

Municipal Building
Chattanooga, Tennessee
November 12, 1996

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

INVOCATION

Invocation for the evening was given by Randall Nelson, City Attorney.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: RIVERVALLEY
PARTNERS' DIRECTORY OF SERVICES
FOR SMALL AND MINORITY BUSINESSES

Johnny Holloway, Board member of RiverValley Partners and member of the Minority Economic Development Task Force, presented each Council member with a directory of services for small and minority businesses. He read from a prepared statement which indicated the directory implements one of the objectives established by RiverValley's Minority Economic Development Task Force and is the first of its kind for Chattanooga. He stated the 1995 study conducted by PHH Fantus Consulting identified ten obstacles preventing success in developing economic opportunities for all our citizens; that the main obstacles identified were a lack of awareness of services, an unclear service flow, and access to capital. He stated the directory is a result of that inventory and is available, free of charge. He stated the directory will be distributed widely throughout the community and also available by calling the RiverValley office.

SPECIAL PRESENTATION: RIVERVALLEY
PARTNERS' DIRECTORY OF SERVICES
FOR SMALL AND MINORITY BUSINESSES
(Cont'd.)

Mr. Holloway stated the directory is a tremendous tool for anyone thinking of starting a business, as well as anyone already in business; that the directory features 44 comprehensive listings of 36 institutions in its 75 pages. He concluded his statement by reciting the statement that has become synonymous with the Task Force: "information, education and communication." (A copy of the statement is filed with minute material of this date.)

Councilman Pierce inquired as to how the Task Force intends to distribute the directories. Mr. Holloway responded that the plan is to have them available at the RiverValley office; that they will be mailing them to all elected officials. He stated the President of RiverValley, Pem Guerry, will carry some of them to the Governor's Conference where they will be widely distributed.

Councilman Swafford stated he has made this statement before; that it is hoped the Task Force will keep in mind all of the small businesses we have, specifically in the Wilcox-Tunnel Boulevard business district area; that they should continue to support those types of situations and enhance them. He stated he was not interviewed by the Minority Task Force even though he has the largest concentration of small businesses in his district. He reiterated that this fact should be kept in the minds of everyone so that those businesses will not deteriorate. He made reference to the small businesses visited during the recent inter-city visit to Charleston and how they are flourishing; that the local effort should be to encourage small businesses to continue, support them and not let them "go down."

Councilwoman Rutherford stated Judy Britain was the one who spearheaded this project and was the "work horse;" that the directory is such a wonderful book. Ms. Britain encouraged everyone to distribute the directory.

Pem Guerry expressed appreciation for Councilwoman Rutherford's comments; that Judy Britain did a fabulous job as did the Task Force; that they made sure it was a high quality product. He stated the next step will be to distribute them broadly and provide the other assistance mentioned by Councilman Swafford; that this is one of a long line of steps but a major one they are proud of and hopes it will be helpful.

WITHDRAWAL OF CASE NO. 1996-252:
HATHAWAY-WALDEN PROPERTIES

Chairman Hakeem announced that Planning Commission case 1996-252 in the name of Hathaway-Walden Properties for rezoning in the 900 block of Runyan Drive has been withdrawn. He indicated persons present for this case will not need to stay as it has been withdrawn.

Councilman DiStefano expressed his curiosity as to how this case was withdrawn, wanting to know how it was handled through the Council office. He stated we have had some people to withdraw and the Council has had to vote to allow them to do so. He asked whether the Council's vote is necessary for withdrawal.

City Attorney Nelson stated that is up to the Council; that we do not have a rule one way or the other; that the Council might want to adopt a uniform rule. He stated the rule has been if the applicant withdraws before it is put on the agenda then it will never come before the Council for a vote; that once it is advertised and they want it to be withdrawn you have that authority.

AMEND CITY CODE RELATIVE TO SEWER
SERVICE CHARGES AND FEES

On motion of Councilman DiStefano, seconded by Councilman Lively, AN ORDINANCE TO AMEND CHATTAHOOGA CITY CODE PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43, RELATIVE TO SEWER SERVICE CHARGES AND FEES passed second reading. On motion of Councilman DiStefano, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 10465, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1996, AND ENDING JUNE 30, 1997 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 PRIVILEGE ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND

AMEND BUDGET ORDINANCE (Cont'd.)

PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(c); ADD SECTION 7(a)(7); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM

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

AMEND BUDGET ORDINANCE

Chairman Hakeem declared a public hearing in process for persons wishing to speak for or against this matter; there being none, the hearing was duly closed.

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 10465, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1996, AND ENDING JUNE 30, 1997 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 PRIVILEGE ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN ESTIMATED REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5; AND SO AS TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(c)

passed second reading. On motion of Councilman Crockett, seconded by Councilman Swafford, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1996-236: Patten Golf, Inc.

Pursuant to notice of public hearing the request of Patten Golf, Inc. to rezone a tract of land located in the 100 block of Mackey Avenue came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

On motion of Councilman Crockett, 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 IN THE 1000 BLOCK OF MACKEY AVENUE, BEING ON THE NORTHWEST LINE OF MACKEY AVENUE SOUTHWEST OF EAST BRAINERD ROAD, FROM O-1 OFFICE ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-240: Robert and Ava Munger

Pursuant to notice of public hearing, the request of Robert & Ava Munger to rezone a tract of land located at 6178 Adamson Circle came on to be heard.

The applicant was not present; there was no opposition.

Councilman DiStefano inquired as to whether this request is part of the Bonny Oaks Industrial Complex. Mr. Bennett responded "yes." Councilman Swafford indicated this is right in the "heart of it."

On motion of Councilman Swafford, 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 6178 ADAMSON CIRCLE, BEING ON THE SOUTHWEST LINE OF ADAMSON CIRCLE AT HERITAGE PARK DRIVE, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE passed first reading.

REZONING

1996-243: Ronnie Biggs

Pursuant to notice of public hearing the request of Ronnie Biggs to rezone a tract of land located at 1907 Stuart Street came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

On motion of Councilman DiStefano, 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 1907 STUART STREET, BEING ON THE NORTHEAST LINE OF STUART STREET AT SHOLAR AVENUE, FROM M-1 MANUFACTURING ZONE TO R-1 RESIDENTIAL ZONE passed first reading.

REZONING

1996-245: Joseph S. Bird

Pursuant to notice of public hearing the request of Joseph S. Bird to rezone a tract of land located at 7411 Ziegler Road came on to be heard.

The applicant was present; there was no opposition.

Councilman DiStefano asked if this property is in the same area where we previously recommended denial. Mr. Bennett stated this is within the office policy corridor along Gunbarrel Road; that the previous consideration was a couple blocks off Gunbarrel and not one of the properties in the policy area.

Mr. White was present representing Joseph Bird and stated there are two parcels off Gunbarrel; that one was zoned for office and is an accountant's office; that the other is under contract with an option to purchase and this is the third piece; that they will be expanding the building in a "L" shape.

Councilman Eaves asked if this property is about 200 feet off Ziegler. Mr. White responded "yes;" that it is right across the street from the Combustion Credit Union.

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 7411 ZIEGLER ROAD, BEING ON THE NORTHEAST LINE OF ZIEGLER ROAD SOUTHEAST OF GUNBARREL ROAD FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-247: Johnny Foskey

Pursuant to notice of public hearing the request of Johnny Foskey to rezone a tract of land located at 2812 Silverdale Road came on to be heard.

The applicant was not present; there was no opposition.

Mr. Bennett stated the property is currently zoned R-2 which allows duplex development; that the request is for R-3 for a triplex. He stated it is abutted by C-2 on two sides and M-1 across Lee Highway; that the rezoning request is a more restrictive zone.

On motion of Councilman Eaves, seconded by Councilman Crockett,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 2812 SILVERDALE ROAD, BEING ON THE
SOUTHEAST LINE OF SILVERDALE ROAD NORTHEAST OF LEE
HIGHWAY, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL
ZONE

passed first reading.

REZONING

1996-248: Bettye L. Stewart

Pursuant to notice of public hearing the request of Bettye L. Stewart to rezone a tract of land located in the 8200 block of East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this matter has been before the Planning Commission before and was previously denied; that the Staff says it is a spot zone and abuts into the residential area; that the Planning Commission recommended approval subject to the property being used for the proposed use only.

Councilman Eaves stated that is one thing he wanted to ask about; that he is concerned about this; that there will need to be some set asides for frontage as we will get to four lanes eventually. Michael Brown represented the applicant and stated they are well off the road and can move it back.

REZONING (Cont'd.)

Councilman Eaves asked if the applicant is the owner; Mr. Brown responded "no."

Councilman Eaves stated Mr. Lee owns all the property in this area and made reference to the yard decorations being sold at this location. He stated he does not care about it being zoned but does not see any type of setback when they come through with the road. He asked Admin. Marcellis if he has a recommendation regarding this.

Admin. Marcellis stated he presumes they will get some form of laning there. Mr. Brown stated there is slow traffic in the area.

Councilman Eaves stated they want to have some zoning or temporary permit in order to allow for this.

Mr. Brown stated the proposed zoning is for a nursery to go along with the garden statue business they have; that they want electricity and water installed so they can keep plants. He stated this property was formerly weeds and trash; that if the city is widening the road they will have to cover the culvert. He stated they have tried to improve the place and people will be able to get in and out easier and will build a barrier around the culvert.

Councilman Eaves stated he would like for the Council to look at it from the standpoint of dedication of the right-of-way. Mr. Brown stated they will give as much of the right-of-way as the city wants; that they have a lot of room to move back.

Councilman Eaves asked if dedication of the right-of-way can be added to the ordinance. City Attorney Nelson corrected the caption of the ordinance to reflect "**subject to conditions**" and will have the ordinance amended by next week to reflect this.

Mr. Bennett stated for nursery care all storage has to be screened by a six foot sight obscuring fence and parking has to be approved by the Traffic Engineer.

Councilman DiStefano stated the item previous to this one (1996-247) had one side abutting R-1 and they did not provide for screening. Mr. Bennett stated in that case the nearest R-1 is across Silverdale Road which is abutted by R-3 and does not require any type of screening.

REZONING (Cont'd.)

On motion of Councilman Eaves, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 8200 BLOCK OF EAST BRAINERD ROAD, BEING ON THE SOUTHEAST LINE OF EAST BRAINERD ROAD NORTHEAST OF GRAYS ROAD, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-249: SUSA Partnership, L.P.

Pursuant to notice of public hearing the request of SUSA Partnership, L.P. to rezone a tract of land located in the 600 block of Commercial Lane came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Crockett, 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 600 BLOCK OF COMMERCIAL LANE, BEING ON THE NORTHEAST LINE OF COMMERCIAL LANE SOUTHEAST OF MOUNTAIN CREEK ROAD, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE passed first reading.

REZONING

1996-251: Paul F. Gray, III

Pursuant to notice of public hearing the request of Paul G. Gray, III to rezone a tract of land located at 7215 Lee Highway came on to be heard.

The applicant was present; there was opposition in attendance.

Mr. Bennett stated this request is for R-3 for 96 apartment units; that the surrounding zoning includes an abutting R-3 to the east, the front part is zoned C-2 and the rear zoned R-2. He stated the front abuts C-2 on the south, and R-1 to the north and west across the creek.

REZONING (Cont'd.)

Mr. Bennett stated the land use is predominantly single family residential to the south, east, west and north with no duplex and apartment units. He displayed a drawing of the site plan submitted by the applicant which indicated the proposed building location on the property.

Councilman Swafford inquired as to the R-3 abutting the property. Mr. Bennett stated it is an apartment complex of about 100 units.

Bill Bryant spoke for the applicant and stated he manages the apartment complex next door; that they have this property under contract to expand to add about 96 units. He stated he has attempted to contact all adjacent owners by letter and made contact with Councilman Eaves (by letter). He stated he offered to meet and talk with people in the area and received one telephone call last week regarding this.

David Bowles of 7149 Robin Lane spoke in opposition to the request and stated his property is at the intersection of Robin Drive and Robin Lane; that the family moved to this neighborhood in 1986 and did not realize their house was in a flood zone. He distributed photos of his property immersed in water as the result of a June 1989 heavy thunderstorm; that water has been very high on his property four additional times within the last seven years. He stated if the property is rezoned R-3 for the purpose of building 96 units on 7.7 acres, no engineering study has been done by the current builder of the project. He stated an application was made a few years ago for this same piece of property but it did not get this far because it ended at the Planning Commission. He stated Ken Defoor tried to do this and abandoned the project after he found out the amount of money one would have to spend to hold water, reiterating that the current builder has not completed an engineering study on this. He pointed out that the commercial zoning on the northwest is about 200-300 feet deep, across Robin Drive the land is 250-300 feet deep, and commercial zoning on the front is also 300 feet deep. He stated the commercial zone along Lee Highway is restricted to 200-300 feet deep; that the proposed rezoning makes a large gerrymandering of owner-occupied single family residents; that there are three single family residences that are owner-occupied and a vacant lot that is in the flood zone. He urged the Council to defer this rezoning until an engineering study can be made; that further communication needs to take place with the people affected by this flood zone.

REZONING (Cont'd.)

Councilman Swafford asked the applicant if there has been an engineering study done in regard to flooding of the area.

Mr. Bryant stated some how life always has problems; that the contractor's wife has had surgery and has put off looking at this. He stated the city will have an opportunity to review this and they will talk with Mr. Bowles; that they will not flood the neighborhood. He stated they will do everything they need to do.

Councilman Swafford stated he does not feel comfortable voting on this from what has been said; that he has been struggling with an apartment complex's water build-up that is affecting a neighborhood in his district and is quite frustrated; that there has almost had to be a battle and he cannot get them to install the proper drainage. He stated he certainly would not want to move until the study was done.

Councilman Crockett stated he lived at the end of Robin Drive for awhile and knows that the flood problem exists on both sides of Robin Lane. He stated the site plan the engineer presented is not the standard that this Council wants to see; that he is uncomfortable voting for this.

Councilman Eaves stated he prefers that the Council table this matter four weeks to give time for the engineer to get his plans and get a report from Tom Scott that the problem has been taken care of.

Mr. Bryant stated they have certain time limits they need to work within; that they have a buyer for this property.

Councilman Eaves asked how long will it take for them to prepare the study. Mr. Bryant stated they can come back next week. Councilman Eaves asked if a week will be adequate time. Mr. Bryant indicated he can ask and will try to have it ready within a week. Councilman Eaves indicated if they do not have it ready the Council can always defer the matter again.

At this point Councilman Eaves amended his initial motion to reflect a two week deferment; Councilman Swafford seconded the motion.

Councilwoman Rutherford inquired about the traffic flow around the complex with regard to the entrance and exit points and whether they have conferred with John VanWinkle. The response was that they do not have anything at this time.

REZONING (Cont'd.)

Chairman Hakeem asked that the applicant be able to provide the information with regard to entrance and exit points when they come back and to conduct whatever studies that are needed. He asked that they talk with Admin. Marcellis to make sure they have everything as it should be.

On motion of Councilman Eaves, seconded by Councilman Swafford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN A THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 7215 LEE HIGHWAY, BEING ON THE
NORTHEAST LINE OF LEE HIGHWAY, NORTHEAST OF ROBIN
DRIVE, FROM R-2 RESIDENTIAL ZONE AND C-2 CONVENIENCE
COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS

was tabled two weeks.

AMEND ZONING ORDINANCE

Mr. Bennett stated under the current language of M-2 and M-3 zones offices are only permitted if they relate to some type of manufacturing use; that they have had many requests which have been approved in the city and county for rezoning from M-1 to O-1 to be able to provide for an office building; that they are not sure how the original language came about.

On motion of Councilman Lively, seconded by Councilman Crockett,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
SECTIONS RELATIVE TO OFFICES IN THE M-2 AND M-3 ZONES
passed first reading.

AMEND ZONING ORDINANCE

Mr. Bennett stated RT-1 is the only townhouse use they had for a period of time until the RT/Z was decided upon. He stated what they found is that the setback requirements of RT/Z accomplish that goal a lot better than the RT-1 requirements; that they are asking that the same setback requirements be adopted in the RT-1 zone to be more compatible.

Councilman Pierce inquired as to the setback currently. Mr. Bennett stated currently says all buildings should be set back 25 feet; that the new language will specify 40 feet.

AMEND ZONING ORDINANCE (Cont'd.)

On motion of Councilman Lively, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND THE RT-1 RESIDENTIAL TOWNHOUSE ZONE, RELATIVE TO SETBACK REQUIREMENTS passed first reading.

CONTRACT: RIVERBEND CONSTRUCTION CORPORATION

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. SS-2-96, MARKET STREET AT SIXTH STREET STREETScape, TO RIVERBEND CONSTRUCTION CORPORATION FOR THEIR LOW BID IN THE AMOUNT OF THIRTY-SIX THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$36,550.00) was adopted.

TEMPORARY USE: CFS PROPERTIES

Councilwoman Rutherford made the initial motion to approve this request with Councilman DiStefano seconding.

Councilman Swafford stated eight feet seems like a huge sign.

Admin. Marcellis stated the sidewalk is about twelve feet before you get to the curb line; that the sign is not encroaching into the street; that the location is somewhere between Market and Broad Streets through the warehouse areas.

Councilman Swafford stated he did not realize there were twelve foot sidewalks.

Councilwoman Hurley asked if we are doing this because we are over-riding the sign ordinance.

City Attorney Nelson stated the Council is not approving the sign but the right for the business sign to be put on the city's right-of-way.

Councilman Crockett asked if there are some particular guidelines for this in the downtown area. Councilwoman Hurley stated that is what she is trying to recall.

TEMPORARY USE: CFS PROPERTIES
(Cont'd.)

Admin. Marcellis stated he does not know of special guidelines in the downtown area; that the Council is the first reviewing authority and then the applicant is referred to the Sign Variance Board.

Councilman DiStefano stated it was his understanding we were to make sure we did not imply we were giving approval of the sign; that the applicant would have to meet the approval of what is in the Code, wanting to know where that is stated in this resolution.

City Attorney Nelson stated that is part of the regular law; that the Council is just passing on the use of the right-of-way, not the adequacy of the sign.

Councilman DiStefano stated there was discussion regarding this in committee subject to compliance of the sign.

Councilwoman Rutherford stated in the Committee's recommendation there were to be four items of conditions. Councilman DiStefano stated that is what he is looking for.

Councilman Lively made the motion to table the matter one week; Councilman Pierce seconded the motion.

Councilwoman Rutherford asked what will be accomplished in one week.

Councilman Crockett stated the next request is identical and both should be put in committee.

Councilman Hakeem suggested that Council members look at it and then decide whether it should go back into committee or not.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING CFS PROPERTIES TO USE
TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY
LOCATED ON THE SIDEWALK AT 203 WEST MAIN STREET FOR THE
PURPOSE OF HANGING A BUSINESS SIGN PROJECTING EIGHT (80
FEET INTO THE SIDEWALK, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS
was tabled one week.

TEMPORARY USE: CONNOISSEUR
FRAMES

Councilman Crockett stated since we have tabled the previous one he would like to be consistent and send this matter to the Legal and Legislative Committee along with the other.

Councilmen Lively and Pierce made the motion to table the matter one week.

Allen Shuptrine stated the sign was on the building he leased in January and was hanging from an eight foot pole; that the sign has been abandoned for two years and was not lit; that they took the sign down which has left a bare pole in the street. He stated he would not be present tonight if he had put a new message over the sign that existed but because that would not be feasible for his business he changed the appearance of the sign. He stated he has to go through the different channels to get a new sign put up; that he contacted Mr. Hutsell's office to apply for a temporary use permit and talked to Mr. Wilkerson. He stated he understood once he came to the Council he would then have to apply for a sign variance and this is the second step along the way; that he is hoping the Council will approve the temporary agreement so that he can proceed and apply for a sign variance and get a permit.

Chairman Hakeem asked if the motioner and seconder would withdraw their motion so that the matter would be settled.

Councilman Pierce stated he would like for this to go to committee.

Chairman Hakeem stated there might be a desire to resolve the matter now.

At this point Councilman Lively withdrew his motion to table. Councilman Pierce stated he will not withdraw his second and stands with his motion.

Councilman Crockett looked at the diagram of the sign and stated it is a good looking sign and inquired as to when the next Sign Board meeting would be. It was indicated by the Council Clerk that the next Sign Board meeting would be held November 25 at 5 p.m. He stated he was not sure he remembered all the procedures of what we do with this; that he is not clear and cannot remember the procedure about who approves these.

TEMPORARY USE: CONNOISSEUR
FRAMES (Cont'd.)

City Attorney Nelson stated the resolution requires that the temporary user will have to execute the agreement attached which provides that he will have to get all the requisite sign permits; that this is covered in what we had in both these cases.

Councilwoman Hurley stated it is her impression that we tabled the first one because it seemed to be unusually large and intrudes into the right-of-way further than this one; that the two issues are very different. She stated this is a well-designed sign; **that her motion would be to permit this process to go forward** if there were not a motion on the floor.

Councilman DiStefano stated last week we did have these two items in committee; that they were discussed at that time and the committee recommended approval. He stated the other issue is we are not the "taste process" and there are certain requirements they will have to meet and if they meet them they get their sign. He stated if it is not to our standards he is not sure we are designated as the enforcers of "good taste" and worries that is part of what we are trying to accomplish. He stated he still does not understand the issue regarding why we are trying to approve the design of the sign.

Councilwoman Rutherford stated that the Council is making it difficult for business people to do business; that we approved it in committee last week. She stated the Council has nothing to say about the design of the sign.

Councilman Lively expressed his agreement; that **Councilwoman Hurley** stated exactly what he was trying to say; that eight feet into the right-of-way is a pretty good distance. He stated he sees nothing wrong with this and **seconded Councilwoman Hurley's motion to approve.**

On motion of Councilwoman Hurley, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING CONNOISSEUR FRAMES TO USE
TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY ON THE
SIDEWALK AT 2646 BROAD STREET FOR THE PURPOSE OF
HANGING A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS
was approved; **Councilman Pierce abstained.**

SEWER EASEMENT

On motion of Councilman Swafford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM THOMAS EDWARD RODGERS AND BONNIE FAITH
RODGERS, RELATIVE TO CONTRACT NO. 73C, BIG RIDGE
COLLECTION SYSTEM V, TRACT NO. 536, FOR A CONSIDERATION
OF NINE HUNDRED DOLLARS (\$900.00)
was adopted.

ADMINISTRATIVE REGULATIONS FOR
CONDUCT OF EMPLOYEE DISCIPLINARY
HEARINGS

On motion of Councilman DiStefano, seconded by Councilwoman
Rutherford,
A RESOLUTION ADOPTING ADMINISTRATIVE REGULATIONS FOR
CONDUCT OF EMPLOYEE DISCIPLINARY HEARINGS
was adopted.

OVERTIME

Overtime for the week ending November 8, 1996 totaled \$ 51,824.23.

PURCHASES

On motion of Councilman DiStefano, seconded by Councilman
Swafford, the following purchases were approved for use by the Parks
and Recreation Department:

RIVERBEND CONSTRUCTION (Low bid)
Requisition No. 134677

Purchase of Construction Work at East Lake Park

P.O. A-1144078 was issued in the amount of \$4,206.00; final amount
for all items totaled \$10,107.00 for repair/patch outer retaining
wall (\$3.00/sq. ft.); repair damaged sidewalk and overlook at
Pavilion (\$700.00); patch bottom of pond w/concrete (\$3.00/sq. ft.);
build 3' wall outside pond at overflow (\$500.00); repair and raise
island wall 6" (\$3,000.00)

\$10,107.00

PURCHASES (Cont'd.)

DEVAN BROWN CONSTRUCTION, INC. (Lower and Better Bid)
Requisition No. 135053

Purchase of Construction of Interior Building Improvements to
Greenway Farm

\$55,600.00

PERSONNEL

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

TERIANCE L. COPELAND -- Employment, Sanitation Worker I, City-wide
Services, Pay Grade 4/Step 1, \$14,868.00 annually, effective
November 6, 1996.

TRACY L. BAILEY -- Employment, Laborer II, City-wide Services, Pay
Grade 4/Step 1, \$14,868.00 annually, effective November 6, 1996.

FLETCHER STONE -- Promotion, Maintenance Lubricator, Waste
Resources, Pay Grade 5/Step 13, \$22,277.00 annually, effective
November 18, 1996.

DENNIS C. BUCKNER -- Death, Sanitation Worker I, City-wide Services,
effective November 5, 1996.

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Hurley, the
following purchase was approved for use by the Public Works
Department:

TEMPLE, INCORP. (Lower and better bid for the City of Chattanooga)
Requisition No. 135665

Purchase of Traffic and Pedestrian Signal Heads

\$17,580.00

PURCHASES (Cont'd.)

DUKE'S SALES AND SERVICE (Only bid received)
Requisition No. 135987

Purchase of Twelve Month Contract for Root Control Chemicals
(Price Information Available and Filed With Minute Material)

HYDRA-MECH CO. (Only bid received)
Requisition No. 136027

Purchase of Matched Set of Wear Rings for Worthington Pump

\$14,667.00

PERSONNEL

The following personnel matter was reported for the Finance Division:

FRANKIE JONES -- Transfer, Clerk IV, Disbursing Division, Pay Grade 6/Step 6, \$19,498.00 annually, effective November 15, 1996.

COMMITTEES

Councilman DiStefano stated the **Education and Housing Committee** met today to continue review of the report of the Housing Task Force. He scheduled a meeting of the Committee for **Tuesday, December 3 at 5 p.m.**

Chairman Hakeem stated with the guidance and efforts of Councilwoman Hurley, we will have an informational briefing on issues involving children and families. He scheduled a meeting of the **Committee of the Whole** for **Tuesday, November 26 beginning at 4 p.m.**

CHRISTMAS EVE AND NEW YEAR'S EVE

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the **Council meetings scheduled for Tuesday, December 24 and 31, 1996 were canceled** due to their being Christmas Eve and New Year's Eve respectively; the motion carried.

COUNCIL OFFICE STAFF VACANCY

Councilman DiStefano made reference to the personnel vacancy in the Council office, and asked if the Council plans to pursue this matter between now and March or wait.

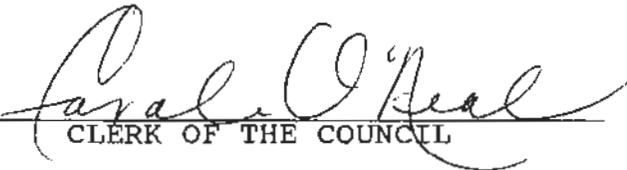
Chairman Hakeem stated suggestions have been made to us by Mr. Lanese regarding proposed changes to the job description for the Management Analyst; that the proposed changes will be given to each Council member who has not had opportunity to peruse them. He asked that a meeting of the Personnel Committee be scheduled so that the criteria for guidelines can be discussed and start the process.

Councilwoman Hurley scheduled a meeting of the **Personnel Committee for Tuesday, November 19 beginning at 5:30 p.m.** for a preliminary discussion regarding the matter.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, November 19, 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)