

**Municipal Building
Chattanooga, Tennessee
June 8, 1999**

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

INVOCATION

Councilwoman Hurley gave the invocation for the evening.

MINUTE APPROVAL

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

REZONING

Councilwoman Rutherford made the motion to move Ordinance 6(g) up on the agenda; Councilman Eaves seconded the motion; the motion passed.

1999-085: Ricky Wilson Barnhill

Pursuant to notice of public hearing the request of Ricky Wilson Barnhill to rezone a tract of land located at 2810 East 44th Street came on to be heard.

The applicant was present; opposition was in attendance.

Barry Bennett stated both the Staff and Planning Commission recommend denial of the zoning change; that the land use around the property is entirely single family residential. He stated there was opposition at the Planning Commission.

REZONING (Continued)

Ricky Barnhill, applicant, stated that he measured from the nearest property that is commercial and there is less than 200 feet to Dolly Madison's Bakery. He stated in between are two empty houses and only one that is livable within the block and the remaining houses needed to be torn down. He stated people are moving in-and-out because of the crimes committed within the area and no one wants to build, as it is all "dead property". He stated he does not understand why there is such a big fuss about someone trying to make an honest living at that location.

Jean Cuzzort, Secretary of the Cedar Hill Neighborhood Association Improvement League, stated Mr. Barnhill has stated there is commercial property less than 200 feet away from this location, yet he did not indicate that the commercial property is facing Dodds Avenue. She stated this is a residential area and the houses he made reference to do need to be torn down, but are still livable if someone wants to fix them up. She pointed to a person present in the audience with those from the Cedar Hill area who lives in between the properties, reiterating that this is a residential area. She stated those in the area do not want the property commercial, nor do they want trailers on the property and would like for the trailer to be removed. She asked the Council not to approve the C-2 request and keep the residential area R-2. She asked everyone from the Cedar Hill area to stand at this point, which involved the majority of those present. She stated Mr. Barnhill has indicated that he owns the property, however, T.A. and Maude Murray own the property.

Councilman Hakeem inquired as to whether there is a trailer on the property now. Ms. Cuzzort responded "yes".

Councilwoman Rutherford stated that she drove through the neighborhood and observed this location and feels it would be very harmful to the neighborhood to have a bar-be-que stand at that location. She stated she reported the two houses in question (2804 and 2900 East 44th Street) to Better Housing this morning. **At this point she made the motion to deny the request; Councilwoman Hurley seconded the motion.** She inquired as to whom in Public Works would look into the trailer situation, as it needs to be removed and would like it off the property immediately; not later than the end of this week.

Admin. Marcellis stated if the trailer is in zone, he is not sure whether it is a green ticketed trailer or not; that he will look into it.

Councilwoman Rutherford stated it is not a green ticketed trailer and is just lopsided; that it looks as if it is about to fall down.

Mr. Barnhill stated the trailer is a mobile unit and can be moved at any time; that it is like having a camper in the yard.

REZONING (Continued)

On motion of Councilwoman Rutherford, 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 2810 EAST 44TH STREET, BEING ON THE
SOUTHWEST LINE OF EAST 44TH STREET AT 12TH AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**
was denied.

REZONING

1999-047: Kay Wong

Pursuant to notice of public hearing the request of Kay Wong to rezone a track of land located at 1105 Tunnel Boulevard came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Bennett stated this request initially came before the Council as a request for C-2 for a bar-be-que stand on this 50 X 135 lot and was referred back to Planning when the applicant indicated she wanted to amend the request to a C-5 neighborhood commercial zone. He stated the Staff and Planning Commission recommended against the C-2 and approval of the C-5 subject to combining with adjoining property to the north to build a proposed neighborhood shopping center, as well as a landscaped buffer. At this point he displayed the proposed site plan submitted by the applicant and stated the applicant indicated that the property would be combined with another tract for a C-5 neighborhood commercial center. He stated the Staff felt this would be an improvement over what is presently there and understood it would have the effect of removing a night club that was presently on the corner property; that this is the basis for the Planning and Staff's recommendation for approval. He stated in speaking with Councilman Franklin, that the C-5 property adjoining Ms. Wong's property is going to be developed in some other way. He stated he has not had an opportunity to talk to the other property owners and does not have firsthand knowledge of what is now being proposed.

Councilman Franklin stated he was initially approached by Ms. Wong regarding the development of her property and suggested that she go to the neighborhood association to make her wishes known. He stated there has been a lot of incentive to redevelop the neighborhood and make it livable; that great strides have been accomplished up to this point. He stated Mr. Leonard Green, whose property adjoins Ms. Wong's, does not have any knowledge of Ms. Wong's request, has not been shown the site plan and does not have any intention of going into any joint venture with her.

REZONING (Continued)

Councilman Franklin continued by stating that he suggested that Mr. Green to go the neighborhood association and have some communication with them regarding this matter. He stated the neighborhood association has gone on record not wanting any additional commercial businesses or anything else close to that along Tunnel Boulevard based on their upgrading the integrity of the neighborhood. He stated everything between Shallowford Road and Wilcox Boulevard, other than those two properties on that side of Tunnel Boulevard and the other side of Hoyt, is commercial; that everything else is residential. **At this point he made the motion to deny the request; Councilwoman Rutherford seconded the motion.**

Kay Wong, applicant, stated that she owns the property located at 1105 Tunnel Boulevard and that Mr. Green talked with her first; that they both agreed to make this plan happen. She stated Mr. Green informed her that he had received two offers for the purchase of his property; that he wanted her to offer a reasonable price so that she could get it. She stated she attempted to reach Mr. Green yesterday and left a message; that he had previously told her he would give her the first opportunity for purchasing the property. She stated they agreed to this in the beginning and does not want him to change his mind as he wanted the money for the property right away. She stated her lot is very close to Mr. Green and both will be rezoned together so there will not be a need to reapply.

Richard Brown of the Eastdale Neighborhood Association spoke in opposition to this request. He stated he and others in the Association met on several occasions with Ms. Wong regarding this and recommend a strong denial of her request. He stated the applicant does not own controlling interest in the property and there cannot be a feasible site development plan. He stated it has been the Council's wisdom to take a strong look at the zoning issues on Tunnel Boulevard and reduce them back to neighborhood residential; that they are concerned about any new commercial request as the street system cannot handle any more vehicular traffic at this time. He stated there are young people and vehicular conflicts all along the street, reiterating their strong request for denial. He stated they talked with Ms. Wong about her plan and informed her that R-1 is the preference zone for the neighborhood and would entertain it as an Association.

On motion of Councilman Franklin, 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 1105 TUNNEL BOULEVARD, BEING ON THE NORTHWEST LINE OF TUNNEL BOULEVARD NORTHEAST OF LASALLE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied.

REZONING

1999-052: Lincoln Trust

Pursuant to notice of public hearing the request of Lincoln Trust to rezone a tract of land located at 1740 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett displayed a smaller version of the site plan and stated there are two properties involved and both will be out-parcels. He stated this request squares off the property and there is no particular concern with that; the only concern the Staff had was going beyond the "box" on Gunbarrel and the effect it might have on future rezoning requests for commercial further along Gunbarrel. He stated this is the only access to this parcel which makes it different from any of the others further along East Brainerd Road and on Gunbarrel; that the only access would be the entrance into the shopping center with no direct entrance from Gunbarrel. He stated all traffic going by this property would be of a commercial nature. He stated they felt there was enough difference between this property because of the access from the other parcels that may want to come in later for commercial consideration. He stated the plan for the zoning policy still shows only mixed use development of a higher density residential or low intensity institutional office-type use. He stated the Staff and Planning Commission recommend approval of commercial zoning for both these sites subject to conditions; that the conditions were worked out with the City's traffic engineer.

Councilman Hakeem asked the applicant if he is agreement with the conditions. Atty. John Anderson responded "yes".

Councilman Pierce inquired about the traffic. Councilwoman Rutherford indicated that the majority of the traffic will be on the other end.

Councilman Pierce stated this is still in the same vicinity and suggested that the matter be tabled. He indicated that he could not support this request.

On motion of Councilwoman Rutherford, 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 1740 GUNBARREL ROAD, BEIN GON THE SOUTHEAST LINE OF GUNBARREL SOUTHWEST OF IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE WITH CONDITIONS TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading; **Councilman Pierce voted "no"**.

REZONING

1999-063: Gunbarrel Properties, LLC c/o John Anderson

Pursuant to notice of public hearing the request of Gunbarrel Properties, LLC to rezone a tract of land located at 1804 Gunbarrel road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this is a section of the two properties previously described.

Councilman Eaves asked the applicant if he is acceptable to the conditions. Atty. John Anderson responded "yes".

On motion of Councilwoman Rutherford, 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 1804 GUNBARREL ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading; **Councilman Pierce voted "no"**.

REZONING

1999-077: Paul L. Morgan

Pursuant to notice of public hearing the request of Paul L. Morgan to rezone a tract of land located at 1000 Hixson Pike came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this property is in the 1000 block of Hixson Pike and is presently zoned O-1. He stated the request is for C-2 for a retail shop; that both the Staff and Planning Commission recommend denial of the C-2 but approval of C-5 subject to conditions. He stated this area has undergone quite a bit of redevelopment and improvement; that the nature of the commercial development within the area is the neighborhood-oriented type. He stated most of the commercial is C-5 and it is felt the C-5 zone would be more appropriate and more in keeping with the existing pattern of development and would allow for the proposed use for a retail shop.

REZONING (Continued)

Mr. Bennett continued by stating the reason for the condition is that it is subject to no convenience grocery store that could stay open 24 hours and have gas pumps; that this is really not a traffic generating use. He stated the Planning Commission has recommended approval of an amendment to the zoning ordinance, which would remove convenience grocers from the C-5 zone.

Councilwoman Hurley asked Mr. Morgan if he accepts the conditions and the purpose for the change. Mr. Morgan responded "yes" that he accepts the conditions and that he made application because he found he was out of zone; that nothing will change.

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 1000 HIXSON PIKE, BEING ON THE EAST
LINE OF HIXSON PIKE NORTH OF BARTON AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO
C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading.

REZONING

1999-078: Leo E. Harner

Pursuant to notice of public hearing the request of Leo E. Harner to rezone a tract of land located at 2316 Center Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this property is surrounded by commercial; that both the Staff and Planning Commission recommend approval subject to conditions that deal primarily with landscaping.

Phil Allen, the Agent representing Mr. Harner, stated both Mr. Harner and the buyer are present and can answer any questions; that they are satisfied and are pleased to accept the recommendation from Planning.

Chairman Lively asked if the applicant agrees with the conditions. Mr. Allen responded "yes".

REZONING (Continued)

On motion of Councilman Eave, 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 2316 CENTER STREET, BEING ON THE
SOUTHEAST LINE OF CENTER STREET SOUTHWEST OF
MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED
HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE, SUBJECT OT CERTAIN CONDITIONS**
passed first reading.

REZONING

1999-080: Sheila D. Evans

Pursuant to notice of public hearing the request of Sheila D. Evans to rezone a tract of land located at 54 West 26th Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for C-2 for a resale store; that the Staff recommended against the C-2 and felt this would be too much of an intrusion further into the residential area of a zone that would allow almost any general commercial use. He stated the Planning Commission did recommend approval of the C-2. He stated it is felt a more reasonable compromise might be for a C-5 zone which would permit the proposed use and be more appropriate with the neighborhood setting of this area.

Chairman Lively asked if the C-5 zone was discussed during the Planning meeting. Mr. Bennett indicated that he could not recall.

Councilman Pierce inquired as to whether it would have had to be discussed. City Attorney Nelson responded "yes".

Councilwoman Rutherford asked if the C-5 zone would have had to have been discussed even if the applicant is willing to accept it. City Attorney Nelson again responded "yes".

Councilman Taylor inquired as to the procedure that should be followed. City Attorney Nelson stated the matter would need to be remanded back to Planning and brought back to the Council the following month.

REZONING (Continued)

Councilman Pierce it is known the C-2 is not what we want and asked if the ordinance could be restricted to use for a resale shop in the C-2 zone. Mr. Bennett stated the ordinance could be restricted for the proposed use and would have the same effect (as a C-5 zone).

Councilman Taylor asked the applicant if he could accept the restrictions.

George Evans stated he grew up in this area all this life and since he has returned to Chattanooga he has made a big change in the community; that persons in the community respect him. He stated he runs errands for the elderly and this plan will enable them to be able to walk to the store rather than having to catch a bus and go to Gunbarrel and other places.

Councilman Taylor stated Mr. Evans is one of the main persons who has been working hard within this community; that he is willing to work with us in preserving and "growing" the neighborhood. He expressed appreciation to Mr. Evans for his untiring efforts.

At this point, City Attorney Nelson read the amended caption of the ordinance. Councilman Taylor asked Mr. Evans if the amended version is acceptable to him. Mr. Evans responded "yes".

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 54 WEST 26TH STREET, BEING ON THE SOUTHWEST LINE OF WEST 26TH STREET AT CARR STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO THE CONDITION THAT THE USE BE RESTRICTED TO A RESALE SHOP.

passed first reading.

REZONING

1999- 086: Mid South Mattress Company

Pursuant to notice of public hearing the request of Mid South Mattress Company to rezone tracts of land located at 1255, 1257, and 1265 East 13th Street came on to be heard.

REZONING (Continued)

Councilman Pierce stated he was notified by the property owner that they are trying to comply with the conditions requested by Planning with regard to the 25 foot buffer zone. He stated they are trying to acquire one more lot next door and have requested that the matter be deferred one month.

City Attorney Nelson stated the deferral needs to be made in multiples of seven (7); that the matter could be deferred thirty-five (35) days.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1255, 1257, AND 1265 EAST 13TH STREET, BEING ON THE NORTHEAST LINE OF EAST 13TH STREET NORTHWEST OF HOLTZCLAW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled 35 days.

REZONING

1999-087: J. Frank Harrison

Pursuant to notice of public hearing the request of J. Frank Harrison to rezone a tract of land located at 921 Barton Avenue came on to be heard.

The applicant was not present; there was no opposition.

Councilwoman Hurley stated she is familiar with this request and would like to know if the applicant is in agreement with the conditions. She suggested that the matter be passed on first reading and make sure the applicant is agreeable with the conditions prior to second and third reading. She stated it is her impression that the applicant is agreeable with the conditions.

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 921 BARTON AVENUE, BEING ON THE NORTHWEST LINE OF BARTON AVENUE AT DORCHESTER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1999-088: Baker, Donelson, Bearman & Caldwell, PC

Pursuant to notice of public hearing the request of Baker, Donelson, Bearman & Caldwell, PC to rezone a tract of land located at 5402 Highway 153 came on to be heard.

The applicant was present; there was no opposition.

Councilman Pierce made the motion to defer this matter thirty (30) days since the VCR is not working. (There was no second to Councilman Pierce's motion.)

Atty. Joe Conner represented the applicant and stated he could answer questions.

Mr. Bennett stated this is an extension of an existing M-2; that the only other abutting zoning is C-2 commercial. He stated the property is already zoned M-3 and the applicant is requesting M-2 for a new construction for retail commercial. He stated both the Staff and Planning Commission recommend approval and there was no opposition at the Planning hearing.

Atty. Conner stated his firm is the applicant and they have a site plan. He stated this is the Lowe's property on 153. He familiarized the Council with the 84 Lumber Company, Lowe's and the triangular property that has mini warehouses on it; that they are seeking to move the zone to M-2 to expand the Lowe's store. He stated there will be a new Lowe's at this location; that they are not moving it, just expanding it out. He stated surrounding the area and behind this location is the Home Depot, which is similar to what they plan to do, except Lowe's will be better!

Councilman Pierce expressed opposition to this request indicating that he wanted it tabled. He stated this request is located in Councilman Crockett's district who is not present tonight. He stated he does not have a problem with Lowe's; that he just wanted it to be noted that he objects to passing this tonight; that he will (reluctantly) vote for it.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5402 HIGHWAY 153, BEING ON THE NORTHEAST LINE OF HIGHWAY 153 NORTHWEST OF HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE

passed first reading.

**PROVIDE FOR PAY INCREASE EFFECTIVE
JULY 1, 1999**

Councilman Hakeem stated this matter was discussed in the Budget and Finance Committee and comes with the recommendation for approval. He stated this ordinance assures a smooth transition come July 1 and will eliminate the need for retroactive pay for employees.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**AN ORDINANCE TO PROVIDE FOR A PAY INCREASE FOR CITY
PERSONNEL EFFECTIVE JULY 1, 1999**

passed first reading.

DECLARE SURPLUS

City Attorney Nelson stated Admin. Traugher requested that this matter be tabled one week.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

**A RESOLUTION THAT CERTAIN PROPERTY LOCATED OFF
GREENWOOD AND LOCATED ON WINDSOR STREET, MORE
PARTICULARLY DESCRIBED HEREIN, BE DECLARED SURPLUS**

was tabled one week.

SPECIAL POLICEMEN

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOEL T.
BAGGETT, GARY CULVER, AND RON ESDAILE AS SPECIAL
POLICEMEN FOR CODE INSPECTION AND ENFORCEMENT IN THE
PUBLIC WORKS INSPECTION DIVISION FOR THE CITY OF
CHATTANOOGA, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**CONTRACT: TENNESSEE DEPARTMENT
OF TRANSPORTATION**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO CONSTRUCTION OF AN INDUSTRIAL ACCESS ROAD TO SERVE MODERN MOLDED PRODUCTS, WITH THE CITY'S SHARE NOT TO EXCEED TWENTY-EIGHT THOUSAND, ONE HUNDRED EIGHTY-TWO DOLLARS (\$28,182.00)

was adopted.

**AGREEMENT AMENDMENT: ARCADIS,
GERAGHTY & MILLER, INC.**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 8 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. 73B-1, BIG RIDGE COLLECTION SYSTEM III, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND, SIX HUNDRED FIFTY DOLLARS (\$15,650.00), FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-SEVEN THOUSAND, ONE HUNDRED FIFTY DOLLARS (\$337,150.00)

was adopted.

ACCEPTANCE OF ONE MILE TRAIL

Councilwoman Rutherford stated Resolutions 7(e), (f), and (g) were discussed in Parks and Recreation Committee and are recommended for approval.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF APPROXIMATELY ONE (1) MILE OF TRAIL, KNOWN AS THE GUILD TRAIL, FROM OCHS HIGHWAY TO RUBY FALLS WITHIN THE CITY OF CHATTANOOGA FROM THE LOOKOUT MOUNTAIN LAND TRUST FOR THE GREENWAY PROJECT

was adopted.

ACCEPTANCE OF CERTAIN PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN
PROPERTY LOCATED ALONG THE TENNESSEE RIVER ON
AMNICOLA HIGHWAY FROM T. A. LUPTON FOR THE TENNESSEE
RIVERPARK**
was adopted.

**ACCEPTANCE OF TWO ABC ALLIED ARTS
GRANTS**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF TWO (2) ABC
ALLIED ARTS GRANTS, ONE (1) FOR "DANCE ALIVE" IN THE
AMOUNT OF FOUR THOUSAND, EIGHT HUNDRED THIRTY-TWO
DOLLARS (\$4,832.00), AND ONE (1) FOR "HEAVY METAL SOUND
SCULPTURE" IN THE AMOUNT OF SIX THOUSAND, ONE HUNDRED
FIFTY DOLLARS (\$6,150.00)**
was adopted.

OVERTIME

Overtime for the week ending June 4, 1999 totaled \$107,625.79.

PERSONNEL

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

CLAUDE ("Chip") NORRIS -- Resignation, Concession Attendance, Golf Courses, effective June 3, 1999.

ROBERT JONES, JR. -- Retirement, Custodian, Memorial Auditorium, effective May 31, 1999.

PURCHASES

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

APEX SUPPLY CO., INC. (Lowest and best bid)
Requisition No. R0037575

Twelve Months Requirements Contract for PVC Pressure Pipe and Fittings with the City's Option to Renew for an Additional Twelve Months

(Price information available and filed with minute material)

CARRIER CORPORATION (Lowest and best bid)
Requisition No. R0036854

Twelve Months Contract for a Full Maintenance Serviced Agreement Covering the Heating and Air Conditioning (CORE) Components for the Tivoli Theatre

\$9,600.00

PARK EQUIPMENT, INC. (Lowest and best bid)
Requisition No. R0042555

Twelve Months Requirements Contract to Supply Topsoil with the City's Option to Renew for an Additional Twelve Months

\$6/cu. yd. picked up
\$16.11/cu. yd. delivered

PURCHASE

On motion of Councilman Eaves, seconded by Councilman Pierce, the following purchase was approved for use by the Department of General Services:

RIVERBEND CONSTRUCTION CORP.
Purchase Order No. P0012106

Change Order, South Chattanooga Safewalk Project

\$507,711.00 (Original Contract approved 4/6/99)
6,030.00 (Change Order Amount)

PERSONNEL

The following personnel matter was reported for the Public Works Department:

TIMOTHY B. LANGFORD -- Employment, Water Quality Analyst I, Engineering, Pay Grade 10/Step 1, \$23,033.00 annually, effective May 31, 1999.

PURCHASES

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

**ELLIOTT MACHINE SHOP (Lowest and best bid)
Requisition No. R0040342**

Twelve Months Requirements contract to Repair Last Frames, Cores and End Plates

(Price information available and filed with minute material)

**W. C. TEAS ELECTRIC (Best bid)
Requisition No. R0038130**

Detector Loops

(Council approval was received on 2/16/99 for contract award to Apco, Inc. Apco, Inc. has been unable to perform contract requirements and their contract has been terminated; W.C. Teas Electric was the next bidder.)

\$3.85/per linear foot

**CHEROKEE TRUCK EQUIPMENT (Best bid)
Requisition No. 0040925**

Three (3) Automated Garbage Trucks

\$474,258.00

**STOWERS MACHINERY (Lowest and best bid)
Requisition No. R0040941**

Vibratory Roller with Trailer

\$29,543.00

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the following board appointments were approved:

TAXICAB BOARD:

Appointment of **Don Aho, Dewey Gass** and **Candace McRae** as Mayor Kinsey's representatives.

On motion of Councilwoman Hurley, seconded by Councilman Eaves, the following person was added to the Taxicab Board as the Council's representative: **Councilman Yusuf A. Hakeem**.

PERSONNEL

The following personnel matters were reported for the Police Department:

STEVEN LOGAN -- Termination, Officer, effective June 1, 1999.

MICHAEL S. MULLINS - Resignation, Officer, effective May 25, 1999.

LINDON ATKINS -- Suspension, Officer, effective June 4, 1999.

JENNIFER DUGGAN -- Suspension, Officer, effective June 12, 1999.

LARRI JEAN ROBINSON -- Promotion, School Patrol Officer, Pay Grade 9/Step 1, \$21,918.00 annually, effective June 18, 1999.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Pierce, the following purchases were approved for use by the Police Department:

**COOPER'S OFFICE SUPPLY (Best Bid)
Requisition No. R0037813**

Chairs for Communications Center Expansion

\$12,359.27

PURCHASES (Continued)

**WRIKER PONTIAC, OLDS, GMC (Lowest and best bid)
Requisition No. R0038312**

One (1) Four Horse Aluminum Trailer

\$14,895.00

FILE SUIT

City Attorney Nelson requested permission to file suit against Howard B. Higby for damages in the amount of \$4,500 to a police car. He stated it is the determination that Mr. Higby was at fault and (he) has refused to cooperate in the payment of the debt he owes.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the City Attorney was authorized to file suit against Howard Higby.

SOUTHSIDE REUNION

Councilman Taylor invited everyone to the Southside Reunion event beginning this weekend. He stated there will be a fair during the event and activities will be held at Howard School and Harris Park.

"HASSLE FREE" PROGRAM

Councilwoman Rutherford stated she was asked by Neighborhood Services to announce that there will be a meeting of the "Hassle Free" Communities National Program on Thursday, June 17 from 10 a.m. - 6 p.m. at Eastgate Town Center. She stated there will be entertainment, a free seminar, door prizes, booths representing various organizations and all kinds of neat things!

COMMITTEES

Councilman Hakeem stated a meeting of the Budget Committee was held on Monday wherein the budget was presented. He stated there will be a meeting of the Committee for the next three Tuesdays with the intent of some "tweaking" to the budget. He stated the ordinance will be on the agenda for approval for first reading on next week; that second and third reading will be on separate readings.

COMMITTEES (Continued)

Councilman Franklin scheduled a meeting of the **Public Works Committee on Tuesday, June 15 beginning at 4 p.m.**

DISTRICT 9 MEETING

Councilman Hakeem stated there will be a District 9 meeting at New Fellowship Church (2424 East Third Street) on Thursday, June 11 beginning at 6 p.m. He stated primary items on the agenda include Neighborhood Services and the grant programs that will be coming through the neighborhood services program. He stated Carol Putnam, Director of Stormwater, will also be present. He stated the meeting is open to the public and invited all citizens to attend for the purpose of gaining information on these items.

LIBRARY BOARD

Chairman Lively stated the Mayor indicated to him that there are a couple vacancies on the Library Board. He stated he has spoken with Randy Burns who has agreed to serve; that his appointment will come before the Council and wanted Council members to know ahead of time.

RECOGNITION OF DISTRICT GUESTS

Councilman Taylor recognized the presence of community leaders from his district and acknowledged the presence of Jean Swafford (President, East Lake community) and Sallie Phelps (President, Clifton Hills community).

Councilwoman Rutherford recognized all the constituents from her district and asked them to stand.

RECOGNITION OF CHARLES LOVE

Councilman Franklin recognized the presence of District 5 School Board Member, Charles Love.

L. E. SPARKS

L. E. Sparks of 5313 Kimbro Street stated there is a sagging road above him and the water runs across the road; that the water run off people cut-in a sewer 10-12 feet above him and the water runs between two property lines.

L. E. SPARKS (Continued)

Mr. Sparks stated a while back a new development was constructed which dumped more water on him; that his garage floods. He stated he called Mr. Winn about it and was told there was not that much water involved until Mr. Winn looked at the situation and indicated that he (Winn) did not know the runoff involved so much water. He stated there are five families that are flooded and does not understand why a tile could not be installed where the water has been running, as well as the installation of a manhole.

Admin. Marcellis indicated that he would talk with Mr. Sparks after the meeting and visit with him again.

Mr. Sparks stated he did not know what to do; that water seeps in every time it rains.

RICH GOODWIN

Rich Goodwin, a resident of Whitehall Road in North Chattanooga, stated he has lived in Chattanooga all his life and is in opposition to the City taking over the Water Company. He stated he has not spoken with any one human being who supports it and has talked to 200 people in the last two months; that no one can give a valid reason. He stated apparently someone supports it; that most of the Council members' constituents do not. He stated as a Council the Council members should listen to their constituents and what they want done. He stated he could go over 20 reasons he has written as to what should not be done but it is too hot (in the room) and asked that the Council members listen to their constituents.

JEAN CUZZORT

Jean Cuzzort of Cedar Hill expressed appreciation to the Mayor and City Council. She stated they were elected and the citizens of Cedar Hill stand behind them 100%. She expressed her belief that they are going in the right direction and doing the right thing by keeping "it" here in Chattanooga and not sending the dividends off to New Jersey.

BILL COLE

Bill Cole stated he lives in Councilman Hakeem's district and agrees with the gentleman who previously spoke. He stated he strongly disagrees with the City taking over the Water Company. He stated a person can own their own property and business and the very idea that the Water Company is being taken over for practical reasons is something the public has yet seen; that no one has seen the papers that support this.

BILL COLE (Continued)

Mr. Cole stated this effort is nothing more than a collaboration of tyranny at the City level; that what is going on is extremely bad and will threaten property owners, in general, and business owners, as well. He stated the City Council will be held responsible and hopes the Council will consider their vote and consider pulling their support out of this. He stated the end result is that everyone will have to pay a lot more; that whether this benefits the residents or not, the principles of liberty are more important than the practical issue. He stated pragmatism is the negation of ethics and this is wrong.

Councilman Pierce indicated several persons want to speak and stated if two or three speakers are designated he will continue to listen, otherwise he will have to leave. Councilwoman Rutherford expressed her support of Councilman Pierce's statement. A person in the audience stated the Council members are elected and asked if they do not want to hear them. Councilwoman Rutherford stated she has an appointment with her constituents, justifying her having to leave.

SPENCER THOMPSON

Spencer Thompson of Hixson, Tennessee spoke next and stated he has made several calls to several Council members' offices and can never speak to anyone; that all he gets to talk to are secretaries and feels he is getting the run-around. He stated he is against the City Water takeover for several reasons; that his tax money will have to pay for this. He stated he does not see this ending with the City taking over the Water Company; that the Hixson Water Company will be next and after that will be East Brainerd's.

Councilwoman Rutherford asked for clarification of Mr. Thompson's comments about the Hixson Utility district's possible take-over. She asked if Mr. Thompson is correct.

City Attorney Nelson responded "no"; that where two public entities both have easements over the same property, one cannot condemn the other. He stated the Tennessee-American district is the only one in Hamilton County that is not publicly owned.

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

GAINES CUZZORT

Gaines Cuzzort of Cedar Hill stated he and others in Cedar Hill feel they would be better off if the City could get "hold" of the Water Company; that people keep "harping" about schools and taxes, taxes, taxes. He stated the taxes go to New Jersey and do not stay in Tennessee; that it is a good thing for the City.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, June 15, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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