

**City Council Building
Chattanooga, Tennessee
May 16, 2000**

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

INVOCATION

Councilman Lively gave invocation.

MINUTE APPROVAL

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

REZONING

2000-068: City of Chattanooga

On motion of Councilman Lively, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE
SEVERAL PLATTED TRACTS OF LAND LOCATED IN THE 1600
BLOCK OF ROSSVILLE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2000-070: William B. & Virginia C. Sanders And William Sanders, Jr.

On motion of Councilman Franklin, 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 7626 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

2000-081: Barry Evans

Jerry Pace of the Planning Agency stated that a gentleman is present who would like to address this request; that he misunderstood the date this matter was to be heard on first reading before the Council, thus his absence from last week's meeting.

Lloyd Hoover expressed apologies for not being present last week and stated his property is on the backside of this request. He stated he has two concerns involving an area of the property that dips down and indicated that the area would flood if the property were leveled with Bonny Oaks. He stated to take away vacant property and put in 43 units would cause additional water flow. He stated the other concern has to do with traffic flow on Old Cleveland Pike, which is a one-lane road. He stated there is not enough room available on the road to pass with multiple cars on a regular basis with 43 units. He indicated that the road is only two blocks long and in a 1998 rezoning on Old Cleveland Pike it was indicated prior to approval that the road would be widened; however, that has not happened. He stated his concern is there is a major blind spot with driveways that go in-and-out; that children will probably live with parents in some of the 43 units and will play wherever they can. He stated with children playing on Old Cleveland Pike cars approaching will not be able to see for a 40-foot distance and he is afraid they will be hit or killed. He stated until Old Cleveland Pike is widened something needs to be done; that he does not believe a zero lot line allows for widening of Old Cleveland Pike.

Councilman Crockett inquired as to what comes out on Old Cleveland Pike, now.

REZONING (Continued)

Mr. Pace stated that the recommendation from Planning was for a new site plan; that the applicant did have curb cuts for every unit on Old Cleveland Pike but the plan was redesigned to allow for entranceways from only three driveways; that there will only be three access points to Old Cleveland Pike. He stated there are only two access points to Bonny Oaks; that there will not be a zero lot line right to the street as the request has to meet the setback requirements. He stated the development calls for the same number of units allowed in R-1; that the only thing is there will be closer units for more open space for the whole development. He stated the density will be the same as R-1 and could have up to as many as twelve curb cuts along Bonny Oaks; that the recommendation from Planning and Staff is for approval.

Councilman Crockett asked if the map reflects an accurate picture of the road. Mr. Pace stated that it is accurate; that Old Cleveland Pike is narrow.

Councilwoman Rutherford asked if the traffic engineer has gone out to look at the road. Mr. Pace stated the traffic engineer was in the staff review and zoning meeting; that he cannot speak for Mr. VanWinkle, as he does not know if he looked at it or not.

Councilwoman Rutherford asked if any concerns have been expressed regarding this project. Mr. Pace responded “no”.

Councilwoman Rutherford inquired as to whether flood retention plans are required when new structures are built, as water cannot just be redirected. Mr. Pace stated stormwater drainage requirements still have to be met for proper drainage and the stormwater division will have to approve it.

Councilwoman Hurley inquired as to the conditions for the request. Mr. Pace made reference to the conditions listed in the Ordinance, which involve curb cuts along Old Cleveland Pike, and consolidation of the curb cuts into a minimum of three; that the applicant has incorporated that into his plan.

Councilwoman Hurley asked what the situation is with regard to widening of the roads. Mr. Pace stated that the roads would be the same either way whether the roads are widened or not.

Councilman Pierce asked if the setback would be reduced if the road was widened. Mr. Pace indicated that the front yard would be reduced if a house were there.

Chairman Hakeem stated if he understands this correctly, whether there is a single family residence or these units there will still be the same setback from the streets as if it were a single family dwelling; that in that sense we have made accommodations for the potential of widening the road if it should come to that.

REZONING (Continued)

Mr. Pace stated accommodations have not been made if the road is widened; that the right-of-way is almost the width of the road, itself. He stated there is a minimum of 30 feet from the center line if the road is widened and he would guess that five-to-seven feet of the front yard would be affected; that the driveways and parking will be in the rear of the structure, not in the front.

Councilwoman Rutherford asked if a 30 foot setback could be required knowing we will need five feet “down the road” to widen the road.

Mr. Pace stated if any minimum requirement is added it will have to come in the form of an amendment.

Chairman Hakeem stated the 30-foot setback has been proposed, but is not a recommendation to make a stipulation for the possibility of widening the road.

City Attorney Nelson stated it is only appropriate if the zoning plan amendment necessitated the change in widening the road.

Chairman Hakeem asked the City Attorney if he felt the plan necessitated this. City Attorney Nelson stated that would be a question for the traffic engineer.

Mr. Pace suggested that the matter be tabled one week for an opportunity for the traffic engineer to determine the need in that area; that Old Cleveland Pike is a very short road and does not know if the traffic engineer will be anxious to widen a road that does not serve any more of the area than it does.

On motion of Councilman Rutherford, seconded by Councilwoman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL UNPLATTED TRACTS OF LAND LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred one week for adequate review by the traffic engineer regarding road conditions in the area.

(Councilman Lively excused himself from the meeting at this point.)

REZONING

2000-085: Mark W. Lovett

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL TRACTS OF LAND LOCATED IN THE 100 BLOCK OF EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CHARTER

On motion of Councilwoman Hurley, 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 THE PROVISIONS REGARDING THE APPOINTMENT OF THE CITY COURT CLERK BY THE CITY JUDGE AND PROVIDING FOR THE TERM OF OFFICE FOR THE CITY COURT CLERK, AND TO PROVIDE FOR THE APPOINTMENT OF THE CITY COURT CLERK

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

REZONING

2000-075: Gene D. Pearson

The applicant was present; there was no opposition.

Chairman Hakeem stated Councilman Eaves called the Council Office today to convey the message that he does not have any opposition to this matter moving forward with the zoning requested.

REZONING (Continued)

Mr. Pace stated that this matter was postponed from last week so that Councilman Eaves would have an opportunity to look at the property. H stated the property is in the Tyner, Silverdale Road, Bonny Oaks and Lee Highway area. He stated there are several offices located along Silverdale Road as well as many single-family residences, with an office building southeast of the area. He stated the Staff recommended denial due to the residential area; that this type development would encourage similar requests. He stated the Planning Commission recommended approval.

Gene Pearson stated he owns Computer Direct which is located next door to the property. Through PowerPoint presentation, photos were displayed showing various structures within the area including the house next door to the property. He stated the only house affected are the people next door who are not in opposition to the request as they are happy the site will be improved; that on the other side of them is the Silverdale ball field. He stated his new building will do nothing but enhance the community and cleans up the place as it has sustained extreme structural damage. He stated his plans are to tear it down and build a nice building.

Councilman Crockett asked if there was any opposition. Chairman Hakeem and Mr. Pace both responded "no".

On motion of Councilman Crockett, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE AN UNPLATTED TRACT OF LAND LOCATED AT 2906 SILVERDALE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

passed first reading.

INTERIM BUDGET

On motion of Councilman Crockett, seconded by Councilman Hurley,

AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER, 2000, PENDING THE ADOPTION OF THE 2000-2001 ANNUAL BUDGET

passed first reading.

TRANSFER CREDITS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE TRANSFER OF CREDITS FROM ONE ACCOUNT TO ANOTHER ACCOUNT WITHIN THE VARIOUS DEPARTMENTS, AGENCIES AND DIVISIONS OF THE GOVERNMENT
was adopted.

INTERLOCAL AGREEMENT: CITY OF COLLEGEDALE

On motion of Councilwoman Hurley, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF COLLEGEDALE, TENNESSEE REGARDING CERTAIN REVISED URBAN GROWTH BOUNDARIES AND ANNEXATION AREAS IN AN ATTEMPT TO COMPLY WITH PUBLIC CHAPTER 1101 OF THE PUBLIC ACTS OF 1998 AND PURSUANT TO SETTLEMENT OF ANNEXATION LITIGATION BETWEEN THE CITY OF COLLEGEDALE AND THE CITY OF CHATTANOOGA
was adopted.

AGREEMENT: COMMUNITY FOUNDATION/COMMUNITY IMPACT FUND

Councilwoman Hurley stated that this involves money that is welcomed from the private sector; that the management is of some neighborhood positions on behalf of the neighborhood, themselves.

On motion of Councilwoman Hurley, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMUNITY FOUNDATION/COMMUNITY IMPACT FUND RELATIVE TO THE ADMINISTRATION OF PAYROLL AND BENEFITS FOR NEIGHBORHOOD ORGANIZATIONS
was adopted.

COMMON LOT LINE AGREEMENT

Councilwoman Rutherford stated Resolutions (d), (e) and (f) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COMMON LOT LINE AGREEMENT AND A TEMPORARY WORK AGREEMENT WITH OSBORNE BUILDING CORPORATION, RELATIVE TO THE DEVELOPMENT CENTER

was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, CONTRACT NO. 28G, MOCCASIN BEND WASTEWATER TREATMENT PLANT, PLANT EXPANSION AND S\WET WEATHER TREATMENT, WITH 3D ENTERPRISES CONTRACTING CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWO HUNDRED TEN THOUSAND, EIGHT HUNDRED TWENTY DOLLARS (\$210,820.00), FOR A REVISED CONTRACT TOTAL OF EIGHTEEN MILLION, NINE HUNDRED TWENTY-TWO THOUSAND, NINE HUNDRED THIRTY DOLLARS (\$18,922,930.00)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3, CONTRACT NO. CSO-7-98, TREMONT STREET CSO FACILITY, WITH HAREN CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETEEN THOUSAND, FIVE HUNDRED SIXTY-THREE DOLLARS (\$19,563.00) FOR A REVISED CONTRACT AMOUNT OF ONE MILLION, EIGHT HUNDRED FORTY THOUSAND, THREE HUNDRED SEVENTY-FIVE DOLLARS (\$1,840,375.00)

was adopted.

CONTRACT: LEVIT MILLS

On motion of Councilman Crockett, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT WITH LEVITT MILLS FOR DESIGN SERVICES FOR THE HIGHLAND PARK FOR AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00)
was adopted.

CONTRACT: HAWKINS PARTNERS

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH HAWKINS PARTNERS FOR DESIGN SERVICES FOR THE EAST BRAINERD PARK FOR AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLAR (\$50,000.00)
was adopted.

CONTRACT: ANCHOR GLASS CONTAINER CORPORATION

Admin. Boney stated that this matter was discussed in committee today and involves the purchase by the City of ten acres of vacant property from the Anchor Glass Corporation for \$160,000 with the beneficial use projected to be residential.

Chairman Hakeem inquired as to the plant location. Admin. Boney stated that that is a separate issue; that this involves current vacant property.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE EXECUTION OF A CONTRACT OF PURCHASE AND SALE WITH ANCHOR GLASS CONTAINER CORPORATION RELATIVE TO REMEDIATION OF THE BROWNFIELD AREA AND RENOVATION OF THE ALTON PARK AREA
was adopted.

OVERTIME

Overtime for the week ending May 12, 2000 totaled \$15,524.16.

**SPECIAL PRESENTATION: DEBRA
MATTHEWS – HOPE VI**

Debra Matthews, Chair of the Alton Park/Piney Woods Neighborhood Improvement Corporation, stated that the homeowners of the area met to discuss the current revitalization plan for their community as it relates to the present HOPE VI initiative. She expressed the community's support as HOPE VI purports to transform their old and proud working class community back to the thriving, vital area of bygone years. She stated it is in their best interest to undertake a plan of action of their own to safeguard their life investment and are pursuing a memorandum of Agreement with the HOPE VI 2000 application. At this point she called on Ms. Mattie Shoulders to read the Memorandum of Understanding. (A copy of Ms. Matthews and Ms. Shoulders' written statements are filed with minute material of this date.)

PURCHASE

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

LAWSON ELECTRIC CO. (Lower and better bid)
Requisition R0046837/P0014427

Electrical Work

\$541.25 (per one of each item listed)

PURCHASE

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

HAVRON CONTRACTING CORP. (Change Order #1)
Requisition R0042257/P0014080

Demolition of the YMCA Building

\$87,750.00 – Original Contract 12/7/99
827.00 – Change Order #1
\$88,577.75 – Total Contract Cost

PERSONNEL

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

WILLIAM C. BOYD – Transfer/Promotion, Concrete Worker, Citywide Services, Pay Grade 6/Step 1, \$18,74.00 annually, effective May 10, 2000.

ANTHONY L. THURMAN – Promotion, Equipment Operator, Citywide Services, pay Grade 6/Step 1, \$18,574.00 annually, effective May 3, 2000.

GARY BRIDGES – Return from Medical leave, Light Equipment Operator, Citywide Services, effective May 1, 2000.

PURCHASES

On motion of Councilman Franklin, seconded by Councilman Crocket, the following purchases were approved for use by the Public Works Department:

AGRICULTURAL DISTRIBUTORS AND MID-TENN TURF (Best bids)

Requisition R0048245/P0014387

Sod

(Price information available and filed with minute material)

ENFOTECH CONSULTING (Best bid)

Requisition R0048532/B0000426

Pretreatment Software

\$29,500.00

RICHARDSON ELECTRIC COMPANY (Best bid)

Requisition R0048649/B0000460

Replacement Motor

\$1,396.00

PURCHASES (Continued)

CMI EQUIPMENT SALES (best bid)
Requisition R0041915/B0000459

Open Top Transfer Trailer

\$42,852.00

REFUND

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund:

B & W BUILDERS, INC. -- Building refund, Project Cancelled, \$2,769.00

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

ANNETTE E. JOHNSON – Promotion, Property Service Clerk, Pay Grade 7/Step 7, \$25,792.00 annually, effective May 19, 2000.

JOE FLETCHER – Suspension (10 days without pay), Police Officer, effective May 16, 2000.

CURTIS GREEN – Suspension Overturned (by Order of City Council per disciplinary hearing of May 8, 2000), effective May 8, 2000.

PERSONNEL

The following personnel matter was reported for the Personnel Department:

BRENDA FISH – Resignation, Classification Compensation Analyst, effective May 18, 2000.

PERSONNEL

The following personnel matters were reported for the Finance Department, Division of City Court:

PATRICIA MOORE – Family Medical Leave, Court Clerk, effective May 5, 2000.

SHERRYL LYONS – Family Medical Leave, Court Clerk, effective April 24, 2000.

VANESSA PITTMAN – Resignation, Court Clerk, Sr., effective May 12, 2000.

WARREN HARRELL – Termination, City Court Officer, effective May 4, 2000.

PERSONNEL

The following personnel matters were reported for the Finance Department:

FRANKIE JONES – Family Medical Leave, Accounting Technician, effective April 18, 2000.

REFUNDS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds:

EUROPEAN MOTORS, LLC – Map No. 157E-A-001, City owned property per Tax Assessor, \$1,321.97.

SISTERS OF CHARITY OF NAZARETH HEALTH CORP. – Per various map numbers filed with minute material of this date, Tax exempt per State Board of Equalization, \$90,986.07.

CERTIFICATE OF COMPLIANCE (RETAIL LIQUOR STORE)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the Certificate of Compliance for a retail liquor store license for James P. Jenkins for partial change of ownership was approved.

HEARING REQUEST: FREDDIE BROOKS

City Attorney Nelson stated a request has been received by Freddie Brooks for a hearing regarding another suspension; that it is his understanding that this request is premature as the other hearing appeal is not final.

STEVE LOGAN VS. CITY

City Attorney Nelson stated prior to Council meeting there was a meeting in the Council chambers in which there was discussion regarding the case of Steve Logan vs. the City that was heard by a panel of the Council. He stated unless he hears anything to the contrary he will reply to the Chancellor that we do not anticipate any future hearing.

CONFERENCE ON NEIGHBORHOODS

Admin. Freeman reminded Council members of the Conference on Neighborhoods scheduled for May 24 and 25. He stated 650 people have registered for the Conference with 570 persons already registered for the Best Practices Awards Banquet. He stated he plans to come before the Council next week to make a presentation regarding the wearing apparel for the Conference; that all speakers are “on board”. He stated this is another step forward in building neighborhoods and keeping them strong and revitalized. He stated they are in the process of preparing mini-grants and will get with Council members this week.

COMMITTEES

Councilman Franklin reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, May 23 at 4 p.m.**

Chairman Hakeem stated a meeting of the **Economic Development Committee will be held on Tuesday, June 6.**

(Councilwoman Rutherford excused herself from the meeting at this point.)

COMMUNITY FESTIVAL

Councilman Franklin invited Council members to the Community Festival for the North Brainerd, Eastdale and Woodmore communities on Saturday, May 20 from 10 a.m. – 4 p.m. at Dalewood Middle School and Dalewood Plaza. He stated many major events have been planned and everyone anticipates having a great time!

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, May 23, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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