

**Municipal Building
Chattanooga, Tennessee
August 17, 1999**

The meeting of the Chattanooga Council was called to order by Chairman Lively with Councilmen Eaves, Franklin, Hurley, Pierce, Rutherford and Taylor present; Councilmen Crockett and Hakeem were 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

Invocation was given by Randy Burns.

MINUTE APPROVAL

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

REZONING

1999-090: Stan Baker

Councilman Pierce inquired as to the amendments to this ordinance. The Clerk of the Council indicated that the property owner affected by this rezoning requested a concrete wall be constructed between the two properties. Councilman Pierce stated Councilman Crockett brought up the idea of a brick wall.

Councilwoman Rutherford clarified that she was the one that made reference to the brick wall, not Councilman Crockett.

At this point Councilman Pierce questioned the Council's involvement in screening provisions; that this is not done on all zonings.

REZONING (Continued)

Councilwoman Rutherford stated if this is approved Mr. Brewer's property is going to be affected immediately when the demolition starts on the grounds. She stated a tremendous amount of dirt and dust is involved; that his property will forever be affected by a twenty-four hour squawk box. She stated he has requested if a brick wall can be constructed; that it would certainly protect him and his family from some of the noise and dust and all that will be caused during demolition and construction. She stated every piece of property rezoned is not affected adversely as this will be in the coming months and years.

Councilman Eaves stated it was his understanding that there would be some type of special tree in addition to a fence for special protection to possibly take care of the noise; that he cannot remember whether it was Councilman Crockett or not who suggested it. He stated in addition to that, there was conversation about the speakers on the outside. He stated that he thought the matter had been deferred to give the two parties an opportunity to discuss the matter. He stated he received a letter from someone who indicated they would be glad to entertain the idea of additional tree screening; that he thought it was from the Krystal but is not sure. He stated he received the letter today and inquired as to whether other Council members received a copy. He reiterated that it was his understanding the parties were to get together to work out the screening.

City Attorney Nelson stated the night the matter was first presented to the Council it came without conditions. He stated the matter was passed on first reading so that conditions could be added and the caption was changed to reflect "subject to conditions". He stated since then the conditions were added to reflect: ***"(1) A minimum twenty-five foot (25') buffer along all property lines abutting R-1; (2) A sight-obscuring wooden fence along the interior line of the required twenty-five foot (25') buffer {twenty-five inches (25")} from the north property line}; (3) Landscaping to be on the north side of the wooden fence in accordance with the Landscape Ordinance; and (4) All existing easements are retained."*** He stated the landscaping conditions were put on the north side to protect the property owner from the noise and the lights; that a brick or concrete wall has not been written-in.

Councilwoman Rutherford stated she brought up the brick wall two weeks ago, which was one of the reasons the matter was deferred. She stated she thinks when a person is going to be so adversely affected their suggestion (of a brick wall) should be considered.

Councilman Taylor stated he remembered that the two parties were to get together. He asked Mr. Brewer if he was contacted to attend a meeting. Mr. Brewer responded that he knew of no meeting; that no meeting was held with him.

City Attorney Nelson stated someone was to talk to Krystal (representatives). Mr. Brewer again indicated no one contacted him.

REZONING (Continued)

Stan Baker stated Councilman Crockett suggested a new, special type of greenery that was being used on a lot of properties; that he (Baker) wrote the note (Councilman Eaves mentioned) encouraging it. He stated there are no other brick walls anywhere out there, across the street or adjoining other properties.

Councilman Taylor again stated that he thought there was to be some type of dialogue between the residents and the applicant. Mr. Baker responded "no"; that he was told to inquire about the use of new greenery that is being used in a lot of places.

Mr. Brewer stated he understands Mr. Baker's situation; that this is his (Brewer's) home and does not know how any type of greenery or trees is going to stop the noise from this speaker. He stated he would like for Krystal to move the speaker from the back facing his property around to the side and construct a brick wall up to where the dust, dirt and everything from the demolition will be. He stated Mr. Baker says there are no other properties separated, yet, there are no other businesses near other residents that operate 24 hours a day, 365 days a year. He reiterated if the speaker could be moved around to the side and an eight-foot wall installed it will cut down on the noise. He stated if Council members don't believe him they should come by on Friday or Saturday and sit in his backyard.

At this point City Attorney Nelson read the minutes regarding this request from the Council meeting of August 3 wherein it was clarified the parties were to meet:

Councilwoman Rutherford stated the property owner who will be most highly affected by this rezoning asked if he could have input. She stated the property owner would rather have a concrete or brick wall rather than a wooden fence. She asked if there is any way to accommodate that.

Councilman Pierce asked if the Council can make a condition of that nature.

City Attorney Nelson responded "yes;" that one of the conditions of the ordinance as amended states that a wooden fence would be installed; that it can be changed to a brick wall.

Councilman Crockett stated there are only five Councilmen present tonight and in the spirit of keeping this thing moving it is obvious the Council was going to approve the request last week. He stated he did not vote for it nor did Councilwoman Rutherford; however, it is obvious it is going forward. He suggested that the Council pass the request on second reading tonight and not on third reading to allow for discussion. He stated he talked with Mr. Baker and made a suggestion and hopes they will continue to talk with the Urban

REZONING (Continued)

Forester about the right kind of screening; that large cypresses will keep the noise level down. He stated noise and not visuals are the real objections as described to him by the property owner. He stated with the concurrence of whoever is making the motion he suggested that the Council not pass the request on third reading for discussion in the interim.

Councilman Pierce stated he did not know whether the Council needed to move forward on this; that he did not feel there would be a consensus vote on second reading. He made the motion to table the whole matter until next week.

Councilman Eaves stated he will not be present next week and there will not be a "full house". He stated if the matter is deferred two weeks it might give opportunity for the owner and the applicant to decide what they want, whether it is a brick wall or what has been suggested. He stated he would not be present next week and made the motion to defer the matter two weeks; Councilman Crockett seconded the motion. On vote of the motion, Councilwoman Rutherford voted "no;" the motion failed.

Councilman Pierce stated the motion has failed and asked if the Council can authorize that the matter be placed on the agenda two weeks from tonight.

City Attorney Nelson reminded the Council that it takes five "yea's" or five "no's" to adopt or defeat and less than five constitutes no action at all. He stated any two Council members could tell him to put it back on the agenda at any time in the future.

Councilman Pierce asked if that can be done at this time. City Attorney Nelson indicated "yes".

At this point Councilman Pierce asked that the matter be placed back on the agenda in two weeks; Councilman Eaves supported the request.

Councilman Franklin asked if there is any possible way there can be some balance wherein the speaker can be moved; that this seems to be the major problem in addition to the demolition. He stated since there has not been any dialogue from Krystal, what can we do.

REZONING (Continued)

Councilman Pierce stated he does not know about any dialogue with Krystal and moving the box. He stated this is a pending sale on condition of rezoning; that Krystal might remodel and they might not. He stated the Council has done a lot of zoning pending (sale) and feel it would be putting restrictions on a zoning that the Council should not; that he has not witnessed putting a restriction of that nature before on previous zonings. He stated he is sure this has been a discomfort for other property owners all these years and sometimes it is a "Catch 22. He stated he did not think it was mentioned Mr. Baker was to go back and talk with the property owner.

Councilwoman Rutherford stated there was a meeting at the Planning office and a Krystal representative was there and they said very plainly they would not move it (speaker); that economically it was to their advantage to put it where it is. She stated she does not think they will change it; that she thinks the Council should be aware of the inconvenience. She stated we are talking about a man's home, someone who has vested himself in this neighborhood. She stated there is a lot of difference when someone is a homeowner rather than a tenant.

City Attorney Nelson again clarified the four conditions previously mentioned in the ordinance. Before Councilman Pierce entered a motion to amend he asked if the applicant could live with the conditions. Mr. Baker responded that he thought they were fair.

Councilwoman Rutherford stated something has not been addressed which is the entrance and egress; that she would like for it not to intrude any farther into the neighborhood than it is now.

Councilman Taylor stated there needs to be some dialogue between the residents and Krystal. He inquired as to what happened with the brick wall that discussed earlier; whether it was substituted in the conditions.

City Attorney Nelson stated no one told him to put in a brick wall; that Councilwoman Rutherford mentioned it. He asked Mr. Bennett if he talked with Gene Hyde about the type of plants.

Barry Bennett stated Gene (Hyde) indicated that the type of material called for in the Landscape Ordinance would probably suffice as a sound buffer as well as anything that could be used that he knew of. He stated if there is some other material he (Hyde) is not aware of that has been used in other areas should be brought to his attention and substituted in the provision of the Landscape Ordinance. He reiterated that as far as he knew what is called for in the Ordinance works as well as anything.

REZONING (Continued)

Councilwoman Rutherford asked Mr. Bennett if he is familiar with the property and its entrance and egress. She asked if he had any opinion as to whether the entrance and egress can be kept where they are now; that she feels it will be less damaging to the neighborhood to leave it as is.

Mr. Bennett stated there is probably enough property there; that they are able to have ingress and egress through the existing facility as is. He stated with the additional property and the added condition there be no additional ingress or egress from the area being rezoned will not present a handicap.

Councilwoman Rutherford asked if that can be added as a condition.

Councilman Pierce stated he would like to hear from Mr. Baker to see if he has input on that.

Mr. Baker stated he is trying to rezone the property himself; that he is not sure what they (Krystal) would like to do. He stated Krystal will do what is good for them and good for the neighborhood; that if the egress is much deeper it will be right against the fence; that they will need 25 feet regardless of the egress. He asked that the rezoning be passed on the property according to what is already "on the books"; that all the other special conditions will make it harder on him and the rest of the neighborhood is not that way. He stated the rest of the neighborhood abides by the "rules on the books."

Councilwoman Rutherford stated if Krystal does not like this they can go to the Variance Board to change the entrance and egress; that if it is not addressed now the neighborhood has no protection. She stated the Council has on other zonings added that as a condition.

Mr. Baker stated he has not been before the Council for others; that he is asking that the "normal rules" be observed. Councilwoman Rutherford stated what she is asking for is not unusual.

Councilman Pierce made the motion to substitute the amendments to the ordinance; Councilwoman Hurley seconded the motion.

Councilwoman Rutherford stated the Council is not through discussing this; that she would like to have added as a condition that the entrance and egress be no further into the neighborhood than it currently is.

Councilman Pierce stated if this is added as a condition to the amendments it will have to be put in the form of a motion.

REZONING (Continued)

At this point Councilwoman Rutherford made the motion to amend Councilman 's motion to amend the request to add, "*entrance and egress shall be no further into the neighborhood than it currently is;*" Councilman Franklin seconded the motion; on roll call vote:

Eaves	"Yes"
Franklin	"Yes"
Hurley	"Yes"
Pierce	"No"
Rutherford	"Yes"
Taylor	"Yes"
Lively	"Yes"

The motion passed.

Mr. Brewer inquired as to whether he has any recourse in moving the (speaker) box or changing the wall.

Councilwoman Hurley stated she did not know if this would be the right thing to say, however, they have been very successful on Frazier Avenue in getting companies that were headquartered other places to redesign to fit the character of Frazier Avenue. She stated it is not for her to advise, yet would still ask that he (Brewer) sit down with Krystal and see if they can redesign the Krystal there now and in return for this property if they will design it so it does not affect the neighborhood.

Mr. Brewer stated when the house is demolished will they protect his home from debris and dust or will they go in and he will have to "live with it."

Councilman Franklin stated they will put something around the property, however, it is not going to be six feet high.

Mr. Brewer expressed thanks to the Council.

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 A TRACT OF LAND LOCATED AT 6 BROOKS CIRCLE AND 7 PISGAH AVENUE, BEING ON THE SOUTHEAST LINE OF BROOKS CIRCLE AND THE NORTHWEST LINE OF PISGAH AVENUE NORTHEAST OF BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading; **Councilwoman Rutherford voted "no."** On motion of Councilman Taylor, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting; **Councilwoman Rutherford voted "no."**

REZONING

1999-86 & 1999-133: Mid South Mattress Company

On motion of Councilman Eaves, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1253, 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

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

REZONING

1999-098: Gary Ball

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 2207 EAST MAIN STREET, BEING ON THE NORTHEAST LINE OF EAST MAIN STREET SOUTHEAST OF KELLEY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE

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

REZONING

1999-124: James R. Hardaway

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 1203 PEACHTREE STREET, BEING ON THE
NORTHWEST LINE OF PEACHTREE STREET, SOUTHWEST OF EAST
12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE**

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

REZONING

1999-125: George Wayne Winkler

On motion of Councilman Eaves, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 7805 LEE HIGHWAY, BEING OFF THE
NORTHWEST LINE OF LEE HIGHWAY NORTHEAST OF BONNY
OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**

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

REZONING

1999-129: Judith Hart Davis

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 5918 HIXSON PIKE, BEING ON THE
SOUTHWEST LINE OF HIXSON PIKE NORTHWEST OF CASSANDRA
SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE**

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

REZONING

1999-135: Billy Joe Cagle, Jr.

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 4025 CUMMINGS ROAD, BEING ON THE
EAST LINE OF CUMMINGS ROAD SOUTHEAST OF CUMMINGS
HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

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

AMEND CONDITIONS

1999-136: Brindley Development Company, LLC

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 AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10778 ON PROPERTY
LOCATED AT 7604 STANDIFER GAP ROAD, BEING ON THE
SOUTHWEST LINE OF STANDIFER GAP ROAD SOUTHEAST OF
WALKER ROAD, BEING MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

1999-137: Yerbey Concrete Construction, Inc.

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 7600 BLOCK OF LEE HIGHWAY, BEING
ON THE SOUTHEAST LINE OF LEE HIGHWAY AT OLD LEE
HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-1
HIGHWAY COMMERCIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE**

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

REZONING

1999-139: ITNOA, LLC

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 1912 SOUTH WILLOW STREET, BEING ON
THE SOUTHEAST LINE OF SOUTH WILLOW STREET AT EAST 20TH
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4
SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

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

CAPITAL BUDGET: 1999/2000

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR
ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET
FOR THE FISCAL YEAR 1999/2000**

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

AMEND BUDGET

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 10872, ENTITLED " AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1999, AND ENDING JUNE 30, 2000, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN GENERAL FUND ESTIMATED REVENUE; TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5; TO PROVIDE FOR CERTAIN CHANGES IN THE SPECIAL REVENUE FUNDS AS SET OUT IN SECTION 6 AND TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7B

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

REZONING

1999-090: Jack Born

A representative for the applicant was present; there was no opposition.

Barry Bennett stated this request is for rezoning to C-2 for a small business development. He stated the surrounding zoning includes O-1 to the north and east and an adjacent C-2 to the north of Graysville Road; that other zoning includes R-1single family to the south and R-1 to the west across Graysville Road. He stated the Staff recommended against the change and the Planning Board recommended approval. He stated there was no opposition at the Planning Commission meeting.

Atty. John Anderson of Grant, Konvalinka stated the C-2 zoning is more fitting with the character of the neighborhood and the Planning Commission agrees the zone would be more appropriate for this.

Councilman Eaves stated that he is familiar with the property and does not see any problem with where it is located.

REZONING (Continued)

On motion of Councilman Eaves, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 1042 GRAYSVILLE ROAD, BEING ON THE
NORTHEAST LINE OF GRAYSVILLE ROAD, SOUTHEAST OF EAST
BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN,
FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL
ZONE**
passed first reading.

PAYMENT

On motion of Councilwoman Hurley, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE PAYMENT OF EIGHTY-NINE
THOUSAND, SEVEN HUNDRED TWENTY-FIVE DOLLARS (\$89,725.00)
TO THE CARTER STREET CORPORATION FOR MARKETING
EXPENSES RELATED TO ADDITIONAL BUSINESS AND ECONOMIC
DEVELOPMENT EFFORTS ACCOMPLISHED DURING FISCAL YEAR
1998-99**
was adopted.

**AGREEMENT AMENDMENT:
CONSOLIDATED TECHNOLOGIES, INC.**

Councilman Franklin stated Resolutions 7(b) - (d) were discussed in Public Works Committee
are come with the Committee's recommendation for approval.

On motion of Councilman Franklin, seconded by Councilman Eaves,
**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT
NO. 3 TO THE ENGINEERING SERVICES AGREEMENT WITH
CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE
NORTHWEST GEORGIA SEWER PROJECT, CONTRACTS 53B-1 AND
53B-2, PUMP STATIONS AND SPRING CREEK FORCE MAIN, WHICH
INCREASES THE CONTRACT AMOUNT BY TWELVE THOUSAND,
TWO HUNDRED DOLLARS (\$12,200.00) FOR A REVISED CONTRACT
AMOUNT OF FOUR HUNDRED FIVE THOUSAND, SEVEN HUNDRED
TWENTY-FIVE DOLLARS (\$405,725.00)**
was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4, CONTRACT NO. 28F, INFLUENT RELIEF PUMP STATION, AND FORCE MAIN, WITH HAREN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT IN THE AMOUNT OF TWENTY-FIVE THOUSAND, ONE HUNDRED FIFTY-NINE DOLLARS (\$25,159.00), FOR A TOTAL CONTRACT PRICE OF TWO MILLION, EIGHT HUNDRED SEVENTEEN THOUSAND, SEVEN HUNDRED TWO DOLLARS (\$2,817,702.00)

was adopted.

SUBMIT GRANT APPLICATION

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO PROVIDE INFRASTRUCTURE IMPROVEMENTS FOR ALLIED METAL COMPANY, AND TO APPROVE ITS PORTION OF THE LOCAL REQUIRED MATCH IN THE AMOUNT OF SIXTEEN THOUSAND DOLLARS (\$16,000.00) TO BE FUNDED FROM THE ECONOMIC DEVELOPMENT FUND

was adopted.

PAYMENT AUTHORIZATION

Councilman Pierce inquired as to what this Resolution involves.

Councilwoman Hurley stated this issue was discussed in Committee last week; that it is the City's share for the funding of the Plan for the retail and commercial development of downtown; that other parties are paying for it, as well.

Councilman Franklin injected that there are three other parties and this amount represents one-fourth of that.

Councilwoman Hurley stated this is for some of the major commercial interests.

Councilman Eaves asked if this is like the Downtown Partnership.

PAYMENT AUTHORIZATION
(Continued)

Councilwoman Hurley stated RiverValley is doing an analysis of the retail and commercial opportunities for downtown; that it was described in some detail for the Council at a meeting at RiverValley. She stated the whole notion is to make us more competitive to attract retail and commercial entities.

Chairman Lively stated he saw the results and it seems worth the money.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PAYMENT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FROM THE ECONOMIC DEVELOPMENT FUND TO RIVERVALLEY PARTNERS FOR THE RETAIL AND ENTERTAINMENT MASTER PLAN

was adopted.

OVERTIME

Overtime for the week ending August 13, 1999 totaled \$114,633.86.

PERSONNEL

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

DARREN J. FOSTER -- Termination, Crew Worker, Tennessee Riverpark (Downtown), effective August 6, 1999.

TIMOTHY A. GAMBRELL -- New Hire, Crew Worker, Sr., Parks, Pay Grade 5/Step 4, \$20,078.00 annually, effective August 16, 1999.

PERSONNEL

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

MICHAEL SHANE BARGER -- Employment, Crew Worker, Traffic Operations, Pay Grade 3/Step 1, \$15,230.00 annually, effective August 18, 1999.

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Department:

DONALD H. PATTY -- Promotion, Senior Firefighter, Pay Grade F2/Step 7, \$32,354.40, effective August 13, 1999.

WAYNE S. EVERETTE -- Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$28,621.20, effective August 13, 1999.

PAUL JOHNSON -- Suspension (5 days without pay), Commander, effective August 15-19, 1999.

BRYANT YOUNG -- Suspension (6 days without pay), Firefighter, effective August 21-26, 1999.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following hotel permits were approved:

BLUFF VIEW INN -- 412 East Second Street, Chattanooga, Tennessee

ECONO LODGE -- 3655 Cummings Highway, Chattanooga, Tennessee

FRICKS MOTEL -- 3535 Cummings Highway, Chattanooga, Tennessee

HOLIDAY INN -- 1400 Market Street, Chattanooga, Tennessee

CHATTANOOGA MARRIOTT -- Two Carter Plaza, Chattanooga, Tennessee

MARRIOTT RESIDENCE INN -- 215 Chestnut Street, Chattanooga, TN

HOTEL PERMIT

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following hotel permit was approved; **Councilman Pierce abstained:**

PARK CITY HOTEL -- 2747 Cannon Street, Chattanooga, Tennessee

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Police Department:

PHALTLISS, INC. (Change Order No. 1)
Contract No. P0012399

Additional Paving Work

\$ 46,549.00 - Original Contract
7,117.00 - Change Order #1
\$ 53,666.00 - TOTAL COST

REFUND

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund:

AMERIKING TENNESSEE CORP., d/b/a/ BURGER KING -- Nos. 0192047, 0146127, 0999975, 0194845 and 1016488, Reassessment by Tax Assessor, \$3,297.84.

ISSUANCE OF PARKING TICKETS

Chairman Lively inquired as to how late Council members thought parking tickets were issued downtown.

City Attorney Nelson responded "6 p.m."

Chairman Lively stated everyone else thought 5 p.m.; that he received a parking ticket at 5:40 p.m. He stated he thought the purpose of issuing parking tickets is to control traffic; that this appears to be "fee grabbing."

Councilman Eaves indicated that he thought it was 5 p.m., also. City Attorney Nelson stated ignorance of the law is no excuse. Chairman Lively stated the Council could change the law!

Chief Dotson stated his Department will enforce whatever the Council says! City Attorney Nelson stated it is indicated stated on the parking meter, "8 a.m. - 6 p.m."

HEARING: RANDY NABORS

City Attorney Nelson stated one more person is needed for the panel hearing Randy Nabors' request on Monday evening (August 23, 6p.m.) since Councilman Pierce withdrew his name.

Councilman Franklin volunteered to complete the three-person panel which includes Councilwoman Hurley (appointed Chair) and Councilman Lively.

JERRY SHORT

Jerry Short invited Council members to the "Back to the Westside" annual event scheduled for October 2 from 11 a.m. - 4 p.m.

COMMITTEES

Councilman Taylor cancelled the Safety Committee scheduled for Tuesday, August 24 and stated it would be rescheduled for a later date.

Councilman Franklin reminded Council members of the **Public Works Committee scheduled for Tuesday, August 24 at 4 p.m.**

URBAN GROWTH PUBLIC HEARING

Chairman Lively reminded Council members of the Urban Growth public hearing scheduled for 5 p.m. on Thursday, August 26 in the Council Assembly Room.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, August 24, 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)**

