

Municipal Building
Chattanooga, Tennessee
July 14, 1998

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

INVOCATION

Invocation was given by City Attorney Randall Nelson.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS

Chairman Crockett indicated Judge Williams is scheduled to make a special presentation next week regarding the quarterly report of City Court; that he has information that needs to be shared with the Council tonight.

Judge Williams distributed copies of a press release scheduled for release on Wednesday, July 15 and stated he has been in consultation with the Court Clerk, Senior staff of the Court, the Finance Officer and the Mayor regarding the matter. He stated City Court will offer an amnesty period to persons who owe the City for outstanding fines; that in doing this it will allow people to clear their record; that they will collect for a period of sixty days. He stated the persons must appear in person and pay the outstanding fines and court costs without interest; that this was done five years ago and was very successful; that the amnesty period will be held August 1 through September 30, 1998. He stated in consultation with the City Attorney this does not require Council action but it was suggested the Council be made aware of it in the event they receive calls from their constituents.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

Councilwoman Hurley inquired as to fines that are levied and fines that are collected on an annual basis; that the \$10 million amount seems like a high number.

Judge Williams stated Chattanooga is the only municipality within the county that collects interest on outstanding fines; that we are really not giving up anything. He stated nobody else does this and we have been doing it for years; that he has tried to break out the numbers as best he could.

Councilwoman Hurley inquired as to whether the percentage is currently known of persons who pay. Judge Williams stated 6 percent of what the people pay is what he would argue; that he has cleared the record of persons who are deceased; that he is now dealing with people who just hold back on paying because of the interest. He reiterated that the amnesty period will be in effect for only 60 days and the City Court Clerk's office hours will be extended through 7 p.m. Monday through Friday to allow people to do this.

Councilman Taylor stated considering the 60 days and depending upon the amount of the fine, will persons have an opportunity to make two payments or must everything be paid at once.

Judge Williams stated the 60 days encompasses however they want to do it; that after the 60 days everything goes back to the normal procedure; that they have to do that because of the computer.

Councilman Pierce inquired as to the number of late penalties that have been assessed on the original fine.

Judge Williams stated they have no choice; that the State assesses 15% after 45 days on any outstanding fine, which is non-debatable; that they have to pay the State and the fine cannot be waived.

Chairman Crockett expressed thanks to Judge Williams for the update and indicated the Council looks forward to his quarterly report next week.

REZONING

1998-045: City of Chattanooga

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 IMPOSE ADDITIONAL CONDITIONS UPON CERTAIN TRACTS OF LAND LOCATED BETWEEN THE 1300-1700 BLOCKS OF BAILEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PRESENTLY ZONED R-4 SPECIAL ZONE WITH CONDITIONS TO R-4 SPECIAL ZONE WITH CONDITIONS SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS AND TO REZONE CERTAIN TRACTS OF LAND LOCATED WITHIN THE 1800 BLOCK OF BAILEY AVENUE (NORTHSIDE ONLY), MORE PARTICULARLY DESCRIBED HEREIN, PRESENTLY ZONED R-4 SPECIAL ZONE WITH CONDITIONS TO R-4 SPECIAL ZONE WITH CONDITIONS SUBJECT TO THE FOLLOWING ADDITIONAL 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

1998-042: J. C. Gibson

Pursuant to notice of public hearing the request of J. C. Gibson to rezone a tract of land in the 900 and 100 blocks of Mackey Avenue came on to be heard.

The applicant was present; there was no opposition.

Bill Shell was present representing Mr. & Mrs. Gibson and stated the property in question is a 16 x 20 tract of land and the acreage is farm land the Gibson's own on Mackey Avenue. He stated the property is currently being used to pasture a few horses and they will never need it again for farming; that their objective is to get the property rezoned so that they can put it on the market for a little higher price. He stated the original request was for C-2 because the property adjoining to the north is C-2 and there are only two residential houses; however, the county's comprehensive plan did not view C-2 favorable. He stated he then asked for R-4 and the Planning Commission agreed to R-3 and they can "live" with the R-3 designation; that R-4 would bring a higher price; that whatever is the pleasure of the Council would be okay with them and would appreciate R-3.

REZONING (Cont'd.)

Mr. Bennett stated the site is presently zoned R-1 and both the Staff and Planning Commission felt commercial zoning would not be appropriate at that location because of the proximity of the single family neighborhood to the east; that there is a C-1 to the north with R-1 abutting to the south, east and west. He stated the land use indicates the commercial property is at the major thoroughfare of East Brainerd Road to the north and northeast and most of the vacant property is flood land. He stated Mr. Shell stated the Planning Commission felt the R-3 would give them more latitude in developing the property rather than R-1 and that would serve as a transition zone. He stated the Staff has no problem with the R-3.

Councilman Taylor asked if there is any idea of what is planned for the property.

Mr. Shell responded "no;" that they have no definite plan but do have a 30-40 year history of getting along well with the Planning Commission people; that he knows the rezoning is subject to conditions and they will meet all the conditions. He stated they will not build anything that would be questionable and they have no problem conforming to the conditions.

Councilman Taylor asked if the the basic reason for the rezoning is to get a higher price for the property. Mr. Shell responded "yes;" that the price would almost double.

On motion of Councilman Lively, seconded by Councilman Eaves,
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 900 AND 1000 BLOCKS OF MACKAY
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-3 CONVENIENCE COMMERCIAL ZONE
passed first reading.

REZONING

1998-098: Jay Simpson

Pursuant to notice of public hearing the request of Jay Simpson to rezone a tract of land located at 2309 Hamill Road came on to be heard.

Chairman Crockett indicated the applicant called and faxed a request for withdrawal of this request.

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 2309 HAMILL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4
SPECIAL ZONE

was withdrawn at the request of the applicant.

REZONING

1998-103: Dorothy Lund and Lorraine Fox

The applicant was present; there was no opposition.

Phil Rhodes of the Hudson Company was present representing the applicants, owners of the property, and Fleetwood Mobile Homes, a national mobile home company. He stated the request is for a mobile home sales lot which will be very attractively landscaped. He stated they do not have any problem with the Staff's recommendation regarding the conditions and are willing to comply with the landscape ordinance as well as the City Engineer's recommendation. He stated the property has been on the market for seven years and Ms. Lundsden still lives there; that they do have a problem with the buffer as they feel the buffer zone is extreme; that they could "live" with the buffer being 40 feet (rather than 50 feet). He stated the conditions ask for a ". . . 25' landscaped buffer and an 8' wooden fence . . ." abutting the C-2 property; that he does not understand what is being buffered. He stated they have no problem with landscaping; that the property is so encumbered with power lines.

Mr. Bennett stated the surrounding zoning is either C-1, C-2, M-1 and M-2; that the land use is pretty much a combination of general commercial and industrial use. He stated the property is adjacent to the old Confederate Cemetery.

Mr. Rhodes stated he does not have a site plan for this site; that what was shown on Mr. Bennett's slides was a conceptual plan. He stated he would like to go back to his request that the buffer be 40 feet on the Interstate side rather than the 50 feet as stated in the conditions and for the 25 foot buffer between this property and the C-2.

Councilman Eaves stated rather than prolong going forward, he would like to have Mr. Rhodes give the Council an idea of what he would like to have changed and have it considered on second and third reading.

REZONING (Cont'd.)

Councilwoman Rutherford stated her question pertains to the buffer, that she does not know what is being buffered against.

Mr. Bennett stated there would be no problem in going to a 40 foot buffer and having some landscaping; that that would not be a problem.

Councilwoman Rutherford asked that Councilman Eaves amend his motion to change the buffer to 40 feet and a landscaping 25 foot buffer on the C-2 side.

Councilman Eaves stated he would rather not and that he is not playing "upmanship" here. He stated on more than one occasion the Council has left things "floating" in the area and would like to have the conditions zoned in as part of the zoning to clarify what is to be done.

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 A TRACT
OF LAND LOCATED AT 7730 LEE HIGHWAY, MORE PARTICULARLY
DESCRIBED HEREIN, FROM C-1 HIGHWAY COMMERCIAL ZONE TO
M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1998-107: Kenneth Quarles

Pursuant to notice of public hearing the request of Kenneth Quarles to rezone a tract of land located at 3200 Calhoun Avenue came on to be heard.

The applicant was present; there was no opposition.

G. A. Bennett was present representing K M Enterprises and Mr. Quarles and stated Mr. Quarles originally purchased the property years ago to renovate and re-market as a church. He stated after letting it sit for a few months the damages to the structure was such that it was no longer cost efficient to remodel into a church; that the building was gutted and made into a large garage and office building with storage in the back. He stated they originally thought C-2 was the zone that was needed for leasing the property out but were advised M-2 was a more proper zone.

REZONING (Cont'd.)

Mr. Bennett stated they have a long term tenant who is ready to move in; that he has an operation where he hauls trucks and cars and moves rental equipment. He stated the trucks will be brought into the building for repair; that the trucks are driven home by the driver; that they will come to this building to report-in or to bring the trucks in for repairs. He stated they have made a lot of substantial improvements to the entire property on the corner and block; that it contributes to that area of the City. At this point Mr. Bennett distributed photos showing the remodeling that has been done.

Councilman Hakeem inquired as to the "bottom line" of whether this could turn into a junk yard. Mr. Bennett responded "no".

Councilman Hakeem asked if vehicles will be parked outside the building. Mr. Bennett responded "no"; that he might have been misleading when he made reference to the vehicles and trucks; that the tenant only owns three trucks. He stated they are leasing this building to use as an office; that the dispatcher will be located there and the rest of the building will be used to do repair on the trucks they own and there will not be vehicles parked around the building for repair. He stated there is an adjacent lot to the side that is fenced-in that used to be used to store vehicles; that those vehicles have all been taken out by the owner and that property is now leased to this tenant.

Councilman Hakeem stated he thought he heard that the vehicles would be brought in and the trucks will be around the building. Mr. Bennett responded "no"; that the only vehicles are the tenant's trucks and his oil changer and mechanic will work on the trucks themselves.

Councilman Taylor asked for clarification that the company they will be leasing to is a towing company. Mr. Bennett responded "they do some towing, yes".

Councilman Taylor asked if there will be an opportunity for parked cars there. Mr. Bennett responded, "yes, in the lot adjacent".

REZONING (Cont'd.)

Councilman Taylor asked if the applicant will be able to put up some type of sight obscuring fence where the residential area is. Mr. Bennett responded "yes, that the property adjacent to the building is already fenced in and they will have no problem obscuring the fence".

Councilwoman Rutherford stated she knows there are businesses such as towing companies that end up storing wrecked vehicles for many months and asked if this is something this neighborhood will be subjected to.

Mr. Bennett stated he could not promise exactly how long each vehicle is there; that he does not know that.

Councilwoman Rutherford stated by Mr. Bennett's response it is possible; that it could basically turn out to be what is termed a junk yard.

Mr. Bennett stated that is certainly not this tenant's intention; that that is not how he runs his business presently. He stated he certainly hopes not; that that is not what we perceived in his discussions with him.

Councilwoman Rutherford stated unfortunately that is what usually happens.

Barry Bennett stated all abutting zoning is R-2 on Calhoun and C-1 to the east. He stated the land use in the area is single family residential; that the church property extends into residential on the west and commercial development to the south of 32nd Street; that it is entirely commercial to the east on Rossville Boulevard.

Councilman Pierce stated he is inclined to agree with Councilmen Rutherford and Hakeem as far as storage of cars is concerned. He inquired as to whether the proposed tenant has a current business and its location.

Mr. Bennett indicated that he does have a current business and asked Councilman Taylor if he has an address on that.

Councilman Taylor responded "no"; that he does not know where the existing business is located.

REZONING (Cont'd.)

Councilman Pierce stated the Council had a zoning request last month on the opposite corner and only allowed O-1 in that zone; that maybe the Council needs to assess whether there will be long term parking; that he thinks all are aware this is basically what will happen; that they will have insurance-claimed cars staying there that have been towed. He stated in looking at the lot adjacent it looks like a lot for storing (vehicles). At this point he made the motion to table the matter one week; Councilwoman Hurley seconded the motion.

Mr. Bennett stated the property adjacent to the old church building that is fenced-in is where they plan to place cars that have been towed; that it has been used for years and years by the motor company that owns it. He stated that is what this property has been used for for at least 16-18 years.

Councilman Pierce stated the owner was operating out of zone and illegally in R-2; that he just got away with it all those years and was not in compliance.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED AS
THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND
LOCATED AT 3200 CALHOUN AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2
HIGHWAY COMMERCIAL ZONE
was tabled one week.

REZONING

1998-109: Shirley Celeste Deakins

Pursuant to notice of public hearing the request of Shirley Celeste Deakins to rezone a tract of land located at 222 Baker Street came on to be heard.

The applicant was present; there was no opposition.

Shirley Deakins stated she has been trying for the last five years to sell her property for what it is worth; that it is prime property with a "million dollar view". She stated it is hardly property that would not be considered investment property and should be included in any plan for the North Shore or C-7 zone. She stated the C-7 request came up and was voted on by Planning, was brought before the Council as a Resolution and had to be changed to an Ordinance, which is irregular and unusual, but that happens.

REZONING (Cont'd.)

Ms. Deakins stated she is presently hoping she can reason with the Council to be able to include her property in this decision (C-7 zone.) She stated there has been a business operating out of a garage across the street from her (much to her chagrin!), has had a landfill of debris coming out of a "slum lord's" property, and the latest outrage has been people living in a tent city and performing outrageous acts in full view. She stated all of this has piled upon her and there are issues of control; that she does not know what is to be done about it. She asked the Council to consider letting her sell her property for what it is worth or do something with it before she dies as she does not generate a lot of income. She stated she needs to be heard in a significant way to allow her to be freed-up from the confines that control this place. She implored the Council to consider this request. She stated her property is worth more than \$80,000, which would not begin to "do" it!

Councilwoman Hurley stated there have been substantial improvements on Baker Street and C-7 does not exist for Baker Street. She stated this is a carefully designed commercial area with a new zone we have just approved and will have to be voted on again to get the correct definition of what C-7 is. She stated it is our plan to move C-7 into residential areas (hopefully) within the next six months to one year; that certainly Ms. Deakins' property will be in C-7 and (she) will not need to apply for C-7. She stated Judge Williams knows how many substantial improvements have been made. She stated she will move (sadly) to deny Ms. Deakins' petition because C-7 simply does not exist and there is not a legal definition.

On motion of Councilwoman Hurley, 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 222 BAKER STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-7
MIXED USE DISTRICT

was denied.

REZONING

1998-111: James P. Cunningham, Jr.

Pursuant to notice of public hearing the request of James P. Cunningham, Jr. to rezone a tract of land located in the 1200 block of Gunbarrel Road came on to be heard.

The applicant was present; there was opposition in attendance.

REZONING (Cont'd.)

Atty. Arvin Reingold was present representing Mr. Cunningham. He distributed photos of the type of duplexes the applicant plans to build and indicated the applicant has owned the property for a long period of time. He stated the rent will be \$800 per month and will have two bedrooms and a deck; that his other option is to further extend out Gunbarrel with clusters of homes and single-wide mobile homes. He stated the applicant likes to build upscale and would agree to any type of restriction. He stated there is a mind set that R-2 duplexes will encourage transients; that the applicant owns this property and maintains it. He urged the Council to consider this request with some restrictions; that Mr. Cunningham has a good development and wants to bring something upscale into the area.

Barry Bennett stated the surrounding zoning for this property is entirely R-1 and the surrounding land use is almost entirely single family residential. He stated both the Staff and Planning Commission recommend against the change as a "spot zone".

Jack Vincent of 1108 Ridgetop Drive stated he lives above this area; that he represents the residents on Elaine Trail, Kenmore Lane, Gunbarrel Road, Sanctuary Drive, Audubon Hills, Wrenn Circle and Ridgetop Drive. He stated this request was recommended for denial by the Planning Commission in June; that the communities mentioned above were developed under an R-1 restriction and property values are based on those considerations. He stated rezoning this property to R-2 would depreciate properties in their communities, increase traffic and lead to further rezoning and neighborhood devaluation. He stated Atty. Reingold indicated the applicant has owned the property for a long period of time; that he has a copy of the quit claim deed that was signed by the applicant in April of 1997, which proves he has not had the property long. He requested that no changes be made in the zoning in their area.

Atty. Reingold stated he would appreciate the Council's consideration to allow the developer to become creative and innovative. He stated otherwise the developer is forced to build something that will really detract from the community; that this is not a speculative idea regarding the upscale duplexes.

On motion of Councilman Eaves, 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 IN THE 1200 BLOCK OF GUNBARREL ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE
was denied.

REZONING

1998-113: Sisters of Charity Nazareth Health Corporation

Pursuant to notice of public hearing the request of Sisters of Charity of Nazareth Health Corporation to rezone a tract of land located at 904 Kilmer Street came on to be heard.

The applicant was present; there was no opposition.

Councilman Hakeem stated this matter has been before the Planning Commission and the community has been involved in the process; that a point of clarification regarding the matter has been met and approval is recommended.

On motion of Councilman Hakeem, 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 904 KILMER STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS
passed first reading.

REZONING

1998-115: Guy L. Chastain

Pursuant to notice of public hearing the request of Guy L. Chastain to rezone a tract of land located at 1914 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition.

Ben Plain was present representing Mr. & Mrs. Chastain, owners of the property since the mid 50's and stated they have made their residence there. He stated as of last month a Fast Lube car maintenance facility is being built right next to where they have lived and have found it is now time to move and sell; that they now have a contract. He stated when they appeared for the rezoning there was a bit of confusion; that the plan was very narrow and they had to come up with a site plan quickly and in using a general plan created some confusion. He stated one lot was left off that will have to be used for stormwater runoff; that this area will have to be used as parking, also. He stated the developer has the plan with him tonight.

REZONING (Cont'd.)

Barry Bennett stated the commercial zoning being requested is in compliance with the Growth Corridor Policy for this area; that the problem is that the last lot extends into Dedman Lane which would not have a specific use and the recommendation was to leave that parcel out. He stated use of the lot for the stormwater drainage and parking would require commercial zoning or a special permit; that if the property is being used for parking and storm water drainage it is in complete compliance with the Corridor Policy.

City Attorney Nelson clarified that the ordinance reflecting three lots is the one before the Council for approval. Councilman Eaves and Mr. Bennett responded affirmatively.

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 1914 GUNBARREL ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL
ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS
passed first reading.

REZONING

1998-120: L & P, LLC

Pursuant to notice of public hearing the request of L & P, LLC to rezone a tract of land located in the 2400 block of 6th Avenue and 8th Avenue, and the 2400 and 2500 blocks of 7th Avenue came on to be heard.

The applicant was present; there was no opposition.

Barry Bennett stated the six conditions recommended by the Planning Commission were submitted by the Chattanooga Housing Authority (CHA).

Chairman Crockett asked the applicant if he received a copy of the conditions and whether he is in agreement (with them).

David Martin of L & P, LLC, indicated that he has not seen the six conditions; that he has had discussions with CHA and expressed agreement in all their discussions, but has not seen the conditions (in writing).

REZONING (Cont'd.)

Councilman Lively suggested that the matter be passed on first reading and have the applicant meet with Barry Bennett regarding the conditions. Mr. Martin again reiterated there have been no problems in discussions with CHA.

Barry Bennett stated the request is for M-1; that the current zoning is R-3 with some M-2 and light industrial in the area. He stated the large R-3 area to the north is the CHA property, the East Lake Courts.

After reading the six conditions, Mr. Martin indicated his agreement with them.

Councilman Pierce indicated the entrance to the property will have to come off Dodds Avenue; that there won't be an entrance off Sixth Avenue.

On motion of Councilman Pierce, 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 2400 BLOCK OF 6TH AVENUE AND 8TH
AVENUE, AND THE 2400 AND 2500 BLOCKS OF 7TH AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3
RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO M-1
MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1998-123: Jeff Brakebill

Pursuant to notice of public hearing the request of Jeff Brakebill to rezone a tract of land located at 516 and 518 Tremont Street came on to be heard.

The applicant was not present; there was no opposition.

Councilwoman Hurley stated the applicant called about two hours before the meeting and explained that he had a business meeting scheduled that he could not get out of and could not be present tonight. She stated this is a request she is very much in favor of that has the recommendation of both the Planning Commission and Staff for approval; that this creates a very small shopping area on Tremont and there was no opposition to the request.

REZONING (Cont'd.)

Chairman Crockett asked that the applicant be notified to be present for second and third reading.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 516 AND 518 TREMONT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1998-126: Hamilton County Government, c/o Real Property Office

Pursuant to notice of public hearing the request of the Hamilton County Government to rezone tracts of land located at 6011, 6019, and 6023 Century Oaks Drive came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Hakeem, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF AND LOCATED AT 6011, 6019, 6023 CENTURY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO M-2 LIGHT INDUSTRIAL ZONE passed first reading.

ACQUISITION OF PROPERTY

Councilwoman Hurley stated this matter was heard in Committee today and it has been recommended to be held until such time as Parks and Recreation completes their major plan.

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT LONG AND WEST 26TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM GERTRUDE W. GASTON FOR A CONSIDERATION OF FORTY-FOUR THOUSAND DOLLARS (\$44,000.00) was tabled indefinitely.

AGREEMENT AMENDMENT: ARCADIS,
GERAGHTY & MILLER

Councilman Taylor stated Resolutions 7(b) - (i) were discussed in Public Works Committee and come with the Committee's recommendation for approval.

On motion of Councilman Taylor, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO.
1 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER,
RELATIVE TO CONTRACT NO. 28I, BUILDING EXPANSION AT
MOCCASIN BEND WASTEWATER TREATMENT PLANT, WHICH
AMENDMENT INCREASES THE CONTRACT BY AN AMOUNT NOT TO
EXCEED SEVENTY-FOUR THOUSAND, THREE HUNDRED SEVENTY
DOLLARS (\$74,370.00) FOR A TOTAL REVISED AMOUNT NOT TO
EXCEED TWO HUNDRED THIRTY-FOUR THOUSAND, THREE HUNDRED
SEVENTY DOLLARS (\$234,370.00)
was adopted.

AGREEMENT: BARLEW-NEUHOFF
ARCHITECTS, INC.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC
WORKS TO ENTER INTO AN AGREEMENT WITH BARLEW-NEUHOFF
ARCHITECTS, INC., RELATIVE TO THE DESIGN OF AN ADDITION
TO THE CITY-WIDE SERVICES ADMINISTRATION BUILDING, FOR
A FEE NOT TO EXCEED TWENTY FOUR THOUSAND, NINE HUNDRED
DOLLARS (\$24,900.00)
was adopted.

CONTRACT: BURGIN CONSTRUCTION
COMPANY, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
CSO-3-98, WILLIAMS STREET COMBINED SEWER OVERFLOW
FACILITY, TO BURGIN CONSTRUCTION COMPANY, INC. FOR
THEIR LOW BID IN THE AMOUNT OF THREE MILLION,
SEVENTY-NINE THOUSAND, SEVEN HUNDRED FIFTY DOLLARS
(\$3,079,750.00)
was adopted.

CONTRACT: STATE OF TENNESSEE,
DEPARTMENT OF TRANSPORTATION

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
MAINTENANCE CONTRACT WITH THE STATE OF TENNESSEE,
DEPARTMENT OF TRANSPORTATION, FOR FISCAL YEAR 1998-99,
RELATIVE TO THE STATE REIMBURSING THE CITY FOR
MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE
CITY

was adopted.

TEMPORARY USE: FRYAR TRUCKING
COMPANY, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING BOBBY FRYAR TRUCKING COMPANY,
INC. TO USE TEMPORARILY A PORTION OF THE CITY'S
RIGHT-OF-WAY AT 36TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FOR EMPLOYEE PARKING, SUBJECT TO
CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: JOSEPH AND
JOSEPHINE LAVECCHIA

On motion of Councilwoman Rutherford, seconded by Councilwoman
Hurley,

A RESOLUTION AUTHORIZING JOSEPH V. LAVECCHIA, M.D. AND
JOSEPHINE G. LAVECCHIA TO USE TEMPORARILY A PORTION OF
THE CITY'S SEWER EASEMENT NEAR 1040 HERITAGE LANDING
DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: ROTHWELL
ENTERPRISES

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING ROTHWELL ENTERPRISES TO USE
TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 138 MARKET
STREET FOR PLACEMENT OF FOUR (4) PARK BENCHES FOR
OUTDOOR CATERING, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: STUDIO OF DESIGN

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING STUDIO OF DESIGN TO USE
TEMPORARILY THE CITY'S RIGHT-OF-WAY OVER THE SIDEWALK
AT 11 WEST 8TH STREET TO INSTALL A CANVAS AWNING, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS
was adopted.

LETTERS OF AGREEMENT: TENNESSEE
DEPARTMENT OF FINANCE AND
ADMINISTRATION

Councilwoman Hurley stated this matter was taken up in Committee
today and comes at the behest of Senator Crutchfield.

On motion of Councilwoman Rutherford, seconded by Councilwoman
Hurley,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS AND
RECREATION TO EXECUTE LETTERS OF AGREEMENT WITH THE
TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION
ACCEPTING THREE (3) GRANTS IN A TOTAL AMOUNT OF
THIRTY-THREE THOUSAND DOLLARS (\$33,000.00), MORE
PARTICULARLY DESCRIBED HEREIN
was adopted.

OVERTIME

Overtime for the week ending July 10, 1998 totaled \$25,748.22.

PERSONNEL

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

MICHAEL A. JONES -- Promotion, Laborer III, City-wide Services, Pay
Grade 5/Step 4, \$17,664.00 annually, effective July 8, 1998.

CHARLIE R. POWELL -- Resignation, Laborer III, City-wide Services,
effective June 30, 1998.

AARON MICHAEL DAVIS -- Resignation, Concrete Worker, City-wide
Services, effective July 7, 1998.

PERSONNEL (Cont'd.)

DERES BENN -- Demotion (Voluntary), Laborer I, City-wide Services, Pay Grade 2/Step 6, \$15,606.00 annually, effective July 8, 1998.

ROBBIE K. HENRY, II -- Lateral Transfer, Sanitation Worker I/Laborer I, City-wide Services, Pay Grade 3/Step 1, \$14,307.00 annually, effective July 8, 1998.

HERMAN BIVINS -- Lateral Transfer, Laborer II, City-wide Services, Pay Grade 4/Step 6, \$17,534.00 annually, effective July 8, 1998.

KELVIN ANDERSON -- Sanitation Worker I/Laborer I (Alternate), City-wide Services, Pay Grade 3/Step 1, \$14,307.00 annually, effective July 8, 1998.

Calvin L. Wilson -- Promotion, Truck Driver III, City-wide Services, Pay Grade 6/Step 13, \$24,200.00 annually, effective July 1, 1998.

PURCHASE

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

PREBUL JEEP (Per State Contract SWC 223)
Requisition No. R0027265

Purchase of One (1) Four-Wheel Drive Vehicle per TCA 6-56-301

\$19,128.00

PERSONNEL

The following personnel matters were reported for the Police Department:

GERRY DAVIS -- Suspension (28 days taken from personal leave), Police Officer, effective May 13, 1998.

RICHARD COOK -- Suspension (one day without pay), Police Officer, effective July 17, 1998.

EASTGATE TOWN CENTER

Chief Dotson reminded Council members of the grand opening of the Eastgate Town Center's Police Precinct scheduled for Thursday, July 16 at 7 p.m.; that each received an invitation.

BETTER HOUSING APPEAL FOR KEN
STONEBROOK

City Attorney Nelson stated a request for hearing for a Better Housing appeal has been requested by Ken Stonebrook regarding two vehicles he has which are not abandoned or discarded.

The appeal was scheduled for Tuesday, July 28 immediately following the Council meeting.

EASTGATE TOWN CENTER PRECINCT

Councilwoman Rutherford reiterated the previous invitation extended by Chief Dotson to attend the Eastgate Town Center Police Precinct grand opening scheduled for Thursday, July 16 at 7 p.m. She stated the Precinct is easy to find and will be housed in a portion of the former Penney's building.

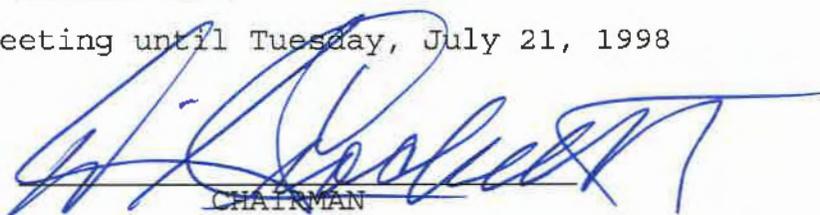
LAURA CARTER

Laura Carter addressed the Council regarding her inability to raise money for her District 10 Senatorial campaign. Chairman Crockett explained to Ms. Carter that she cannot use the Council meeting as a forum for her campaign; that she can only address the Council regarding issues over which the Council has jurisdiction.

Again, Ms. Carter attempted to discuss issues regarding her campaign and Chairman Crockett had to reiterate his previous warning to her that her address to the Council could only involve issues the Council has some jurisdiction over and that she will have to abide by the guidelines.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, July 21, 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)