

Municipal Building
Chattanooga, Tennessee
September 2, 1997

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

INVOCATION

Councilman Hakeem called upon Rev. Bobby Hampton to give the invocation for the evening.

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: ROBERT
SUDDERTH, SUNTRUST BANK

Robert "Bo" Sudderth expressed appreciation for the opportunity to speak to the Council this evening; that this is a special occasion for SunTrust to make a presentation to Officer Wendy LaPoint. He stated the presentation relates to a robbery that took place sometime ago at the East Third Street Bank Branch, and he introduced members of the staff from the Branch who were in attendance. He stated it is an honor to be able to give this award to Officer LaPoint because it shows her training within the Bank and the Police Department came together to prevent what could have been a real tragedy. He stated when the robber entered the facility they "waved off" Officer LaPoint and told her to go on; that her training would not allow her to leave, and she stayed until all staff persons entered the Bank and found out what was happening.

SPECIAL PRESENTATION: ROBERT
SUDDERTH, SUNTRUST BANK (Cont'd.)

At this point Mr. Sudderth called upon Officer LaPoint to join him and presented her with a plaque and a \$1,000 gratuity from the Bank and employees of SunTrust.

Vice Chairman Crockett expressed appreciation on behalf of the Council for Officer LaPoint's action and the staff of SunTrust taking the time to do something special about the event.

REZONING

1996-278: Commercial Management Corporation

The applicant was present; persons with concern were in attendance.

Councilman Lively made the initial motion to approve this request with Councilwoman Rutherford seconding the motion.

Brian Nunnally of Commercial Management Corporation stated the Corporation is a real estate and investment company that has an option to purchase the said property in question; that Commercial Management has been involved in over fifteen office development projects. He stated the vision for this property is to develop a Class A office park which is why they are requesting a change in the zoning to R-4. He stated since this was tabled one month ago they have met with several Council members and have answered their questions to the best of their ability. At this point he introduced Tom Dupre and Bob Franklin, Architect for the project.

Tom DuPre stated one of the nicest aspects of this situation is that Chattanooga does not have a very vibrant real estate economy and there is a shortage of Class A, B, and C office space in this area. He stated he was in receipt of an office survey from RiverValley which indicated the percentage of Class A office space in the downtown area as being at 92%; that this is not the case in the Gunbarrel area. He stated Pryor Bacon is getting ready to start a second stage (of office buildings) in that area; that the Eastgate Town Center is being revitalized and what we do not want is to miss the opportunity for new companies to come into this town. He stated if they get the rezoning, a story will be done on Chattanooga in the October issue of Real Estate South with a front page article on this.

REZONING (Cont'd.)

Bob Franklin, Architect for the project, stated he has walked the site rather extensively and perused the feasibility study; that while this is a good site for development it is a 48 acre site close to I-75 and there is very little infrastructure that needs to be changed or added; that this property is close to the airport. He stated this site was cleared, had heavy erosion and very little topsoil; that they plan to build a quality, well-planned office development that will serve Chattanooga well.

Charles Dupree stated he is with the Brainerd Hills group; that since this situation is an owner asking for rezoning who will sell to a developer (who will develop), they would like to see the concerns the Council brought up in August be part of the conditions for this rezoning. He stated Councilwoman Hurley's reasoning that this could be a model development with Futurescape landscaping would be their suggestion if the rezoning is granted and should be one of the conditions for the rezoning. He stated once it is rezoned they would have no other way than through the conditions to be concerned with what they have been told would take place; that this is important to them. He stated he believes everyone is sincere; that if this development is to be a showplace they need some type of protection.

Mike Lane, a resident of Brainerd Hills, stated his concern is the intersection of Dave L. Brown Drive and East Brainerd Road. He stated the project will increase traffic down Dave L. Brown considerably; that recommendations have been made to improve the intersection. He stated what they would like for the City to do is put a contingency on the rezoning that this improvement of the intersection would be in place prior to construction. He stated this property would not be the only property that will be opened up for development if rezoning occurs; that future development will be allowed access through this plan. He stated in the study that is to be done he asked that a determination be made that the entire developable land be considered and not just the impact of this 48 acres.

Gordon Perkins spoke next as the spokesperson for the Alhambra Shrine. He stated his comments are the same as were presented to the Council at its August 5 meeting on this matter; that since that time the Mayor and Administrative Marcellis have addressed the issue having to do with the signaling system at East Brainerd Road, as well as his concern regarding the narrowness of East Brainerd Road and its ability to accommodate the increase in traffic. He stated Councilman Hakeem addressed the issue of the site plan and Admin. Marcellis clarified the signaling system and widening should be complete prior to construction.

REZONING (Cont'd.)

Brian Nunnally stated the impact the construction would have on the traffic would be minimal in the early stages of this development; that what will happen is since this is undeveloped property the infrastructure would have to be put in and heavy machinery brought to the site. He stated the machinery will stay on the site at all times and the traffic that would occur will be minimal.

Mr. Nunnally continued by stating to address the other concern of what impact the development would have on the area and undeveloped property he is not sure; that there is some property zoned C-1 that comes around to this property, but is not aware of what is going on there. He stated nothing has been agreed to, just a general discussion about the development.

Tom DuPre stated the City will very shortly begin moving forward on the realignment of Dave L. Brown Drive and Vance Road, which will take about seven months. He stated the time a tenant will actually move into this project is between fourteen-to-eighteen months; that topography and design work will have to be done.

Mr. Nunnally stated the total development will be dictated by demand.

Councilwoman Hurley asked if the applicant would accept a condition that states landscaping would be appropriate and consistent with the Futurescape landscaping ordinance.

Mr. Nunnally responded "yes;" that he can say they will be able to meet those demands. He stated he looked at the proposed landscape ordinance; that he is not sure where it stands in becoming finalized; that they anticipate meeting and exceeding those plans.

Councilwoman Hurley she wanted to make sure the landscaping ordinance is attached to the conditions of this ordinance; that adding this condition really makes a difference in her approval of this request.

Councilman Hakeem stated he had a list of questions and concerns regarding this project; that he had an opportunity to meet with some of the representatives and the developer of this project and his questions have been satisfactorily answered. He asked that the Mayor come forth and make a comment regarding realignment of the road; that it has been stated whether this project goes through or not the realignment will take place.

REZONING (Cont'd.)

Mayor Kinsey stated whether this takes place or not the realignment needs to take place; that it needed to have taken place for the past ten years and has been requested over that time frame; however, the Council has never found funds to pay for it. He stated if the rezoning were to happen, probably economic development funds would be used to pay for the development; that the realignment should have been done but has not yet been funded.

Councilman Hakeem stated he remembers hearing there was some contribution Commercial Management was going to make.

Mr. Nunnally stated they are currently in negotiations with residents in order for the realignment to occur.

Councilwoman Hurley proposed a motion that the ordinance be approved on first reading based on conditions as described in accordance with the landscaping ordinance to be under Futurescape.

Councilmen Lively and Rutherford withdrew their motion and second.

City Attorney Nelson amended the ordinance caption and text to reflect, ". . .subject to landscaping conditions." The text of the ordinance was amended to reflect, ". . . subject to landscaping being done in accordance with Futurescape landscaping conditions as they are adopted."

Vice Chairman Crockett expressed that the developer has shown a willingness to work and be progressive on how they plan to develop the site. He stated the other issue regarding the improvement of the intersection should be part of the conditions and some limitations about what the developer intends to do so that we will know when we put in the conditions what the Council approved. He stated he is not sure it can be worked out tonight; that it can be worked out between now and second reading.

City Attorney Nelson stated some of the conditions are in the landscaping conditions; that we possibly need to restrict landscaping in the caption and have it read, ". . . subject to certain conditions."

Councilwoman Hurley stated she would like for that to be specific and would like for it to remain.

City Attorney Nelson stated it will remain in the body; that if the caption is amended again the Council will have to go back to first reading. He stated if we do not retain the landscaping provision in the caption, we can amend to add other conditions during the week and still keep the landscaping conditions.

REZONING (Cont'd.)

Vice Chairman Crockett suggested that the ordinance be approved on first reading and put the rezoning matter into Committee for further discussion on the conditions. (He scheduled a meeting of the Economic Development Committee for Tuesday, September 9 at 5 p.m.)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 1100 BLOCK OF DAVE L. BROWN DRIVE, BEING ON THE SOUTHWEST LINE OF DAVE L. BROWN SOUTHEAST OF EAST BRAINERD ROAD, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

TOGETHER WE CAN SCHOLARSHIP AMENDMENT

Councilman Hakeem announced this matter was discussed in joint Committees of Budget and Finance and Education and comes with a recommendation for approval.

On motion of Councilman Lively, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOGETHER WE CAN SCHOLARSHIP FUND CREATION AND MANAGEMENT AGREEMENT WITH THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA, INC. SO AS TO AMEND CERTAIN ELIGIBILITY CRITERIA

was adopted.

SPECIAL POLICEMEN

Charles DuPree inquired as to whether the City will incur any liability for these special policemen's actions.

City Attorney Nelson responded "no, that they will not be armed." He stated the permit gives the officer police power and usually limits where they can perform that power. He stated it does not give them the ability to carry a weapon.

Admin. Dinsmore stated they will open and shut the gate at the Park and that is the only function they will perform. He stated they have no arrest power and cannot carry a gun; that this is strictly to unlock and lock the gate.

TEMPORARY USE: CHATTANOOGA
HOUSING AUTHORITY

Councilman Lively stated this matter was discussed in Public Works and it was agreed the matter should be delayed one week.

Vice Chairman Crockett stated the matter was delayed to make sure there was consultation with the Tenants Association; that the Housing Authority asked for the one week delay.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING CHATTANOOGA HOUSING AUTHORITY
TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY
AT WEST 37TH STREET SITUATED WHOLLY INSIDE SPENCER J.
MCCALLIE HOMES BETWEEN CHANDLER PLACE AND KIRKLAND
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS, FOR THE PURPOSE OF REDESIGNING THE
AREA WITH SPECIAL EMPHASIS ON CRIME PREVENTION
was tabled one week.

PROFESSIONAL CONSULTING SERVICES
AGREEMENT: DAVID M. GRIFFITH &
ASSOCIATES

Councilman Hakeem stated this matter was discussed in Budget and Finance Committee; that this is not a "reduce in force" study.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH DAVID
M. GRIFFITH & ASSOCIATES, RELATIVE TO A COMPREHENSIVE
COMPENSATION AND CLASSIFICATION STUDY
was adopted.

AGREEMENT: PINNACLE PROPERTIES
LLC

Vice Chairman Crockett stated this matter was discussed in Economic Development Committee this afternoon; that it is a proposal to extend the sewer line to a 20+ acre tract zoned for industrial or manufacturing; that this will allow that property to be used. He called upon Todd Cooper of Pinnacle to make remarks and indicated Pinnacle developed the Soddy-Daisy Industrial Park and others.

Todd Cooper stated he is looking forward to working hand-in-hand with the City to bring in new companies and have good manufacturing companies come in. He stated it will take a joint effort to be successful and this will be good for both his company and the City.

PERSONNEL (Cont'd.)

Councilman Pierce inquired as to why so many were leaving. Admin. Turner explained three of the teachers will go to the new school system, one will go to the Dalton School System, and one has left the city. She stated all the others have taken other jobs.

PERSONNEL

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

TRENACE M. WILKINS -- Resignation, Laborer II, Plaza, effective August 20, 1997.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchase was approved for use by the Parks and Recreation Department:

TOWER CONSTRUCTION (Lower and better bid)
Requisition No. B0000010

Purchase of Facility and Site Improvements for Three Recreation Centers

\$36,273.00

PERSONNEL

The following personnel matter was reported for the General Services Department:

WILLIAM C. COOK -- Termination, Mechanic I, Fleet Maintenance Amnicola, effective August 18, 1997.

PERSONNEL

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

SUE BRADLEY -- Transfer (lateral), Clerk II, Traffic Engineering, Pay Grade 4/Step 6, \$17,534.00 annually, effective August 25, 1997.

TYRONE F. NEWSON -- Employment, Electrician I, Traffic Engineering, Pay Grade 12/Step 3, \$26,768.00 annually, effective August 29, 1997.

PURCHASE

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

SHERMAN DIXIE CONCRETE (Lower and better bid)
Requisition No. R0002411

Purchase of Contract for Erosion Control and Turf Reinforcement Material for City-wide Services

(Price information available and filed with minute material)

PERSONNEL

The following personnel matter was reported for the Fire Department:

VANESSA MEYER -- Return from Family Medical Leave, Secretary, Supply Division, effective September 2, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

MARSHAL ALLAN LUTES -- Retirement, Captain, effective August 28, 1997.

DELLA SISSON PETERSON -- Termination, Clerk, effective September 2, 1997.

HOTEL PERMIT

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following hotel permit was approved:

GUEST HOUSE INN -- 100 West 21st Street, Chattanooga, TN

WENDY LAPOINT

Admin. Dinsmore asked for a motion from the Council so that Officer Wendy LaPoint could accept the \$1,000 gratuity presented to her from Suntrust Bank. He stated Chapter 13-8 prevents police officers from accepting gratuities.

ADJOURNMENT

Vice Chairman Crockett adjourned the meeting until Tuesday,
September 9, 1997 at 6 p.m.

CHAIRMAN


as CLERK OF COUNCIL

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