

**City Council Building
Chattanooga, Tennessee
March 13, 2001
12:00 p.m. Special Meeting**

Vice Chairwoman Hurley called the noon special meeting of the Chattanooga Council to order with Councilmen Crockett, Franklin, Pierce, Lively, Pierce, Rutherford and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

**AWARD OF GENERAL OBLIGATION BONDS SERIES
2001**

Admin. Boney introduced Hal Canary, Financial Advisor with Public Financial Management, Inc., and Craig Scully, Bond Counselor with Winthrop, Stimson, Putnam and Roberts. As Deputy Admin. Madison distributed a Letter of Analysis from Public Financial Management, Inc., Admin. Boney reported that the City had a successful sale this morning and it was the first competitive Internet sale. He stated ten bids were received, which is the most that has been received since his employ with the City. He stated there were thirteen underwriters who prepared the bid that received good attention and response from the underwriting community. He stated the low bidder was Lehman Brothers at 4.962131 percent over the next twenty-five year period. He stated in going back over the past ten years, this is the lowest interest rate we have gotten under General Obligation Bonds. **(A copy of the Letter of Analysis is filed with minute material of this date.)**

Vice Chairwoman Hurley stated that the City has Admin. Boney to thank for the financial environment it is enjoying.

Admin. Boney stated in reference to the Letter of Analysis, the second bid was 4.963923 percent and expressed how good he felt about the bids received. He stated Lehman Brothers was the negotiated underwriter on the southside bonds; that they have a lot of respect for our City and our ability to pay this bid. He stated the second page of the Analysis shows the analytical scale called the Delta Scale; that our performance is in a "solid diamond" and our typical performance has been over the bar charts; that we exceeded the bar charts of this sale quite handsomely. He stated based on recommendation from the City's Financial Advisor and verified results, the recommendation is to award this sale to Lehman Brothers.

**AWARD OF GENERAL OBLIGATION BONDS SERIES
2001 (Continued)**

On motion of Councilman Taylor, seconded by Councilman Crockett,
**A RESOLUTION AWARDING FORTY-EIGHT MILLION, THREE HUNDRED
TEN THOUSAND DOLALRS (\$48,310,000.00) CITY OF CHATTANOOGA,
TENNESSEE GENERAL OBLIGATION BONDS SERIES 2001**
was adopted.

ADJOURNMENT

Vice Chairwoman Hurley adjourned the meeting until 6 p.m., March 13, 2001.

CHAIRMAN

CLERK OF COUNCIL

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

**City Council Building
Chattanooga, Tennessee
March 13, 2001
6:00 p.m.**

Vice Chairwoman Hurley called the meeting of the Chattanooga Council to order with Councilmen Crockett, Franklin, Lively, Pierce, Rutherford and Taylor present; Councilmen Eaves and Hakeem were absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance by Travis Hope (Boy Scout Troop 166), Councilman Taylor gave invocation.

RECOGNITION OF BOY SCOUT TROOP 166

Councilman Taylor recognized the presence of Boy Scout Troop No. 166 from Burks United Methodist Church.

Ruth Wilson, Assistant Scout Master, stated the Troop was present to satisfy the "Citizenship in Community" merit badge requirement. At this point, each Scout introduced themselves.

MINUTE APPROVAL

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

REZONING

2001-014: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone a tract of land located between Broad Street and Market Street between West 16th Street and West 20th Street came on to be heard.

There was no opposition in attendance.

Jeff Pfitzer, Planner with the Planning Agency, stated that the Council requested Planning do a rezoning study in October for an area on the Southside that is south of the central business district. He stated the area is bounded to the north by Main, Broad and Market Streets and on the south by 20th Street. He stated that the plan is to bring the zoning into agreement with the adopted Southside land use plan.

Mr. Pfitzer made reference to the plan reflecting Rustville and Cowart Place, which has been taken as the first phase of multi-phase rezoning to bring current zoning into compliance with the southside so that development can occur that is consistent. He stated that the land use map reflects a mixture of uses in the neighborhood, now; that the area is marginally vacant with scattered residents and manufacturing. He stated CNE has done wonderful work and is constructing nice town homes and housing redevelopment. He stated the existing manufacturing zone allows most intense-type uses; that properties with C-3 zoning have restrictions, which is currently in the zoning ordinance to allow residential development at the density and setback appropriate to urban environment.

Mr. Pfitzer continued by stating that there was not a good use of zoning in place and the Staff recommended an urban commercial zone with conditions on all parcels. He made reference to the types of permitted uses, which would encompass residential, single family and duplex uses; that there are existing buildings that are either currently industrial, manufacturing or conducive to that type of operation in respect to the capacity and opportunity recommended they be zoned C-3 conditioned to warehouse commercial or residential to allow for a much greater flexibility of mixed use redevelopment.

REZONING (Continued)

Mr. Pfitzer stated the Planning Commission recommended removal of the northwest corner of industrial properties from the recommendation; that the concern involved some of the uses currently going on and the interest of one of the land owners' preference to retain the manufacturing zone. He stated they have since been contacted by the property owner in the northern most property on Power Street that is currently occupied by Signal Industrial Products that they are excited with the down zoning plan and want to make it known that they are in full support of having their property downzoned.

Mr. Pfitzer stated the parcel owned by CNE (the old bread factory) has also indicated they are very interested in having down zoning to allow a type of mixture in their redevelopment for office retail and residential, as the current zoning does not allow residential. He stated two parcels in the corner are in compliance with the Staff's recommendation, which leaves the single parcel (currently River City Machinery) out; that they want to continue business operation without interference and prefers to keep the manufacturing zone.

Vice Chairwoman Hurley asked if that is incorporated in the version that was read? Mr. Pfitzer stated that the Staff recommended a full down zoning and the Planning Commission recommended approval with conditions, which was the version that was read excluding all three parcels.

Vice Chairwoman Hurley asked if the Ordinance would be amended prior to second third reading to bring the one group back in? Mr. Pfitzer responded "yes".

Vice Chairwoman Hurley stated there was some confusion at an earlier meeting; that this plan was accomplished two years ago and this is a rezoning request for the area.

Councilwoman Rutherford asked if every property owner has been notified and whether it is known (from each of them) if they are in agreement to this down zoning?

Mr. Pfitzer stated they notified every property owner within the boundary and have met with each of them personally. He stated a couple meetings have been held in the community and an invitation was extended to every property owner; that this matter has been discussed quite a bit.

REZONING (Continued)

Councilwoman Rutherford asked for clarification as to whether the property owners were notified individually and not through a blanket notice? Mr. Pfitzer responded "yes" (individually).

Councilwoman Rutherford then asked if she was clear that only one person is not in agreement? Mr. Pfitzer responded, "That is correct".

Lydia Grant, of Grant's Auto Glass, inquired as to the boundary of this plan, stating that she owns the property from Market back to Walnut and would like for that to stay commercial.

Vice Chairwoman Hurley indicated that that property is not in this.

Mr. Pfitzer stated that the properties that front on Broad, Main, Market and 20th Streets are all part of this down zoning; that Ms. Grant's property is excluded from this.

The question was raised from another person in attendance as to whether Long Street is excluded? Mr. Pfitzer stated that Long Street, as a whole, is not; that it is included where it meets Main Street. He stated they would be looking at each residential area and will come back and consider the main thoroughfares within the next several months.

Bob McNutt, of CNE, stated Ms. Grant handled her situation; that her property is south of 17th Street behind the commercial establishments. He stated that her property will be zoned commercial with this, but will be commercial restricted to residential use and parking would not be a problem.

Vice Chairwoman Hurley asked if the current use is permitted under this plan? Mr. Pfitzer responded, "That is correct".

Councilwoman Rutherford stated with regard to Ms. Grant's property, if she wants to use it commercially in the way she is not currently using it would it be legal?

M. Pfitzer stated on the property fronting on Market Street, she would be able to; that on the portion fronting along the back part of the lot there would be restrictions that would be limited to current use or residential use with exceptions.

REZONING (Continued)

Councilwoman Rutherford asked if she could not have an office on the back? Mr. Pfitzer responded, "That is correct"; that she could continue to use it as parking as it is now.

Ms. Grant then asked if the property would not be commercial? Mr. Pfitzer stated that the part fronting on Market would be and the portion on Long Street would be zoned C-3 commercial, but limited to residential uses.

Barry Bennett, Executive Director of the Planning Agency, stated that he would like to make one legal point, that once this property is downzoned Ms. Grant's use or development would be a legal non-conforming use; that she could continue to use it as commercial or change to another use that is permitted within the same zone.

Councilwoman Rutherford asked what the zone is, now? Mr. Pfitzer responded, "M-1", which would permit any commercial use she would want; that she could change the use under her legal non-conforming status even after this rezoning.

Councilman Lively stated basically anyone that wishes to keep doing what they are doing are grandfathered-in. Mr. Bennett responded, "That is correct".

Councilman Taylor asked Ms. Grant if she was clear on everything. Ms. Grant asked if the zone would be M-1?

Vice Chairwoman Hurley explained that her property would be grandfathered-in as that (M-1); that if she ceases to do that for 90 days, the property would lose its grandfathering status and would revert to C-3, at least part of it; that if she continues the use with no gap in time, she can continue to use it as is.

Councilwoman Rutherford expressed that Ms. Grant and Mr. Pfitzer, as well as others from Planning, should get together before the second and third reading of this Ordinance to make sure Ms. Grant understands what is happening.

Councilman Crockett stated that he would like to restate the matter for his own understanding; that the property is grandfathered-in as M-1 as a legal non-conforming use and Ms. Grant can change it to any commercial use that she desires. He asked if that is correct?

REZONING (Continued)

Mr. Pfitzer stated that the portion of Ms. Grant's property fronting on Market Street has no change on it at all.

Councilman Crockett expressed that he was not sure how much clarification is necessary other than that she has all the rights now and in the future for any commercial use whatsoever. He stated that he would like to have it said in public meeting rather than whispered one-on-one. Mr. Pfitzer responded, "That is correct".

Councilwoman Rutherford stated that she understands about the grandfathering clause; that if Ms. Grant ceases use for 90 days or more she would lose the grandfathering privilege. She stated that she thinks it is important that Ms. Grant understand the entire zoning, options and the grandfathering law.

Mr. Pfitzer stated that the M-1 is the use she is currently engaged in; that if she is currently using the property for commercial she can continue any commercial use; that continuation of the current use is grandfathered-in.

Councilman Crockett stated that it should be made part of the record as to what Ms. Grant can and cannot do.

Mr. Bennett stated that that Ms. Grant has property that is developed and property that is vacant; that the vacant property would not fall under the grandfather status. He stated when the vacant property is rezoned any development has to conform to the new zone; that any property she has currently developed with commercial would have a legal non-conforming status.

Vice Chairwoman Hurley recommended that Ms. Grant, Mr. McNutt and Planning Staff meet prior to second and third reading.

Clarification was asked as to which version was read. City Attorney Nelson indicated that the version read was the one recommended for approval with conditions by the Planning Commission.

Property owners in support of this Ordinance were asked to stand. It was indicated that some of those in attendance were new residents of some of the houses developed in this area that triggered this rezoning.

REZONING (Continued)

On motion of Councilman Crockett, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED BETWEEN BROAD STREET AND MARKET STREET
BETWEEN WEST 16TH STREET AND WEST 20TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO C-3 CENTRAL BUSINESS ZONE**
passed first reading.

REZONING

2001-016: Fidelity Trust Company

Pursuant to notice of public hearing, the request of Fidelity Trust Company to rezone a tract of land located at 21 West 28th Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated that the request is for M-2 for a heating and air fabrication shop; that the Staff and Planning Commission recommend approval subject to conditions.

Paul Mallchok was present representing the applicant and stated the request is for the specific use of a heating and air shop; that the M-2 zoning will have conditions regarding landscaping and (he) accepts the standard conditions.

On motion of Councilman Taylor, seconded by Councilman Lively:

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 21 WEST 28TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND M-3
WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2001-017: W. Joseph Patterson, Jr.

Pursuant to notice of public hearing, the request of W. Joseph Patterson, Jr. to rezone a tract of land located at 205 Forrest Avenue came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Bennett stated the request is for R-4 zoning for a beauty salon and both the Staff and Planning Commission recommend approval. He stated the area is abutted by existing R-4 zoning, which is characteristic of most of the development within the neighborhood; that most of the area has been converted from single family to office or commercial-type uses.

Mr. Patterson stated that the house on the property has been vacant for a year and his plans are to put a beauty salon there, fix up the house and make it look nice outside.

On motion of Councilman Lively, 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 205 FORREST AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE**

passed first reading.

REZONING

2001-019: Leon C. Stone, III

Pursuant to notice of public hearing, the request of Leon C. Stone, III to rezone a tract of land located at 100 Old Birds Mill Road came on to be heard.

The applicant was not present.

REZONING (Continued)

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 100 OLD BIRDS MILL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL
ZONE**
was denied.

REZONING

2001-025: Sherry Sims

Pursuant to notice of public hearing, the request of Sherry Sims to rezone a tract of land located at 6073 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition in attendance. Several of the residents in the area supporting the request were in attendance.

Mr. Bennett stated that this request is abutted on three sides by existing O-1 or R-4 zoning and that both the Staff and Planning Commission recommend approval subject to conditions.

Jennie Berz of the Brainerd Hills subdivision spoke in support of this request and indicated that she wanted to make sure it is stated within this request that if anything happens to the house or some type of structural damage, it would still have to be rebuilt in the same form.

Mr. Bennett responded that the conditions go with the property and would apply to any building that would exist or be rebuilt.

Vice Chairwoman Hurley asked the applicant if she understood the conditions.

The applicant responded "yes"; that plans are to keep the structure exactly as it is.

REZONING (Continued)

On motion of Councilman Pierce, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 6073 EAST BRAINERD ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

COUNTY COMMISSIONER RICHARD CASAVANT

Vice Chairwoman Hurley recognized the presence of County Commissioner Richard Casavant.

AMEND BUDGET ORDINANCE NO. 11027

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
**AN ORDINANCE O PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING
JULY 1, 2000, AND ENDING JUNE 30, 2001, 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
SPECIAL REVENUE FUNDS SET OUT IN SECTION 6; AND TO PROVIDE
FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(b)**
passed first reading.

AMEND RESOLUTION 22001

The initial reading of the caption in this Resolution made reference to ". . . and remove the area on the north shore". Vice Chairwoman Hurley stated that it was her thought that the north shore was left in.

AMEND RESOLUTION 22001 (Continued)

Mr. Bennett stated that the north shore was left in; that the Resolution before the Council is the amended version.

Councilwoman Hurley stated that the implication from the Resolution before the Council takes the north shore out.

Mr. Bennett stated that Exhibit III attached to the Resolution incorporates the north shore area.

City Attorney Nelson amended the caption and body of the Resolution and read the amended version, which includes the property on the north shore of the Tennessee River.

On motion of Councilman Lively, seconded by Councilman Taylor,

A RESOLUTION TO AMEND RESOLUTION NO. 22001, AS ADOPTED ON DECEMBER 8, 1998, ALTERING THE CENTRAL BUSINESS ZONE AREA TO INCORPORATE A NEW AREA ON THE EAST SIDE, AS SHOWN ON THE ATTACHED MAP

was adopted.

CHANGE ORDER

Councilman Franklin stated Resolutions 7(b), (c), (g), (h), (j), (k) and (n) were discussed in today's Public Works Committee and all are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE SOUTH CHICKAMAUGA CREEK GREENWAY PHASE I, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND THREE HUNDRED SEVENTY-SIX AND 58/100 DOLLARS (\$3,376.58), FOR A REVISED CONTRACT PRICE OF FOUR HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED FIFTY-ONE AND 18/100 DOLLARS (\$463,151.18)

was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., FOR CONTRACT NO. 55F, RELATIVE TO THE THIRD STREET RAILROAD BRIDGE SEWER RELOCATION PROJECT, FOR A TOTAL FEE NOT TO EXCEED FORTY-FIVE THOUSAND, SIX HUNDRED FORTY-THREE AND 00/100 DOLLARS (\$45,643.00)

was adopted.

MONETARY AWARD FROM OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT

The initial reading of the caption of this Resolution reflected a total amount of "\$110,000.00". Admin. Traugher requested that the amount be corrected to reflect "\$210,000.00", which would be the total amount of dollars awarded to the organizations listed in the Resolution caption. He also requested that the award to Chattanooga Neighborhood Enterprise (CNE) be reflected as "Chattanooga Neighborhood Enterprise - Scenic View," explaining CNE will serve as the administrator and manager of the project in conjunction with the Scenic View Corporation.

Councilman Pierce inquired as to whether there is a fee involved in CNE's administration of the project?

Admin. Traugher stated that the Vice President of Development was informed that they would have to bring in some extra help and a small fee would be considered; that the Scenic View Corporation does not have the capacity to manage this project.

MONETARY AWARD FROM OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT (Continued)

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT TO AWARD TWO HUNDRED TEN THOUSAND DOLLARS (\$210,000.00) IN PROGRAM INCOME GENERATED FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) HOUSING PROGRAM TO INNER CITY DEVELOPMENT CORPORATION {SIXTY THOUSAND DOLLARS (\$60,000.00)} AND CHATTANOOGA NEIGHBORHOOD ENTERPRISE – SCENIC VIEW {FIFTY THOUSAND DOLLARS (\$50,000.00)} AND TO AWARD ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) IN PROGRAM INCOME THAT WILL BE GENERATED FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY PROGRAM DURING FISCAL YEAR 2001-2002 TO THE FREDERICK STREET PROJECT

was adopted.

DEED

Admin. Traughber stated that the property has been purchased and is now being deeded over, as the purchase did not allow for transfer of the property and there was no Resolution initiated previously to do this.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEED CONVEYING CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN, TO THE 28TH LEGISLATIVE CDC

was adopted.

CDGB GRANT FUNDING FOR 2001-2002

Vice Chairwoman Hurley stated this matter was reviewed several weeks ago and the recommendation is for approval.

Councilwoman Rutherford inquired as to the \$200,000.00 for Tennessee Temple University.

CDGB GRANT FUNDING FOR 2001-2002
(Continued)

Admin. Traugher explained that the amount involves an elderly housing development complex and not Tennessee Temple. That the project will be a 502(C)3 corporation to develop elderly low income housing in the area; that the \$200,000.00 would provide leverage of \$2.4 million and is a substantial project.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION APPROVING FISCAL YEAR 2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP ACT AND EMERGENCY SHELTER GRANT FUNDING AS SHOWN MORE FULLY HEREINBELOW

was adopted.

CONTRACT: TENNESSEE DEPARTMENT OF TRANSPORTATION

On motion of Councilman Franklin, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO INSTALLATION OF A MULTI-PHASE TRAFFIC SIGNAL AT (STATE ROUTE 2) MCCALLIE AVENUE AT BALDWIN STREET

was adopted.

CONTRACT: VULCAN MATERIALS COMPANY

Councilmen Taylor and Franklin made the initial motion to approve the Resolution. Deputy Admin. Johnson asked that the Resolution be amended to reflect \$2,000,000.00.

On motion Councilman Taylor, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. P-1-01, BITUMINOUS PAVEMENT RESURFACING, TO VULCAN MATERIALS COMPANY FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000.00)

was adopted on amended version.

CONTRACT: MAYSE CONSTRUCTION COMPANY

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. RW-6-00, FREDERICK STREET IMPROVEMENTS, TO MAYSE CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND, EIGHT HUNDRED THIRTY-FIVE AND 27/100 DOLLARS (\$125,835.27)
was tabled one week.

CONTRACT: YERBEY CONCRETE CONSTRUCTION, INC.

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-7-00, STREETScape IMPROVEMENTS, 3RD STREET TO POWER ALLEY, AND POWER ALLEY FROM 3RD STREET SOUTH 193', TO YERBEY CONCRETE CONSTRUCTION, INC. FOR THEIR LOW BID IN THE AMOUNT OF EIGHTY-SEVEN THOUSAND, FIVE HUNDRED AND 25/100 DOLLARS (\$87,500.25)
was adopted.

SERVICE PROVIDER RELATING TO BOND ISSUES

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION RATIFYING, APPROVING AND CONFIRMING THE RESIGNATION OF FIRST TENNESSEE BANK NATIONAL ASSOCIATION AND THE APPOINTMENT OF CHASE MANHATTAN TRUST COMPANY, NATIONAL ASSOCIATION, AS SERVICE PROVIDER OR SUCCESSOR SERVICE PROVIDER RELATING TO CITY OF CHATTANOOGA BOND ISSUES, MORE FULLY SET FORTH ON SCHEDULE I ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT RELATIVE TO SAID RESIGNATION
was adopted.

REFUND TO THE U. S. DEPARTMENT OF JUSTICE

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING A REFUND TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF ONE HUNDRED TWENTY-NINE THOUSAND, FIVE HUNDRED SIXTY-SIX DOLLARS (\$129,566.00), RELATIVE TO LOCAL LAW ENFORCEMENT BLOCK GRANT 96-LB-VX-2618

was adopted.

GROWTH PLAN APPROVAL

Councilman Franklin stated this matter was explained thoroughly in Public Works Committee and is recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO APPROVE A GROWTH PLAN PURSUANT TO THE PROVISIONS OF THE TENNESSEE GROWTH POLICY ACT, PUBLIC CHAPTER 1101 AND TO AUTHORIZE THE MAYOR TO ENTER INTO A MASTER INTERLOCAL AGREEMENT PURSUANT TO T. C. A. SECTION 6-58-101, ET. SEQ.

was adopted.

DEED AND ASSIGNMENT OF LEASE

On motion of Councilman Lively, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED AND ASSIGNMENT OF LEASE ON BEHALF OF THE CITY OF CHATTANOOGA CONVEYING A CERTAIN TRACT OF LAND CURRENTLY LEASED BY SOVEX NATURAL FOODS, INC. TO THE CITY OF COLLEGEDALE PURSUANT TO AN AGREED SETTLEMENT OF ANNEXATION LITIGATION BETWEEN THE CITY OF COLLEGEDALE AND THE CITY OF CHATTANOOGA

was adopted.

DECLARE SURPLUS

On motion of Councilman Crockett, seconded by Councilman Taylor,
**A RESOLUTION DECLARING PROPERTY LOCATED AT 25 W. 20TH STREET,
TAX MAP NO. 145M-1-015, AS SURPLUS PROPERTY AND AUTHORIZING
THE MAYOR TO NEGOTIATE A CONTRACT FOR THE SALE OF SAID
PROPERTY TO LABOR SOLUTIONS, INC.**
was adopted.

OVERTIME

Overtime for the week ending March 2, 2001 totaled \$16,654.89 and for the week ending March 9, 2001 totaled \$86,483.01, for a grand total of \$103,137.90 for the two weeks.

PERSONNEL

The following personnel matters were reported for the Chattanooga Human Services Department:

CHARLENE JACOBS – Resignation, Field Supervisor, Foster Grandparents Division, effective March 7, 2001.

MARCIE MOORE – Resignation, Payment Technician, Broker Services Division, effective March 16, 2001.

DEIDRE WALKER -- Resignation, Teacher Assistant, Child Care Division, effective March 6, 2001.

PURCHASE

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

NEWTON CHEVROLET, INC. (Best value bid)
Requisition R0028431/B0000558

Cargo Van

\$21,875.00

PERSONNEL

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

DANMEGA WILLIAMS – Dismissal, Crew Worker, Citywide Services, effective March 7, 2001.

TERRY CARTER – Employment (Rehire), Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$15,535.00, effective March 7, 2001.

TERRY A. HAMPTON – Suspension (15 days without pay), Equipment Operator, Citywide Services, effective March 12 – 30, 2001.

CHARLES F. BISHOP – Promotion, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 1, \$17,808.00 annually, effective February 21, 2001.

LLOYD L. HUSSEY – Promotion, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 6, \$22,260.00 annually, effective February 21, 2001.

KIM I. KINAMORE – Promotion, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 8, \$24,396.00 annually, effective February 21, 2001.

DESMOND CLARK – Family Medical Leave, Crew Worker, Citywide Services, effective February 21-May 16, 2001.

LANDFILL INQUIRY

Councilman Lively inquired as to the low bidder for front-end loader services within the City of Chattanooga as indicated on the Public Works Department's request for purchase approval? He stated that the landfill has lost thousands of dollars over the last few years with waste companies taking waste to other areas rather than the City's landfill. He indicated his knowledge of the company in question as using the Bradley County landfill.

Deputy Admin. Johnson indicated that this company is supposed to be using the City's landfill. Councilman Lively again indicated that the company uses the Bradley County landfill.

At this point, Deputy Admin. Johnson asked that the request involving the company be held for one week to "double-check" the matter.

PURCHASES

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

ENCORE SOLUTIONS (Single source purchase)
Requisition R0060707/P0015902

Citico Pump Station Repairs per TCA 6-56-304.2

\$11,550.00

POLLUTION CONTROL INDUSTRIES (Lowest and best bid)
Requisition R0060655/P0015819

Household Hazardous Waste Collection and Disposal

(Price information available and file with minute material)

PERSONNEL

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

MARY QUARLES – Resignation, Police Records Clerk Sr., effective March 9, 2001.

DANIEL CHRISTIAN – Resignation, Police Officer, effective February 26, 2001.

REBECCA TOLBERT – Voluntary Demotion, Police Service Technician, Pay Grade 3/Step 2, \$16,312.00 annually, effective March 9, 2001.

REFUNDS

On motion of Councilman Crockett, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refunds:

SISTERS OF CHARITY -- Map No. 146D-J-014, \$2,405.17

REFUNDS (Continued)

MILLIGAN REYNOLDS -- Map No. 146P-K-003, \$1,922.10

THOMAS N. TOMISEK – Map No. 156A-C-004.01, \$2,572.58

CHEROKEE WAREHOUSES – Map No. 168B-K-012, \$5,099.05

UNIVERSITY SURGICAL – Per No. 1015672, \$1,838.37

BOND SALE

Admin. Boney expressed his pleasure in the results with regard to the bond sale held earlier in the day and expressed appreciation to all involved. He stated the sale had an interest rate of 4.9621 percent for the next twenty-five years, which is the lowest in the City's history. He stated there were ten bids and it was a very impressive sale that was conducted on the Internet.

BETTER HOUSING APPEAL: PHILLIP OSBORNE

City Attorney Nelson stated that there was a gentleman present at the last meeting who showed up for a Better Housing appeal; that the attorney for Mr. Osborne wanted the matter postponed three months.

The hearing was rescheduled for Tuesday, March 20 immediately following Council meeting.

RECOVERED SCRAPBOOK OF HISTORIAL MATERIAL

City Attorney Nelson stated the local newspaper has given an account of a young lady who recovered a scrapbook that contains historical material that is apparently of some value, which was taken to the Police Department. He stated the City has an Ordinance that states any unclaimed property would revert to the person who turned it in after a given number of days; however, there has been a claim made by a relative of a former owner of the property. He stated his proposal to the Council would be to turn the property over to the Court and authorize his office to file an interpleader and allow the Court to decide without the City getting in the "middle".

On motion of Councilman Crockett, seconded by Councilman Taylor, the City Attorney was authorized to file an interpleader.

SATELLITE VOTING AT NORTHGATE MALL

City Attorney Nelson stated in regard to the District 3 runoff, he has been asked by Carolyn Jackson to bring before the Council the question of whether there would be early voting at Northgate? He stated the total cost would be approximately \$3,789.00 that would include labor and material, with Northgate being kind enough to donate the space.

On motion of Councilman Crockett, seconded by Councilman Lively, approval was given for early voting at the Northgate Mall satellite location.

ORDINANCE APPROVALS

City Attorney Nelson stated there would be no new Ordinances adopted on first reading after April 3, with April 10 being the date for approval on second and third reading. He stated anything that requires action by an Ordinance should be submitted within the next week to have action on April 3.

COMMITTEES

Councilman Crockett scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 27 immediately following the Public Works Committee.**

Councilman Franklin reminded Council members of the **Parks and Recreation Committee scheduled for Tuesday, March 20 at 4 p.m.**

RESCHEDULE PERSONNEL HEARING

Councilman Pierce inquired as to whether a personnel hearing would be rescheduled this evening as has been requested? City Attorney Nelson stated that he would need to talk with the parties to be sure there would be an appropriate time and would reschedule the hearing next week.

ADJOURNMENT

Vice Chairwoman Hurley adjourned the meeting until Tuesday, March 20, 2001 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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