

Municipal Building
Chattanooga, Tennessee
February 10, 1998

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

INVOCATION

Barry Bennett gave the invocation for the evening.

AMEND ZONING ORDINANCE

City Attorney Nelson stated the ordinance has been amended to reflect "Section 1404(2)" as opposed to the previous "Section 1402(2)" due to a typographical error.

Councilmen Lively and Hurley made the motion to accept the amendment to this ordinance; the motion passed.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND CHATTANOOGA ZONING ORDINANCE
6958, AS AMENDED, AND TO CHANGE CERTAIN PROVISIONS
WITHIN ARTICLE V, SECTION 1402(2), REGARDING PERMITTED
USES WITHIN DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT
passed second reading. On motion of Councilwoman Rutherford,
seconded by Councilman Taylor, the ordinance passed third and final
reading and was signed in open meeting.

SEWER EASEMENT ABANDONMENT

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE ABANDONING SANITARY SEWER EASEMENTS
LOCATED ON PROPERTIES OF WILL CUMMINGS HOME FOR THE
AGED, INC., MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE
passed second reading. On motion of Councilman Taylor, seconded by
Councilwoman Rutherford, the ordinance passed third and final
reading and was signed in open meeting.

REZONING

1998-018: King Realty Ltd.

Councilwoman Rutherford made the motion to move this request up on the agenda; Councilman Pierce seconded the motion; the motion passed.

Pursuant to notice of public hearing the request of King Realty Ltd. to rezone a tract of land located at 1401 Chestnut Street came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Rutherford made the motion to table this request for six weeks; Councilman Lively seconded the motion.

Councilwoman Hurley stated the Council should hear the circumstances of the case to be certain Mr. King will be prepared to meet the recommendations within the six weeks.

Councilwoman Rutherford stated Mr. King needs to put some plans together; that all on the Council have expressed to him that we would like to see something more concrete than what he presently has.

Councilwoman Hurley stated it seems there might be people who came for that purpose; that it would be useful to hear from them before postponing the matter six weeks.

Chairman Swafford stated there was a split recommendation from Planning and Staff; that several conditions have been added.

Mr. Bennett stated all involved could get back together with Mr. King and look at more specific plans for the property and see if there is some way to tailor the conditions, some of which are unacceptable to him (applicant) for the most part; that they can come to a "meeting of the minds" of what would be appropriate.

Councilman Pierce stated he would like to ask if the matter is tabled six weeks would Mr. King come back with more concrete plans. Mr. King responded "yes."

Councilman Pierce asked if the matter is approved after the six weeks duration would Mr. King be in a position to put things in motion immediately or speculate as to when construction will begin. Mr. King stated the project's beginning is subject to financing.

REZONING (Cont'd.)

Councilman Pierce stated if the rezoning is passed (after the six weeks deferral) it will be conditional.

Chairman Swafford clarified that the Council expects Mr. King to come back with something they can look at that is concrete; that conditions will be considered with a concrete plan.

Councilwoman Hurley stated her remarks go in the direction in which Chairman Swafford spoke; that she has discussed this matter with Mr. King. She stated Mr. King has stated some of the conditions were conditions that he could not live with; that she has been told some of the conditions were conditions that had been negotiated. She stated she will vote for the motion to table but will not support a plan that does not comply with the spirit of the southside development; that she wants this statement made part of the record.

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 1401 CHESTNUT STREET, BEING ON THE
NORTHWEST LINE OF CHESTNUT STREET AT WEST 14TH STREET,
FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled until March 24, 1998 (six weeks).

REZONING

1998-003: Village Community

Pursuant to notice of public hearing the request of Village Community to rezone a tract of land located at 1402 Tunnel Boulevard came on to be heard.

The applicant was not present; opposition was in attendance.

Councilman Pierce stated he talked with the applicant on Friday who informed him that he probably would not be present tonight. He stated the applicant indicated that he would like to have the request withdrawn.

On motion of Councilman Pierce, 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 1402 TUNNEL BOULEVARD, BEING ON THE
NORTHWEST LINE OF TUNNEL BOULEVARD AT LILLIAN LANE,
FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT
TO CERTAIN CONDITIONS
was withdrawn at the request of the applicant.

REZONING

1998-004: A.V. Daniel

Pursuant to notice of public hearing the request of A.V. Daniel to rezone a tract of land located in the 3400 blocks of Birchwood Drive and Valley Road came on to be heard.

The applicant was not present; there was no opposition.

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 IN THE 3400 BLOCKS OF BIRCHWOOD DRIVE
AND VALLEY ROAD, BEING ON THE SOUTHWEST LINE OF
BIRCHWOOD DRIVE AT VALLEY ROAD, AND THE NORTHEAST LINE
OF VALLEY ROAD AT BIRCHWOOD DRIVE, FROM R-2 RESIDENTIAL
ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-3
RESIDENTIAL ZONE

was denied.

REZONING

1998-011: Chris Shadrick

Pursuant to notice of public hearing the request of Chris Shadrick to rezone tracts of land located at 7415, 7419, and 7425 Ziegler Road came on to be heard.

The applicant was present; there was no opposition.

Councilman Eaves stated the applicant has expressed her wish to withdraw this request. The applicant confirmed that she would like to have the matter withdrawn.

On motion of Councilman Eaves, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS
OF LAND LOCATED AT 7415, 7419, AND 7425 ZIEGLER ROAD,
BEING ON THE NORTHEAST LINE OF ZIEGLER ROAD AT NORTH
JOINER ROAD, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE

was withdrawn at the request of the applicant.

REZONING

1998-016: Kenneth L. Patton

Councilman Pierce made the motion to move this matter up on the agenda; Councilwoman Rutherford seconded the motion; the motion passed.

REZONING (Cont'd.)

Pursuant to notice of public hearing the request of Kenneth L. Patton to rezone a tract of land located at 3462 Plumwood Road came on to be heard.

The applicant was present; there was no opposition.

Kenneth Patton requested that this matter be withdrawn; that he plans to go back to the "drawing board" to find something more compatible with the neighborhood.

Chairman Swafford expressed appreciation to Mr. Patton for meeting with the community to work out this matter.

On motion of Councilman Pierce, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 3462 PLUMWOOD ROAD, BEING ON THE
SOUTHWEST LINE OF PLUMWOOD ROAD AT BREIT STREET, FROM
R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE
was withdrawn at the request of the applicant.

REZONING

1998-013: Edward E. Stephens

Pursuant to notice of public hearing the request of Edward E. Stephens to rezone a tract of land located in the 7800 block of Holiday Hills Circle came on to be heard.

The applicant was not present; there was no opposition.

Councilman Eaves inquired as to where this request is located as there is a Holiday Hills Circle in his district. Mr. Bennett indicated this request is located near Highway 58. Chairman Swafford stated this request is in his district.

When it was realized the applicant was not present, Mr. Bennett indicated that a notice had been sent referencing the date and time of the Council meeting. He stated the Staff and Planning Commission recommend approval of the request.

Councilman Lively and Rutherford made the initial motion to table the matter one week since the applicant was not present; the motion passed. Later in the meeting it was realized the applicant was in attendance and Councilmen Pierce and Lively made the motion to rescind the previous motion to table; the motion carried.

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 IN THE 7800 BLOCK OF HOLIDAY HILLS CIRCLE, BEING ON THE NORTHWEST LINE OF HOLIDAY HILLS CIRCLE NORTHWEST OF HOLIDAY HILLS DRIVE, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE passed first reading.

(COUNCILMAN HAKEEM EXCUSED HIMSELF FROM THE MEETING AT THIS POINT)

REZONING

1998-014: Joseph E. Weeks

Pursuant to notice of public hearing the request of Joseph E. Weeks to rezone a tract of land located in the 2800 block of Watauga Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated both the Staff and Planning Commission recommend denial of the M-1 and approval of the M-2 which would be more compatible with the adjacent development in the area; that the applicant is agreeable to the change to M-2.

Chairman Swafford clarified with the applicants as to their acceptance of the zone change; the applicants responded positively.

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 2800 BLOCK OF WATAUGA STREET, BEING ON THE SOUTHEAST LINE OF WATAUGA STREET AT EAST 28TH STREET, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE passed first reading.

REZONING

1998-015: Wildflower Properties, LLC

Pursuant to notice of public hearing the request of Wildflower Properties, LLC to rezone a tract of land located at 7429 Shallowford Road came on to be heard.

REZONING (Cont'd.)

The applicant was present; there was no opposition.

Councilwoman Rutherford inquired as to whether this request has been before the Council previously. Mr. Bennett indicated that it was zoned O-1 last year.

Mr. Bennett stated the property is currently zoned R-1; that there is R-1 abutting the site and O-1 across Shallowford and further west on Gunbarrel. He stated O-1 and R-4 are considered similar zones and the R-4 will be a lateral move; that both zones are primarily office zones with the difference being R-4 is the only zone for assisted living facilities. He stated if the R-4 is approved it will still have to go before the Variance Board for appeal; that both the Staff and Planning Commission recommend approval subject to the attached landscaping conditions.

Councilman Eaves inquired if there is an assisted living facility there, now.

Bill Howell, representing Wildflower Properties, stated the property is currently being used by the Lutheran Church; that there is an assisted care structure in another vicinity in the R-4 area.

Councilman Eaves asked for clarification as to the location of the request; whether there is a subdivision behind this property. Mr. Howell responded "yes".

Councilman Eaves stated the Twin Brook subdivision is near there; that when this area was zoned O-1 there was a berm that separated them (Twin Brook) and they agreed to the O-1. He stated he has not found the sign indicating the zoning request, but (he) is not saying the sign is not there; that he just has not found it.

Mr. Howell stated it was posted initially; that when the matter was heard at the Planning Commission they did not have opposition but neighbors who were there did ask questions and gave their approval. He stated they agreed to accept the same conditions regarding the buffer along the rear property line when zoned O-1.

Councilman Eaves asked if there would be a problem if the matter is deferred a couple weeks, reiterating that he could not find the sign.

Mr. Howell stated it should be a matter of record of those in attendance at the initial hearing in January; that Pryor Bacon was present.

REZONING (Cont'd.)

Councilman Eaves stated the matter could be approved on first reading and prior to second and third he would go "check it out".

Chairman Swafford informed the applicant that he will need to be present for second and third reading.

Chairman Pierce asked if a week will give Councilman Eaves enough time to check the property. Councilman Eaves responded "yes, it will".

On motion of Councilman Eaves, 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 7429 SHALLOWFORD ROAD, BEING ON THE
NORTHEAST LINE OF SHALLOWFORD ROAD SOUTHEAST OF
GUNBARREL ROAD, FROM 0-1 OFFICE ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

AMEND ORDINANCE 10145 TO PERMIT
ADDITIONAL USES

1998-017: Pro Storage

Pursuant to notice of public hearing the request of Pro Storage to amend condition number one imposed in Ordinance No. 10145 to permit additional uses on a tract of land located at 935 Mountain Creek Road came on to be heard.

The applicant was present; there was no opposition.

Councilman Lively stated this property is the old Mountain Creek School.

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 CONDITION
NUMBER ONE IMPOSED IN ORDINANCE NO. 10145 TO PERMIT
ADDITIONAL USES ON A TRACT OF LAND LOCATED AT 935
MOUNTAIN CREEK ROAD, BEING ON THE NORTHWEST LINE OF
MOUNTAIN CREEK ROAD AT THE "W" ROAD, SUBJECT TO CERTAIN
CONDITIONS
passed first reading.

REZONING

1998-021: Jerry Hagan

Pursuant to notice of public hearing the request of Jerry Hagan to rezone tracts of land located at 7365 and 7375 Old Cleveland Pike came on to be heard.

The applicant was present; there was opposition in attendance.

Mr. Bennett stated this request is for rezoning to RZ-1 for a single family zero lot line subdivision development of approximately thirty lots. He stated the surrounding zoning is R-1 and M-1 and the land use in the area is almost entirely single family residential with vacant property to the west, some single family to the south and an industrial zone area to the north as part of the Volunteer (VAAP) plant. He stated the Staff recommends against the zoning change and Planning recommends approval subject to conditions.

Jerry Hagan, applicant, distributed information to the Council regarding the different proposed ways to do the development; that they can get twenty-six units for this development. He stated if it is left R-1 they can get twenty-six lots and do the development with four flag lots; that in the RZ-1 zone they could have twenty-six lots and no flag lots. He stated in the RZ-1 zone they could have four lots backed up to the railroad, and in the R-1 they can get five lots; that in the RZ-1 zone it seems they get less children with the residents than they would in an R-1.

Lloyd Hoover spoke in opposition to this request and stated he lives down the road from this property and distributed photos of the site. He stated the primary reason the community is opposed is due to the one lane road there which will not support a subdivision with thirty houses. He made reference to the dumping that occurs in the area; that he has been a resident for two years and had to call the police due to a break-in; that the police had difficulty finding the road. He stated this is too small an area to put a subdivision of thirty houses on six acres and there will be safety problems. He made reference to the low visibility of cars approaching the drive for the proposed development; that there will be a number of accidents in addition to the road needing to be widened. He stated the R-1 does not have frontage on one of the lots; that there is a gas line on the site and, as a result, (he) does not believe you can have twenty-five lots on that property. He stated until the road is developed for access for this number of houses he requested that the property remain R-1.

REZONING (Cont'd.)

Councilman Eaves stated Mr. Hoover is exactly right that there is a one lane road leading to this area and to bear in mind there is going to be much more traffic on that road with R-1 housing even if you cannot get the number of lots developed. He stated he wants Mr. Hoover to understand that RZ-1 is essentially retired people and they do not create a lot of traffic; that the regular R-1 does and you will end up with about two automobiles per household sometimes. He asked Mr. Hoover if he is sure R-1 is what he wants.

Mr. Hoover stated since he and others in the community saw the sign posted they talked about the it; that by putting thirty houses in this secluded area the police will not know where to go; that there will be the potential for drugs and other negatives coming into the community.

Councilman Eaves stated the point he is trying to make is that we are not talking about RZ-1 or nothing, we are talking about RZ-1 or R-1; that he wants to make sure Mr. Hoover really understands what he is asking for. He stated Mr. Hoover might want to discuss this with the other neighbors and make sure they know what they want; that we do not have any control over R-1 but we do have control over RZ-1.

Mr. Hoover stated they understand the R-1, now, but what Councilman Eaves is talking about has not been considered; that several have been led to believe this would be a five-to-six house development.

Councilman Eaves made the motion to table the matter two weeks to allow time for the matter to be adequately discussed.

Councilman Swafford asked that the applicant and Mr. Hoover return in two weeks when the matter will come up again. Mr. Hagan stated if the Council is thinking this is going to be a five-to-six house development they might as well vote now.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS
OF LAND LOCATED AT 7365 AND 7375 OLD CLEVELAND PIKE,
BEING ON THE NORTHEAST LINE OF OLD CLEVELAND PIKE
NORTHWEST OF SILVERDALE ROAD, FROM R-1 RESIDENTIAL ZONE
TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS

was tabled two weeks.

CONTRACT: GLATTING, JACKSON,
KERCHER, ANGLIN, LOPEZ, RINEHART,
INC.

Councilwoman Rutherford stated Resolutions 7(a), (b), (c), (e), and (f) were discussed in Public Works Committee and come with the Committee's recommendation for approval.

On motion of Councilwoman Hurley seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO A CONTRACT WITH GLATTING, JACKSON, KERCHER, ANGLING, LOPEZ, RINEHART, INC. FOR THE STUDY OF STREET AND TRAFFIC FLOW MODIFICATIONS TO DOWNTOWN CHATTANOOGA STREETS FROM AN AMOUNT NOT TO EXCEED TWELVE THOUSAND, EIGHT HUNDRED DOLLARS (\$12,800.00)
was adopted.

SEWER EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM SERODINO, INC. AND KLIMESH, INC., RELATIVE TO CONTRACT NO. 28F, INFLUENT RELIEF PUMP STATION AND FORCE MAIN, TRACT NO. 1, FOR A CONSIDERATION OF EIGHT THOUSAND, SIX HUNDRED EIGHTY-SIX DOLLARS (\$8,686.00)
was adopted.

TEMPORARY USE: ARTECH DESIGN
GROUP, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING ARTECH DESIGN GROUP, INC. TO USE TEMPORARILY A TWELVE FEET (12') WIDE VACANT ALLEY LOCATED BETWEEN COWART AND WILLIAMS STREETS, SUBJECT TO CERTAIN CONDITIONS, AFTER IMPROVEMENT OF SAME BY ADDING PLANTERS, PAVERS, AND SOME FORM OF LANDSCAPE
was adopted.

AMEND RESOLUTION NO. 20886

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

A RESOLUTION AMENDING RESOLUTION NO. 20886, ENCAPTIONED "A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR AN R-T/Z PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED AT 7515 AND 7517 ZIEGLER ROAD, BEING ON THE NORTHEAST LINE OF ZIEGLER ROAD SOUTHEAST OF NORTH JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE." SO AS TO GRANT A ONE-YEAR EXTENSION FOR SAID PLANNED UNIT DEVELOPMENT

was adopted.

TEMPORARY USE: SPORTS BARN

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING SPORTS BARN TO USE TEMPORARILY THE EASTERN SIDEWALK OF BROAD STREET FOR THE INSTALLATION OF FOUR (4) FREESTANDING FOURTEEN FEET (14') LONG AND SIX FEET (6') WIDE CANVAS AWNINGS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: SPORTS BARN

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING SPORTS BARN TO USE TEMPORARILY THE WESTERN SIDEWALK OF MARKET STREET FOR THE INSTALLATION OF THREE (3) FREESTANDING FOURTEEN FEET (14') LONG AND SIX FEET (6') WIDE CANVAS AWNINGS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

DEED OF CORRECTION

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED OF CORRECTION ON THE BUSTER BROWN PROPERTY

was adopted.

AGREEMENT: PALADIN STRATEGIC

Councilwoman Rutherford stated this matter comes with the Public Works Committee's recommendation for approval.

On motion of Councilwoman Hurley, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH PALADIN STRATEGIC AT A COST NOT TO
EXCEED THREE THOUSAND DOLLARS (\$3,000.00) PER MONTH
WITHOUT SPECIAL AUTHORIZATION, FOR A TERM NOT TO EXCEED
TWELVE MONTHS TO PROVIDE PROFESSIONAL ADVICE AND
ASSISTANCE REGARDING A PROPOSED HIGH SPEED RAIL
CONNECTION BETWEEN ATLANTA AND CHATTANOOGA AIRPORTS
was adopted.

OVERTIME

Overtime for the week ending February 8, 1998 totaled \$10,334.40.

PERSONNEL

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

DANIEL CHANDLER -- Promotion, Wood Recycling Supervisor, Waste Resources, Pay Grade 10/Step 10, \$29,121.00 annually, effective January 15, 1998.

TONY CRUTCHER -- Promotion, Laborer III, Waste Resources, Pay Grade 5/Step 7, \$19,180.00 annually, effective February 18, 1998.

RODERICK GILBERT -- Demotion (Voluntary), Laborer I, City-wide Services, \$17,377.00 annually, effective February 12, 1998.

TRACY JONES -- Dismissal, Sanitation Worker I, effective January 27, 1998.

PURCHASES

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

ISCO/C.M. KAZMIER & ASSOCIATES (Single source)
Requisition No. R0031574

Purchase of Two Compact Portable Waste Water Samplers per TCA
6-56-301

\$11,400.00

PURCHASES (Cont'd.)

DUKE'S SALES & SERVICE (Contract Extension)
Contract No. P1144826

Purchase of Contract for Application of Root Control Chemicals
(Price information available and filed with minute material)

COMMONWEALTH TECHNOLOGIES, INC. (Contract Extension)
Contract No. P1145435

Purchase of Extension of Contract for Biomonitoring and Instream
Monitoring

\$58,300.00

PERSONNEL

The following personnel matters were reported for the Police
Department:

ISRAEL SILVA, JR. -- Resignation, Police Officer, effective February
19, 1998.

JASON WHITTEMORE -- Resignation,, Police Officer, effective February
9, 1998.

TERESA A. GORDON -- Reinstatement (change status from "rehired" to
"reinstated"), Dispatcher, effective September 2, 1994.

MAYOR'S NIGHT OUT IN DISTRICT 5

Chairman Swafford stated a community meeting was held in District 5
recently wherein he stated the Mayor's Night Out will be held in
District 5 on March 2 at 7 p.m. at Brainerd High School. He
corrected himself to indicate the meeting will begin at 5 p.m. as
opposed to 7 p.m. on March 2. He apologized for the unintentional
error and stated the time frame will be from 5 p.m. until 6:30 p.m.
and the meeting is for any citizen in the city; that the Mayor and
his administrative staff will be present to answer questions
citizens might have.

JERRY SHORT

Jerry Short, Coach of the West Side-College Hill Basketball team, presented the "Second Place" trophy the team won in the recent tournament held at Tyner Recreation Center for the Council to view.

Chairman Swafford congratulated the team on behalf of the Council and thanked Mr. Short for the service he provides in working with children.

ROBERT TULUS

Robert Tulus, President of the North Brainerd Community Association, stated he was present to point out safety in his community; that he has lived at 1807 Dogwood Drive since 1962 and this afternoon an accident occurred that he has been listening for since he has lived on the property. He stated Bennington Drive intersects Dogwood and the intersection is a "blind" one; that today a very large car traveling at above the 20 miles per hour crashed into a small automobile occupied by several people, including a baby. He stated the car was hit broadside and it could have been a total disaster; that the baby was the only one hurt. He stated this is a "blind" driveway and many pass his house at 60 miles per hour; that he asked for a reflector to be put on a tree so that someone exiting could see a car coming over the hill but was told if he put it up the City would maintain it. He stated he did not want to become liable for improperly placing a reflector; that the traffic division could consider this as a useful expenditure and requested that the traffic division look into this.

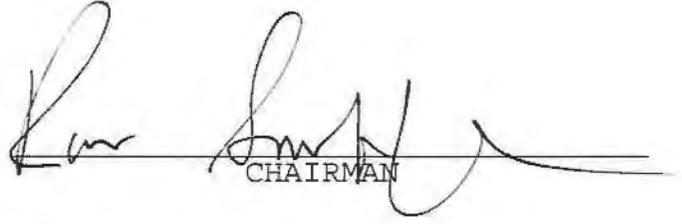
Chairman Swafford stated Admin. Marcellis is present and asked if he could have a report on this situation at the next Public Works meeting. Admin. Marcellis indicated Messrs. Tulus and Swafford's requests were noted.

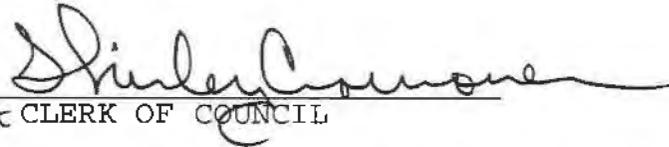
Mr. Tulus expressed thanks to the Council for their denial of Ordinances (a) and (g); that he thinks they are doing right as he was present with those in opposition.

Chairman Swafford thanked Mr. Tulus and others for working with the applicants as that is what neighborhood associations are really all about.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, February 17, 1998 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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