

Municipal Building  
Chattanooga, Tennessee  
September 16, 1997

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

INVOCATION

Invocation was given by Councilwoman Hurley.

MINUTE APPROVAL

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

REZONING

1996-257: Charles T. Bowman

The applicant was present; there was no opposition.

Councilman Crockett stated this item was tabled pending some work between the applicant and the residents in the area. He stated a report is ready for presentation from both the applicant and the developer.

Atty. Arvin Reingold represented the applicant and expressed thanks to Councilman Crockett and the Planning Staff for coming up with a very acceptable and good plan; that most of the concerns of the neighborhood have been addressed (in the plan). He stated the architectural design has been approved and a lot of hard work and cooperation went into the development of the plan; that the whole Staff has worked well with the applicant.

REZONING (Cont'd.)

Jerry Bone stated both he and his father are in this project together and have spent a lot of time on it. He, too, expressed appreciation to the Staff, Planning Commission, the people of Hixson, and Councilman Crockett for bringing in professionals from Philadelphia. He stated numerous meetings were held at the Design Studio; that there were many ideas and major changes made to the plan prior to finalization. He stated the final result reflects a remarkable impact this project will have; that everyone came up with a positive drawing.

John Dyson spoke as representative of the Windbrook Community Club. He stated he had concerns initially and spoke against the project because of drainage and traffic problems. He extended special thanks to Councilman Crockett and Planning for their overwhelming amount of duty to the project. He stated there has not been one person in Windbrook who objects to this project; that it is hoped it will move forward.

Councilman Crockett stated he did not do much; that the neighborhood and developers did a real "textbook job". He stated it is a good looking development and has the consensual support of the community and developer.

On motion of Councilman Lively, 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 6150 HIXSON PIKE, BEING OFF THE  
SOUTHEAST LINE OF HIXSON PIKE SOUTHWEST OF BIG RIDGE  
ROAD, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-4  
SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-130: James E. Linkous

On motion of Councilman Lively, 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 5911 HIGHWAY 153, BEING ON THE  
NORTHWEST LINE OF HIGHWAY 153 SOUTHWEST OF GOTHARD  
ROAD, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE  
COMMERCIAL ZONE

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

REZONING

1997-163: Chattanooga Metropolitan Airport Authority

Councilmen Lively and Hakeem made the initial motion to approve this request on second reading.

Madeline Sims stated last week Councilman Crockett made as part of his motion that the buffer zone be included and brought to the standards of the existing law pertaining to a buffer. She stated Gloria Haney reworked the wording of the buffer zone.

City Attorney Nelson stated he did not believe the motion included that; that Councilman Crockett suggested it be done prior to adoption. He stated an amended version has been prepared that would include the landscaping requirements which can be substituted prior to second and third reading. He stated the ordinance last week did not include the landscaping conditions.

Councilman Crockett inquired if the landscaping requirements are the Futurescape requirements or some other type. City Attorney Nelson stated what we have is the same type of thing we had for Hixson Pike; that Gloria Haney has prepared a list of shrubs and trees that will be used.

Ms. Sims stated she did not know who talked with Gloria Haney; that Ms. Haney told her (yesterday) that she was reworking it.

At this point, City Attorney Nelson described the various kinds of trees and shrubs that are to be used in the landscaping scheme.

Chairman Swafford inquired as to whether there has been any contact with the Airport people regarding this; that he would rather hold it to hear from them.

Councilman Eaves stated the Airport people said they would go along with anything we thought of; that he does not think they would have a problem.

Councilman Lively stated there are things contained within the landscaping provisions that are practically impossible.

Councilman Swafford asked that Mr. Davis be notified to be present next week.

REZONING (Cont'd)

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 A TRACT OF LAND LOCATED IN THE 100 BLOCK OF HONEST STREET, BEING ON THE NORTHEAST LINE OF HONEST STREET NORTHWEST OF LEE HIGHWAY, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled one week.

REZONING

1997-178: The Pryor Bacon Company

On motion of Councilman Lively, 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 7429 SHALLOWFORD ROAD, BEING ON THE NORTHEAST LINE OF SHALLOWFORD ROAD SOUTHEAST OF GUNBARREL ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

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.

SEWER EASEMENT ABANDONMENT

MR-97-007

On motion of Councilwoman Rutherford, seconded by Councilman Lively, AN ORDINANCE ABANDONING A 20-FOOT SEWER EASEMENT AT THE NORTHWEST CORNER OF LOT 66, BONNY OAKS INDUSTRIAL AND OFFICE PARK, AND ACCEPTING A NEW SANITARY SEWER EASEMENT RELOCATED CLOSER TO THE PROPERTY LINE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN BY THE NEW PLAT ATTACHED HERETO

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

AMEND CITY CODE: RELATIVE TO  
PARKING ADJACENT TO A YELLOW CURB

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-286(a), RELATIVE TO PARKING ADJACENT TO A YELLOW CURB passed second reading. On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

INSTALLATION OF TWO FIRE HYDRANTS

On motion of Councilman Lively, seconded by Councilwoman Rutherford, 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.

LEASE EXTENSION AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE GENERAL SERVICES DEPARTMENT TO ENTER INTO A LEASE EXTENSION AGREEMENT WITH MEMORIAL HOSPITAL FOR PROPERTY OWNED BY THE CITY OF CHATTANOOGA AND HAMILTON COUNTY KNOWN AS THE "OLD T.B. HOSPITAL" FOR A TERM BEGINNING SEPTEMBER 1, 1997 , AND TERMINATING AUGUST 31, 1998. was adopted.

CONTRACT: RIVERBEND CONSTRUCTION  
CORPORATION

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-2-97, SHALLOWFORD ROAD AT TUNNEL BOULEVARD STREETScape, TO RIVERBEND CONSTRUCTION CORPORATION FOR THEIR LOW BID IN THE AMOUNT OF THREE HUNDRED THIRTY-SEVEN THOUSAND, SEVEN HUNDRED DOLLARS (\$337,700.00) was adopted.

CONTRACT: RAINES BROTHERS, INC.

Councilman Lively stated Streetscape is involved in this Resolution; that this is a deviation somewhat in the way we have spent Streetscape monies.

Councilwoman Hurley stated this Resolution comes with a recommendation for approval from the Public Works Committee.

Councilman Lively stated there should be enough money for all districts; that we are starting to "whittle" into that with projects of this nature.

Admin. Marcellis clarified that the Council approved this in last year's capital budget.

Councilman Swafford confirmed that this was approved in last year's capital budget; that it might be a deviation, but no more of a deviation than the widening we did on Mountain Creek Road.

On motion of Councilwoman Hurley, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-3-97, CONSTRUCTION OF FRAZIER AVENUE - PHASE II, WALNUT STREET TO TREMONT STREET, TO RAINES BROTHERS, INC. FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$159,000.00)  
was adopted.

SEWER EASEMENT

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM FREDA P. MERENDINO, RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NO. 109C, FOR A CONSIDERATION OF TWO THOUSAND, FOUR HUNDRED DOLLARS (\$2,400.00)  
was adopted.

AGREEMENT

Councilwoman Hurley stated this was taken up in Parks and Recreation Committee today in a presentation made by the Mayor; that Larry Zehnder is present in the event there are questions. She stated there has been an overrun of expenses in this project and it is a partnership; that the City was asked to pick up the total of the overrun and it is the Mayor's recommendation that this partnership continue and the City's approval of this amount be contingent upon the participation of the other partners.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HAMILTON COUNTY AND UTC FOR THE CITY TO INCUR ONE THIRD OF THE ADDITIONAL COSTS ON THE FIELD OF ONE THOUSAND DREAMS SOFTBALL STADIUM, UP TO ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00), CONTINGENT UPON HAMILTON COUNTY AND UTC MAKING UP THE ADDITIONAL TWO-THIRDS, WHICH COSTS ARE FOR ARCHITECTURAL FEES, THE COST OF MONEY, AND EXPANSION OF THE PROJECT

was adopted.

OVERTIME

Overtime for the week ending September 12, 1997 totaled \$61,294.94.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

RICHARD O. KIMMEL -- New Hire, Assistant Project Coordinator, Administrative Office, Pay Grade 10/Step 1 \$21,747.00 annually, effective September 15, 1997.

TERRANCE K. MOORER -- Resignation, Laborer II, Plaza, effective September 11, 1997.

JACQUELINE D. SIMPSON -- Demotion (includes one year probation), Recreation Specialist I, Pay Grade 8/Step 11, \$25,872.00 annually, effective September 12, 1997.

PURCHASE

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

MANPOWER, INC.  
Contract No. P1141874

Upgrade Of Contract for Temporary Help (per minimum wage increase). Increase in laborer's wages from \$7.49 per hour to \$7.71 per hour, commencing September 2, 1997.

PERSONNEL

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

GEORGE STUART-- Resignation, Equipment Operator 11, Waste Resources, effective September 11, 1997.

TRACY JONES -- Suspension (five days), Sanitation Worker I, City-wide Services, effective September 8 - 12, 1997 and September 15, 1997.

JAMES LAWSON --Resignation, Operator III, Waste Resources, effective September 8, 1997.

GARY WILLIAMS -- Rehire, Safety and Training Coordinator, Waste Resources, Pay Grade 12/Step 1, \$24,899.00 annually, effective September 12, 1997.

STANLEY CAMPBELL -- Suspension (five days without pay), Foreman, Waste Resources, effective September 8 - 12, 1997.

CHARLES SPENCER -- Suspension (three days without pay), Laborer III, Waste Resources, effective September 8 - 10, 1997.

CHARLES COTTON -- Suspension (three days without pay), Laborer III, Waste Resources, effective September 8 - 10, 1997.



PURCHASE

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

EUREKA FOUNDRY (Single source)  
Requisition No. R0029609

Purchase of Pedestrian Light Poles (14 @ \$1,150.00 ea.) per TCA 6-56-301.

\$16,100.00

PERSONNEL

The following personnel matters were reported for the Fire Department:

ANSTIE W. LASTER -- Retirement, Private, effective September 13, 1997.

RICHARD RAY -- Family Medical Leave, Private, effective September 21, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

CECIL BROWN -- Hire, School Patrol Officer, \$20.6758 daily, effective September 10, 1997.

VIVIAN JOHNSON -- Resignation, School Patrol Officer, effective September 3, 1997.

PATRICIA RHEA -- Return from Family and Medical Leave, Meter Patrol Officer, effective September 26, 1997.

TETZEL TILLERY -- Suspension (three days without pay), Patrol Officer, effective September 15, 1997.

PERSONNEL

The following personnel matter was reported for the Finance Department:

SHERRYL L. LYONS -- New Hire, Data Entry Clerk II, City Court, Pay Grade 5/Step 1, \$16,151.00, effective September 12, 1997.

HEARING: HAROLD HARMON

City Attorney Nelson reminded Council members of the hearing for Harold Harmon scheduled for Monday, September 22 at 6 p.m. with Councilmen Hakeem (Chairman), Pierce and Rutherford serving as the panel.

COMMITTEES

Councilman Taylor stated a meeting of the Education Committee will be held on Tuesday, September 23 at 5 p.m. to hear Dr. Jesse Register, along with some of his staff, bring an update of the school system.

Councilman Hakeem stated the Budget and Finance Committee met earlier today; that Carl Levi brought before us a project underway at the National Cemetery. He stated it is being proposed that the City share in the cost of that project at a cost of \$20,000 and the will be proposed to the Council next week. He stated a lengthy discussion was held in regard to a building project, which will come back in three weeks as to what is being proposed. He scheduled a meeting of the Committee for Monday, September 22 at 5 p.m. for a discussion regarding Court Officers prior to the hearing for Mr. Harmon at 6 p.m.

Councilman Crockett scheduled an Economic Development Committee meeting for Tuesday, September 23 at 3:30 p.m. for a discussion regarding Hixson Pike.

AL ROSELAND

Al Roseland invited all Council members to the Tennessee Association of Rescue Squads' (TARS) Convention at the Chattanooga Choo Choo, October 3-4. He stated the Convention will highlight the leading edge in rescue technology; that four units in Hamilton County will be co-hosting this event. He stated 750-1,100 people are expected to attend, with over 114 different squads competing.

AL ROSELAND (Cont'd.)

Chairman Swafford inquired as to whether this is the first time a convention of this nature has been held in Chattanooga.

Mr. Roseland responded "no;" that it is the second time they have participated as co-host; that it comes every six-to-seven years and rotates around the State.

SISTER BEY

Sister Bey stated a group cannot get a permit to close M.L. King Boulevard on October 16 and she is not pleased about this; that they said they have applied and a press conference was held this afternoon regarding the matter. She stated she does not know Mr. VanWinkle; that Mr. Farrakhan will be here on October 16 from 11 a.m. - 4 p.m. She stated she will not take this lying down and wants an answer as to why they cannot get a permit.


City Attorney Nelson stated Kevin Muhammed called him last Friday; that he sent a copy of the letter he sent to Kevin asking for a meeting to come up with an alternative. He stated that is where it stands and there has been no final decision.

Councilman Taylor indicated he has also talked with Mr. Muhammed, as well as Mr. VanWinkle, who wants us to set up another meeting.

Chairman Swafford stated he has met with Mr. Muhammed, also; that a lot of us have met with him. He stated the option was to get with administration; that there was a permit issued for the use of Miller Plaza. He stated the Council could not give Sister Bey an answer; that it is up to the Traffic Engineer and administration and they are working on that issue.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, September 23, 1997 at 6 p.m.

  
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CLERK OF COUNCIL

  
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CHAIRMAN

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

