilman Crockett stated this matter has been “bounced around” for quite some time and there has been discussion in the neighborhood. He stated the discussion was whether the City had the authority to make a decision in this case with the acceptance of provisions. He stated he has been back and forth on this in his mind; that one question is the design, which has been raised by a number of people. He stated he does not want to put this off indefinitely but does have a few questions he would like to pursue and deal with and finalize in two weeks.

**At this point, Councilman Crockett made the initial motion to table the matter two weeks to allow for questions to be answered; Councilman Taylor seconded the motion.**

Councilman Hakeem stated the effort would be to finalize this matter within the next couple weeks and asked Councilman Crockett to give some idea as to the questions he plans to ask so Council members will know in the next two weeks if they have been addressed.

Councilman Crockett stated Councilman Hakeem’s request is fair; that the questions deal with a five lane road widening project extending from Valleybrook Golf Course out to Dallas Bay; that there is a fairly significant length of road to be moved to five lanes. He stated there has been a great deal of discussion about it; that the project has been on the books for a long time.

**ACCEPT PROPOSAL BY TDOT**  
**(Continued)**

Councilman Crockett stated a lot of the drive for the project was to relieve traffic; that his experience with road widenings on 153 and the way they are widened fixes one problem but potentially causes another in subdivisions inside and out of the City limits. He stated going in front of a subdivision does not enhance the residential character; that a petition was circulated asking that it be redesigned, which was supported by a plan by the Planning Commission for landscaping and sidewalks for something not designed for high speed traffic, but more for neighborhood traffic. He stated that was submitted to the State and it has not been acknowledged to any degree by the State officials. He stated at public meetings with elected officials, the neighborhood did not seem to make that point at all; that his concern is that we have had an experience on Brainerd Road with the Eastgate Shopping Center and one on Shallowford that we deal with every night. He stated he does not know what the answer is; that he hopes as we approach widening of this road to fix a traffic problem, we would not go back and duplicate the problem we have had on Brainerd Road and Eastgate where we have whole business districts deteriorate and have the same thing happen in front of Northgate and create a situation similar to Hamilton Place.

Councilman Crockett continued by stating his request would have been to ask the State to approach a redesign of that; that a year and a half ago he would have opposed the widening because it would have caused more problems that it will fix. He stated he hopes we can approach that in a way that we will get an answer back from the State and other governing bodies; that he hopes they will take into consideration the way we designed this and the policies implementing it. He stated he will back the project but would like some consideration; that he will ask a number of people about the possibility of getting a portion of that redesigned. He stated he thinks the request is reasonable and will do the best he can to get those answers.

Councilman Pierce stated this is something we have been hassling with over the past two years and knows it was deliberately held up for a study. He stated now we want to go back "to the drawing board" and redesign it; that we are looking at another two years down the road. He stated we are talking about passing the matter two weeks and he does see anything significant coming out of this within two weeks. He stated either we go ahead and let the State proceed or we will eventually "kill" the job and then decide the State is not doing anything for Hamilton County and Chattanooga. He stated it is time to take a stand; that he has asked Councilman Crockett since January 19 what meetings have taken place and to give an update.

**ACCEPT PROPOSAL BY TDOT**  
**(Continued)**

Councilman Crockett stated the meetings have been with Planning on a land plan that is yet to be approved; that out of a lack of understanding he met with Barry Bennett, Ann Coulter and the Hamilton County Planning who spent a great deal of time developing a land plan. He stated it was his assumption that it would be placed on the agenda last week or last month along with this plan; that as it turned out the Planning Commission did not act on that land plan as they said it was tied to the road plan. He stated if we did the road plan in a design that the land plan the Planning Commission put together he would go with that. He stated they did not vote on either issue and he met several times with Planning in the interim hoping it would come up. He stated it is fine to deal with this tonight; that he does not want to do anything out of being ornery; that he does not believe delaying it two weeks will hold up the project that long. He stated he does not want to create a situation like Eastgate to cause something to happen on Brainerd Road, or in front of Valleybrook there would be a situation similar to what we deal with everywhere else. He stated he has heard that before on the downtown road plan, in South Chattanooga and a number of other places. He stated he hopes to hear that the State will work with us; that he is trying to get a win-win situation where we fix the traffic so we don't repeat the same mistakes we have made in other places in Chattanooga and thinks that is a simple thing to ask.

Councilwoman Hurley stated that timing is everything; that she thinks this issue, as she understands it, perhaps should have been decided on December 15, 1998; that if she is reading the letter correctly that is in the Council members' materials the project is going forward; that there are four-or-five letters to support this Resolution. She stated all the State is asking us to do is write a letter so that they will assume liability that is involved that would be our liability if we don't have this Resolution. She stated it is not her understanding, and she has talked with people in Planning, that the issue is whether it will be a road or not widened; that the road widening has been designed and is on the verge of happening. She stated if she understands correctly what the Council is doing is simply passing to the State their responsibility for the liability in acquiring the property. She read from a portion of a letter from the State Department of Transportation, which states, ". . . *under Tennessee Law any party wanting recourse against the State of Tennessee must file suit against the City where the project is located. As you will note in Section One, we agree to represent you and bear all costs . . .*" She stated that is what this is about; that the opportunity we had to redesign the road passed about a year and a half ago. She asked Admin. Marcellis if it is his impression that the road has been designed.

**ACCEPT PROPOSAL BY TDOT**  
**(Continued)**

Admin. Marcellis stated the road has been designed and we are acquiring the right-of-way. He stated Councilman Crockett talked about sidewalks and they have committed to put in sidewalks; that they have not committed to do a median or trees. He stated whether that can be changed he questions; that if the median is done there would need to be an added right-of-way and design; that they are planning to let the contract near the end of the year.

Councilwoman Hurley asked why we are doing this. Admin. Marcellis stated that is the question they wrote in the letter for legal purposes; that he “ran it by” City Attorney Nelson but did not get a confirmation letter. He asked that he (Nelson) read it and give an opinion.

City Attorney Nelson stated in essence, normally under Tennessee law any party wanting recourse against the State must file against the City where the project is located; that if we accept their agreement they will defend us and we won’t have to.

Councilwoman Hurley stated that seems to be the burden of the reason we are doing this; that the project is going forward. She stated she does not mind a two week delay if two weeks are needed; that she doesn’t mind if that is the end as it has been deferred before.

Councilman Hakeem stated for his clarification, what is being suggested or stated is there is a desire to see if in the next two weeks the road can be changed or modified and asked if that is what Councilman Crockett will be doing (within the next two weeks).

Councilman Crockett stated it is to see what the feasibility of that was; that he doesn’t want to make this a source of irritation between various bodies and agencies; that he would like to do something that is reasonable. He stated it could be put off two weeks and have one person go ask or have Admin. Marcellis ask. Crockett stated he asked multiple times and is not trying to hold this up; that he thinks it is moot at this point.

Councilman Pierce stated there is still talk of asking the State to redesign; that he thinks Councilwoman Hurley indicated all we are asking to do is to remove the City from liability as the State is willing to assume liability; that if those living in the area are willing to continue negotiation he doesn’t see anything wrong with this. He stated he does not see why we would put this off again tonight; that it has been delayed for a year and a half and beyond. He stated the question is how long will we sit here and draw designs for someone who has drawn them; that he does not think the State is in a position and they will either do it or not.

**ACCEPT PROPOSAL BY TDOT**  
**(Continued)**

At this point Councilman Hakeem “called for the vote”.

Councilman Crockett stated things are changing in the State highway department; that in the past if they wanted your opinion they would give it to you; that we have asked for a redesign and it depends upon who is asking and who is interested. He stated he does not know if it is feasible and does know that the neighborhood was not heard and Planning’s letter was not acknowledged. He stated if we are going to ask for the State to consider this body will have to ask; that he has not been able to do it.

On roll call vote of Councilman Crockett’s motion to table two weeks:

Taylor	"Yes"
Rutherford	"No"
Pierce	"No"
Hurley	"No"
Hakeem	"No"
Franklin	"No"
Crockett	"Yes"
Lively	"No"

**The motion failed.**

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR STATE PROJECT NO. 33055-1228-04, FROM STATE ROUTE 319 (HIXSON PIKE) AT MASTERS ROAD TO 0.25+ KM NORTH OF HIDEAWAY LANE**

Was adopted.

**(Councilman Eaves rejoined the meeting at this point)**

**(Councilman Crockett excused himself from the meeting at this point)**

**REZONING**

**1999-054: Cindi Dolberry**

Pursuant to notice of public hearing the request of Cindi Dolberry to rezone a tract of land located in the 4100 block of Watson Road came on to be heard.

**REZONING (Continued)**

The applicant was present; there was no opposition.

On motion of Councilwoman Hurley, 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 IN THE 4100 BLOCK OF WATSON ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM RT-1 RESIDENTIAL  
TOWNHOUSE ZONE TO R-2 RESIDENTIAL ZONE**

Passed first reading.

**REZONING**

**1999-059: Golden Gallon, Inc.**

Pursuant to notice of public hearing the request of Golden Gallon, Inc. to rezone a tract of land located at 600 Ashland Terrace came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Hurley stated she has heard from the neighborhood; that whatever concerns they had are covered under the conditions contained within this Ordinance. She asked if the representative from Golden Gallon agrees with the conditions, as they are very important to the neighborhood. The representative from Golden Gallon responded "yes".

On motion of Councilwoman Hurley, 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 600 ASHLAND  
TERRACE, BEING ON THE SOUTHWEST LINE OF ASHLAND  
TERRACE SOUTHEAST OF THRUSHWOOD DRIVE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDNETIAL  
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO  
CERTAIN CONDITIONS**

Passed first reading.

**REZONING**

**1999-071: Brian Kelly Vannoy**

Pursuant to public notice the request of Brian Kelly Vannoy to rezone a tract of land located at 7432, 7434, and 7436 Pinewood Drive came on to be heard.

The applicant was present; there was no opposition.

Barry Bennett stated this property is surrounded entirely by R-1 residential to the north, east and west, R-T/Z, R-4 and R-1 to the south. He stated the request is for rezoning from R-1 to R-T/Z for a small lot of single detached housing with 15-19 units proposed on 3.72 acres. He stated both the Staff and Planning Commission recommend against the zoning on the basis that this area is largely made up of single family lots and there is very low density on Pinewood.

Brian Vannoy, applicant, pointed out that on one of the lots in question there is a house that is being sold at a tax sale; that most of this property has been in declining condition and left vacant for ten years. He stated his property touches an R-T/Z zone in the rear at Min-Tom; that he is looking to improve the quality of the street and road by building small single family residences. He stated the zero lot line is giving more leeway on lot sizes; that he wants to build 1,000 to 1,200 square foot homes; that he lives two streets down in Summertown Court which was developed with housing moved from Bonds Terrace. He stated this area is growing and people need housing in that area. He stated he would maximize the land that is there that can be developed and thinks the density might have been a reason they had at Planning in denying the request. He stated what he is requesting is to maximize the property and utilize it; that he has met with the Planning Agency and they have approved the preliminary plat of what is proposed and other minor matters.

Councilman Eaves asked if the request is for more density than R-T/Z normally calls for; that he looked at the area and it is very badly used now. He stated he wants some indication of what the objection was.

Mr. Bennett stated the density they are proposing would be within the parameters of what the R-T/Z calls for, eight units per acre. He stated the primary concern again was that Pinewood Drive is predominantly large lot single family residential with very low density. He stated if you look at the map one block to the south of Min-Tom Drive, what happened there is once the higher density was introduced then the rest of the street went that way. He stated the point is if a higher density is approved, the rest will follow suit on Pinewood. He stated we are not just looking at one development but the potential for similar high uses on the street.

**REZONING (Continued)**

Mr. Vannoy stated under R-1 thirteen or fourteen lots are available in that same development; that he is looking at four more homes to have what he wants to do; that R-T/Z would allow a better use and will bet a “bigger bang for the dollar”. He stated he has had other people in the neighborhood to the north interested in selling and this zoning is fit for it; that otherwise he would not be interested in the zoning. He stated he thinks the development will happen down the street with R-T/Z and thinks this will be an asset.

Councilman Taylor inquired as to the number of homes that can be developed in R-1 and R-T/Z.

Cliff Fife, of Comquest Engineering handling the project, stated under R-1 there can be up to thirteen and under R-T/Z there can be seventeen additional homes in addition to what is there. He stated R-T/Z would allow Mr. Vannoy to better use the land for small starter homes because the minimum requirements under R-1 is 7,500 square feet. He stated for the size home he wants to build he does not have to use that much square footage to make this a nice looking neighborhood of detached homes just like the rest of Pinewood.

Councilwoman Rutherford stated the homes that are surrounding this are not started homes; that Mr. Fife refers to low price starter homes and asked if there are existing homes in that neighborhood.

Mr. Bennett stated Pinewood and Min-Tim have pretty much older smaller homes.

Mr. Vannoy stated there might be two older homes; that there are a few larger homes here and there, however, most are in the 1,200 to 1,500 square foot range.

Councilman Eaves asked Mr. Vannoy what range he wanted. Mr. Vannoy stated he wants anywhere from 1,000 to 1,200 as the maximum. He stated most of the lots would have the small width homes.

Councilman Eaves asked if they would be individual homes and not R-T/Z townhomes. Mr. Fife stated they are not using the zero lot line; that they will be single family residential homes with space in between. Mr. Vannoy indicated that the homes would have ten foot setbacks.

Councilman Eaves stated he would like to have an opportunity to talk with Planning and made the motion to defer the matter one week to meet with them.

**REZONING (Continued)**

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7432, 7434, AND 7436 PINWOOD DRIVE, BEING ON THE SOUTHWEST LINE OF PINWOOD DRIVE SOUTHEAST OF GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE**

**Was tabled one week.**

**REZONING**

**1999-072: George W. Morgan c/o Arvin H. Reingold**

Pursuant to notice of public hearing the request of George W. Morgan to rezone a tract of land located at 3108, 3110, 3112, and 3116 Calhoun Avenue came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Bennett stated the request is for rezoning to M-1 and the Planning Commission recommended M-2. He stated there is some adjacent M-2 to this property across 32<sup>nd</sup> Street to the south; that other rezoning is O-1, C-1 and R-2.

Councilman Hakeem asked if the applicant would accept the M-2.

Atty. Arvin Reingold represented the applicant and stated Mr. Morgan does not have a problem with M-2; that there is M-2 adjoining the property 40 feet away. He stated it was approved by the Planning Commission for M-2 according to the letter Mr. Morgan received; that the 3100 block of Calhoun abuts up to the back of Rossville Boulevard. He distributed pictures of the area to show the how the area has deteriorated into an industrial area; that it is a highly commercialized area and is not acceptable for office space. He stated M-2 would be accepted; that the tract is not large enough for heavy industry and Mr. Morgan wants to put something there in the future. He stated it is not large enough for a trucking company; that Mr. Morgan owns another piece of property to the back; that over  $\frac{3}{4}$  of the property in the area is owned by people who have rental property; that the gentleman in opposition is a resident of the area. He stated the area has deteriorated starting with the 2800 block all the way down. He stated what Mr. Morgan is asking for is consistent with what is there.

**REZONING (Continued)**

Howard Brock spoke in opposition and stated he lives 50 feet from this property; that on the next corner at 32<sup>nd</sup> Street is a body and paint shop. He stated people are wanting this property for another body and paint shop, which will be too close to his house and another person wants the property to put junk cars on it to get parts off of to work on other cars. He stated this would hold water and mosquitoes; that if this is rezoned there will not be much on Calhoun. He stated this property is in a flood zone and the applicant will have to build it up five feet, which will back waste up on his neighbor. He made reference to the junk cars; that Calhoun is being “cut up” and is being rezoned too much; that there is not much property left that is residential. He asked that the Council not put in any manufacturing property; that he would rather not have it rezoned.

Councilwoman Rutherford asked how close this property is to Mr. Brock’s home. Mr. Brock responded “50 feet”.

Councilwoman asked if a junk yard or salvage yard can be placed in M-2. Mr. Bennett stated M-1 would be required for those uses.

Councilwoman Rutherford inquired as to the plan for the property. Atty. Reingold stated the plan is for what is consistent with what is there; construction offices and distribution centers.

Councilwoman Rutherford questioned whether Mr. Morgan has a planned use. Atty. Reingold stated M-2 uses in the zoning ordinance are very wide; that it prohibits anything that appears to be visually or otherwise environmentally obnoxious.

Councilwoman Rutherford asked if a paint and body shop can be there. Atty. Nelson stated M-2 is essentially one of the most wide open zones we have; that it allows for anything except residential. He stated the M-4 zone prohibits outdoor industrial type property; that any indoor usage other than commercial and two other set forth exceptions is acceptable.

Councilwoman Rutherford asked why Planning recommended M-1 and approval of M-2. Mr. Bennett stated the Staff did not; that the Staff recommended denial of M-1; that the Planning Commission Board recommended M-2. He stated the Staff recommended against any change there to maintain the small residential pocket remaining.

Councilman Pierce stated this is in his district; that he has no problem rezoning it as there has been a lot of rezoning in that area. He stated he would like to protect what few residents that are still there. He stated the Council is aware that a year ago we rezoned property adjacent for E.L. Pate.

**REZONING (Continued)**

Councilman Pierce stated he does not support zoning property with no planned use, which is basically for marketing purposes. He stated the area needs remodeling and there is a lot of drug activity; that he does not see eliminating housing and moving people out and does not see how he can support this. He expressed his respect for Mr. Morgan and his support of him. He stated he cannot support this because he does not feel Mr. Morgan has a plan for the property; that he feels the property is being rezoned for marketing purposes.

On motion of Councilman Pierce, 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 3108, 3110, 3112, AND 3116 CALHOUN AVENUE, BEING ON THE NORTHEAST LINE OF CALHOUN AVENUE AT EAST 32<sup>ND</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE**

**Was denied.**

**REZONING**

**1999-073: Ken Defor**

Pursuant to notice of public hearing the request of Ken Defor to rezone a tract of land located in the 6100 block of Shallowford Road came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Bennett stated the request is for rezoning for C-5 and R-4 zoning; that the site area includes 9.5 acres; that the proposed use will be a combination office and neighborhood commercial use. He stated the Staff and Planning Commission recommend approval of C-5 with conditions.

Ken Defor, applicant, distributed photos and stated the building they are building is across from this property. He stated the plan is to continue the office condominium concept they have started, which has been well received by business in that community. He stated he has no other agenda other than to continue the office project; that he tried previously to landscape and upgrade office projects in that area; that they were sodding and holding ponds before the Ordinance came into effect. He stated they are restricting themselves to continue this project; that they know Golden Gallon is going in across from them; that they have letters from property owners behind them in favor of this zoning.

**REZONING (Continued)**

Mr. Defor stated they have agreed to save as many trees as possible in the landscaped area and displayed a photo of a tree they saved on Lee Highway. He stated people have told him they appreciate the type of structure they are going; that it is a concept that upgrades everything. He stated there is downgrading throughout this area and R-2 in the rear. He stated going R-4 restricts them to maintain the type of structure shown in the photos distributed. He expressed appreciation to the Council for support of his request.

Cliff Stovall of 7226 Noah Reid Road, distributed information regarding the area. He stated the neighbors across the street are in favor; that the office buildings Defor has built are attractive, however he still does not care to look at them. He stated he does not like to think of more traffic on Noah Reid Road; that he lives on a hilly, curvy road. He stated there are seven office buildings, which could be up to 28 different suites. He stated this would create further congestion. He stated the Hudson Company has added on and cannot rent all the spaces they have built and made reference to a large office complex with very low occupancy and other vacancies in the area. He asked that the entrance be limited to Shallowford Road; that they don't need more traffic on Noah Reid Road.

Councilman Franklin stated he had an opportunity to view the property and is the Councilman for this district. He stated he knows there is a Golden Gallon going in across the street and will say this is a very unique type concept; that it is catching on across the City. He stated he has gone on record protecting the integrity of residential neighborhoods and does not think that is a question. He stated this is the best possible use based on his understanding and there is an article in today's newspaper regarding this project. He stated there is a sense of ownership to the suites available and there has been a willingness of the applicant to address the needs of the residents to some degree. He stated they are replanting Noah Reid Road and are saving as many trees as possible for a buffer. He stated the traffic with this complex would probably be a lot better than what would be in the Golden Gallon scenario. He expressed respect for Mr. Stovall's comments and concerns; that the applicant has done and is doing everything to protect the residents in the area.

Councilwoman Rutherford made reference to the three recommendations and inquired why the Council should consider C-5. Mr. Bennett stated that is not correct; that it is a C-5 and R-4 combination; that C-5 is for the front.

Councilwoman Rutherford asked if the R-4 is restricted to office use. Mr. Bennett responded "yes".

Councilman Taylor inquired as to the entrance restrictions on Noah Reid Road or Shallowford.

**REZONING (Continued)**

Mr. Defor stated there are a couple cuts on Noah Reid Road; that they might need one cut on Noah Reid; that it will be feasible but not in the back of the property. He stated the Staff has seen that and thinks that is reasonable.

Councilman Taylor stated tenants will enter the property from Shallowford and use the frontage to exit but not in the rear in the R-4 area.

Mr. Bennett stated the Staff recommended C-2 for the front of the property, but agreed to C-5 and R-4 as a compromise.

Councilwoman Rutherford asked what can be placed in a C-5 that cannot be placed in C-1. Mr. Bennett stated C-5 is the only neighborhood commercial zone; that it restricts most of the objectionable uses. He stated C-2 is wide open.

City Attorney Nelson added a seventh condition to include R-4 for offices.

Councilwoman Hurley expressed hope that this does not mean we will look to those two large R-1 parcels for additional office or additional commercial. Mr. Bennett stated this represents a defensible stopping point; that this property line goes further north along Noah Reid Road.

Councilman Taylor inquired about the entrance. Mr. Bennett stated it is already included.

Councilman Taylor assured Mr. Stovall that his intent is to respect the residential nature as it proceeds back into Noah Reid Road; that he has done that in the past and will continue to do so in the future. At this point he “called for the question”.

Councilman Pierce asked Mr. Stovall if he can “live” with this. Mr. Stovall responded “yes”; that he just wants to look to the future.

City Attorney Nelson added a condition relating to access at the north end of Noah Read Road and asked if the Council wants to put in footage so that the building inspector will have an idea of how far to go.

Councilman Taylor stated the footage is probably needed; that the further back it goes gets into the R-4 area.

Councilman Hakeem inquired about the curb cuts in the C-5 area.

**REZONING (Continued)**

Sharon Watson stated she is a recent resident to the area and lives on Frances Drive. She asked how far would this project come back; that it is right behind her house. Mr. Stovall stated this protects her property; that there are twenty acres in between.

Councilman Eaves “called for the question”.

On motion of Councilman Franklin, 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 6100 BLOCK OF SHALLOWFORD ROAD, BEING ON THE NORTHEAST LINE OF SHALLOWFORD ROAD AT NOAH REID ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE AND R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

**REZONING**

**1999-075: William C. Haisten, Jr.**

Pursuant to notice of public hearing, the request of William C. Haisten, Jr. to rezone a tract of land located at 1615 Gunbarrel Road came on to be heard.

The applicant was not present.

Chairman Lively indicated that the applicant faxed a communication to the Clerk of the Council requesting that this matter be withdrawn.

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1615 GUNBARREL ROAD, BEING ON THE NORTHWEST LINE OF GUNBARREL ROAD NORTHEAST OF APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**

**Was withdrawn at the request of the applicant.**

**AMEND CONDITIONS IN ORDINANCE  
NO. 10765**

**1999-076: Dodson Avenue Partners, LP**

Pursuant to notice of public hearing the request of Dodson Avenue Partners, LP to amend conditions imposed in Ordinance No. 10765 came on to be heard.

The applicant was present; there was no opposition.

Councilman Hakeem stated we often talk about partnerships and this is a perfect example where the developer has worked diligently with the community to develop a project. He stated the community is satisfied with the project going forward and what is being asked is to be a part of that partnership so this can be the win-win situation we talk about.

On motion of Councilman Hakeem, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 10765 ON PROPERTY LOCATED AT 457 DODSON AVENUE, BEING ON THE NORTHWEST LINE OF DODSON AVENUE AT BLACKFORD STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

**SPECIAL EXCEPTIONS PERMIT**

Mr. Bennett stated this is a proposed development of something once every ten-to-twenty years which is called a non-conforming use or Mini-PUD which is similar to the J. C. Towers. He made reference to a site plan for a four-story building, which will have 79 units for the elderly. He stated the Mini-PUD is designed to allow developers to build something of this nature on a small tract of land without having to go through the normal variance and zoning procedures. He stated this looks like a very good location for this project; that both the Staff and Planning Commission recommend approval. He indicated there was no opposition present at the Planning hearing.

Councilwoman Rutherford inquired as to whether this is the property that is boarded up. Councilman Taylor inquired as to how far the property is from the correctional facility.

**SPECIAL EXCEPTIONS PERMIT**  
**(Continued)**

Neshan Topijan, Sr. Vice President for First Centrum, stated the property is next to the Diagnostic facility; that it is a parcel of land at the intersection of Holtzclaw and Cleveland Avenue. He stated First Centrum owns all their buildings; that persons have to be over 62 to move in; that the facility is not for children or families. He stated First Centrum maintains their buildings and is nicely landscaped. He stated they do not transfer to the owners or investors; that they take pride in the way they keep their buildings and manage them.

Councilman Pierce stated this is in his district and knows Mr. Cosh tried to make contact with him to go over the plan; however, they never connected. He asked that the matter be tabled one week as it is in Dr. Brown's district. He stated a four-story building is planned and asked Mr. Topijan if he has spoken with the neighbors.

Mr. Topijan stated the actual zoning allows more; that they had to ask to build four stories as the law says it should be six stories. He stated under the Mini-PUD development they did not have to go for any permits as long as we build six stories.

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A TRACT OF LAND, PREVIOUSLY ZONED R-3 RESIDENTIAL AND R-4 SPECIAL ZONE, LOCATED AT 1300 CLEVELAND AVENUE BEING ON THE SOUTHWEST LINE OF CLEVELAND AVENUE AT HOLTZCLAW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

**DECLARE SURPLUS**

Councilwoman Rutherford and Taylor made the initial motion to approve this request.

Admin. Traugher stated this is a continuation of inventory of surplus property declared by Planning; that before property is sold it should be held during the mandatory deferral process. He stated there is a total of 26 properties; that 21 have been submitted.

Councilwoman Hurley inquired as to the properties on Barton; that she thought there were several.

**DECLARE SURPLUS (Continued)**

Councilwoman Hurley asked what if the Council does not want the properties declared surplus and requested that two parcels be removed from the list.

Admin. Traugher stated there are some that will not be sold; that he does not have a problem holding the two properties out.

Councilwoman Hurley asked if the matter could be tabled a week.

Admin. Traugher stated he would get specific addresses of the properties to Council members. He indicated that he was under the impression the tax map numbers and addresses were included in the information Council members had. He reiterated that he would provide the necessary information so Council members can see the properties being declared surplus in their districts.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

**A RESOLUTION TO RECOMMEND THAT CERTAIN PROPERTY,  
MORE PARTICULARLY DESCRIBED HEREIN, BE DECLARED  
SURPLUS**

**Was tabled one week.**

**LEASE AND TRANSFER AGREEMENT:  
UNIVERSITY OF TENNESSEE**

Councilman Taylor stated Resolutions 8(d) – (g) were approved in Public Works Committee.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AND  
TRANSFER AGREEMENT WITH THE UNIVERSITY OF TENNESSEE,  
RELATIVE TO THE CONSTRUCTION OF A SEWER OVERFLOW  
CONTROL FACILITY ON THE CITICO CSO CONTROL FACILITY  
PROJECT**

**Was adopted.**

**AGREEMENT: HAMILTON COUNTY,  
TN**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, RELATIVE TO LITTER COLLECTION ON MAJOR AND COLLECTOR STREETS, FOR A CONSIDERATION OF THREE THOUSAND, FORTY-TWO DOLLARS (\$3,042.00) PER MONTH, OR THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00) ANNUALLY**

Was adopted.

**CONTRACT: TDOT**

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO REPLACEMENT OF THE BRIDGE ON HICKORY VALLEY ROAD OVER FRIAR'S BRANCH, WITH THE CITY'S SHARE NOT TO EXCEED TWENTY PERCENT (20%) OF THE COST OR SEVENTY-THREE THOUSAND DOLLARS (\$73,000.00)**

Was adopted.

**CONTRACT: TDOT**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO REPLACEMENT OF THE BRIDGE ON SHALLOWFORD ROAD OVER CHICKAMAUGA CREEK, WITH THE CITY'S SHARE NOT TO EXCEED TWENTY PERCENT (20%) OF THE COST OR THREE HUNDRED SEVENTY-ONE THOUSAND DOLLARS (\$371,000.00)**

Was adopted.

**ALLOCATION: WESTSIDE  
COMMUNITY DEVELOPMENT  
CORPORATION**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION ALLOCATING THE SUM OF THREE HUNDRED  
FIFTY THOUSAND DOLLARS (\$350,000.00) TO THE WESTSIDE  
COMMUNITY DEVELOPMENT CORPORATION TO BE USED FOR  
THE CONSTRUCTION OF AN ECONOMIC DEVELOPMENT  
CENTER**

Was adopted.

**OVERTIME**

Overtime for the week ending May 7, 1999 totaled \$83,020.24.

**PERSONNEL**

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

MICHAEL HIGGINS -- New Hire, Assistant Superintendent, Golf Course (Brown Acres),  
Pay Grade 10/Step 1, \$23,033.00 annually, effective May 24, 1999.

CLARENCE L. MYREE -- Resignation, Crew Worker, Sr., Parks, effective May 10, 1999.

**PURCHASES**

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

**VIKING EQUIPMENT COMPANY (Lowest and best bid)  
Requisition No. R0041315**

Utility Vehicles (2 @ \$7,272.00 ea.)

\$14,544.00

**PURCHASES (Continued)**

**THOMAS GENERAL CONSTRUCTION (Lowest and best bid)**  
**Requisition No. R0042516**

Walking Tract at Carver Center

\$44,122.50

**GAME TIME/DOMINICA RECREATION PRODUCTS (Lowest and best bid)**  
**Requisition No. R0037600**

Playground Equipment

\$20,000.00

**PURCHASE**

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

**J & J CONTRACTORS (Lowest and best bid)**  
**Requisition No. R0042708**

New City Council Chamber and Offices

\$1,793,055.00

**PERSONNEL**

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

Mario A. Gurrola -- Employment, Concrete Worker, City-wide Services, Pay Grade 6/Step 1, \$18,574.00 annually, effective April 28, 1999.

OLEE LIPSCOMB, JAMIE WOODWARD, ALVIN HUFF -- Dismissal, Crew worker, City-wide Services, effective April 27, 1999.

**PERSONNEL (Continued)**

JOHN E. HOWARD -- Transfer/Promotion, Equipment Operator, Traffic Engineers, Pay Grade 8/Step 1, \$20,803.00 annually, effective April 14, 1999.

**PURCHASES**

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

**INDUSTRIAL RUBBER & SAFETY PRODUCTS (Lowest and best bid)**  
**Requisition No. R0041877**

Requirements Contract for Supply Special Purpose Gloves

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

**NEWTON CHEVROLET, INC. (Lowest and best bid)**  
**Requisition No. R0041900**

Chassis Cab Truck w/Flat Bed for Moccasin Bend

\$28,750.00

**PERSONNEL**

The following personnel matter was reported for the Police Department:

WALLACE BROWN -- Return to Duty, Lieutenant, effective May 7, 1999.

**PURCHASE**

**STRAUSS CONSTRUCTION**  
**Purchase Order No. P0009295**

Change Order #2 - Renovation of the 911 Building (Per original contract approval by Council on 7/7/98 and Change Order #1 on 10/6/98)

\$419,800.00 - Original Contract  
35,000.00 - Change Order #1  
**5,818.00 - Change Order #2**  
\$460,618.00 - New Total

**BOARD APPOINTMENTS**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following Board appointments were approved:

**VARIANCE BOARD OF APPEALS:**

Appointment of *CARLTON CAMPBELL*, to complete the unexpired term of David Jones, whose term shall expire on August 15, 2001 representing District 7.

**BEER BOARD:**

Appointment of *MARY LUCILE SHARP*, to complete the unexpired term of John Clark, whose term shall expire on September 24, 2000 representing District 2.

**HEARING: ALVIN THOMPSON**

**City Attorney Nelson clarified that the hearing for Alvin Thompson is scheduled for June 21;** that the first reschedule date of June 14 conflicted with the TML convention, which will be held here in Chattanooga, and Riverbend's activity ("Bessie Smith Strut").

**COMMITTEES**

Councilwoman Rutherford stated the **Parks and Recreation Committee** met earlier to discuss fees for the Tivoli, Memorial Auditorium and Coolidge Park. She stated another meeting of the Committee for **Tuesday, May 25 beginning at 4 p.m.**

Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Committee for Tuesday, May 18 immediately following the Public Works Committee** to discuss the Community Foundation Education scholarships. She stated the scholarships are not funded in this year's budget; that they have reorganized and more monies have been put into the budget. She stated the Mayor would like for the Council to consider funding them at this time.

Councilman Hakeem stated a meeting of the **Budget, Finance and Personnel Committee will be held on Tuesday, May 18 immediately following the Health, Education, and Human Services Committee** to hear an update on the City's drug policy and the Employee Assistance Program (EAP).

Councilman Franklin scheduled a meeting of the **Public Works Committee for Tuesday, May 18 at 4 p.m.**

**URBAN GROWTH PLAN UPDATE**

Councilman Hakeem stated there is a desire on the part of the Planning Agency and representatives of the Coordinating Committee to update Council members regarding the Urban Growth Plan. He stated the dates of May 18, 25 and June 8 have been suggested. **Council members decided the update can be given on Tuesday, May 25, immediately following the meeting of the Parks and Recreation Committee.** He stated he would like to inform the Council that within two weeks there will be a bylaws change for the Coordinating Committee that would provide the option of the Chairman to be a non-voting member; that this issue will be discussed in the meeting on the 25<sup>th</sup>.

**2020 PLAN EXPO**

Councilman Hakeem stated each Council member has a communication in their mailboxes regarding the Regional Planning Agency's 2020 Plan Expo scheduled for Monday, June 7, beginning at 5:30 p.m. at the Waterhouse Pavilion.

**JOINT CITY/COUNTY BUDGET HEARING**

Councilman Hakeem reminded Council members of the joint City/County budget hearings beginning at 9:30 a.m. on tomorrow (Wednesday, May 12).

**GRANDFATHER NEWS!**

Chairman Lively announced that he received news that he will be a grandfather!

**ADJOURNMENT**

Chairman Lively adjourned the meeting until Tuesday, May 18, 1999 at 6 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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

