

**City Council Building
Chattanooga, Tennessee
February 15, 2000**

The meeting of the Chattanooga City Council was called to order by Vice Chairman Hakeem with Councilmen Crockett, Eaves, Franklin, Hurley, Pierce, and Taylor present. Chairman Lively and Councilwoman Rutherford were absent due to prior engagements. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

INVOCATION

Invocation was given by Councilman Taylor.

MINUTE APPROVAL

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

CLOSE AND ABANDON

1999-220 (Mark Guhne and John Thomas Farrow, Jr.)

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED
STREET LOCATED SOUTHWEST FROM GRAHAM ROAD,
SOUTHEAST OF JENKINS ROAD, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO A CERTAIN CONDITION**

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

REZONING

1999-223 (Chattanooga Neighborhood Enterprise, Inc.)

On motion of Councilman Crockett, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1603 AND 1605 WILLIAMS STREET, BEING ON THE NORTHWEST LINE OF WILLIAMS STREET SOUTHWEST OF WEST 16TH STREET, 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 Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

2000-003 (M & M Holdings)

On motion of Councilman Taylor, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7731 LEE HIGHWAY, BEING ON THE NORTHWEST LINE OF LEE HIGHWAY NORTHEAST OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM G1 HIGHWAY COMMERCIAL ZONE TO M-1 MANUFACTURING ZONE

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

REZONING

2000-009 (Harry Gross)

On motion of Councilman Eaves, 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 7531 SHALLOWFORD ROAD, BEING ON THE NORTHEAST LINE OF SHALLOWFORD ROAD NORTHWEST OF ASHFORD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2000-013 (Larry Armour)

Pursuant to notice of public hearing, the following request to rezone a tract of land located at 1736 Gunbarrel Road came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation, stating that this was a tract of land located on the east side of Gunbarrel Rd.; the predominant use south of the property is R-1, along with O-1. The recommendation from the Planning Commission was to rezone this from R-1 to C-2; the Staff's recommendation was to deny C-2 zoning but approve O-1. This is the only remaining R-1 tract facing Gunbarrel Rd. in this immediate area.

Attorney John Anderson of Grant, Konvalinka, and Harrison was present representing the applicant and property owner. He stated that the last O-1 Zoning fronts on Gunbarrel; that this is one of two remaining parcels undeveloped along Gunbarrel and both are adjacent to the driveway. He explained that the Planning Commission related to the fact that this parcel is not large and that C-2 would not be detrimental, and this is a low intensity use. He stated that they respectfully requested that C-2 Zoning be granted.

Councilman Eaves stated that he had talked to people in the surrounding area, and he could not see any reason not to grant this.

There was no opposition present.

On motion of Councilman Eaves, 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 1736 GUNBARREL ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading.

AMEND CITY CODE
ALCOHOL DISTANCE
RESTRICTIONS

Councilwoman Hurley noted that this was taken up in the Parks and Recreation Committee meeting earlier in the afternoon; that there had been some misunderstanding on the part of the public because of the story in the newspaper. She explained that this does not disturb the City Code but exempts six commercial areas.

On motion of Councilwoman Hurley, seconded by Councilman Crockett,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, SECTION 5-75(B), REGARDING DISTANCE
RESTRICTIONS FOR THE SALE OF BEER OR OTHER
BEVERAGES OF LIKE ALCOHOLIC CONTENT**

passed first reading with Councilman Hakeem abstaining.

Vice Chairman Hakeem explained that the reason for his abstention was that he wanted to be afforded the opportunity to talk with constituents in his District who were seeking clarification.

DONATION OF PROP.

Councilwoman Hurley explained that this came before the Health, Education, Human Services and Housing Opportunities Committee earlier in the day and commented on the fantastic project beginning in Ridgedale that was driven by the donation. She stated that we were extremely pleased to hear these plans and happy to participate in this.

Vice Chairman Hakeem added that he was looking forward to the partnership involved in this.

On motion of Councilman Pierce, seconded by Councilman Franklin,

**A RESOLUTION ACCEPTING THE DONATION OF CERTAIN
PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R. L. STOWE MILLS, INC. AND AUTHORIZING THE
CONVEYANCE OF SAID PROPERTY TO STEVE PEMBERTON
D/B/A PEMBERTON CONTRACTORS FOR THE PURPOSE OF
CONSTRUCTING AFFORDABLE HOUSING PER THE CITY'S
BUILDING SPECIFICATIONS AND DESIGN REVIEW**

was adopted.

AGREE. AMENDMENT

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AEROBIC BIO-RECLAMATION PROCESS—PILOT TESTING AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, WHICH AMENDMENT INCREASES THE CONTRACT BY THE AMOUNT OF SIXTY-NINE THOUSAND, ONE HUNDRED SEVENTY DOLLARS (\$69,170.00) FOR A REVISED CONTRACT AMOUNT OF FOUR HUNDRED FIFTY-FOUR THOUSAND, ONE HUNDRED SEVENTY DOLLARS (\$454,170.00)

was adopted.

CONTRACT C.O.

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. CSO-2a-99, CENTRAL AVENUE CSO CONTROL FACILITY, WITH CASH CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED EIGHTY-THREE THOUSAND, TWO HUNDRED THIRTY-NINE AND 37/100 DOLLARS (\$183,239.37), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE MILLION, FIFTY-EIGHT THOUSAND, FOUR HUNDRED FORTY-EIGHT AND 37/100 DOLLARS (\$3,058,448.37)

was adopted.

CONTRACT C.O.

On motion of Councilman Franklin, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. SW-1-99, CONCRETE CURB AND GUTTER, SIDEWALK AND DRIVEWAY, WITH YERBEY CONCRETE CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIFTY-ONE THOUSAND, FOUR HUNDRED TWO AND 70/100 DOLLARS (\$51,402.70), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-ONE THOUSAND, FOUR HUNDRED TWO AND 70/100 DOLLARS (\$151,402.70)

was adopted.

CONTRACT

On motion of Councilman Crockett, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. CSO-6-99, M. L. KING CSO CONTROL FACILITY, TO RAINES BROTHERS, INC., FOR THEIR LOW BID IN THE AMOUNT OF THREE MILLION, THREE HUNDRED ONE THOUSAND, FIVE HUNDRED THIRTY-FIVE AND 30/100 DOLLARS (\$3,301,535.30)
was adopted.

CONTRACT

On motion of Councilwoman Hurley, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. P-1-00, BITUMINOUS PAVEMENT RESURFACING, TO VULCAN MATERIALS COMPANY, FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00)
was adopted.

It was noted that the next two Resolutions were discussed in the Parks and Recreation Committee meeting and come with a recommendation.

LICENSE AGREEMENT

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A LICENSE AGREEMENT WITH BUILDING BLOCKS, RELATIVE TO THEIR OPERATION OF A COMPREHENSIVE CHILD DEVELOPMENT PROGRAM AT THE JOHN A. PATTEN CENTER
was adopted.

PER. SERVICES CONT.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE TO ENTER INTO A PERSONAL SERVICES
CONTRACT WITH FRANK ELLIS D/B/A/ HORSING AROUND
RELATIVE TO MAINTENANCE AND REPAIR SERVICES FOR
THE COOLIDGE PARK CAROUSEL**

was adopted.

STATE-SHARED REV.

Vice Chairman Hakeem explained that this Resolution was for the purpose of encouraging State Legislators to look in other directions other than State-Shared Revenue to solve the State Budget Problem to prevent our having to raise property taxes by approximately \$.46 per \$100 of assessed valuation; that we were just asking them to look in other directions.

On motion of Councilman Pierce, seconded by Councilman Franklin,
**A RESOLUTION SUPPORTING THE EFFORTS OF OUR STATE
REPRESENTATIVE AND STATE SENATORS IN THEIR WORK
TO ENSURE THAT EXISTING CITY SERVICES CAN BE
CONTINUED WITHOUT A NEAR DOUBLING OF MUNICIPAL
PROPERTY TAX RATES, AND OPPOSING ANY USE OF LOCAL
GOVERNMENTS' STATE-SHARED REVENUE DISTRIBUTIONS
TO SOLVE THE STATE BUDGET PROBLEM**

was adopted.

OVERTIME

Overtime for the week ending February 11, 2000, totaled \$109,314.10.

PURCHASE

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

KEL-SAN, INC. (Best bid for City of Chattanooga)
Requisition No. 0037759

12-Month Contract for Paper Goods

(See minute material for various amounts)

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

MAURICE DELANEY—Lateral Transfer from Sanitation Worker to Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 2/16/00.

NATHANIEL JENNINGS—Lateral Transfer from Sanitation Worker to Crew Worker, Pay Grade 3/11, \$23,607.00 annually, effective 2/16/00.

LEE YERBEY—Suspension for three days without pay for Equipment Operator, effective 2/1-7-8/00.

JOHN . HOWARD, JR.—Resignation of Senior Equipment Operator, effective 2/15/00.

JOSEPH MCCROSKEY—Death of Survey Instrument Technician, effective 2/4/00.

DARRELL RANSOM—Extension of Family Medical Leave for Senior Crew Worker, effective from 2/5/00 through 3/31/00.

ANDRE DAVIS—Promotion form Senior Crew Supervisor to Senior General Supervisor, Pay Grade 16/4, \$34,178.00 annually, effective 2/9/00.

Adm. Marcellis expressed his condolences for the untimely death of Joseph McCroskey. He was only 47 years old, and Adm. Marcellis stated that Public Works would sorely miss him.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchase was approved for use by the Public Works Dept.:

FOX WASTE SYSTEMS (Renewal of Contract #P0010972)

Contract Extension for additional twelve months

(See minute material for prices)

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Dept.:

JAMES M. LANE, JR.—Resignation of Lieutenant, effective 2/9/00.

SHAWN N. SHIPLEY—Promotion to Senior Firefighter, F2/11, \$37,332.00, effective 2/11/00.

CHARLES E. PATTERSON—Promotion to Senior Firefighter, F2/9, \$34,843.20, effective 2/11/00.

LAWRENCE O'REAR, JR.—Promotion to Senior Firefighter, F2/4, \$28,621.20, effective 2/11/00.

WILLIAM GASTON—Promotion to Senior Firefighter, F2/7, \$32,354.40, effective 2/11/00.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Department:

SEPARATE WINDS, INC. (Single Source Purchase)
Requisition No. R0042966

Niedner Fire Hose

\$34,795.36

HOTEL PERMITS

On motion of Councilman Franklin, seconded by Councilman Eaves, the following Hotel Permits were approved:

RAMADA INN—100 West 21st St.

QUALITY INN---7620 Hamilton Park Drive

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Dept.:

JERRY E. WHITE—Resignation of Communications Officer, effective 2/7/00.

CHARLES C. HASS—Retirement of Officer, effective 2/24/00.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Eaves, the following purchase was approved for use by the Chattanooga Police Dept.:

TOMAHAWK LIVE TRAP COMPANY (For Partial Items)

ANIMAL CARE EQUIPMENT (For Partial Items)

Requisition R0046958/B0000396

Animal Supplies

(See minute material for prices)

LIQUOR LICENSE

On motion of Councilman Eaves, seconded by Councilman Pierce, the following Liquor License was approved:

LOUIE'S LIQUOR—7703 Lee Highway

The owner was present for questions. Adm. Boney obtained the required signatures on three copies of certification.

**BETTER HOUSING
APPEAL**

City Attorney Randall Nelson scheduled a Better Housing Appeal for **Mr. M.A. Jackson, 609 E. 17th St.** to follow the Council Meeting of **February 29th**.

**ZONING STUDY AND
MORATORIUM**

Councilman Pierce stated that he would like to ask that a Study be conducted in the Fort Wood area in regards to the property use in that area. He stated that a Study was made in 1985, and the biggest problem is that the area is zoned R-4 with no R-1, and he would like to look at downzoning; that at the time the Study was done, there were no residences there, and the use is now residential. He stated that he would request that Planning get started on this.

Mr. Pace stated that he thought that Planning could accommodate this request, but he would have to talk to the Executive Director before he could give a specific timeframe. He also suggested that if something comes forward in this area that we might want to hold it until the Study is completed, noting that it should take from 3-6 months.

Councilman Pierce indicated that he would like a moratorium placed on this area until the Study is completed.

On motion of Councilman Pierce, seconded by Councilwoman Hurley, Planning is requested to do a Zoning Study and a Moratorium will be placed on the area until the Study is completed.

Attorney Nelson stated that this would need to be done by Resolution, and he would need the boundaries of the area that would be affected by the Moratorium so that the Building Inspection Office could enforce this. Councilman Pierce indicated that he had a Land Use Map now.

Mr. Pace added that this included the Historic District and may encompass more than just this District. He reiterated that he could not give a definite timeframe, but it should be no more than 6 months.

**ZONING STUDY AND
MORATORIUM**

Councilman Eaves stated that he had been requested by a number of people to ask for a Zoning Study on the west side of Gunbarrel Rd. and south of Igou Gap Rd. He stated that he would like to make a formal request that we take this up; that he would sit down and go over the boundaries and location with Mr. Pace.

Mr. Pace stated that they needed to sit down and discuss this; that they were short an Executive Director, and their plate was full, but he would meet with Councilman Eaves to work out arrangements. He stated that in the next few months there will be several zoning cases in this area, and we may want to draw up a Resolution for Moratorium changes.

On motion of Councilman Eaves, seconded by Councilman Pierce, Planning is requested to do a Zoning Study on this area, and a Moratorium will be placed on the area until the Study is completed.

COMMITTEES

Councilman Franklin scheduled a meeting of the **Public Works Committee** for **Tuesday, February 22nd at 4:00 P.M.**

**PLANNING REQUEST
AND SESSION**

Councilman Crockett stated that he would like it made a part of the public record that he had asked for Zoning Studies on two areas—one had passed first reading; that there was to be a Mini-Planning Session for the Apartment Complex, and the second request was on H/W 153; that he just wanted this a part of the public record since a lot of requests were being made.

SISTER BEY

Sister Bey stated that she attended a meeting last week at 10:00 A.M. in regards to the Room In The Inn; that there was another lady with her that was in opposition to this and Mr. Wilson, Chairman of the Board of Appeals, hurt her feelings. She stated that they did not want the Room In The Inn; that she knew Vice President Gore personally, and she had asked him to cut off funds and look into the apartments on Citico. She stated they did not see any of the money, and they did not want prostitutes and drug addicts in their neighborhood. She stated that Vice President Gore would answer her, and she would fight the Council.

GATHA LOGAN, JR.

Mr. Logan stated that he had asked for a formal complaint service for disabled people that were not being rendered services and not having their disability handled. He stated that he needed to write down a formal complaint; that since his accident he had had a memory problem, and he got nervous and would forget, and he did not want to accuse someone wrongfully; that he wanted to make this complaint formal. He stated that his father made him a junior and told him to make sure everyone knew he was junior, as he did not want any repercussions from his name.

Vice Chairman Hakeem suggested that Mr. Logan, himself, Randy Burns, and Randy Nelson sit down for a few minutes after the meeting was over; that some research had been done on Mr. Logan's initial question.

Councilman Pierce asked what the "gist" of Mr. Logan's problem was. Vice Chairman Hakeem responded that it was in relation to bus service in a CARTA Caravan.

MR. AND MRS. BRADY

Mr. And Mrs. Brady appeared before the Council to make harassment charges against the Police Dept. in their neighborhood around Main and Market Streets. Mr. Brady stated that their neighborhood was drug-infected and innocent bystanders were being harassed; that he had to go to the hospital because the Police threw him to the ground. Mrs. Brady added that they were innocent; that they had talked to a Mr. Holcomb in the Police Dept. who had said they were not innocent and Channel 12 TV had suggested they talk things out here.

Vice Chairman Hakeem asked that they provide Chief Dotson with the adequate information.

**MEETING WITH
COUNTY COMMISSION**

Councilwoman Hurley announced that there would be a meeting on **March 3rd at 9:00 A.M. at the Trade Center** with the County Commission. She stated that this would be a discussion session to open the lines of communication with the County.

ADJOURNMENT

Vice Chairman Hakeem adjourned the meeting until Tuesday, February 22, 2000 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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