

Municipal Building
Chattanooga, Tennessee
February 11, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Crockett, Eaves, Hurley, Lively, Pierce, Rutherford, and Swafford; Councilman DiStefano was out of the city on business. City Attorney Randall Nelson 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 Swafford, the minutes of the previous meeting were approved as published and signed in open meeting.

SPECIAL PRESENTATION: ROBERT PAP

Robert Pap of Accurate Automation stated the company is based at Shallowford Road and Center Street and is one of the "high tech" companies that has been formed in town. He stated a year-and-a-half ago he was invited to a Council meeting by Councilman Crockett to talk about the International Hypersonics Conference that was to be held at the Trade Center; that as a result, the plane featured at that Conference flew its first flight on December 16. At this point he showed a video of the plane's flight and landing at Mojave Airport; that the plane is ten feet long and is a Mach 5; that the first flight was good enough to constitute a patent. He stated the airplane will have flights beginning March 1-10 at Edwards Air Force Base; that NASA Langley and NASA Dryden have a final offer "on the table" for building a Mach 10 aircraft for travel in 1999. He stated during the Hypersonics Conference in April of 1995, top aeronautics people were present; that the International Symposium on Air Breathing Engines (ISABE) Convention will be held in Chattanooga in September with some of the top designers in the world coming to our town for an entire week. He stated a get-together needs to be held for the engineers and scientists who will be here in town. He asked the Council to get together with RiverValley to cover the \$5,000 for the reception. He stated they need a couple of "star" students from the schools to serve as hosts for the ISABE meeting so that they can meet all the top people.

SPECIAL PRESENTATION: ROBERT PAP
(Cont'd.)

Chairman Hakeem thanked Mr. Pap and his company on behalf of the Council and the Mayor; that he has manifested the things the Council often talk about and work toward with regard to small businesses.

Mr. Pap stated his company is an \$8 million dollar business that employs 35 people; that the business started in the basement of the Sheraton in 1985. He stated the company has been in almost every trade publication -- Popular Mechanics, U.S. News and World Report, and the CBS Evening news, to name a few. He stated Chattanooga needs to be publicized not just for its environment; that they will continue to be a part of the growth, development and betterment of the city.

SPECIAL PRESENTATION: CARL LEVI

Carl Levi, City Treasurer, stated the Assistant Treasurer, Gayle Keown, could not be present due to parental responsibilities; that the two of them function as a team and have 70 years service with the city collectively. He stated in 1990 a written investment policy for municipalities was developed for cities in the U.S. and Canada; that the city did not have one at the time and the two of them looked at some of the requirements. He stated they have put together a written investment policy; that Chattanooga is one of 150 cities in the U.S. and Canada that has received the "Written Investment Policy Award", and one of two cities in the state -- Knoxville is the other -- to receive this award. He stated Chattanooga is the only city in Tennessee that has a current written investment policy; that the State of Tennessee will adopt a policy using Chattanooga as a model. He stated meetings will begin when the State Legislature's year ends; that he will be one of three teaching the program. At this point he displayed the award and indicated an appropriate place would be identified for public display.

Chairman Hakeem congratulated Mr. Levi and staff; that the Award speaks well of the investment policy we have had over the years; that there is no city, to his knowledge, that is more solvent than Chattanooga because of the manner in which we have invested funds and the way we have done business financially.

REZONING

1997-008: Elmer W. Thomas

Pursuant to notice of public hearing the request of Elmer W. Thomas came on to be heard.

The applicant was present; considerable opposition was in attendance.

Barry Bennett explained that the request for rezoning for C-2 is for retail business; that the surrounding zoning includes R-1 and M-1; that the land use in the area is predominantly single family residential. He stated there is undeveloped M-1 property to the south that serves as access to Olan Mills; that Chattanooga Sports is visible. He stated the Staff recommends against the rezoning, and the Planning Commission recommends approval.

Elmer W. Thomas, applicant, stated he is a Master Plumber and member of the Examining Board; that he had an office located on East Third Street but Erlanger bought it for their expansion. He stated he bought this property and was going to sell to someone in Cleveland but decided to build an office so that he can store his truck and equipment. He stated the property backs up on Olan Mills' property and is to the left of Chattanooga Sports; that the rezoning will not "hurt" anybody, reiterating that the request is just for a place to keep his car, other vehicles and an office.

Malcolm Walker, President of the Shepherd Community Council, spoke in opposition to the request stating this is the second time they have come to oppose this proposal by the same applicant. He stated their intention in being present is not to be unkind and are not present for the intention of being uncooperative; that they have come for the second time for the sake of their community to prevent disruption to their lives, homes, and halt destruction to Shepherd. He stated the Council is aware of the many efforts for zoning changes for Shepherd; that the Shepherd community has a long, rich history; that people in the community are very supportive of the Community Council and its activities. He expressed appreciation to the City Council on behalf of the Community Council for the support shown by approving grants for drainage and street improvements in their community. He stated several years ago a study was commissioned which was to determine policies that must be adhered to if Shepherd is to survive; that one stipulation that was approved was that property north of Olan Mills on Shepherd Drive must remain unchanged and remain residential. He asked the Council to uphold the agreement and not allow zoning changes north of Olan Mills on West Shepherd Drive.

REZONING (Cont'd.)

Mr. Walker continued that Mr. Thomas is their friend but in his quest to make a "quick dollar" he does not realize the impact this might have on his fellow man and on his children who live on the street. He asked those in opposition present with him to stand and implored the Council to do the right thing and deny this request.

Councilman Swafford stated we have had this situation before; that Mr. Walker has summed up the situation. He stated he hopes someday this can be worked out for reasonable use of the property; that he requests that the property remain as it is at this time.

On motion of Councilman Swafford, seconded by Councilman Crockett, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2125 WEST SHEPHERD ROAD, BEING ON THE NORTHWEST LINE OF WEST SHEPHERD ROAD NORTHEAST OF SHEPHERD ROAD, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE **was denied.**

REZONING

Councilman Swafford made the motion to move Ordinances 6(f) and 6(c) forward on the agenda; Councilman Crockett seconded the motion; the motion carried.

1996-018: Johnny D. Houston, Jr.

The applicant was present; there was no opposition.

Councilman Swafford indicated that the community is in support of this request. Mr. Bennett stated the 1987 policy that was done for the area does indicate commercial zoning for this property.

On motion of Councilman Swafford, seconded by Councilman Crockett, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1801 SHEPHERD ROAD, BEING ON THE NORTHWEST LINE OF SHEPHERD ROAD AT FISK AVENUE, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE passed first reading.

1996-012: B. J. Bell

REZONING

Pursuant to notice of public hearing the request of B. J. Bell came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the applicant wants to defer on this case so that he can work out a situation with the Traffic Engineer.

Councilman Swafford stated a representative from Dillard Limited Partnership has notebooks to distribute to Council members to read regarding this request prior to the matter coming back up again. He stated denial was recommended due to the traffic concern; that traffic engineering has not had a chance to deal with it because they were not aware of it. He stated the matter was recommended for denial after it went to Planning; that we need a week to let traffic engineering look at it for input.

Steve Dillard of Dillard Limited apologized for coming at this late date to request an extension; that he did not get notification of the matter until yesterday and did not realize the Staff had recommended denial, and after that tried to take the proper steps to gain support. He stated the notebooks will be left with the Council and, hopefully, approval can be given.

On motion of Councilman Swafford, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7704 BASSWOOD DRIVE, BEING ON THE NORTHEAST LINE OF BASSWOOD DRIVE NORTHWEST OF BONNY OAKS DRIVE, FROM R-2 RESIDENTIAL ZONE TO M-3 WAREHOUSE AND WHOLESale ZONE

was tabled one week.

1996-010: Gunbarrel Properties, LLC

REZONING

Pursuant to notice of public hearing the request of Gunbarrel Properties, LLC came on to be heard.

The applicant was present; there was opposition in attendance.

REZONING (Cont'd.)

Mr. Bennett made reference to the color-coded map stating the property that is being considered will be brought up for second and third reading next week along with another property that was requested by CBL for a commercial shopping center on over 30 acres. He stated the prior case did include these other parcels, however, CBL no longer has the option on these parcels. He stated the problem is that the access was to be through one of the parcels that is no longer under their control; that the new access will be in another area which does not have to be rezoned under the city's zoning regulations to serve as access to commercial property. He stated John VanWinkle is in the process of drafting conditions; that there were numerous conditions imposed on the original ordinance. He stated since they no longer control some of the property the conditions will have to be amended to reflect the current situation, which will be taken to the City Attorney's office as well as a revised legal description.

Mr. Bennett continued by stating the Traffic Engineer and Staff feel this is actually a better location than the prior one because it is further away from the intersection there and will provide for more adequate ingress and egress. He stated both the Staff and Planning recommend approval subject to landscaping between this property and the abutting residential properties and subject to being part of the rezoning of the major site, which will come up next week.

John Anderson of Grant, Konvalinka and Harrison was present on behalf of the applicant and stated he does not have much to add to what Mr. Bennett has already indicated; that they are asking for the property in yellow on the color-coded map be zoned C-2. He stated the primary purpose is to provide better access to the site; that originally the access was behind the "green" parcel; that we are moving it back further to Igou Gap for better traffic flow. He stated this is to be added to the other property (of CBL's) which has been approved on first reading.

Barbara Reid of 7418 Igou Gap stated she lives next to the property's entrance; that she is not present to oppose the shopping center but was here a few years ago for the same property for rezoning. She stated the Council's position was that this was "spot zoning;" that she is asking the Council to uphold that position. She stated if she was against a 125 member child care nursery she is certainly against being "boxed in" on three sides by heavy traffic and large trucks; that she resents the fact this residential piece of land will be used as better access for a shopping center, which is an intrusion into a residential area.

REZONING (Cont'd.)

Mrs. Reid continued by stating it is because of the Council's prior position that she is bringing this matter back up; that the prior traffic study by traffic engineering showed a tremendous traffic count in the area. She stated they already have a problem with traffic and there are children playing in some of the front yards. She made reference to the accidents that occur at Igou Gap and Gunbarrel Roads; that East Brainerd is a high crime area and would like protection against further intrusion into their lives.

Mr. Anderson stated he is not familiar with the prior case; that this is not a spot zoning issue as there has been approval for the C-2. He stated this property abuts C-2 and would be a portion of the larger tract; that traffic conditions have been taken into account as he has talked with John VanWinkle concerning this access.

Councilman Eaves stated he talked with John VanWinkle when this zoning came up before; that Mr. VanWinkle feels this would keep from "jamming up" the corner and is much more satisfied with this ingress and egress than the prior one.

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 7416 IGOU GAP ROAD, BEING ON THE SOUTHWEST LINE OF IGOU GAP ROAD SOUTHEAST OF GUNBARREL ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-014: Matthew O. Ware

Pursuant to notice of public hearing the request of Matthew O. Ware came on to be heard.

The applicant was 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 AT 5506 MILLER DRIVE, BEING ON THE SOUTHEAST LINE OF MILLER DRIVE SOUTHEAST OF SPRING CREEK ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE passed first reading.

REZONING

1996-015: Yarmouth Group Property Management

Pursuant to notice of public hearing the request of Yarmouth Group Property Management came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Crockett, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 101-111 NORTHGATE COMMERCIAL CENTER ROAD, BEING ON THE SOUTHEAST LINE OF NORTHGATE COMMERCIAL CENTER ROAD NORTHEAST OF HIGHWAY 153, FROM M-3 WAREHOUSE AND WHOLESale ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE passed first reading.

AMEND CITY CODE: ESTABLISH FEES
AT WARNER PARK ZOO

Councilwoman Hurley stated the Council has been given several amendments to this ordinance. She made the motion to table the matter one month (March 11).

On motion of Councilwoman Hurley, seconded by Councilman Lively, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SO AS TO CREATE A NEW ARTICLE VI, RELATIVE TO THE WARNER PARK ZOO AND TO ESTABLISH FEES **was tabled one month (March 11).**

INSTALLATION OF FIRE HYDRANTS

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

AGREEMENT: THINKING MEDIA

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THINKING MEDIA, RELATIVE TO THE PRODUCTION OF SOFTWARE TO DEVELOP AN EXHIBIT ON THE RIVERWALK CONCERNING THE SEWER SYSTEM, FOR A CONSIDERATION OF THIRTY-THREE THOUSAND, EIGHT HUNDRED DOLLARS (\$33,800.00) was adopted.

CHANGE ORDER

On motion of Councilwoman Hurley, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 (FINAL), CONTRACT NO. SL-4-95, SUMMIT LANDFILL, CONSTRUCTION OF PHASE II LINER, WITH CONSTRUCTION AND IMPROVEMENT SPECIALTY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FIFTY-FOUR THOUSAND, SEVEN HUNDRED EIGHTY-SIX AND 76/100 DOLLARS (\$54,786.76) FOR A REVISED CONTRACT PRICE OF ONE MILLION, NINE HUNDRED THIRTY-THREE THOUSAND, NINE HUNDRED SEVENTY-THREE AND 90/100 DOLLARS (\$1,933,973.90) was adopted.

AGREEMENT AMENDMENT: A. ODELL LEINART

On motion of Councilwoman Hurley, seconded by Councilman Lively, A RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH A. ODELL LEINART FOR ENGINEERING SERVICES RELATIVE TO MAINTAINING THE PAVEMENT MANAGEMENT SYSTEM FOR A CONSIDERATION OF FIFTEEN THOUSAND DOLLARS (\$15,000.00), PLUS REASONABLE EXPENSES, FOR A SIX (6) MONTH PERIOD BEGINNING MARCH 1, 1997 THROUGH AUGUST 31, 1997 was adopted.

OVERTIME

Overtime for the week ending February 7, 1997 totaled \$10,683.67.

PERSONNEL

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

SHEILA F. JOHNSON -- Reinstatement, Laborer II, Plaza Division, Pay Grade 4/Step 6, \$17,190.00 annually, effective February 12, 1997.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchases were reported for use by the Parks and Recreation Department:

TURF CARE PRODUCTS, INC. (Lower and Better Bid)
Requisition No. 138218

Purchase of Irrigation Pump Station (Purchase and installation)

\$39,319.00

GEORGIA TURF AND TRACTOR (Better bid meeting City of Chattanooga specifications)
Requisition No. 138216

Purchase of Three Year Lease Agreement

\$221,824.00

HAVRON CONSTRUCTION CO.
P.O. A-1144768

Purchase of Change Order #1, Navy/Marine Reserve Demolition, Asbestos Abatement, Lead Base Paint Removal; originally approved by Council November 5, 1996.

\$103,305.50 - Original Amount
9,876.64 - Change Order #1
\$113,182.14 - New Total

EMERGENCY PURCHASE

The Emergency Purchase of parts for the HVAC system at the Tivoli Theatre for the Parks and Recreation Department, Purchase Order Numbers A-1146268 to Raymond Services, Inc. (\$7,538.67), A-1146269 to SCT Yarns, Inc. (\$9,110.00), and A-1146266 to Electronic Controls, Inc. (\$5,710.00) in the total amount of \$22,358.67 was duly reported and signed in open meeting.

PURCHASE

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

LEE-SMITH, INC. (Lower and Better Bid)
Requisition No. 137323

Purchase of Tandem Dump Truck

\$66,689.00 (International)

PERSONNEL

The following personnel matters were reported for the Safety Department:

JACK HORNER -- Suspension (one day without pay), Private, Police Department, effective February 8, 1997.

JACQUELINE MCCAIN -- Return to duty from Family and Medical Leave, Dispatcher, Police Department, effective February 14, 1997.

SANDRA F. MILLER -- Hire, Clerk II, Police Department, Pay Grade 4/Step 1, \$14,868.00 annually, effective February 14, 1997.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchases were approved for use by the Safety Department:

KEL-SAN, AMERICAN PAPER AND TWINE, SOUTHERN PAPER (Low Bid on Each Item for the City of Chattanooga)
Requisition No. 128428

Purchase of Paper Goods

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for City Court:

HERMAN E. HARDY -- Voluntary Separation, Records and Collection Officer, effective February 6, 1997.

COMMITTEES

Councilwoman Hurley reported she, Chairman Hakeem, Rick Lanese and support staff from the Personnel Department met to review the large number of applications for the position of Management Analyst. She stated anyone on the Council who would like to look at the applications are welcome to do so; that there will be a meeting of the panel the Council appointed to review the applications; that she cannot say the process will be completed before March 4, but they are "moving right along." She stated one of the reasons we are slow is due to our reopening the application process to have a better cross section of applicants which was achieved to a certain extent.

SISTER BEY

Sister Bey stated it is a shame and disgrace when "her" people want something and cannot get it; that a man was here tonight asking for \$5,000. She stated she tried to borrow \$1,350 for her house and could not get it and asked the Council to explain that. She stated she tries to work within the framework of this government; that she cannot uphold something that is working against her; that if she cannot get justice within the system, she will go outside of it.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, February 18, 1997 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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