

Municipal Building  
Chattanooga, Tennessee  
September 10, 1996

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

INVOCATION

City Attorney Randall Nelson gave the invocation for the evening.

MINUTE APPROVAL

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

TEMPORARY USE: CHATTANOOGA  
THEATER CENTER

Councilwoman Hurley made the motion to move this matter up on the agenda; Councilman Swafford seconded the motion, the motion passed.

Councilwoman Hurley congratulated representatives of the Chattanooga Theater Center, otherwise known as the Little Theater, for their successful completion, exciting expansion and the wonderful treatment on the north shore.

On motion of Councilman DiStefano, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE CHATTANOOGA THEATER  
CENTER, TO USE TEMPORARILY A PORTION OF THE ISLAND IN  
THE CUL-DE-SAC AT THE END OF TREMONT STREET FOR THE  
PURPOSE OF INSTALLING A 10' TALL SCULPTURE, SUBJECT TO  
CERTAIN CONDITIONS  
was adopted.

REZONING

1996-125: J. Kenneth Hutsell

A representative for the applicant was present; opposition was in attendance.

Barry Bennett explained that this matter was deferred from July as Public Works had an interest in this area and was to report back to the Council. He stated the applicant is asking for rezoning to R-4 for an office development; that the site is approximately five and one-fourth acres. He stated abutting zoning includes R-1 single family residential to the north and R-2 to the west and northwest. He stated there is duplex zoning on Hickory Valley Road, R-2, R-1 and one single lot of O-1 on the south side. He stated the land use is almost entirely single family to the north, south and east and a row on duplexes on the west. He stated both the Staff and Planning Commission recommend denial of the zoning change.

Admin. Marcellis stated six-or-seven weeks ago he asked the Council to delay this rezoning until they could try to work out a purchase on the back end of this site along with several of the neighbors for a retention pond, but have not been able to work out a settlement. He stated on next week's agenda is a resolution for eminent domain on that property; that if the Council chooses to rezone this land he would suggest only rezoning the first 345 feet north of McCutcheon Road because the rest of the property will be part of the retention pond.

Cathy Wyatt represented Kenneth Hutsell and stated this area has been subject to great commercial development on both sides of the interstate, Shallowford and Hickory Valley Roads; that the real reason for not rezoning the property, which is behind the Hamilton Place area, is a mystery, other than that the city has an interest in the land and want to put in a levee and does not wish to pay the higher value for an R-4 zoning. She stated this land is primed for commercial zoning and the applicant is asking for R-4; that the land has been developed, has a sewer license, is ready to have office space put in and has access to Hickory Valley Road. She stated to rezone to R-4 would imply housing that exists will be sold and turned into offices, and professionals are seeking out these residential homes. She stated she does not believe it will damage the complexion of the existing neighborhood to do this, and certainly thinks it is within reason and appropriate to rezone to R-4; that the only reason that has been given for the proposed condemnation and the price tag is the city does not want to buy.

REZONING (Cont'd.)

Councilman DiStefano asked Admin. Marcellis the width of Hickory Valley Road. Admin. Marcellis responded that it is "about 24 feet wide." Councilman DiStefano then inquired as to the width of the McCutcheon intersection. Admin. Marcellis indicated that is "a little less (wide) than Hickory Valley Road." Councilman DiStefano asked if Hickory Valley and McCutcheon are considered commercial streets. Admin. Marcellis responded "no."

Councilman DiStefano stated if this is prime commercial property it is not shown on the map. Ms. Wyatt stated the map does not take into account the commercial property.

Councilman DiStefano expressed disagreement with Ms. Wyatt's assessment that the only reason the city doesn't wish to rezone is because of financial considerations; that R-1 is all around this property and this would be a classic example of "spot zoning" with nothing remotely resembling a commercial zone.

Ms. Wyatt asked Councilman DiStefano if he had been out to see the site. Councilman DiStefano responded that he had. Ms. Wyatt gave specific directions as to various turns to the right or left of the site which turns onto commercial property. Councilman DiStefano stated he did not see any of that (commercial) within one-tenth of a mile.

Ms. Wyatt stated the map being shown is the city's map which does not show the area she is reflecting and (this map) means nothing; that it misrepresents the current situation. Councilman DiStefano again expressed disagreement; that there is R-1 development all the way around this; that there would be an office in the middle of R-1.

Ms. Wyatt stated Admin. Marcellis indicated Hickory Valley and McCutcheon Roads are not commercial streets; that she would like to refresh the Council's memory about North Chattanooga's development and the areas where those roads were not commercial and have not been changed.

Councilwoman Rutherford she has been out to look at the site and asked why the recommendation for denial was made by Planning and Staff. Mr. Bennett stated this would be a "spot zone" as the area is residential and looked at the impact it would have on the residential property; that the fact is once this is rezoned it will be much easier for other property north of McCutcheon to be rezoned and further intrude into the residential property.

At this point Councilwoman Rutherford made the motion to deny the request with Councilman Lively seconding the motion.

REZONING (Cont'd.)

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 6811 MCCUTCHEON ROAD, BEING ON THE NORTHEAST LINE OF MCCUTCHEON ROAD SOUTHEAST OF HICKORY VALLEY ROAD, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE  
**was denied.**

REZONING

1996-184: BHY Concrete Finishing, Inc.

Pursuant to notice of public hearing the request of BHY Concrete Finishing, Inc. to rezone a tract of land located at 4123 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Swafford, seconded by Councilman DiStefano, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4123 SHALLOWFORD ROAD, BEING OFF THE NORTHWEST LINE OF SHALLOWFORD ROAD NORTHEAST OF AGAWELA DRIVE, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE  
passed first reading.

REZONING

1996-189: Benton Hood

Pursuant to notice of public hearing the request of Benton Hood to rezone a tract of land located at 27 West 19th Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 27 WEST 19TH STREET, BEING ON THE NORTHEAST LINE OF WEST 19TH STREET NORTHWEST OF MARKET STREET, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE  
passed first reading.

REZONING

1996-192: Charles Bobbitt

Pursuant to notice of public hearing the request of Charles Bobbitt to rezone a tract of land located at 710 Ashland Terrace came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this is one of the final single residential lots remaining that is sandwiched between two other C-2 zones; that the property has been used as commercial previously.

On motion of Councilwoman Hurley, 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 710 ASHLAND TERRACE, BEING ON THE  
SOUTHWEST LINE OF ASHLAND TERRACE SOUTHEAST OF  
THRUSHWOOD DRIVE, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE  
passed first reading.

REZONING

1996-197: Paul L. Morgan

Pursuant to notice of public hearing the request of Paul L. Morgan to rezone a tract of land located at 1310 Hanover Street came on to be heard.

The applicant was not present; there was no opposition.

Mr. Bennett stated across the street from this property is C-5 with R-4 to the east and C-2 to the west; that the recommendation from Staff and Planning is for approval subject to conditions.

Councilwoman Hurley stated she has had calls about this and asked if the applicant accepts the conditions. Mr. Bennett stated as far as he knows the applicant does and did not seem to have a problem with them. Councilwoman Hurley then made the motion to approve the request subject to the conditions stated in the ordinance.

Councilman Pierce expressed his concern that there is no way to know if the applicant still wants the conditions to go through since he is not present; that it would be more in order to table the matter one week so that the applicant can be present.

REZONING (Cont'd.)

Councilman Pierce stated the applicant should be present on second and third reading to make sure he is in agreement with the conditions. He asked Mr. Bennett to make contact with him to make sure he will be present.

On motion of Councilwoman Hurley, 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 1310 HANOVER STREET, BEING ON THE SOUTHWEST LINE OF HANOVER STREET SOUTHEAST OF HIXSON PIKE, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-203: Minnie P. & Allie M. Brock

Pursuant to notice of public hearing the request of Minnie P. and Allie M. Brock to rezone a tract of land located at 1901 South Kelley Street came on to be heard.

The applicant was not present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1901 SOUTH KELLEY STREET, BEING ON THE NORTHWEST LINE OF SOUTH KELLEY STREET NORTHEAST OF EAST 20TH STREET, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE was denied.

REZONING

1996-204: Curry Brandaw Architects

Pursuant to notice of public hearing the request of Curry Brandaw Architects to rezone a tract of land located at 7511 Shallowford Road came on to be heard.

The applicant was present; there was opposition in attendance.

REZONING (Cont'd.)

Mr. Bennett stated the request is for R-4 for a 119 unit retirement residence with cottages; that the surrounding zoning includes RT-1 to the north , R-1 to the east, and R-1 to the west; that to the south is primarily R-1 with one spot of R-4 where the Turner Recreation Club is located. He stated the land use is predominantly standard single family residential and across Shallowford is a small commercial development, Kinder Care. He stated the Staff and Planning Commission recommend approval of the zoning to R-4 subject to conditions. He stated the R-4 zone is really the only zone that will accommodate this specific type of use; that there has been some concern on the part of area residents that this is a much more desirable land use than an RT-1 which could be placed on the property under the current zoning classification.

Mr. Bennett stated the concern with R-4 is it allows uses that residents feel would be detrimental to the character of the neighborhood; that if the property is rezoned with the conditions as outlined in the ordinance the property could only be used for that purpose and not for any of the other objectionable uses. He stated if something happens to the development and the property is sold, that is still the only use that could go there; that the new property owner would have to come back to the Council to have the conditions removed. He stated the Staff feels rezoning to R-4 would not establish a precedent for additional R-4 because of the specific restrictions.

Bud Baldwin represented Curry Brandaw Architects and stated they have tried several times to get rezoning on this property; that the retirement residences will complement the neighborhood. At this point he introduced Garth Randolph to further explain the project.

Garth Randolph represented Holiday Retirement Corporation and stated Holiday owns and operates 180 facilities throughout the United States, Canada and England; that in the southern area they have facilities in Jackson, Memphis and Clarksville. He stated they have looked in the Chattanooga area for a number of years and it has been difficult to find a property everyone is comfortable with and are very interested in providing Chattanooga's need. He stated the residents of their facilities are approximately 83 years old, mostly single and in need of support and services. He stated a number of the suites will be without kitchens; that various services will be provided that will include transportation. He stated three meals will be included per day in a large dining room, as well as a number of activities for the residents. He stated these are the activities that are in great need and they can provide in a very generous manner.

REZONING (Cont'd.)

Mr. Randolph stated Holiday is interested in long term ownership; that all they can do is stand behind their track record. He stated they will have a \$6 million dollar investment here, are not looking for any public monies to do this and will be on the tax payrolls. He stated they would really be providing that extreme need. He stated from a zoning standpoint, an RT-1 zoning on the site would allow 88 units; that a 110 or 118 suite retirement facility would have much less impact than an 88 unit facility. He stated they are trying to convey a very compact building and are only building on a very minimal portion of the site. He stated they are willing to accept the conditions of no other development in the future; that a townhouse development would have much more impact; that their development will be generating less than two trips per day per suite.

Mr. Randolph continued by stating they are ending up with a very specific use with low impact on the adjacent neighborhood; that the tenants will not be interested in going out or being loud. He stated they have spent a considerable amount of time in working with the city and knew that the Ashwood community was one they needed to meet with. He stated they met with them on two occasions, presented what they were trying to do and let them voice the "pros and cons" or our development; that they sent out information and have a letter of support from Mr. Drake of the Drake Forest subdivision. He stated this is a residential facility and not commercial and will not be providing heavy medical care. He stated he will leave this in the hands of the Council to come to a solution so that everyone can be at peace with the development. He stated they are very excited about it as there is an extreme need.

Councilwoman Rutherford asked how many structures will be developed. Mr. Randolph stated there will be three structures; that there will be a large 112 suite building which will be three stories that will cascade down to one, with two other one story cottages of triplexes that will be operated the same way with small kitchens.

Councilman Swafford inquired as to the cost per individual. Mr. Randolph stated they have not come up with a definite lease; that they would probably be around \$1,400 - \$1,800 per month which would include three meals per day and all of the services he described at no additional cost.

Bob Daugherty, President of the Ashwood Residents Association, stated the Association has been a willing listener and active participant in discerning what it is Mr. Randolph wants to put in; that they are prepared to provide the Council with a petition that represented 76% of the households and 85% of the members against the R-4.



REZONING (Cont'd.)

Mr. Daugherty stated some of the conditions provided to them modifies their stance. He asked in the event this situation does not go forward will that land revert to R-1 or stay R-4.

Mr. Bennett stated it will stay R-4 until the property owner requests that the zoning be changed; that one condition that cannot be changed is the clause allowing the property to revert to the original zone, which has to be done by due process; that the conditions would go with the property.

Mr. Daugherty clarified his understanding that if the proposal falls through it would require that another retirement facility come in and comply with the conditions. He stated under those conditions it is his belief the residents of Ashwood have nothing more to say about it; that their briefing included the majority of the homeowners who were quite impressed by the presentation and the possibility of having good neighbors such as the Holiday folks.

Councilman Eaves stated he wanted to make sure in the conditions we are going to insert the word "only" where the proposed use is indicated; that he wants to "lock" the conditions down further. He stated this is the only use the applicant can have and subject to 119 units; that that is all. He asked if the applicant plans to landscape on both sides of the property. Mr. Randolph expressed agreement.

Councilman Eaves made reference to the frontage of the property; that residents in the area have been concerned with good reason as Shallowford has been under great pressure for development; that they are frightened, and so is he, of the term R-4. He stated the only reason they went with the R-4 and this development only is that R-4 is the only thing they can get this under; that the applicant will still have-to-have a set-aside. He stated they did not want under any conditions that it be determined that there be any other development that would fall under R-4; that this is written specifically for this retirement home. He stated it does not overload the schools nor traffic in the morning or afternoon; that he is glad we could get it resolved.

Jack Benson of Ashwood expressed his confidence in the entire Council; that he is still a little concerned about the conditions and the possibility of it falling through and someone else coming in and buying the property. He asked if safeholds could be put into the 119 units. City Attorney Nelson read the conditions of the ordinance and stated the conditions and zoning could only be changed by going back through the whole process.

REZONING (Cont'd.)

Mr. Benson stated if the Council feels confident and comfortable that no one could come in and build 119 huts he is satisfied.

Councilman Eaves asked if there is any further language that would allow us to lock it into this development. City Attorney Nelson made reference to the architectural plans. Mr. Randolph stated one way to help clarify the project is to use the term "congregate," which implies services.

Councilwoman Hurley stated that was going to be her suggestion; that she knows we struggle with wording to identify the quality of the project. She asked if wording could be added to reflect "the quality described in the proposal." City Attorney Nelson stated the conditions will have to be re-drafted. Councilman Eaves stated if Mr. Randolph has architectural drawings we can get it down to that.

Glenn Morris asked if the amount of \$1,800 per month could be included in the conditions. The response from the Council was a unanimous "no."

On motion of Councilman Swafford, 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 7511 SHALLOWFORD ROAD, BEING ON THE  
NORTHEAST LINE OF SHALLOWFORD ROAD NORTHWEST OF ASHFORD  
DRIVE, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO R-4  
SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS  
passed first reading.

REZONING

1996-206: Turbyville Construction Services

Pursuant to notice of public hearing the request of Turbyville Construction Services to rezone tracts of land located at 927 and 929 East Main Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for C-1 for a financial services office; that there are primarily two zones in the area: R-3 and M-1. He stated there is R-3 abutting to the north, and across Main Street is one small strip of R-3 on the west, and Fagan on the east. He stated across Fagan is M-2 and a large area of M-1 to the southwest across Main Street.

Rezoning (Cont'd.)

Mr. Bennett stated the land use is a mix of residential, commercial and office use; that the Staff and Planning recommend O-1 zoning on the property because of the proposed use for a financial services office.

Chairman Hakeem asked if the O-1 zoning is acceptable to the applicant.

John McDonald represented the applicant and stated C-2 is what they want to get and would like to build an office. He stated he asked for the retail option and failed to make it clear when he made application. He stated 90% of the zoning in the area is either manufacturing or C-2.

Councilwoman Rutherford stated the application reflects it is for a financial services office and asked if that would not be under O-1. Mr. Bennett stated that is why they recommended O-1; that if there is a specific commercial use being proposed for the property they would have taken that into consideration.

Councilwoman Rutherford asked if Mr. McDonald has some other plan. Mr. McDonald stated the applicant is not familiar with Chattanooga and asked for the storefront option; that she (applicant) did not make it clear when making application.

Councilwoman Rutherford asked what type of business the applicant has. Mr. McDonald stated she deals with insurance similar to Ray Osborne; that O-1 is more restrictive than she would like and there is no office zone in the area. He stated there is C-2 and manufacturing but no office zone out there.

Councilman DiStefano stated he was going to say the same thing; that there is a lot of M-1 but not much C-2; that there is some C-2 on the other side of Central but no preponderance of C-2.

Councilwoman Rutherford asked what can be done in C-2 that cannot be done O-1. Mr. Bennett responded "pretty much anything;" that O-1 is strictly for office use and C-2 is commercial use that allows pretty much any type of retail or service level use.

Councilwoman Hurley asked if there was opposition to this at the Planning Commission. Mr. Bennett responded "no."

Councilwoman Hurley asked if the O-1 was the Staff's recommendation to Planning, because it was not clear they really wanted the flexibility to go C-2 or O-1. Mr. Bennett stated the recommendation was based on the information on the application.

REZONING (Cont'd.)

Councilwoman Hurley stated it was thought O-1 was more appropriate; that had Mr. McDonald asked for a more flexible zoning to commercial or office there would have been no particular reason to deny C-2. Mr. Bennett responded "probably."

At this point Councilwoman Hurley made the motion to approve the C-2 request for zoning.

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 927 AND 929 EAST MAIN STREET, BEING ON THE NORTHEAST LINE OF EAST MAIN STREET AT FAGAN STREET, FROM R-3 RESIDENTIAL ZONE TO C-2 OFFICE ZONE passed first reading.

REZONING

1996-207: The Raines Group, Inc.

Pursuant to notice of public hearing the request of The Raines Group, Inc. to rezone a tract of land located at 1740 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Eaves, seconded by Councilman Swafford,

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, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND ZONING ORDINANCE

Mr. Bennett explained some of the numbers were incorrect in the ordinance and this amendment corrects the error.

AMEND ZONING ORDINANCE

On motion of Councilman Lively, seconded by Councilman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE VIII, SECTIONS 107(1), (20) AND (21)(E)5, RELATIVE TO RESIDENTIAL HOMES FOR THE HANDICAPPED AND/OR AGED PERSONS, ASSISTED LIVING FACILITIES, MEDICALLY ASSISTED LIVING FACILITIES, NURSING HOMES, AND HOSPITALS passed first reading.

CLOSE AND ABANDON

1996-154: Frumin, Inc.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED EAST OF ALTON PARK BOULEVARD AND NORTH OF EAST 33RD STREET, MORE PARTICULARLY DESCRIBED HEREIN passed first reading.

CLOSE AND ABANDON

1996-157: Samuel J. Loy

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED STREET LOCATED NORTH OF SHALLOWFORD ROAD AND EAST OF PRESTON CIRCLE, MORE PARTICULARLY DESCRIBED HEREIN passed first reading.

CLOSE AND ABANDON

1996-162: Thomas E. Bernard

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman DiStefano, AN ORDINANCE CLOSING AND ABANDONING UNOPENED RIGHTS-OF-WAYS LOCATED NORTH OF SHALLOWFORD ROAD AND EAST AND SOUTH OF PRESTON CIRCLE, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed first reading.

CLOSE AND ABANDON

1996-173: Dennis Wininger

The applicant was not present; there was no opposition.

On motion of Councilman Eaves, seconded by Councilman Swafford,  
AN ORDINANCE CLOSING AND ABANDONING EDITH DRIVE LOCATED  
NORTHWEST OF JENKINS ROAD, MORE PARTICULARLY DESCRIBED  
HEREIN  
**was tabled one week.**

CLOSE AND ABANDON

1996-190: City of Chattanooga

On motion of Councilman Pierce, seconded by Councilman DiStefano,  
AN ORDINANCE CLOSING AND ABANDONING PART OF THE 500  
BLOCK OF WEST 19TH STREET EAST OF CARTER STREET; PART  
OF THE 1900 BLOCK OF FORT STREET NORTH OF RIVERFRONT  
PARKWAY AND ALLEYWAYS BETWEEN CARTER STREET AND  
CHESTNUT STREET AND WEST 19TH STREET AND RIVERFRONT  
PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN  
passed first reading.

EMINENT DOMAIN

On motion of Councilwoman Hurley, seconded by Councilman DiStefano,  
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY  
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST  
DEBORAH S. SCOTT FOR A RIGHT-OF-WAY EASEMENT ON TRACT  
NO. 13, CONTRACT NO. RW-8-96, WIDENING OF MOUNTAIN  
CREEK ROAD  
**was tabled two weeks.**

INTERGOVERNMENTAL AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHATTANOOGA  
HOUSING AUTHORITY AND THE CITY OF CHATTANOOGA PROVIDING  
FOR THE HOUSING AUTHORITY TO PAY SIXTEEN THOUSAND  
TWO HUNDRED FOURTEEN AND 09/100 DOLLARS (\$16,214.09) TO  
THE CITY FOR WORK PROVIDED BY THE CITY IN EAST LAKE  
COURTS  
was adopted.

SPECIAL EXCEPTIONS PERMIT

1996-1996: Lori Beth & George Hendon Warren

On motion of Councilman Eaves, seconded by Councilman Swafford, A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A HOME FOR THE AGED, LOCATED AT 9130 DUDLEY ROAD, BEING ON THE SOUTHWEST LINE OF DUDLEY ROAD AT GRAYSVILLE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Lively, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM GLENN A. NEWMAN AND CINDY L. NEWMAN, RELATIVE TO CONTRACT NO. RW-8-96, WIDENING OF MOUNTAIN CREEK ROAD, TRACT NO. 12, FOR A TOTAL CONSIDERATION OF THREE THOUSAND DOLLARS (\$3,000.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Pierce, seconded by Councilman DiStefano, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM RACHEL SEAR, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 12, FOR A TOTAL CONSIDERATION OF ONE HUNDRED EIGHTY-FIVE DOLLARS (\$185.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Pierce, seconded by Councilman DiStefano, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM ROGER W. CATLIN AND IRENE T. CATLIN, RELATIVE TO CONTRACT NO. RW-8-96, WIDENING OF MOUNTAIN CREEK ROAD, TRACT NO. 10, FOR A TOTAL CONSIDERATION OF ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman DiStefano, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY  
FROM RACHEL SEAR, RELATIVE TO CONTRACT NO. RW-5-96,  
NORTH CHAMBERLAIN AVENUE, TRACT NO. 11, FOR A TOTAL  
CONSIDERATION OF ONE HUNDRED SIXTY DOLLARS (\$160.00)  
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman DiStefano, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY  
FROM THOMAS L. STAMPER, RELATIVE TO CONTRACT NO.  
RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 7, FOR A  
TOTAL CONSIDERATION OF ONE HUNDRED DOLLARS (\$100.00)  
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Lively, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY  
FROM JOHN J. KING AND SANDRA BELK KING, RELATIVE TO  
CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT  
NO. 6, FOR A TOTAL CONSIDERATION OF ONE HUNDRED DOLLARS  
(\$100.00)  
was adopted.

OVERTIME

Overtime for the week ending September 6, 1996 totaled \$14,977.24.

PERSONNEL

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

EDITH A. WESTMORELAND -- Change to full-time, Food Clerk, Golf  
Courses, Pay Grade 1/Step 4, \$13,256.00 annually, effective  
September 11, 1996.

RAYMOND THOMPSON -- Transfer Divisions, Recreation Maintenance,  
Laborer III, Pay Grade 5/Step 12, \$20,998.00 annually (no change in  
position/grade/salary), effective September 6, 1996.



PERSONNEL (Cont'd.)

TIMOTHY PAUL REID -- Transfer Divisions, Golf Courses, Laborer II, Pay Grade 4/Step 4, \$15,788.00 annually (no change in position/grade/salary), effective September 5, 1996.

DEBRA J. COX -- Resignation, Grill Manager, Brown Acres Golf Course, effective September 9, 1996.

PERSONNEL

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

RICHARD SMITH -- Promotion, Equipment Operator II, City-wide Services, Pay Grade 8/Step 2, \$19,150.00 annually, effective August 28, 1996.

BENNIE WARD -- Promotion, Equipment Operator II, City-wide Services, Pay Grade 8/Step 9, \$23,211.00 annually, effective August 28, 1996.

CORAY D. MOORER -- Demotion (Voluntary), Alternate Laborer I/Sanitation Worker I, City-wide Services, Pay Grade 2/Step 6, \$14,854.00 annually, effective September 11, 1996.

MICKEY L. HYDE -- Employment, Laborer III-E, City-wide Services, Pay Grade 5/Step 1, \$15,373.00 annually, effective August 28, 1996.

PURCHASES

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

WILLIAMS PROFESSIONAL CLEANING (Lower and Better Bid)  
Requisition No. 134704

Purchase of Twelve Month Contract for Janitorial Services  
\$870.00/month

CATAPHOTE (Best Bid for City of Chattanooga)  
Requisition No. 131392

Purchase of Twelve Month Contract for Alkyd/Maleic Thermoplastic Pavement Material

(Price Information Available and Filed With Minute Material)

PURCHASES (Cont'd.)

TEMPLE, INC. (Lower and Better Bid for the City of Chattanooga)  
Requisition No. 135606

Purchase of Steel Strain Poles

\$22,900.00

F.M. RUSSELL CO. (Lower and Better Bid)  
Requisition No. 133758

Purchase of Twelve Month Contract for Mortar Mix, etc.

(Price Information Available and Filed with Minute Material)

REFUNDS

On motion of Councilman Pierce, seconded by Councilman Swafford, the Administrator of Finance was authorized to issue the following Industrial User Surcharge refunds:

VELSICOL CHEMICAL CORP. -- Overpayment, \$10,965.31

SOVEX NATURAL FOODS INC. -- Overpayment, \$3,458.88

SEABOARD FARMS -- Overpayment, \$1,027.97

RUAN TRANSPORTATION -- Overpayment, \$2,807.12

ROSSVILLE YARNS -- Overpayment, \$2,288.22

COATS AMERICAN -- Overpayment, \$3,054.0

CHATTANOOGA PAPERBOARD CORP. -- Overpayment, \$10,599.70

BASF -- Overpayment, \$5,787.36

ALSO CHEMICAL CORP. -- \$6,813.09

ADM MILLING COMPANY -- Overpayment, \$3,429.48

HOTEL PERMITS

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

TECH MOTEL LTD., D/B/A/ RADISSON READ HOUSE, 827 W. Broad Street, Chattanooga, TN

CHATTANOOGA SUPER 8, 20 Birmingham Highway, Chattanooga, TN

GUEST HOUSE INN, 100 W. 21st Street, Chattanooga, TN

CHATTANOOGA MARRIOTT, Two Carter Plaza, Chattanooga, TN

SCOTTISH INNS LOOKOUT MOUNTAIN, 3210 S. Broad Street, Chattanooga, TN

PURCHASES

On motion of Councilman DiStefano, seconded by Councilman Pierce, the following purchases were approved for use by the Safety Department:

CALLAHAN MECHANICAL, INC. (Lower and Better Bid for the City of Chattanooga)  
Requisition No. 133392

Purchase of Contract to Furnish Laborer and Materials to Install Exhaust Systems in Bays at Firehalls

\$7,392.00

MOTOROLA, INC. (Per TCA 6-56-301)  
Requisition No. 123758

Purchase of Motorola Mobile Data Terminals (19 @ \$5,277.15 each)

\$100,265.85

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Lively, the following purchase was approved for use by City Court:

LASER GRAPHICS (Best Bid for the City of Chattanooga)  
Requisition No. 128032

Purchase of Twelve Months Contract for Microfilming Services

**(Price Information Available and Filed With Minute Material)**

REFUND

On motion of Councilman DiStefano, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund for License and Gross Receipts:

NORTH AMERICAN CREDIT SERVICES -- \$5,000.00

FILE SUIT

City Attorney Nelson requested permission from the Council to file suit against Leonard Rowe for totaling a police car after crossing three lanes of traffic.

Councilman Pierce inquired as to whether Mr. Rowe has insurance. City Attorney Nelson responded that he didn't know.

**On motion of Councilman DiStefano, seconded by Councilman Lively, City Attorney Nelson was authorized to proceed with legal action; Councilman Pierce abstained.**

COMMITTEES

Councilman DiStefano scheduled a meeting of the **Health, Education, Human Services and Housing Committee for Tuesday, September 24 at 5 p.m.** to hear a report from Admin. Traugher regarding the city's Wellness Program with Erlanger. He informed Council members of a meeting on Thursday, September 13 at 1 p.m. with representatives of the Agency for Toxic Substance and Disease Registry and community persons from the Alton Park area regarding the City's plans for abating problems in that community. He reminded Council members of the Committee meeting scheduled for Tuesday, September 17 to further discuss the matter.

COMMITTEES (Cont'd.)

Councilwoman Hurley withdrew her request for a meeting of the Budget and Finance Committee tentatively scheduled for Monday, September 16 as the capital budget will not be ready by that time.

Councilwoman Rutherford reminded Council members of the **Safety Committee meeting scheduled for Tuesday, September 17 at 3 p.m.** to hear a report regarding gangs.

Councilman Swafford stated he will not schedule a Parks and Recreation Committee next week because the committee schedule is heavy. He asked Council members to review their packets for next week and peruse the two resolutions [7(g) and (h)] the Parks and Recreation Department have on next week's agenda. He stated if Council members have questions regarding the resolutions to make contact with Admin. McDonald as a committee date and time will not be scheduled.

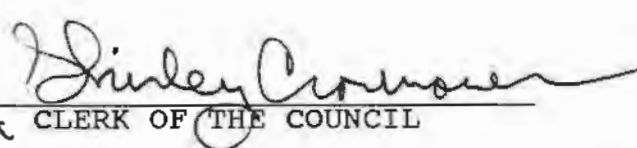
COLLINS HEARING

Admin. Dinsmore stated it is his understanding the attorney for Ofcr. Collins has asked for a reschedule date. **The hearing for Officer Collins was rescheduled for Monday, October 7 beginning at 6 p.m.**

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, September 17, 1996 at 6 p.m.

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
CLERK OF THE COUNCIL

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