

Municipal Building
Chattanooga, Tennessee
December 17, 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

Chairman Hakeem gave the invocation for the evening.

MINUTE APPROVAL

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

CLOSE AND ABANDON

1996-251: Paul F. Gray

On motion of Councilman Lively, 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 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

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

AMEND CITY CODE

On motion of Councilman Swafford, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE

On motion of Councilman DiStefano, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 10465, AS AMENDED, 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 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 ESTIMATED REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5;

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

REZONING

Councilwoman Hurley made the motion to move Ordinance 6(n) and Resolution 7(a) up on the agenda since several people in opposition were present; Councilman Swafford seconded the motion.

Councilman Eaves asked if Ordinance 6(o) could also be moved up. The motioner and seconded agreed to amended their original motion to include Ordinance 6(o); the motion passed.

1996-273: A. C. Pruett

Pursuant to notice of public hearing the request of A.C. Pruett to rezone a tract of land located in the 4800 block of Hixson Pike came on to be heard.

The applicant was present; a considerable number in opposition was present.

Mr. Bennett stated this request is for a planned unit development and to rezone property from R-1 and R-3 to C-2; that surrounding zoning includes R-1, R-2 and C-1. He stated the land use in this area surrounding the site is predominantly single family residential adjacent to the property to the southeast and northeast; that both the Staff and Planning Commission recommended against the zoning change.

Atty. John Cavitt spoke on behalf of the applicant and stated they would like to withdraw the request.

REZONING (Cont'd.)

Councilwoman Hurley stated she would like to ask that this case be heard; that she will recommend denial. She stated the neighborhood is here in force and a good deal of misunderstanding between the neighborhood and the applicant has transpired; that the neighborhood had been informed this matter would not be heard and would be postponed. She stated the Planning Commission and Staff have heard the neighborhood and think their (Pruett's) request is inappropriate; that there would be a timing issue if we permitted withdrawal. She stated this has gone through the entire planning process and comes to us for action. She urged the Council that the matter be heard so that a vote can be taken.

Councilman DiStefano inquired of the timing issue referenced by Councilwoman Hurley if the matter is withdrawn. Mr. Bennett stated the applicant can come back after nine months if the matter is denied or they can come back any time if it is withdrawn.

Councilwoman Hurley stated the PUD was negotiated between the neighbors, many of whom have been there a number of years; that there was a compromise which included a number of refinements to the property. She stated this district is completely encircled by R-1; that rather than have the matter withdrawn and reappear in another form we should hear it tonight.

Councilman Pierce stated due to the fact the Planning Commission and Staff recommends denial he would agree if Councilwoman Hurley wants to make a motion to deny; that he does not think the Council should go through a full blown hearing.

Councilwoman Hurley stated her understanding is there must be a hearing before action can be taken.

Chairman Hakeem asked Atty. Cavitt if he had any further comment to make on the matter.

Atty. Cavitt stated he has no comment; that they wish to withdraw the request.

Terrell Fugate of 4802 Greenview Lane spoke in opposition to this request. He stated there are two motels within two blocks of this site; that the parking would come right up to the back yard where small children play and traffic would be a nightmare. He stated there is no direct access to what they are proposing; that the road they will use is being used by NTW Company with nine service bays; that NTW has 365 sales days per year. He stated there is a Kentucky Fried Chicken, Dunkin' Donuts and a Krystal establishment using this road; that traffic is fierce and cars move fast.

REZONING (Cont'd.)

Mr. Fugate continued by stating several years back they fought this battle with the same people; that they agreed to a one level apartment complex with a buffer and now they are saying a "deal is not a deal." He stated this changes the good faith agreement; that there are many trees that buffer the area and the trees will be gone; that he supports use for a single family or luxury townhouses but not a motel, especially an extended stay motel. He urged the Council to deny this request.

James Creel of 4803 Greenview Lane spoke next in opposition. He stated his children are the small children that Mr. Fugate spoke of; that there is a privacy factor involved as the proposed request will be 70 feet from his back door and with a two story building there is no way Mr. Pruett can build one high enough. He stated his Realtor stated this will hurt the property value of his home. He stated the business arrangement in 1984 was for a PUD and agreements were made; that the Staff and Planning Commission recommend denial and (he) urged the Council to do the same thing.

Paul Pickett of 4805 Greenview Lane stated the community met with these people in 1984 and approved the PUD with a buffer zone; that there is no zone on this one. He stated his problem is with a multi-story building and asked the Council to please deny this request.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 4800 BLOCK OF HIXSON PIKE, BEING OFF THE SOUTHEAST LINE OF HIXSON PIKE NORTHEAST OF WILLIAMS ROAD, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE

was denied.

SPECIAL EXCEPTIONS PERMIT

1996-274: A. C. Pruett

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPROVAL OF A SPECIAL EXCEPTIONS PERMIT TO A. C. PRUETT FOR THE ABANDONMENT OF A PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED IN THE 4800 BLOCK OF HIXSON PIKE, BEING ON THE SOUTHEAST LINE OF HIXSON PIKE NORTHEAST OF WILLIAMS ROAD, MORE PARTICULARLY DESCRIBED HEREIN

was denied.

REZONING

1996-265: Jeffery B. Carmack

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 REMOVE CONDITIONS FROM ORDINANCE NO. 10445 ON A TRACT OF LAND LOCATED IN THE 4500 BLOCK OF HIXSON PIKE, BEING ON THE NORTHWEST LINE OF HIXSON PIKE SOUTHWEST OF BAGWELL AVENUE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1996-268: Mark S. Longley

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 223 AND 229 DELWANNA TERRACE, BEING ON THE NORTHEAST LINE OF DELWANNA TERRACE SOUTHEAST OF PINEVILLE ROAD, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO R-4 SPECIAL ZONE

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

REZONING

1996-276: Bill Hullander

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 7110 EAST BRAINERD ROAD, BEING ON THE SOUTHEAST LINE OF EAST BRAINERD ROAD AT SOUTH CONCORD ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

Councilman Lively made the motion to move this matter up on the agenda with Councilwoman Hurley seconding the motion; the motion passed.

1996-271: Bruce McBryar

Pursuant to notice of public hearing the request of Bruce McBryar to rezone a tract of land located at 19 Lilac Avenue came on to be heard.

The applicant was not present.

Mr. Bennett stated the request is for rezoning to M-1 for wrecker assembly and outdoor storage; that surrounding zoning includes a very small strip of R-1 and R-2; that there is no other industrial zoning within this area. He stated land use includes general commercial development to the east; that the property is currently being used for industrial purposes; that the adjoining land use to the north and west is single family. He stated both the Staff and Planning Commission recommend against the zoning change.

Councilman Pierce inquired as to whether persons in the neighborhood were informed to be present. Councilwoman Rutherford stated the applicant was present last week and Council members present talked to him.

Councilman Pierce asked that a second opportunity be given so that the applicant can be present.

Councilwoman Hurley stated she wanted the record to reflect that Council persons were present last week; that if anyone came expecting a meeting Council members were present to inform them the meeting would be carried over to this week, reiterating that there was a presence of Council members present last week.

REZONING (Cont'd.)

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 19 LILAC AVENUE, BEING ON THE
NORTHWEST LINE OF LILAC AVENUE NORTHEAST OF CUMMINGS
HIGHWAY, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-1
MANUFACTURING ZONE
was denied.

CLOSE AND ABANDON

1996-210: Harry J. Whelchel Company

The applicant was present; there was no opposition.

Councilman Lively inquired about the moratorium on closure and abandonments that is in effect until Planning can complete their study.

Mr. Bennett stated the moratorium is still in effect; that they plan to have a recommendation to present at the January Planning Commission meeting and will have it back before the Council the same week.

City Attorney Nelson clarified that the moratorium is just for alleys; that this request is for abandonment of a street.

Councilman Swafford expressed his thought that the moratorium was for both (streets and alleys).

It was clarified the moratorium is for alleys.

On motion of Councilwoman Hurley, seconded by Councilman DiStefano,
AN ORDINANCE CLOSING AND ABANDONING CUSHMAN STREET
LOCATED SOUTHEAST OF OHIO STREET BETWEEN STUART STREET
AND BACHMAN STREET, MORE PARTICULARLY DESCRIBED HEREIN
passed first reading.

CLOSE AND ABANDON

1996-219: Hamilton County and Chattanooga-Hamilton
County Hospital Authority

The applicant was present; there was no opposition.

CLOSE AND ABANDON (Cont'd.)

Mr. Bennett stated this area is to the west of Hampton Street, north of East Third Street and includes Moore Street and Henderson Alley. He stated the Staff and Planning Commission recommend approval for all but the area necessary for the new right-of-way as determined by the City Engineer.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING MOORE STREET AND
HENDERSON ALLEY LOCATED NORTHWEST FROM HAMPTON STREET,
NORTHEAST OF EAST THIRD STREET, MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

1996-238: City of Chattanooga

There was no opposition in attendance.

Councilwoman Hurley explained this is to complete the assemblage of property on the off ramp of the Veteran's Bridge and up Barton Avenue; that the entrance way to the north of Frazier Avenue will be retained by the city and is not for development.

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
AN ORDINANCE CLOSING AND ABANDONING DALTON STREET
LOCATED NORTHEAST FROM FRAZIER AVENUE, NORTHWEST OF
BARTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
passed first reading.

REZONING

1996-233: Robert C. & Helen T. Mowery

Pursuant to notice of public hearing the request of Robert C. and Helen T. Mowery to rezone a tract of land located at 7306 Tyner Road came on to be heard.

The applicant was present; opposition was in attendance.

REZONING (Cont'd.)

Mr. Bennett stated this property is being request for rezoning to M-1 for a tractor trailer shop and storage; that the surrounding zoning includes R-1, R-3, M-2 and C-2; that the land use includes almost entirely single family residential along Tyner Road except the corner property, with some single family and multi-family use. He stated both the Staff and Planning Commission recommend against the M-1.

Robert Mowery stated he owns the property on the corner at Lee Highway and Tyner Road; that he has been in business about two years. He stated when he purchased the property in 1986 it was zoned R-3 and has been unused since that time. He stated he really does not want the property on Tyner zoned commercial; that he wants the property facing Lee Highway zoned commercial. He stated Barry Bennett met with him and the persons who are opposed to the rezoning; that he honestly does not want any property on Tyner Road zoned M-1; that he would like to have property on Lee Highway zoned M-1 to park tractor trailers. He stated there was a split vote at the Planning Commission to take 200 feet along Lee Highway and that he would put in a 12 foot high berm; that he is perfectly happy with that. He stated this request should be geared toward the property at Lee High rather than the Tyner address. He stated M-2 property is 60 feet from this and it is commercial all along Lee Highway; that he is perfectly happy to be zoned for this use only as he does not plan to sell the property because he has three sons in the business with him. He stated he would like to repair and park trailers at this location.

Kirk Johnson of 7201 Tyner Road stated he was involved in rezoning case 1987-074 on this same tract of property; that it was under different ownership at the time and was requested for an "M" designation; that he gathered names on a petition and was able to get the request denied at the time; that since then Mr. Mowery has bought the property. He displayed photographs that were taken in 1987 that showed the trailers parked on the property with homes in the background, explaining that the trailers are an unsightly view for homeowners to have to see; that he would like to request zoning the property back to R-1.

Allen Archer stated he lives on Tyner Road; that he has looked at the zoning law and it appears this business is clearly in violation of the criteria for C-2 zoning and the zoning change as requested. He asked the Council to not let Mr. Mowery's business get any bigger by parking trailers on more property.

REZONING (Cont'd.)

Councilman DiStefano inquired about the photos taken in 1987; that he would like to see what the property looks like today. He asked if the trailers had been moved. Mr. Johnson responded that the building inspectors got after Mr. Mowery and he had him move them.

Councilman DiStefano asked if the trailers are visible from Tyner Road. Mr. Johnson responded "yes;" that they are visible from Tyner Road to Lee Highway.

Councilman DiStefano made reference to five acres of land and what the distance is from Tyner Road across the property. Mr. Bennett responded that the property is about 300 feet along Tyner Road, 750-800 feet on the west and 400 feet on the east.

Councilman Swafford stated the photos displayed were taken in 1987 and has been cleaned up. He inquired as to whether the neighborhood has been notified; that they need to be contacted so that it will not infringe upon property they are trying to keep up; that he has some of this type property in his district. **At this point he made the motion to deny the request; Councilman Lively seconded the request.**

Mr. Mowery stated his only rebuttal is that this community has certainly changed since 1987; that Lee Highway is certainly not a residential area; that the nearest residential is the trailer park across the street. He again reiterated his not wanting a problem in the Tyner area; that he would like to have property to park his trailers; that he would like to tear down the building he is in and have a new building that looks better. He stated he does not have room where he is to continue operating.

Councilman Lively stated the reason he seconded the motion is that it might be true the neighborhood is changing, but M-1 is the most liberal zone.

Mr. Mowery stated he would be happy to take something less; that he was told this is what he has to have to park trailers; that he just wants to park empty trailers.

Councilman Eaves stated in all fairness he understands Mr. Mowery is in business; that he went out to view the property. He stated it is in a messy condition, and "messy" is a mild word to use to describe the property's condition. He stated if the property had been kept in an orderly manner and he (Mowery) had been a good neighbor there might be some consideration. He stated in all fairness he would feel the same way as the neighbors feel.

REZONING (Cont'd.)

On motion of Councilman Swafford, seconded by Councilman Lively, AN ORDINANCE TO AMEND TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7306 TYNER ROAD, BEING ON THE SOUTHWEST LINE OF TYNER ROAD NORTHWEST OF LEE HIGHWAY, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE
was denied.

REZONING

1996-239: Al Cannon

Pursuant to notice of public hearing the request of Al Cannon to rezone a tract of lane located in the 4100 block of Webb Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for RT-1 for a townhouse development of 25 units. He stated the surrounding zoning includes RT-1, R-1, R-3 and M-3; that the land use includes a mixture of family, two-family, and multi-family residential. He stated the request is considered to be an upgrade to a more restrictive zone from R-3; that both the Staff and Planning Commission recommend approval of the request and there was no opposition at the Planning hearing.

Councilman Crockett stated he realizes it is a more restrictive zone and inquired about the traffic on Webb Road. Admin. Marcellis stated he has not looked at the site; that five-to-six trips a day is about 125 more cars on the road, which is not a tremendous amount of extra traffic.

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 4100 BLOCK OF WEBB ROAD, BEING OFF THE SOUTHEAST LINE OF WEBB ROAD NORTHEAST OF ARBOR PLACE LANE, FROM R-3 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE
passed first reading.

REZONING

1996-255: Earl Settles

Pursuant to notice of public hearing the request of Earl Settles to rezone a tract of land located at 2806 and 2807 Calhoun Avenue and 1418 AND 1420 East 28th Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request is one block west of Rossville Boulevard; that the site area is 100 x 94 feet for rezoning to M-1 for coal, wood, and vegetable outdoor sales with no building. He stated the surrounding zoning is R-2 and C-1; that the land use includes the commercial development that is presently located on the property, some duplex development, single family to the north and multi-family across Calhoun. He stated both the Staff and Planning Commission recommend denial and there was opposition in attendance at the Planning hearing.

George Cash stated he lives on Calhoun Avenue and this road is very heavily traveled. He stated he has been there 69 years at one place and selling wood is the only income he has at the moment; that his remarks are on behalf of Mr. Settles, also. He stated he has attempted to clean up the property; that whether it stays R-2 or M-1 they will still have to deal with the heavy traffic as everything comes through there; that he bought the property from one of the Council members. He stated he can only use the property six months out of the year and reiterated this is the only income he and Mr. Settles have. He stated he has a 30% hearing loss in one ear and asked the Council's consideration for M-1 zoning.

Henry Zeigler stated he was present to represent Mr. Cash since he has a hearing loss; that he was present as a friend of the community. He stated he has a good relationship with Councilman Pierce; that the gentlemen requesting rezoning want their property to be acceptable to the community; that Mr. Cash is in good candor in stating his case as the whole community in this area is moving in the commercial vein.

Mr. Cash stated when the property was in violation the people at Planning did not know this and he and Mr. Settles didn't either; that they thought it was M-1.

Councilman Swafford stated he has had a chance to look at this; that the property being requested for rezoning is in violation. Mr. Zeigler added "yes, it is in violation."

REZONING (Cont'd.)

Councilman Swafford asked if either one of the individuals have a business license to operate. Mr. Zeigler responded Mr. Settles has a license.

Councilman DiStefano stated the proposed use is an outdoor use and asked if M-1 is the required zone for such use; whether there is another zone.

Mr. Bennett stated to the extent they will be using it M-1 is the most appropriate; that under C-2 they would only be able to utilize 20% of the property.

Councilman DiStefano asked if is M-1 the appropriate use because there is no other zoning to allow this. Mr. Bennett responded "pretty much."

Mr. Ziegler stated a massive clean-up would render their property acceptable; that they know it is not acceptable to the community as it is now. He stated there has been agreement they will do whatever is necessary to bring it in an orderly manner to be acceptable to the community.

Councilman Lively stated he thinks this situation is similar to the other two and feel bound to do what the law requires. **At this point he made the motion to deny the request.**

Councilman Pierce stated this is the basis for the recommendation of denial from Planning and Staff; that it started as a small operation selling sack coal and bloomed into a full scale business. He stated they recently moved in two old trailers and it was not until the sewer line was "tapped" that it was brought to the attention of other officials and they were given an opportunity to bring it into compliance. He stated he appeared before the County Commission and there was a petition with several signatures against the rezoning request.

Councilman DiStefano stated that clarifies some if it; that the reason we could not do C-2 is because of the trailers. Mr. Bennett added for that reason and the amount of area used for the outdoor business; that under C-2 you can only do 20% of any material you are selling.

Councilman DiStefano stated he agrees with the M-1 zoning; that we have a man who has operated a business for a number of years until complaints were registered about the trailers; that if he got rid of the trailers there might not be much opposition; that he is trying to find something that would allow some type of compromise zoning.

REZONING (Cont'd.)

Chairman Hakeem asked if there is a desire for Council members to consider a compromise zoning; there being none the vote on Councilman Lively's motion to deny was taken at this time.

On motion of Councilman Lively, seconded by Councilman Pierce,
AN ORDINANCE TO REZONE A TRACT OF LAND LOCATED AT 2805
AND 2807 CALHOUN AVENUE, AND 1418 AND 1420 EAST 28TH
STREET, BEING ON THE NORTHWEST LINE OF CALHOUN AVENUE
AT EAST 28TH STREET, FROM R-2 RESIDENTIAL ZONE TO M-1
MANUFACTURING ZONE

was denied; Councilman Crockett abstained from voting.

AMEND CONDITIONS

1996-256: V.L. East Brainerd Partners, LP

Pursuant to notice of public hearing the request of V.L. East Brainerd Partners, LP to lift conditions on Ordinance Nos. 10233 and 10243 came on to be heard.

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

Mr. Bennett stated the applicant is asking that the conditions be lifted on this request when property was rezoned C-1; that the condition was one that required interior parking areas be landscaped. He stated he met with the applicant and suggested an alternative plan; that he has not spoken with them since the meeting and perhaps they will have information available tonight as to what they plan to do. He stated the problem is that the parking lot has been completely paved over and there is a major grocery store on the property. He stated they do not want to have to go back in and tear the pavement up to comply with landscaping requirements.

John Vandergriff stated his company owns the development; that it is a shopping center. He stated a year-and-a-half ago they went before Planning to get the property zoned with conditions; that one condition was that they adhere to the landscape ordinance and they had no problem with that. He stated at the time they got permission to move forward they attempted to do soil boring; that when they started the development they found that the soil in the area was "crawfish dirt" and they had to put in extra rock. He stated some areas have four feet of rock and trees will not live in four feet of stone. He stated they will have to do something else and are asking for some relief by not having to cut up the parking lot; that they are proposing ten-to-eleven concrete island planters filled with Crepe Myrtle.

AMEND CONDITIONS (Cont'd.)

Councilman Eaves stated Mr. Vandergriff is right; that they had to put in layer-after-layer of stone and chipp to fill the land up. He asked Mr. Vandergriff to provide a drawing prior to second-and-third reading so that the Council can have an idea of how they propose to install the concrete planters.

On motion of Councilman Eaves, seconded by Councilman Swafford,
AN ORDINANCE TO AMEND ORDINANCE NO. 10233 AND 10243,
ENCAPTIONED AS SET FORTH HEREIN, SO AS TO AMEND
CONDITIONS SET FORTH THEREIN
passed first reading.

REZONING

1996-257: Charles T. Bowman

Pursuant to notice of public hearing the request of Charles T. Bowman to rezone a tract of land located at 6150 Hixson Pike came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for a more restrictive R-4 zone for apartment development of 124 units; that the surrounding zoning is R-1 and C-2, with the land use being predominantly vacant on the Ridge side and R-1 and commercial use along Hixson Pike. He stated the Staff and Planning Commission recommend approval subject to landscape provisions; that there are landscape conditions on the C-2 property attached to the ordinance.

Councilman Crockett inquired as to the site plan or traffic studies regarding this request.

Charles Bowman stated he is the one doing the development and has a site plan; that the grading and all of the water runoff has been approved by the City; that the only problem is the front 200 feet which is zoned C-2 which he would like to get a lower zoning to R-4. He stated as far as traffic on Hixson Pike there is a four lane road; that the location is right behind the Food Lion. He stated access to the property is from a 50 foot right-of-way that goes into the four lanes; that he would like to have consideration for R-4 on the front.

Councilman Crockett inquired as to how many units are being planned. Mr. Bowman stated there will be 120-125 units on a twelve acre tract; that they will be townhome-type apartments that will rent for \$750 per month each and will generate \$130,000 in city and county taxes.

REZONING (Cont'd.)

Councilman Crockett inquired as to whether Mr. Bowman is aware of the alternate landscape provisions attached to the ordinance and whether he is amenable to them. Mr. Bowman responded "yes;" that the attached provisions are more specific and more in conformance with the property which is more appropriate for this type of development.

Councilman Crockett inquired as to whether there are three lanes in the area. Admin. Marcellis clarified that there is a four lane road with a right turning lane; that the Tennessee Department of Transportation does plan to widen it but (he) does not know the schedule.

Councilwoman Hurley asked Mr. Bowman if he accepts the alternate version of the landscape provisions. Mr. Bowman responded "yes;" that he has a copy of them.

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 AT 6150 HIXSON PIKE, BEING OFF THE
SOUTHEAST LINE OF HIXSON PIKE SOUTHWEST OF BIG RIDGE
ROAD, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-4
SPECIAL ZONE

passed first reading (on the alternate version).

(COUNCILMAN EAVES EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)

REZONING

1996-261: M & M Development Company, Inc.

Pursuant to notice of public hearing the request of M & M Development Company, Inc. to rezone a tract of land located at 1205 Helena Drive came on to be heard.

Jim Gerard, the applicant, was present; there was no opposition in attendance.

Mr. Bennett explained that this is a very narrow strip of property; that the other zoning in the area is R-1; that the land use is single family residential along Helena Drive. He stated both the Staff and Planning Commission recommend approval subject to conditions.

REZONING (Cont'd.)

Councilman Crockett stated this is in his district and is adjacent to Councilmen Hurley and Lively's district; that they had a chance to see the site plan and a copy of the landscape plan. He stated Mr. Gerard has gone the "extra mile" to make information available to all of us. He asked if there is a way, like the previous case, that this can be passed on first reading and between second and third reading Mr. Gerard can get with Ann Coulter to work out an appropriate condition of landscaping.

Councilman DiStefano stated one of the conditions is a fifteen foot buffer; that he is concerned about the legal language and making sure we are keeping a buffer requirement.

Mr. Bennett stated the screening requirements are specific and are incorporated in the zone; that the requirement is still there.

Councilman Crockett clarified that landscape provisions will be added to the ordinance prior to second and third reading.

On motion of Councilman Crockett, 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 1205 HELENA DRIVE, BEING ON THE
NORTHWEST LINE OF HELENA DRIVE NORTHEAST OF HIGHWAY
153, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1996-264: Russell Lloyd

Pursuant to notice of public hearing the request of Russell Lloyd to rezone a tract of land located at 4655 Shallowford Road came on to be heard.

The applicant was not present; there was no opposition in attendance.

Councilman Swafford stated this appears to be less restrictive zoning; that the problem is if people really wanted to know about this they did not because this is listed on Shallowford Road. He stated he could not find the sign as it was on the side of the road. He stated people in the area who would be affected by this need to know. He asked if there is a study going on in regard to widening the road from Wilcox to Palmer; that there are a number of businesses in this area and in the morning and evening traffic is backed up two-or-three miles.

REZONING (Cont'd.)

Admin. Marcellis stated in the capital budget rights-of-way are to be purchased at four intersections along that strip; that there will be five lanes for several hundred feet.

Mr. Bennett stated the specific use is for office use for the Hamilton County Education Association.

Councilman Swafford suggested that the matter be tabled until January 7 and asked that the sign be relocated so that people will know.

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 4655 SHALLOWFORD ROAD, BEING OFF THE
NORTHWEST LINE OF SHALLOWFORD ROAD NORTHWEST OF CAINE
LANE, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO O-1
OFFICE ZONE.

was deferred until January 7, 1997.

REMOVE CONDITIONS

1996-265: Jeffery B. Carmack

Pursuant to notice of public hearing the request of Jeffery B. Carmack to remove conditions on a tract of land located in the 4500 block of Hixson Pike came on to be heard.

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

Mr. Bennett stated when the zoning was changed for the property it abutted a residential area; that since then a portion of R-1 has been zoned O-1 or R-4 and the screening requirement is no longer applicable. He stated the applicant is asking that that section of the conditions be amended; that the screening requirements between their property and the remaining R-1 is still in tact.

Councilman Hurley asked for clarification that the request is only to remove the screening requirement and inquired as to whether there has been a hearing on this.

Mr. Bennett indicated there was no opposition to this change at the Planning hearing.

REMOVE CONDITIONS (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 REMOVE CONDITIONS FROM ORDINANCE NO. 10445 ON A TRACT OF LAND LOCATED IN THE 4500 BLOCK OF HIXSON PIKE, BEING ON THE NORTHWEST LINE OF HIXSON PIKE SOUTHWEST OF BAGWELL AVENUE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-268: Mark S. Longley

Pursuant to notice of public hearing the request of Mark S. Longley to rezone a tract of land located at 223 and 229 Delwana Terrace came on to be heard.

The applicant was present; there was no opposition.

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 REZONE A TRACT OF LAND LOCATED AT 223 AND 229 DELWANNA TERRACE, BEING ON THE NORTHEAST LINE OF DELWANNA TERRACE SOUTHEAST OF PINEVILLE ROAD, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO R-4 SPECIAL ZONE passed first reading.

AMEND CITY CODE

Councilman DiStefano inquired as to the significance of this change.

Admin. Marcellis stated this was discussed in Public Works Committee two weeks ago; that whenever there is an easement that is an extreme distance to a commercial site this will allow a sign to be erected in the easement; that it has to be the main entrance.

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 3-1, RELATIVE TO THE DEFINITION OF PREMISES passed first reading.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Crockett,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, BY AMENDING SECTION 24-322 AND BY INSERTING
NEW SECTIONS 24-330, 24-331 AND 24-332
passed first reading.

ABANDON SEWER EASEMENT

On motion of Councilman Swafford, seconded by Councilman Crockett,
AN ORDINANCE ABANDONING CITY OF CHATTANOOGA SEWER
EASEMENT LOCATED ON PROPERTY AT 1901 AND 1907 IGOU
PLACE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE
passed first reading.

BURNER SYSTEMS INTERNATIONAL, INC.

Councilman DiStefano inquired as to whether Burner Systems is an
existing business located in the area. Mayor Roberts responded "no,
it is not."

Mayor Roberts introduced Mike Frost and Bill Carriger and stated
their development will ultimately bring in over 200 jobs to this
community and \$13.5 million additional dollars in that part of
Chattanooga; that we are pleased to have them.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE
BURNER SYSTEMS INTERNATIONAL, INC. PROJECT, TO DELEGATE
CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD
OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR
TO ENTER INTO AND EXECUTE AN AGREEMENT OR PAYMENTS IN
LIEU OF AD VALOREM TAXES
was adopted.

SOUTHERN FOUNDRY SUPPLY, INC.
PROJECT

Mayor Roberts introduced Mike Mall, Alfred Smith and Dale Hixson who
are affiliated with this project.

SOUTHERN FOUNDRY SUPPLY, INC.
PROJECT (Cont'd.)

On motion of Councilman Crockett, seconded by Councilwoman Hurley,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE
SOUTHERN FOUNDRY SUPPLY, INC. PROJECT, TO DELEGATE
CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD
OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR
TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN
LIEU OF AD VALOREM TAXES
was adopted.

AGREEMENT: HAMILTON COUNTY AND
THE STADIUM CORPORATION

On motion of Councilman Crockett, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH HAMILTON COUNTY AND THE STADIUM
CORPORATION FOR CERTAIN IMPROVEMENTS ADJACENT TO THE
NEW MAX FINLEY STADIUM AND GORDON DAVENPORT FIELD
was adopted.

AGREEMENT: RIVERSIDE PROPERTIES

Councilwoman Hurley indicated that all matters involving public
works was discussed in Committee this afternoon and come with a
recommendation for approval.

On motion of Councilman Crockett, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
PUBLIC WORKS DEPARTMENT AND THE CITY FINANCE OFFICER TO
EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT WITH
RIVERSIDE PROPERTIES FOR THE MODIFICATION OF THE
TRAFFIC SIGNAL CONTROLS AT RIVERSIDE DRIVE AND THE
TENNESSEE HUMAN SERVICES DRIVEWAY
was adopted.

INSTALLATION OF TWO FIRE HYDRANTS

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE INSTALLATION OF TWO (2)
FIRE HYDRANTS FOR PUBLIC FIRE PROTECTION AT LOCATIONS
MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING
PAYMENT OF THE TARIFF THEREFOR
was adopted.

CONTRACT: LOSE AND ASSOCIATES

On motion of Councilman Crockett, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A CONTRACT WITH LOSE & ASSOCIATES, INC., RELATIVE TO PHASE I OF THE WARNER PARK SOFTBALL STADIUM COMPLEX, FOR AN AMOUNT NOT TO EXCEED SIXTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$67,500.00), PLUS NECESSARY AND REASONABLE REIMBURSABLE EXPENSES NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Pierce, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO AIR EMISSIONS INVENTORIES AT SUMMIT LANDFILL, WHICH ARE REQUIRED FOR THE TITLE V AIR PERMIT APPLICATIONS, FOR AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND, THREE HUNDRED DOLLARS (\$14,300.00) was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO AIR EMISSIONS INVENTORIES AT THE MOCCASIN BEND WASTEWATER TREATMENT PLANT, WHICH ARE REQUIRED FOR THE TITLE V AIR PERMIT APPLICATIONS, FOR AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND, SIX HUNDRED DOLLARS (\$14,600.00) was adopted.

CONTRACT: RAINES BROTHERS, INC.

On motion of Councilman Lively, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-3-96, MEDIAN STRIP FOR MARKET STREET BETWEEN MAIN STREET AND 20TH STREET, TO RAINES BROTHERS, INC. FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED FOURTEEN THOUSAND, SIX HUNDRED TWENTY-ONE AND 38/100 DOLLARS (\$114,621.38) was adopted.

AGREEMENT: DOWNS ENGINEERING,
INC.

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH DOWNS ENGINEERING, INC. RELATIVE TO CONSTRUCTION
MANAGEMENT AND INSPECTION SERVICES ON THE HIGHLAND PARK
SEWER REPLACEMENT PROJECT, CONTRACT NO. SR-1-96, FOR AN
AMOUNT NOT TO EXCEED NINETY-FOUR THOUSAND, FOUR HUNDRED
TWENTY-ONE DOLLARS (\$94,421.00)
was adopted.

AMEND RESOLUTION NO. 20545
(COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS)

Councilwoman Hurley stated the Budget Committee heard both matters
and (both) come with a recommendation for approval.

On motion of Councilman Pierce, seconded by Councilman DiStefano,
A RESOLUTION AMENDING RESOLUTION NO. 20545, ENCAPTIONED
"A RESOLUTION APPROVING FISCAL YEAR 1995 COMMUNITY
DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP
ACT AND EMERGENCY SHELTER GRANT FUNDING AS SHOWN MORE
FULLY HEREINBELOW." SO AS TO AMEND THE SCHEDULE OF
FUNDING AS SET FORTH MORE FULLY HEREINBELOW
was adopted.

AMEND RESOLUTION NO. 20941
(COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS)

On motion of Councilman Pierce, seconded by Councilman DiStefano,
A RESOLUTION AMENDING RESOLUTION NO. 20941, ENCAPTIONED
"A RESOLUTION APPROVING FISCAL YEAR 1995-97 COMMUNITY
DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP
ACT AND EMERGENCY SHELTER GRANT FUNDING AS SHOWN MORE
FULLY HEREINBELOW." SO AS TO AMEND THE SCHEDULE OF
FUNDING AS SET FORTH MORE FULLY HEREINBELOW
was adopted.

OVERTIME

Overtime for the weeks ending December 6, 1996 (\$60,403.43) and December 13, 1996 (\$12,828.47) totaled \$73,231.90.

PERSONNEL

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

EARL J. TOWNSEND -- Resignation as Laborer II, effective 11/22/96.

COREY L. BURSE -- Transfer/Promotion from Laborer I to Laborer II, Pay Grade 4/01, \$14,868.00 annually, effective 12/11/96.

SCOTT FRADY -- Termination as Laborer II, effective 12/18/96.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

LINDA A. BURTON -- Extend Probationary Period an additional six months, until 5/31/97.

ARTHUR T. SANDS -- Suspension of Laborer I, effective 11/27/96, and 12/2/96, 12/3/96.

BOBBY G. CRUTCHER -- Voluntary demotion from Sanitation Worker I to Laborer I, pay grade 2/3, \$14,060.00 annually, effective 11/27/96.

LEWIS W. JONES -- Retirement of Foreman, effective 12/31/96.

GEORGE CLAIBORNE, JR. -- Lateral transfer from Laborer III position to Laborer III-C position, pay grade 5/14, \$22,945.00 annually, effective 12/11/96.

WILLIAM C. ROBINSON -- Resignation of Sanitation Worker I, effective 12/6/96.

OLIVER B. HARRIS, JR. -- Voluntary demotion of Sanitation Worker I to Laborer I, pay grade 2/14, \$19,173.00 annually, effective 12/11/96.

CHARLES B. APPLEBERRY -- Voluntary demotion from Sanitation Worker I/Laborer I to Laborer I, pay grade 2/6, \$15,300.00 annually, effective 12/11/96.

PERSONNEL (Cont'd.)

QUINTUS E. THOMAS -- Employment as Truck Driver II, pay grade 5/1, \$15,834.00 annually, effective 12/11/96.

JOHN R. DUNLAP -- Five day suspension without pay, effective 12/9/96 thru 12/13/96.

LEE YEARBY -- Three day suspension without pay of Equipment Operator, effective 12/9/96 thru 12/11/96.

WILLIAM L. BASHAM -- Death of Chief Plumbing Inspector 12/3/96.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Swafford, the following purchases were approved for use by the Public Works Dept.:

MECHANICAL ASSOCIATES, INC. (Lower and better bid)
Requisition No. 136044

Replacement HVAC Unit for Lab at Moccasin Bend Plant

\$58,460.00

POWER EQUIPMENT (Single Source Purchase)
Requisition No. 137054

Repair of Track Assembly Group on Dozer, Summit Landfill

\$24,128.26

BEE & CEE ENTERPRISES, INC. (Lower and better bid)
Requisition No. 133571

Demolition of structures at 1502 Old Ringgold Road

\$11,300.00

THOMPSON TRUCK REPAIRS, INC. (Lower and better bid)
Requisition No. 136473

Two Recycling Trucks, Solid Waste Division

\$247,020.00

PURCHASES (Cont'd.)

SWEEPING CORP. OF AMERICA, INC. (Only bid received)
Requisition No. 136472

Twelve-Month Contract for Street Sweeping Services

\$30.89 per curb mile

KEY JAMES BRICK (Lower and better bid)
Requisition No. 136488

Twelve-Month Requirement Contract for Common Brick

\$140.00/M

PENNINGTON SEED, INC. (Lower and better bid)
AUSTIN FEED & SEED CO. (Fertilizer can be picked up locally)
Requisition No. 136489

12-Month Requirements Contract for Grass Seed and Fertilizer

Pennington Seed (Grass Seed) Various prices

Austin Feed & Seed Co. (Fertilizer) \$4.95/50# bag

MOUNTAIN VIEW FORD (Lower and better bid)
Requisition No. 136089

New 1/2 Ton Pick-Up Truck for Interceptor Sewer System

\$16,288.07

COMMONWEALTH TECHNOLOGY (No local source available)
Requisition No. 137088

12-Month Contract for Biomonitoring and Instream Monitoring
for the Moccasin Bend Treatment Plant

\$58,300.00 annually

PURCHASES (Cont'd.)

NEILL SANDLER BUICK PONTIAC GMC (State Contract)
Requisition No. 137804

4 x 4 Pick-up Truck for Traffic Operations Division

\$11,475.00

CAPITOL WHOLESALE FENCE CO., INC. (Only bid received)
Requisition No. 136414

12-Month Requirements Contract for Fencing Materials

(See minute material for various prices)

PERSONNEL

The following personnel matters were reported for the Safety
Department:

ROBERT W. PEARSON -- Hire as Deputy Chief in Police Dept., pay grade
18/6, \$45,129.00 annually, effective 12/11/96.

THOMAS DICKENS -- Retirement from Police Dept., effective 12/26/96.

WILLIAM BRYSON -- Retirement as Relief Driver, effective 12/19/96.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman DiStefano,
the following purchase was approved for use by the Safety
Department:

TAYLOR'S LEATHERWARE (Only bid received)
Requisition No. 128413

12-Month Requirement Contract for Leather Patrol Jackets

\$205.00 each

HOTEL PERMIT

On motion of Councilman Swafford, seconded by Councilman DiStefano, the following Hotel Permit was approved:

LOOKOUT LAKE BED AND BREAKFAST --3408 Elder Mountain Road

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, the following purchases were approved for use by the Department of Finance and Administration:

PROTECH COMPUTERS (Lower and better bid)
Requisition No. 137202

Six-Months Requirements Contract for Desk-Top Computers

(See minute material for various prices)

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, the following purchase was approved for use by the Chattanooga-Hamilton County Bicentennial Library:

TRIMBLE INSURANCE (Lower and better bid)
Requisition No. 132239

Three-Years' Insurance Coverage for Bicentennial Libraries.

(See minute material for prices)

EMERGENCY PURCHASE

The emergency replacement of the engine in Track Loader W-894 for the General Services Department, Fleet Maintenance Division I, issued to Power Equipment Company in the amount of \$12,012.50, Purchase Order No. A-1144607, was duly signed in open meeting.

BOARD APPOINTMENTS

On motion of Councilman Lively, seconded by Councilman DiStefano, the following Board Appointment and Reappointments were approved:

BOARD APPOINTMENTS (Cont'd.)

TAXICAB BOARD -- Appointment of **Robyn Fuller** for a term to expire August 17, 1997. Reappointment of **Jill Kidder, George Fletcher, Ray Thompson, John Thornton, and Archie B. Stewart** for terms to expire August 17, 1997.

BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS -- Reappointment of **T. D. Harden and Jim Wilson** for terms to expire **October 1, 1999**; Councilman **Swafford** abstained.

SCENIC CITIES BEAUTIFUL COMMISSION -- Reappointment of **Lou Miller** for a term to expire **January 31, 2000**.

DEPUTY CHIEF/INSPECTOR GENERAL

Councilman Swafford stated he was out of the city when the announcement was made in regard to the hiring of the new Deputy Chief; that he was still of the understanding the Council was going to discuss the matter prior to the new person being brought on board. He expressed his feeling that the matter was handled inappropriately; that the position should have been filled with an officer from those currently in the employ of the Safety Department, emphasizing his disapproval of the way the matter was handled.

HEARING: GRADY RATLIFF

Councilman Swafford reported that the Council members present who heard information presented regarding Grady Ratliff's personnel hearing voted unanimously to uphold Administration's recommendation, which was that of termination.

COMMITTEES

Councilman Swafford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, January 7 at 5 p.m. and Tuesday, January 14 at 5 p.m.** for an update on departmental projects.

CANCELLATION OF DECEMBER 24 AND 31 COUNCIL MEETINGS

Chairman Hakeem reminded those in attendance that there will not be a meeting of the Council on Tuesday December 24 and 31. He indicated that the Council will meet in session again on January 7, 1997 at 6 p.m.

GARBAGE COLLECTION

Councilman Pierce inquired as to whether there will be alternate dates for garbage collection during the Holidays. Admin. Marcellis stated the Christmas holiday will be celebrated on Wednesday, which is not a collection day; that they will continue their pick-ups on the regularly scheduled days, as well as recyclables. He indicated they are completing pickups in Area 2 and have moved on to Area 3. He stated they are on schedule and will be picking up in Area 4 next week.

CITY HALL CHRISTMAS PARTY

Councilman Crockett indicated Mayor Roberts asked that the Council be reminded of the Christmas Party on next Tuesday, December 24 from 10 a.m. - 12 noon.

MERRY CHRISTMAS!

Chairman Hakeem wished everyone a joyous and merry Christmas!

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, January 7, 1997 at 6 p.m.



CHAIRMAN



CLERK OF COUNCIL

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