

Municipal Building  
Chattanooga, Tennessee  
August 11, 1998

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

INVOCATION

City Attorney Nelson gave the invocation for the evening.

MINUTE APPROVAL

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

ADOPTION OF BRAINERD TOWN CENTER  
PLAN "IN CONCEPT"

Councilwoman Rutherford made the motion to move Resolution 7(f) up on the agenda; Councilwoman Hurley seconded the motion; the motion passed.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION ADOPTING "IN CONCEPT" THE BRAINERD TOWN  
CENTER PLAN  
was adopted.

AMEND ZONING ORDINANCE

Chairman Crockett declared a public hearing in process regarding this matter. He asked if anyone was present in opposition to this request; there being none the hearing was duly closed.

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
BY AMENDING ARTICLE VIII, SECTION 100, RELATIVE TO THE  
BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS  
passed second reading. On motion of Councilman Lively, seconded by  
Councilwoman Rutherford, the ordinance passed third and final  
reading and was signed in open meeting.

CLOSE AND ABANDON

1998-076: Olivet Missionary Baptist Church

On motion of Councilman Pierce, seconded by Councilwoman Hurley,  
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF WALL  
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN  
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE

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

CLOSE AND ABANDON

1998-091: First Calvary Baptist Church

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY SOUTHWEST  
FROM ZIEGLER STREET BETWEEN HARPER STREET AND MAY  
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN  
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE

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

CLOSE AND ABANDON

1998-102: Environmental Transportation Services

On motion of Councilwoman Hurley, seconded by Councilwoman  
Rutherford,

AN ORDINANCE CLOSING AND ABANDONING SHIPP LANE  
SOUTHWEST FROM EAST 28TH STREET, SOUTHEAST OF MARKET  
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN  
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE

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

CLOSE AND ABANDON

1998-122: J. R. Rothwell

On motion of Councilwoman Hurley, seconded by Councilman Lively,  
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY SOUTHWEST  
FROM APPLING STREET, NORTHWEST OF RIVERSIDE DRIVE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE  
passed second reading. On motion of Councilman Lively, seconded by  
Councilwoman Rutherford, the ordinance passed third and final  
reading and was signed in open meeting.

AMEND CITY CODE

Councilman Pierce stated there were questions regarding this  
Ordinance by Councilman Hakeem; that he (Pierce) talked with someone  
in the Department today and does not have any objections. He stated  
there might be some discussion next week after he has had an  
opportunity to speak with Councilman Hakeem if there are further  
questions.

On motion of Councilman Pierce, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
SECTION 10-3(g) REGARDING THE APPLICABILITY OF THE 1997  
STANDARD BUILDING CODE TO ALTERNATIONS, REPAIRS, OR  
REHABILITATION ON EXISTING STRUCTURES  
passed first reading.

REZONING

1998-232: City of Chattanooga

There was no one present in opposition to this request.

Councilman Lively stated he has looked at this and talked with Mr.  
Marcellis; that the individual who previously had opposition has  
found that this request has absolutely nothing to do with him.

On motion of Councilman Lively, seconded by Councilwoman Rutherford.  
AN ORDINANCE CLOSING AND ABANDONING LYNNOLEN LANE  
CUL-DE-SAC LOCATED NORTHWEST OF OLD DAYTON PIKE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO CERTAIN CONDITIONS  
passed first reading.

REZONING

1998-129: Inman, LLC

Pursuant to notice of public hearing, the request of Inman, LLC to rezone a tract of land located in the 4100 blocks of Cummings Highway and Cummings Road came on to be heard.

The applicant was not present; opposition was in attendance.

Councilman Lively stated he is familiar with this; that there are persons present in opposition and since the applicant is not here he would like to table the matter until next week. He stated there are pictures of what the applicant wants to do with the property; that those in opposition want to make sure there is a "safety net" that will take care of everything.

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 4100 BLOCKS OF CUMMINGS HIGHWAY  
AND CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN,  
FROM R-1 RESIDENTIAL ZONE & R-2 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS

**was tabled one week.**

REZONING

1998-131: John Pauley

Pursuant to notice of public hearing the request of John Pauley to rezone a tract of land located in the 200 block of Hamill Road came on to be heard.

The applicant was present; opposition was in attendance.

Barry Bennett stated the request is for R-4 for an assisted living facility; that the surrounding zoning includes R-4, C-2 and R-1 and the land use in the area is a mix of office, institutional, commercial and residential. He stated the property is presently zoned O-1 and the primary difference between O-1 and R-4 is that the R-4 also allows residential uses and O-1 does not; that certain types of assisted living and medical facilities are not permitted in O-1. He stated both are considered to be equal zones in terms of impact on the neighborhood; that both the Staff and Planning Commission recommended approval subject to the provisions of the new landscape ordinance taking effect September 1 and other conditions listed in the ordinance.

REZONING (Cont'd.)

Phil Rhodes was present representing the Hudson Company and stated the site plan shows the elevation for this fifty unit assisted living facility. He stated this use is probably much less objectionable than some things that could be placed in an O-1; that assisted living does not generate much traffic.

Ludye Bucher of 4913 Bradington Avenue stated she purchased her home in 1971 and the water runoff was good until the ditch was moved behind her; that the water runs steadily on each property owner. She stated Mr. Pauley continued to build higher and the water would be around three sides of her property when it rained; that Mr. Pauley continued building higher on the property and built a metal building to keep out the flood water but the water problems continued. She stated she hired an attorney and went to court, however, the problem still continued; that Mr. Pauley has not met any of the court ordered amendments and the ditch was moved again. She stated Dr. Massoud built on property in the area which created still more runoff; that the property owner behind her sued Dr. Massoud; that rats and snakes created more problems.

Ms. Bucher stated she and her daughter sat down with Mr. Pauley about two years ago and told him about the water problems; that Mr. Pauley built another building next to a parking lot and there were more runoff problems. She stated Mr. Pauley assured he would close the building but did not; that it is terrifying to look out and see water steadily rising toward your home.

Patty Bucher Noblitt showed a video detailing the water problems regarding this request which showed her mother's home and what she has had to deal with; that she opposes this request and hopes the Council will oppose it, also. She stated her mother has endured this for 28 years and more construction will mean more drainage problems; that Mr. Pauley never keeps his word. She stated she likes assisted living facilities but does not want any more flooding on the property as the mosquitoes are terrible. She stated the area is constantly flooded and (this) has gone on for years-and-years; that if a new tenant comes in the drainage ditch would change again and continue to flood her mother's yard. She stated the sign on Hamill Road regarding the rezoning change was difficult to read because persons in traffic cannot not slow down enough to read it.

Councilman Lively asked if the property on the video is the property being asked for rezoning. Ms. Bucher stated the brick house in the middle on the side of the vacant lot is the property; that Mr. Pauley has recently moved two houses that were there for the extended facility; that it is vacant, now.

REZONING (Cont'd.)

Councilman Lively again asked if part of the property under water on the video is the property requested for rezoning. Ms. Bucher stated the property to the left is the one requested for rezoning.

Councilman Eaves stated the water is spread out on the video and asked if the problem with the water is when the ditch is moved. Ms. Bucher stated the ditch has been moved three times; that the one Dr. Massoud put in equaled over 18 inches, which is very narrow and is difficult for the water to flow through.

In looking at the video Councilman Eaves stated there has to be some type of blockage somewhere and asked if the water gets over the road.

Ms. Noblitt responded "no"; that there is a build-up of three-to-four feet; that water runs right into her mother's yard; that the drainage ditch is not maintained and the water comes right into her mother's yard and the lady's next door. Ms. Bucher stated the ditch is all along the back across the lots and angled toward Dr. Massoud's.

Councilman Eaves asked if the drainage ditch comes on Ms. Bucher's property and divides the property. Ms. Noblitt responded "no"; that the ditch is at the back.

Ms. Bucher distributed photos and made reference to the natural drainage ditch that worked well; that it was moved and they went to court. She stated Dr. Massoud put one of the buildings on the property and moved the ditch three times and made it smaller (18") and no water can get through there.

Councilwoman Rutherford asked if stormwater personnel have been out to look at this. Mrs. Bucher stated they have called everyone in Chattanooga over the years; that they asked the City Engineers to come out, and they said there was nothing they could do because they were years booked up.

Ms. Noblitt stated Mr. Pauley and the other property owners were supposed to maintain the ditch but they never have.

Councilwoman Rutherford asked Mr. Rhodes if he is aware of the stormwater problems. Mr. Rhodes responded that the Company is aware; that they are yet to do anything until the zoning is approved. He stated this property is under contract, and Mr. Pauley and Dr. Massoud have absolutely nothing to do with it; that unless a stormwater permit is acquired they will not build this facility.

REZONING (Cont'd.)

Mr. Rhodes stated they have to go through the zoning process and then the engineering aspect; that if they cannot use the property they certainly will not buy it. He stated it is presently zoned O-1 and there are a number of things that can be built; that he is sorry these people are having a problem but does not think the company he is representing will add to it. He stated they (Hudson Company) will have to take care of their water, which they will do.

Councilwoman Rutherford asked whether the company Mr. Rhodes represents will be correcting a part or a lot that the residents in that area are experiencing when they start working with storm water.

Mr. Rhodes stated he will talk with Tom Scott about this; that they are using McCoy as their engineer and will see if they can help them with that problem; that he thinks Tom (Scott) will get someone to take care of it.

Councilman Lively stated he thinks we have more problems than we are going to resolve tonight; that he is not ready to vote and would like to see it. At this point he made the motion to table the matter two weeks.

Chairman Crockett stated this request is in his district and (he) has more than a few questions about it; that he supports the motion by Councilman Lively.

Councilwoman Hurley expressed her thoughts that the report should include stormwater's report on the current situation; that Carol Putnam has been assigned to handle problems such as this. She clarified that the current stormwater situation should be looked into, as well as the effect of the future request.

Mr. Rhodes stated he does not have a problem with that and reiterated that the property is zoned O-1 and there are a couple of things that can be put there now.

On motion of Councilwoman Lively, seconded by Councilman 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 2000 BLOCK OF HAMILL ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO  
R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS  
was tabled two weeks.

REZONING

1998-136: Paul & Margaret Wofford

Pursuant to notice of public hearing the request of Paul & Margaret Wofford to rezone a tract of land located at 1518 Hickory Valley Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for C-6 for a proposed development of office and low traffic generating commercial uses. He stated the surrounding zoning is entirely R-1 and in all directions abutting the site; that there is no commercial development along Hickory Valley Road at all; that the land use is entirely single family residential abutting the site and the property abutting the I-75 right-of-way is single family development. He stated the Staff recommended against the zoning on the basis it is a "spot zone" and would encourage further requests in the area; that the Planning Commission recommended approval with conditions.

John Anderson of Grant, Konvalinka and Harrison was present on behalf of the Wofford's. He stated the request is for C-6 which is a low traffic commercial zone for a veterinarian's office in the back; that there is a double screen of trees that will screen the neighborhood from this. He stated when the new I-75 renovations take place the trees will be removed and all of the neighborhood will be exposed; that the area will then become highly visible property and there will be a lot of interest. He requested that the low traffic generating C-6 zone be approved without conditions.

Councilwoman Rutherford stated she went out and looked at this and indicated that there was no sign up which could attribute to the reason there is no one in opposition from the neighborhood because they were not aware this was coming up. She stated there is absolutely nothing that resembles commercial in that area as it is all residential; that the thought of having a veterinarian's office in the middle of residential is beyond her. At this point she moved for denial of the request.

Mr. Anderson stated there was no opposition at the Planning Commission; that the sign has been put up several times as a storm removed one of the signs; that he talked with Gloria Haney today who told him the sign was not there. He stated he lives on Signal Mountain and a veterinarian's clinic is in his neighborhood; that very often that type of business is located in a residential area.

REZONING (Cont'd.)

Councilwoman Rutherford stated even though this property may be visible from the Interstate, it is not accessible from the Interstate; that she tried to find the location but there was no sign and the traffic going down the road was at quite a high rate of speed.

At this point Councilwoman Rutherford made the motion to deny the request; however, the motion died for lack of a second.

Councilwoman Hurley made the motion to table the matter two weeks when a full Council will be present.

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 1518 HICKORY VALLEY ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL  
ZONE TO C-6 COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS

**was tabled two weeks.**

CLOSE AND ABANDON

1998-106: William R. Fisher

The applicant was present; opposition was in attendance.

Mr. Bennett stated according to the Staff's recommendation, it appears the alley has never been open; that the topography will prevent the alley from being used in the future. He stated both the Staff and Planning Commission recommend approval subject to conditions.

Councilwoman Hurley stated this has never been an open alley; that it consists of woods. She stated sometimes when we talk about abandoning something it makes it appear as if something there is being abandoned, which is sometimes the case; that this alley is only a line on the map that exists.

Roy Crabtree stated he owns the house that was on the lot; that the alley was never used because it is all woods. He stated people have some access to Thompson Street and others have their own road frontage on Thompson Street. He stated if this alley is open it will hurt the value of everyone's property on Jarnagin Avenue; that the alley was put in for garbage pick-up but never used; that there are 30-40 foot trees and nothing has ever been back there.

REZONING (Cont'd.)

Kelley Vickers stated he has facts regarding this issue; that the Jarnagin Avenue people want this alley closed and 80% are opposed to the alley being used. He stated between Thompson Street and Jarnagin Avenue there are 33 properties that could be affected; that there are 77% of the property owners who do not want the alley open. He stated there are five property owners in the development that have solved their parking problems and three lots are under development, which represents eight lots this closure could serve as an advantage. He stated the lots are all 50 feet wide with a 15 foot right-of-way, leaving a total footage of 35 feet, which would not provide access for eight lots and would disable two pieces of prime real estate.

Steve Townsend stated he has property on Jarnagin and Thompson and owns four pieces of property; that the property in question has never been used as an alleyway as it cuts between his property; that opening it would require cutting down substantial Oak and Hackberry Trees. He stated he is not in favor of opening the alley for economic reasons and other issues; that a number of people have made a commitment to bring the neighborhood back to a generation-owned neighborhood. He stated there is evidence the community property owners have made strong headway in improving the community and requested the Council's cooperation with people who have put a substantial effort into the community to bring it back.

John McDonald represented those in opposition to the request and stated access is needed; that the only thing they are interested in is having the alley to get from Jarnigan to their property. He expressed agreement with Mr. Townsend; that they have to go through rental property now.

Councilwoman Hurley stated she has talked to Mr. McDonald and understands his questions; that the City is not building this alley; that in the City are alleys that are not maintained nor kept up. She stated this is not an alley; that we are closing a forest area; that she would never recommend use of asphalt appropriation to build a road to Mr. McDonald's property. She stated residents have some access on Thompson to all the lots; that it is steep but that is the way North Chattanooga is. At this point she made the motion to support abandoning the alley.

Mr. McDonald asked to continue speaking at this point, wherein Chairman Crockett indicated Mr. McDonald could rebut statements previously made. It was then clarified to Chairman Crockett that Mr. McDonald was not the applicant and was not entitled to a rebuttal.

REZONING (Cont'd.)

Councilwoman Hurley clarified that there had been a lot of discussion on the matter and that a motion and second had been made.

Chairman Crockett then realized his unintentional err. Councilman Pierce "called for the question".

On motion of Councilwoman Hurley, seconded by Councilman Lively,  
AN ORDINANCE CLOSING AND ABANDONING ALLEYS BETWEEN  
THOMPSON STREET AND JARNAGIN AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE  
passed first reading.

AMEND CHARTER

Councilman Pierce stated all Charter amendments were discussed in Legal and Legislative Committee this afternoon; that it is understood due to the time frame the Council would fully discuss each amendment "in full" next week. He stated it is hoped everyone will not get the idea this is a "rubber stamp" approval since they have been recommended for approval on first reading; that the amendments will still have to pass second-and-third reading next week.

Chairman Crockett stated it is appropriate that Councilman Pierce pointed that out; that it is necessary the matters are approved on first reading tonight in order to get them on the ballot for the November election. He stated after the second-and-third vote they will not become part of the Charter until they are voted on by the public in November, if that is the Council's wish.

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE, TO PROVIDE FOR  
FIVE (5) YEAR VESTING IN THE GENERAL PENSION PLAN  
passed first reading.

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO CHANGE THE TERM OF THE CITY COURT  
JUDGE TO COINCIDE WITH THE TERMS OF OTHER JUDGES IN  
HAMILTON COUNTY, TENNESSEE  
passed first reading.

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO REPEAL THE PRIVATE ACTS OF  
TENNESSEE OF 1925, CHAPTER 557, SECTIONS 1-9 (BEING  
SECTION 2.13 OF CHATTANOOGA CITY CODE, PART I) RELATIVE  
TO DOG LICENSES AND ENFORCEMENT BY THE HUMAN  
EDUCATIONAL SOCIETY OF CHATTANOOGA, TENNESSEE  
passed first reading.

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilwoman Rutherford,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO REDEFINE "EMPLOYEE" IN THE GENERAL  
PENSION PLAN  
was deleted from the agenda.

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE, TO AMEND THE  
DUTIES OF THE FINANCE OFFICER  
passed first reading.

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilman Pierce,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO REPEAL CERTAIN GENERAL PROVISIONS  
RELATING TO BOTH THE FIRE AND POLICE DEPARTMENTS AND TO  
REPEAL CERTAIN MINIMUM SALARY PROVISIONS OF VARIOUS  
FIRE DEPARTMENT OFFICERS AND INSERT IN LIEU THEREOF  
CERTAIN UPDATED SECTIONS  
passed first reading.

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENTS) SO AS TO REPEAL ALL REFERENCES TO  
DETECTIVES IN THE CITY CHARTER  
passed first reading.

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO ABOLISH THE CHARTER APPOINTMENT  
PROVISIONS FOR THE POSITION OF CITY ENGINEER, CITY  
PHYSICIAN, AND CITY ASSESSOR, AND TO SPECIFICALLY  
DELETE CERTAIN ANTIQUATED PROVISIONS RELATING TO THE  
APPOINTMENT OF A CITY ATTORNEY, CHIEF OF POLICE, CHIEF  
OF THE FIRE DEPARTMENT, TREASURER, AND AUDITOR (FINANCE  
OFFICER)

passed first reading.

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO PROVIDE THAT THE CHAIRPERSON OF THE  
COUNCIL SHALL SERVE AS MAYOR DURING THE TEMPORARY  
DISABILITY OF INABILITY OF THE MAYOR TO PERFORM THE  
FUNCTIONS OF HIS OFFICE

passed first reading.

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE, TO PROVIDE FOR  
CHANGES TO THE FIREMEN'S AND POLICEMEN'S INSURANCE AND  
PENSION FUND

passed first reading.

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO AMEND THE PROHIBITION FROM STATE,  
FEDERAL AND COUNTY EMPLOYEES AND OFFICERS FROM HOLDING  
OFFICE UNDER THE CITY GOVERNMENT

**failed.** The motion did not garner enough votes to approve or deny  
the request; on roll call vote:

Eaves	"No"
Hurley	"Yes"
Lively	"Yes"
Pierce	"No"
Rutherford	"No"
Crockett	"Yes"

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE  
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) RELATIVE TO A PERSONNEL REVIEW BOARD TO HEAR  
PERSONNEL APPEALS

passed first reading.

EXTENSION OF ZONING RECOMMENDATION  
FOR VAAP PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE PLANNING COMMISSION TO  
TAKE AN ADDITIONAL ONE HUNDRED AND TWENTY (120) DAYS TO  
MAKE A RECOMMENDATION ON ZONING OF THE VOLUNTEER ARMY  
AMMUNITION PLANT PROPERTY ANNEXED BY THE CITY  
was adopted.

AGREEMENT: DAVID VOLKERT &  
ASSOCIATES, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS  
ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH DAVID  
VOLKERT & ASSOCIATES, INC. TO PROVIDE PROFESSIONAL  
ENGINEERING SERVICES FOR THE STUDY AND PLAN PREPARATION  
FOR THE NORTHSIDE-SOUTHSIDE ALTERNATE TRANSPORTATION  
CORRIDOR STUDY FOR A LUMP SUM FEE OF FORTY-NINE  
THOUSAND, SEVEN HUNDRED DOLLARS (\$49,700.00)  
was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilwoman  
Rutherford,  
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER  
NO. 1, CONTRACT NO. 99C, MISCELLANEOUS SANITARY SEWER  
REQUIREMENTS CONTRACT, WITH EAST TENNESSEE GRADING,  
INC. AND MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER  
INCREASES THE CONTRACT AMOUNT TO EAST TENNESSEE  
GRADING, INC. BY ONE HUNDRED FIFTY THOUSAND DOLLARS  
(\$150,000.00) FOR A FINAL CONTRACT PRICE TO IT OF FIVE  
HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00); AND  
FURTHER AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1  
WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER  
DECREASES THE CONTRACT AMOUNT TO IT BY ONE HUNDRED  
FIFTY THOUSAND DOLLARS (\$150,000.00), FOR A FINAL  
CONTRACT PRICE OF FOUR HUNDRED FIFTY THOUSAND DOLLARS  
(\$450,00.00); AND FURTHER AUTHORIZING AN INCREASE IN  
CONTRACT TIME BY ONE HUNDRED TWENTY (120) DAYS WITH  
SAID COMPANIES  
was adopted.

"MINORITY HEALTH AWARENESS MONTH"

Charles Love was present in support of this Resolution and stated  
this is a joint effort sponsored by Erlanger, Memorial Hospital and  
the Health Department. He invited everyone to the health screenings  
scheduled for August 13 and 20 and the culminating event at Howard  
School of Academics on August 29.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
A RESOLUTION TO DESIGNATE AUGUST, 1998, AS "MINORITY  
HEALTH AWARENESS MONTH" IN CHATTANOOGA, TENNESSEE  
was adopted.

ACQUISITION OF PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY  
LOCATED AT LONG AND WEST 26TH STREETS, MORE  
PARTICULARLY DESCRIBED HEREIN, FOR A CONSIDERATION OF  
TWENTY THOUSAND DOLLARS (\$20,000.00)  
was adopted.

OVERTIME

Overtime for the week ending August 7, 1998 totaled \$21,125.41.

PERSONNEL

The following personnel matter was reported for the Parks and  
Recreation Department:

ANN GENE RESPESS -- Retirement, Administrative Secretary, Parks  
Division, effective August 31, 1998.

Admin. McDonald commented that Ms. Respess did a great job for many  
years and will be missed.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
the following purchase was approved for use by the General Services  
Department:

WHEELS & BRAKES (Most complete bid received)  
Bid No. P0009423

Purchase of a Twelve Months Requirements Contract for Hoses, Clamps  
and Gates Belts

(Price information available and filed with minute material)

PERSONNEL

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

ANTHONY S. PATTON -- Employment, Truck Driver III, Waste Resources,  
Pay Grade 6/Step 1, \$17,201.00 annually, effective August 12, 1998.

PERSONNEL (Cont'd.)

JAMES L. DAVIS -- Promotion, Vactor Truck Operator, Waste Resources, Pay Grade 6/Step 10, \$22,145.00 annually, effective August 12, 1998.

CLAYTON HARWOOD -- Employment, Equipment Operator II, City-wide Services, Pay Grade 8/Step 1, \$19,510.00 annually, effective August 12, 1998.

FREDRICK B. NORMAN -- Dismissal, Laborer II, City-wide Services, effective July 28, 1998.

PERSONNEL

The following personnel matters were reported for the Fire Department:

CLYDE INGLE -- Disability Retirement, Captain, effective August 6, 1998.

(Chief Coppinger commented that Captain Ingle was going on disability retirement after 23 1/2 years of service to the Department.)

ROBERT DIXON, RAYMOND KENDRICK, TOMMIE MAULDIN, JOHN WENGERT -- Promotion, Captain, Pay Grade F4/Step 7, \$40,919.80 annually, effective August 14, 1998.

MACK MOORE, RANDY PARKER -- Promotion, Captain, Pay Grade F4/Step 5, \$37,772.20 annually, effective August 14, 1998.

RANDY STARGIN -- Promotion, Captain, Pay Grade F4/Step 8, \$42,493.60 annually, effective August 14, 1998.

ANDRE HICKS -- Promotion, Lieutenant, Pay Grade F4/Step 4, \$36,198.40 annually, effective August 14, 1998.

DAVID WALKER -- Promotion, Lieutenant, Pay Grade F4/Step 7, \$40,919.80, effective August 14, 1998.

RONALD BARROWS, RONALD BOYD, TERRY DAVIS, JODY HOUSTRUP, COMER JOHNSON, FREDDY LEAMON, JAMES SPURLING -- Promotion, Lieutenant, Pay Grade F3/Step 9, \$37,918.60 annually, effective August 14, 1998.

EDWARD S. DAVIS, RAYMOND MOORE -- Promotion, Lieutenant, Pay Grade F3/Step 8, \$36,564.40 annually, effective August 14, 1998.

PERSONNEL (Cont'd.)

TERRY MARTIN, ANTHONY WILLIAMS -- Promotion, Lieutenant, Pay Grade F3/Step 7, \$35,210.20 annually, effective August 14, 1998.

LESTON ROREX -- Promotion, Lieutenant, Pay Grade F3/Step 6, \$33,856.00 annually, effective August 14, 1998.

PERSONNEL

The following personnel matters were reported for the Police Department:

ROY DAVENPORT, ELVIRIA FOY, JUDY A. HEALEY, KAREN RENEE MCLIN -- Hire, School Patrol Officer, \$20.6758 daily, effective August 10, 1998.

VICTOR WUGHTER -- Reinstatement, Police Officer, Pay Grade P1/Step 2, \$27,220.50 annually, effective August 14, 1998.

THERESA A. GORDON -- Return from Family & Medical Leave, Dispatcher, effective August 14, 1998.

ANGELA MCREYNOLDS -- Promotion, Clerk III, Pay Grade 5/Step 6, \$18,675.00 annually, effective September 29, 1994.

ROBERT WILLIAMS -- Retirement, Park Ranger, effective August 13, 1998.

ELIZABETH MCCOLLEY -- Resignation, Dispatcher Trainee, effective August 13, 1998.

Councilman Pierce questioned the reinstatement of the police officer listed in the Department's personnel report.

Chief Dotson stated the officer resigned under good conditions and decided to come back; that he is coming back to the same rank he had prior.

Councilman Pierce again inquired as to the officer's reinstatement as opposed to being rehired.

City Attorney Nelson stated there is an Executive Order that says an officer can be reinstated up to a year after leaving and after that period of time the process would have to be a rehire.

PERSONNEL (Cont'd.)

Councilman Pierce inquired as to whether the officer has been gone two years. Chief Dotson stated he officer has not been gone one year; that it has been six months, if that long.

City Attorney Nelson stated there is a difference in reinstatement to the "force" and to the "position"; that the Chief indicated this officer is being reinstated to the "force".

Chief Dotson stated this officer's position is not a ranked position; that he will be a police officer and there are several vacancies.

City Attorney Nelson stated there is a position to the "force" but not to the "position".

Chief Dotson stated the officer's rank is that of a policeman and not Sergeant.

Councilman Eaves inquired as to the reinstated officer's retirement and the effect the reinstatement will have.

Chief Dotson stated the officer will have to buy back his time; that he had been employed three years prior to leaving and will have to buy back the period of time he was gone.

PERSONNEL

The following personnel matter was reported for the Finance Department (Treasurer's Office):

VIRGINIA HICKS -- Promotion, Clerk V, Pay Grade 7/Step 4, \$20,036.00 annually, effective August 14, 1998.

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following Board appointments were approved:

BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS:

Appointment of **DAVID JONES** (District 7 representative), **PAMELA PATY RYMER** (District 8 representative) and **MARY NORWOOD** (District 9 representative) for three year terms expiring August 15, 2001.

BOARD APPOINTMENTS (Cont'd.)

HUMAN RIGHTS/HUMAN RELATIONS COMMISSION:

Appointment of **LARRY DANIELS** and **MOLLIE FLORES**, for three year terms expiring July 28, 2001.

AIRPORT AUTHORITY:

Appointment of **JOHN SCALICE** for a one year term expiring August 15, 1999.

HEALTH, EDUCATION AND FACILITIES BOARD:

Appointment of **ANITA EBERSOLE** for a six year term expiring August 15, 2004.

COMMITTEES

Councilwoman Rutherford scheduled a **Parks and Recreation Committee meeting immediately following the Legal and Legislative Committee meeting for Tuesday, August 18.**

Councilman Pierce scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 18 beginning at 4 p.m.** He stated discussions will center around the Charter amendments and filling the vacancy in District 5 created by Councilman Swafford's recent victory.

Chairman Crockett stated there is the issue of filling the vacancy in District 5 since Councilman Swafford has been elected to another position. He stated the City Attorney has been asked to have a report on the Council's options by next week.

BOB BARR

Bob Barr of 1913 Clematis Drive addressed the Council and stated he has lived at the Clematis address since 1979 and the City had annexed the property prior to that time. He stated there have been many serious problems there and he is at the age where he cannot deal with the problems any longer. He stated a couple of years ago the property was surveyed down to Access Road by City surveyors which caused a lot of problems; that residents in the area lost a lot of property and as a result he and others have 300 feet of the road down the center line of their property. He stated he is now involved in a lawsuit brought by his neighbor, Mr. Cunningham; that he cannot afford a lawsuit nor lawyer as the only money he receives is Social Security and money from the Korean War and that is his money. He stated he is very disturbed that the surveyor came on his land without his knowing about it. He stated Mr. Lecompte with the City's Engineering Department is a very nice gentleman and brought him a plat; that the road was put in the area by TVA in 1954.

BOB BARR (Cont'd.)

Mr. Barr stated two neighbors have indicated the sewer line in the area is in the wrong place and one of the two (neighbors) is difficult to deal with. He stated he is quite disturbed about this and the City's action that was taken; that he has property that the City ruined with a contractor that installed sewers on level ground, and it is hard for him to get down to one end of his land because he has a terrible time getting back up and no one has corrected it. He stated he was told by Admin. Marcellis that he (Barr) could correct it; however, he (Barr) does not have the strength to do it.

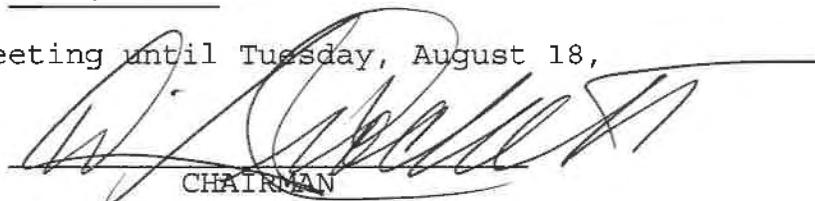
Mr. Barr continued by stating he talked with the Mayor and the Mayor put in fifteen trees on his property that were destroyed, and he is thankful for that. He stated we have a good Mayor and others in the various Departments do not take responsibility to do the job they should be doing. He stated the City Council and Mayor should look at the various areas and see what needs to be done as each Councilman should do what they are elected and paid to do; that their constituents expect it.

Chairman Crockett stated he would like for someone to follow up on the surveying that was done on the property; that he would like for Public Works and Atty. Nelson to offer a comment on what the process and litigation is about.

City Attorney Nelson stated the City is not a party to the litigation. He asked Mr. Barr to call and give him the number of the case.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, August 18, 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)