

Municipal Building
Chattanooga, Tennessee
April 14, 1998

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

INVOCATION

The invocation for the evening was given by Councilman Taylor.

MINUTE APPROVAL

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

ANNEXATION: PLAN OF SERVICES

Chairman Swafford declared a public hearing in process regarding the annexation and plan of services for the VAAP property.

City Attorney Nelson stated the Resolution involving the plan of services will be discussed first. At this point he called for those present who would like to be heard "for" or "against" the plan of services and/or the annexation of the property.

Sid Saunders was present representing ICI and stated he was present to support the City's annexation of the site into the City. He stated ICI has been enjoying the facility since 1973; that they acquired the Atlas Power Company that was there in 1953; that they have been there for a total of 45 years. He stated during the 45 years they have employed over 3,500 people and during the Southeast Asia conflict they employed 4,500 persons; that the Army has been trying to convert the facility for community use for quite some time, now. He stated they hired RiverValley to conduct a feasibility study for the highest and best use for the property; that there are 7,000 acres including infrastructure in place and available for industry. He asked that serious consideration be given regarding the potential the facility has.

ANNEXATION: PLAN OF SERVICES
(Cont'd.)

Mr. Saunders asked that the City take a look at how it can maximize this facility without malice of forethought and to spend much time taking this time line. He suggested that the strategic plan for the site be reviewed and updated and give consideration to a Blue Ribbon Committee to maximize how the property can be used as it can become a liability if it is not managed properly. He stated an in lieu of tax mechanism should be considered; that if a tax mechanism is considered ICI can work with the City on that; that the property should be considered an enterprise zone as a mechanism for taxation and other business. He again reiterated that the City consider the possibility of forming an enterprise zone or development zone for new companies that might move into the City. He invited Council members to the open house activity scheduled at the facility on Saturday, April 18 from 1 p.m. until 4 p.m. and/or on May 16 at the same time. He stated ICI fully supports the annexation.

Assistant City Attorney Phil Noblett clarified that a revised Resolution was forwarded electronically to the Clerk of the Council with changes in Sections C and E. The Council Clerk indicated that the revised Resolution was received and is the one being considered at this time.

On notion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE
ANNEXATION OF CERTAIN PROPERTIES ADJACENT TO BONNY OAKS
DRIVE AND HIGHWAY 58, MORE SPECIFICALLY DESCRIBED
HEREIN, LYING CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE
was adopted.

ANNEXATION: VAAP PROPERTY

Chairman Swafford stated all have toured the facility and are excited about the great opportunity for the City. He stated everyone looks forward to taking advantage of this situation and encouraging business and industry in that area.

ANNEXATION: VAAP PROPERTY
(Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman Lively,
AN ORDINANCE TO ANNEX CERTAIN PROPERTIES ADJACENT TO
BONNY OAKS DRIVE AND HIGHWAY 58, ALSO KNOWN AS THE
VOLUNTEER ARMY AMMUNITION PLANT (VAAP), MORE
SPECIFICALLY DESCRIBED HEREIN, LYING CONTIGUOUS TO THE
PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA,
TENNESSEE

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.

At this point Chairman Swafford declared the public hearing duly
closed.

AD VALOREM TAXES: CENTURY
TELECOMMUNICATIONS, INC.

Councilman Pierce made the motion to move Resolution 8(d) up on the
agenda; Councilwoman Hurley seconded the motion; the motion passed.

Councilman Lively stated this matter was discussed in Legal and
Legislative Committee and comes with the Committee's recommendation
for approval.

On motion of of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE
CENTURY TELECOMMUNICATIONS, INC. PROJECT, TO DELEGATE
CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD
OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE
THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR
PAYMENTS IN LIEU OF AD VALOREM TAXES
was adopted.

AMEND CITY CODE: ADOPT NFPA FIRE
PREVENTION CODE, 1997 EDITION

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
SECTION 17-1 TO ADOPT NFPA FIRE PREVENTION CODE, 1997
EDITION, INCLUDING THE 1997 NFPA 101 LIFE SAFETY CODE
AS THE OFFICIAL FIRE CODES OF THE CITY OF CHATTANOOGA
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.

AMEND ZONING ORDINANCE: LANDSCAPE
PROVISIONS

Councilman Lively stated this ordinance was considered in Committee and there are two versions; that the Mayor's version of the ordinance is what the Committee is recommending to the full Council for approval.

Harry Faulkner, President of the Chattanooga Manufacturer's Association, stated they are concerned about the ordinance. He stated he read in INDUSTRY WEEK magazine that Chattanooga was ranked 177th in having an atmosphere conducive to manufacturing use out of 305 large cities in the United States; that Chattanooga ranked more than every city in Tennessee except Knoxville. He stated he understands this ordinance came out of "Futurescape" which had many negatives and positives; that their question is who will pay for it. He stated we have a situation where you have manufacturers in the inner city that could not have done what they did toward improving their property and complying with this ordinance; that the reason is there is not enough rules, and they are landlocked down there. He stated the ordinance states every tenth space is supposed to be a green area and there have been changes; that he has not had a chance to read the latest version; that he read J.B. Collins' article in the paper that stated it is now every 60 feet. He stated what the City is doing is they are taking the use of a person's property and not only can you not use the land for productive use, but you have to continue to pay taxes.

Mr. Faulkner stated their main concern is the loss of space; that they want the use of brownfield sites to be utilized and considered. He stated the Manufacturer's Association does not want to appear to be against beauty; that it would be wonderful if companies will do this on a voluntary basis. He stated the main thing that leads to this is developers that will come into town will build to minimum standards required by law. He stated most of your job growth is not coming from new business sites coming in; that most jobs are from existing manufacturers. He made reference to Wheland and Komatsu and what they have done to beautify their properties; that the Manufacturer's Association will be pleased to work with the City to set up a committee on voluntary compliance. He stated the Association does not think a person who owns and buys a piece of property and provides a good job base for the economy should be told by government what he has to do with his property.

Mr. Faulkner continued his remarks by stating that they have talked with the Mayor and in this Mayor's version it does say landscaping ". . . **should** not prevent existing manufacturing facilities from expanding". He stated the Mayor agreed to **replace "will" instead of "should"** and with this change the Manufacturer's Association will support the ordinance.

AMEND ZONING ORDINANCE: LANDSCAPE
PROVISIONS (Cont'd.)

Councilwoman Rutherford inquired as to where this is located in the Mayor's version of the ordinance. Mr. Faulkner indicated that it is on page 3 of the Mayor's Version, Section 115.02 (1)(b).

Councilwoman Hurley expressed thanks to Mr. Faulkner for the hours he spent in negotiations on this matter; that all in this City celebrate the Manufacturer's Association and companies and want them to expand here. She stated she knows if a person goes down Broad Street and looks at the effects of the Sign Ordinance and see its effects, she knows this ordinance will be celebrated for the fact that it has many of the arguments against it. She stated she wants everyone to sensitively enforce this and not irrationally; that she believes she celebrates everything Mr. Faulkner said in the vision statement. She expressed thanks to Mr. Faulkner for doing business in Chattanooga.

Mr. Faulkner stated he is glad to be here and wants to try to make it a place for others to realize it is a good place to be.

Councilman Pierce expressed appreciation to the Manufacturer's Association for their endorsement of this ordinance, also, and asked Ms. Coulter if she has any objection to the change that has been requested. Ms. Coulter responded "no;" that that is a change very easily made.

Chairman Swafford stated there might be other changes or concerns; that between now and the second and third reading this change, along with others, will be done. He stated we did have a brief discussion today in Committee; that we will have to take another look. He thanked the Manufacturer's Association for their hard work and wants to make sure existing businesses are taken care of as they are the "heart" of it.

Charlie Clevenger, representing Associated General Contractors (AGA), stated they have had a committee look at this ordinance for over a year; that they have worked with Ms. Coulter and Mr. Bridger and appreciate all the things they have met with them about and appreciates the incorporation of their suggestion in the Mayor's version draft. He stated he told the Mayor he (Clevenger) had not seen the final draft until today; that there are some clarifications they would like. He stated with the Chairman's suggestion, if this is delayed on second and third reading, they will have time to work out a few details so they can look at it. He stated the City needs some type of landscape as he knows what certain developers do; that he agrees with the Manufacturer's Association there is a cost and you do give up your property and there are ongoing costs. He stated there are things on the front end they do not like.

AMEND ZONING ORDINANCE: LANDSCAPE
PROVISIONS (Cont'd.)

Councilman Pierce expressed appreciation for input from everyone; that the Council will act on first reading; that the Chairman stated within one week the Mayor's version will be reviewed; that if Mr. Clevenger has more input he should come back next week, and the Council will listen to him. Chairman Swafford stated he did not mean to indicate a delay; that we have a week before second and third reading and it is hoped things can be resolved within that week. He expressed appreciation to AGA.

Rudy Walldorf stated he has been on the Task Force; that he met with AGA, the architects, Ann Coulter and Staff; that he is not sure this is something he can live with. At this point he distributed information regarding the revisions made on March 15, 1998, and stated you have to understand the ordinance and, frankly, he does not, even though he has read it; that by-and-large he agrees. He stated he has looked at the ordinance and it states you have eight parking spaces which are not within 60 feet of the tree but that is what was handed out; that he cannot figure out where you can put a tree; that we are dealing with a city that has hills, valleys and oddly shaped lots; that there is no flexibility within the ordinance to be able to use common sense, and he is not criticizing anyone. He stated he does not think within a week this can be solved and would like a task force of four-or-five of the industries in Chattanooga to get with people to get clarification so that the Council will know what they are voting for, and we will know what is being passed.

Ms. Coulter stated she can clarify that the sheet that was handed out by Mr. Walldorf is what is intended to be the more user-friendly version; that this is something we are clearing up in the user-friendly version; that this will be cleared up in the clarification drawings.

At this point Councilman Pierce "called for the question".

Chairman Swafford expressed thanks to those who came in reference to this ordinance; that their comments of concern will be addressed; that the ordinance will be as user-friendly and competitive as possible.

AMEND ZONING ORDINANCE: LANDSCAPE
PROVISIONS (Cont'd.)

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE
VI, TO ADD A NEW SECTION 115 ENTITLED "LANDSCAPING
PROVISIONS" AND TO ESTABLISH GENERAL REGULATIONS FOR
LANDSCAPING REQUIREMENTS WITHIN NEW AND EXISTING
DEVELOPMENTS WITHIN THE CITY OF CHATTANOOGA

passed first reading.

(COUNCILMAN EAVES EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)

REZONING

1998-041: Colman Hochman

Pursuant to notice of public hearing the request of Colman Hochman
to change a right-of-way name for Legacy Park Court located North
of Jenkins Road to Legacy Park Court came on to be heard.

The applicant was not present; there was no opposition.

Barry Bennett stated this is a change to correct the spelling of the
street name that was shown on the subdivision plan that was
recorded.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE TO A CHANGE A RIGHT-OF-WAY NAME FOR
LEGACY PARK COURT LOCATED NORTH OF JENKINS ROAD,
SOUTHWEST OF EDITH DRIVE TO LEGACY PARK COURT
passed first reading.

REZONING

1998-043: C. W. Hassler, Jr.

Pursuant to notice of public hearing the request of C. W. Hassler,
Jr. to rezone a tract of land located at 802 Mountain Creek Road
came on to be heard.

The applicant was present; there was no opposition.

Chairman Swafford asked the applicant if he accepted the conditions
listed in the ordinance; the applicant responded affirmatively.

REZONING (Cont'd.)

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 801 MOUNTAIN CREEK ROAD, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1998-044: J. K. Hutsell, Sr.

Pursuant to notice of public hearing the request of J. K. Hutsell, Sr. to rezone a tract of land located at 6811 McCutcheon Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated both the Staff and Planning Commission recommended against this; that the request is for rezoning to R-4 for development of an office. He stated the site area is 6,770 square feet with surrounding zoning including predominantly R-1, R-2 with a spot O-2 diagonally from McCutcheon Road on the southeast and R-2 on the west. He stated the land use is a mix of single family residential predominant use adjacent to the site and duplex development; that all the immediate adjacent property is low-to-moderate density residential. He reiterated that both the Staff and Planning Commission recommended against any type of commercial or low intensity office zone for this area because of the predominance of residential uses establishing a precedent north of McCutcheon Road.

Atty. Cathy White was present representing the applicant. She stated the request of rezoning land is for a transition status; that there is R-1 and R-2 but directly across the street in a slight diagonal is O-1, R-3 and R-4 which is evidence of this transition status. He stated Jordan Drive leads into this small office park; that there is adjacent access across McCutcheon Road and Hickory Valley Road. She stated R-4 would hamper the use of this property and asked the Council to take this request into consideration.

REZONING (Cont'd.)

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6811 MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

was denied.

REZONING

1998-048: E. L. Pate, Sr.

Pursuant to notice of public hearing the request of E.L. Pate to rezone tracts of land located at 3113 and 3115 Calhoun Avenue came on to be heard.

Barry Bennett briefed the Council on this matter by stating the request for zoning is for M-2 for an unspecified use. He stated the surrounding zoning adjacent to the site includes R-2 to the north, east and south and R-3 to the West. He stated the land use adjacent to the site is still predominantly single family residential with the most commercial and industrial uses being to the west and northwest primarily along Rossville Boulevard. He stated both the Staff and Planning Commission recommend against the rezoning; that he does not think anyone was present at the Planning Commission in opposition .

Councilman Pierce stated he had a couple of calls regarding this request. He inquired as to why Planning and the Staff are not supportive of this request.

Mr. Bennett stated there were concerns about the continuation of nonresidential uses within the area and there are some area residents that are not in support of this.

Councilman Pierce stated the reason he asked the question is that in looking at the area this appears to be spot zoning and knows (he) how the Council feels about spot zoning. He stated in the back of this property is a railroad track and inquired as to how the area is zoned behind the tract. Mr. Bennett stated the property in back is zoned R-3 for multi-family residential.

Councilman Pierce asked if there is any commercial in that particular area. Mr. Bennett responded "no." Councilman Pierce inquired as to what zone is required to put an office on the property. Mr. Bennett responded "O-1 or R-4."

REZONING (Cont'd.)

Councilman Pierce inquired as to how the Staff looks upon that. Mr. Bennett stated the Staff would need to take another look as he cannot speak for the entire Staff; that they were looking essentially at spot zoning. He stated office zoning would not be as detrimental considering the character of the area, but is still a change. He stated R-4 or O-1 use is a transitional zone between commercial uses and residential uses.

Councilman Pierce stated this property is actually located at 32nd and Calhoun; that commercial has been allowed to come in and almost the entire east side is car lots. He stated at this point the property directly in front is owned by George Morgan and basically it would be abutting the commercial property. He stated there are only three houses there, now.

Mr. Bennett stated the residential property is across the street but that is one of the last remaining pockets along Calhoun where the entire block is residential.

Councilman Pierce stated whether we allow zoning or not, George Morgan will be coming before the Council for his property and does not know what that will do to the residences. He stated he is leery about this and wishes he could support it but knows the trend of the Council. He stated he does not want to proceed one way or the other. He inquired as to what the zone is behind the property and what is there. Mr. Bennett responded "R-3 and does not recall the specific use."

Tom Landers was present representing the applicant and stated he had the privilege to go through this area with Mr. Pate; that he has a different perspective about the area. He stated Calhoun is one block west and Rossville Boulevard parallels it. He made reference to the various businesses in the area; that the residences, as he found them, are a number of unoccupied and abandoned homes; that the area is a "patch work quilt-type" area. He stated residents in the area are concerned about their health and the number of abandoned homes; that a couple are for sale. He stated the property in question at 3115 is a lot on the corner with a railroad track behind; that Mr. Pate also owns 3113. He stated a church on the other side to the south has written a letter expressing that they are not in opposition to the request; that he has not conferred with them as they might enjoy benefits from a change in the zoning. He stated there is not a lot that can be done with the property; that Mr. Pate lives in the area across the railroad going south and would benefit from the rezoning, as well.

REZONING (Cont'd.)

Mr. Landress stated there would be no real change in the actual character of this neighborhood, and there would be no increase in the amount or type of traffic; that there would also be a consistent use of the land. He stated while the request was recommended for denial, it is his understanding that there was a nine member vote 5-4. He stated Mr. Pate does not want to be absolutely limited in what he can do; that he thinks this would be very appropriate and asked for whatever consideration the Council can give.

Councilwoman Rutherford stated since the purpose is not specific, she inquired about zoning for an office. Mr. Landress stated Mr. Pate wants to build a structure that is consistent with other businesses there; that it will be a new structure and (he) does not mean to be evasive in his explanation and does not want to be misleading. He stated Mr. Pate would like to be as open-ended as he can.

Councilwoman Rutherford asked what M-2 allows. Mr. Bennett gave several references such as light manufacturing, any type of processing or clothing manufacturing, anything that would not cause serious objection such as noise where pollution or fumes would emanate from some type of process. Councilwoman Rutherford inquired if supplies stored outside apply to this zone. Mr. Bennett responded "yes."

Councilwoman Rutherford stated she really wants Planning to work with Mr. Pate on this; even for something as simple as an O-1 zone. She inquired as to whether this can be done without his having to go through the whole process again.

Mr. Bennett stated the O-1 zone is a less restrictive zone; that the matter can be acted on tonight or refer it back to Staff for a recommendation or the Planning Commission as an old business item. City Attorney Nelson stated this will have to be referred back; that the matter can be referred back tonight, and there will not be any additional fee; that the matter will have to go back before this body can act.

Councilman Taylor stated Mr. Pate is not sure about the specific development and asked how the Council can come up with the type of zone if Mr. Pate is not sure what he will put there.

Mr. Landress stated he will be as candid as he can; that Mr. Pate would like to put a nice structure which could accommodate an office, something he can look to the future and make a change.

REZONING (Cont'd.)

Councilman Taylor asked what happens if the property is zoned M-2 and another company comes in and might need a different type zoning. Mr. Landress stated the company would have a problem or can do business somewhere else; that Mr. Pate is going to abide by the law; that he plans to maintain ownership of the property. He stated Mr. Pate would like to maximize his options and wants to develop the property. He stated the reality is the vacant lot at 3115; that he owns the property at 3113.

Councilman Taylor asked if there is a plan. Mr. Landress stated he has been as exact as he can be; that he knows Mr. Pate will abide by the law.

Councilman Lively stated he agrees with the statement that the area is a mixed use. He stated M-2 is extreme and he does not remember anyone coming and saying they are not going to build a nice building; everyone is going to build a nice building! He stated if Mr. Pate is willing to take it back to Planning, he can support O-1, but not M-2 because it is too extreme.

Councilwoman Hurley stated she knows Mr. Pate; that she cannot support M-2 in this location; that she has supported a lot of rezonings in this city trying to do mixed use and keep residences in neighborhoods like this. She stated if she cannot support this for Highland Park she does not see how she can support this for Calhoun. She stated she would support an office zone; that it is a strong denial when you have both the Planning Commission and the Staff in opposition. She stated if there are homes in disrepair this might give CNE an opportunity to "rehab" them; that we are focusing in this City on Alton Park, Piney Woods and these areas; that she knows Mr. Pate is a good man and lives in the neighborhood. She stated she will not vote for an open-end M-2.

Councilwoman Rutherford stated she would like for the matter to go back to Planning for consideration of O-1 or R-4 and for it to be done so that Mr. Pate will not have to pay.

Chairman Swafford asked Mr. Pate if this is something he wants the Council to consider.

Mr. Pate stated it is okay with him; that the law has been called several times at 1208 Calhoun as it is a "crack house." He stated there are many empty houses and people are moving out a lot; that he owns the house and has it rented, but it is hard to keep it rented because of the "crack house." He stated he does not know what to do but to put in a business, put a fence around it and plant shrubbery.

REZONING (Cont'd.)

Councilwoman Hurley stated she feels if Mr. Pate would take it back to Planning that the Council will hear it again.

Councilwoman Rutherford stated she wants Mr. Pate protected from having to pay a second time; that if it takes our action to help in that way she would make the motion to do so.

City Attorney Nelson stated unless we refer it back it will have to be denied and will have to go through a whole new application process; that if we move to remand it back to Planning then that will keep the present application "alive", and he will not have to.

At this point Councilwoman Rutherford made the motion to have Mr. Pate's request referred back to Planning at no charge to him; Councilman Pierce seconded the motion.

Councilman Pierce asked if this will come back on next week's agenda. City Attorney Nelson stated it is up to them.

Chairman Swafford stated we are not sending it back with any recommendation; that if they want to reconsider "something" that is fine.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS
OF LAND LOCATED AT 3113 AND 3115 CALHOUN AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO M-2 LIGHT INDUSTRIAL ZONE
was remanded back to Planning.

AMENDED OPTION AGREEMENT

Councilwoman Hurley stated she is familiar with this and recommends it.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND
EXECUTE AN AMENDED OPTION AGREEMENT BETWEEN THE CITY OF
CHATTANOOGA AND THE ELECTRIC POWER BOARD OF
CHATTANOOGA, TO EXERCISE INCREMENT ONE OF THE OPTION;
TO CONVEY A PORTION OF THE PROPERTY OBTAINED FROM THE
OPTION EXERCISE TO MR. ZIP, INC.; AND TO ENTER INTO AN
OPTION AGREEMENT WITH HICKORY LAND COMPANY, L.P.
was adopted.

ADOPTION OF ZONING STUDY

1998-045: City of Chattanooga

Mr. Bennett stated this has been a cooperative effort on the part of our Staff, residents and business people in the Highland Park community. He stated the Resolution represents a compromise between the neighborhood association and residents surrounding this area and the business people on Bailey Avenue; that we have rezoned certain commercial property with conditions that allow uses that would be compatible with the neighborhood and conducive to stabilizing efforts of Highland Park.

(At this point those in attendance in support of this request from Highland Park were asked to stand.)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION ACCEPTING AND ADOPTING THE ZONING STUDY FOR 1300-2000 BLOCKS OF BAILEY AVENUE AND THE 1800 BLOCK OF BAILEY AVENUE (NORTHSIDE ONLY), SUBJECT TO CERTAIN CONDITIONS

was adopted.

ADOPTION OF NORTHSIDE ZONING STUDY

1998-065: City of Chattanooga

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION ACCEPTING AND ADOPTING THE NORTH SHORE ZONING STUDY FOR C-7 MIXED USE DISTRICT FOR CERTAIN PROPERTIES LOCATED GENERALLY BETWEEN U. S. 127 (MARKET STREET BRIDGE) AND THE VETERANS BRIDGE, BOUNDED ON THE SOUTH BY THE TENNESSEE RIVER AND ON THE NORTH BY MANNING STREET, KENT STREET AND TREMONT STREET

was adopted.

LEASE AGREEMENT: WJTT-FM AND THE AFRICAN-AMERICAN MUSEUM

Councilwoman Hurley stated this matter and Resolution 8(f) were discussed in Parks and Recreation Committee and comes with the Committee's recommendation for approval.

LEASE AGREEMENT: WJTT-FM AND THE
AFRICAN-AMERICAN MUSEUM (Cont'd.)

On motion of Councilman Pierce, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS &
RECREATION TO ENTER INTO A LEASE AGREEMENT WITH WJTT-FM
AND THE AFRICAN-AMERICAN MUSEUM, RELATIVE TO THE LEASE
OF ROSS'S LANDING PARK FOR "POWER 94 FAMILY DAY AND THE
ANNUAL AFRICAN-AMERICAN STREET FESTIVAL" FROM 7:00
A.M. TO 12:00 MIDNIGHT ON SEPTEMBER 5, 1998

was adopted.

AGREEMENT: DERTHICK, HENLEY &
WILKERSON, ARCHITECTS

On motion of Councilwoman Hurley, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS AND
RECREATION TO ENTER INTO AN AGREEMENT WITH DERTHICK,
HENLEY & WILKERSON, ARCHITECTS, RELATIVE TO DEVELOPMENT
OF A MASTER PLAN FOR THE RIVERMONT DUPONT PARK
FACILITY, FOR A TOTAL AMOUNT NOT TO EXCEED THIRTEEN
THOUSAND, EIGHT HUNDRED THIRTY DOLLARS (\$13,830.00),
MORE PARTICULARLY DESCRIBED HEREIN

was adopted.

REIMBURSEMENT

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF
TWENTY-ONE THOUSAND, NINE HUNDRED SIXTY-EIGHT DOLLARS
(\$21,968.00) TO HAMILTON COUNTY WATER & WASTEWATER
TREATMENT AUTHORITY FOR COST OF DESIGN, SURVEYING, AND
SUBSURFACE EXPLORATION FOR THE VOLUNTEER ARMY
AMMUNITION PLANT (VAAP) CONNECTOR SEWER (CITY CONTRACT
NO. 45A)

was adopted.

AGREEMENT: NEEL-SCHAFFER, INC.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC
WORKS TO ENTER INTO AN AGREEMENT WITH NEEL-SCHAFFER,
INC., RELATIVE TO AN OPERATIONAL STUDY OF TRAFFIC
CONDITIONS ON M.L. KING BOULEVARD, SAID STUDY MORE
PARTICULARLY DESCRIBED HEREIN, FOR A FEE OF FIFTEEN
THOUSAND DOLLARS (\$15,000.00)

was adopted.

TEMPORARY USE: SIGNAL CENTERS/UCP

Councilman Pierce inquired as to the width of the sidewalks. Admin. Marcellis responded that the sidewalks are 10 feet wide and adequate enough for pedestrians to get through.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING SIGNAL CENTERS/UCP TO USE TEMPORARILY THE SIDEWALK AT 3635 BRAINERD ROAD FOR THE PURPOSE OF PLACING CONCRETE PLANTERS THEREON, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

RECOGNITION OF JAMES B. ROBINSON

Chairman Swafford stated this was discussed at last week's Council meeting. He asked the Clerk of the Council to forward a copy of the Resolution to Mr. Robinson.

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION RECOGNIZING AND HONORING JAMES B. ROBINSON FOR HIS SERVICE AND DEVOTION AS A MEMBER AND CHAIRMAN OF THE ELECTRIC POWER BOARD OF CHATTANOOGA

was adopted.

OVERTIME

Overtime for the week ending April 10, 1998 totaled \$103,330.81.

PERSONNEL

The following personnel matters were approved by the Parks and Recreation Department:

JAMES L. JOHNSON, II -- New Hire, Laborer II, Plaza Division, Pay Grade 4/Step 1, \$15,165.00 annually, effective April 15, 1998.

BRAINERD GOLF COURSE

Councilwoman Hurley made reference that the Brainerd Golf Course has ben listed in the Golf Directory of America; that the golf course has come a long way in its improvements.

PURCHASE

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

THE BARN NURSERY AND SIGNAL MOUNTAIN NURSERY (Overall low bids)
Requisition No. R0030975

Purchase of Twelve Months Contract for Plants and Shrubs

(Price information available and filed with minute material)

PERSONNEL

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

BOBBY D. FIELDS -- Family Medical Leave, Laborer I, City-wide Services, effective March 30, 1998 - May 29, 1998.

STEPHON K. TRIMBLE -- Suspension (5 days without pay), Laborer III, Traffic Engineering, effective March 30, 1998 - April 3, 1998.

PURCHASES

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

MID-TENN TURF AND AGRICULTURAL DISTRIBUTOR ((Better bid)
Requisition No. R0031876

Purchase of Twelve Months Contract for Sod (State Street Aid)

(Price information available and filed with minute material)

MARSHAL MIZE FORD (Lower and better bid)
Requisition No. R0031849

Purchase of One Crew-Cab Pickup, 3/4 Ton, Four Wheel Drive (State Street Aid)

\$27,296.00

PURCHASES (Cont'd.)

NEIL SANDLER BUICK PONTIAC, GMC (Per TCA 6-56-301, State Contract)
Requisition No. 0031961

Purchase of 1/2 Ton Short Wheel Base-Four Wheel Drive Pickup

\$20,699.00

NEWTON CHEVROLET (Lower and better bid)
Requisition No. R0031846

Purchase of One 3/4 Ton Long Wheel Base Pickup w/Hydraulic Dump Bed

\$19,976.00

EUREKA FOUNDRY (Per TCA 6-56-301, Single Source Purchase)
Requisition No. R0029696

Purchase of 32 Light Poles with Receptacle Box @ \$1,150.00 each

\$36,800.00 Total

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor the following purchase was approved for use by the Bicentennial Library:

CARL CORPORATION (Per TCA-6-56-301, Single Source Purchase)
Requisition No. R0028566

Purchase of 15 Computers @\$1,120.00 each

\$16,800.00 Total

SIDEWALK INSTALLATION

Councilman Taylor inquired as to the bid that was taken for sidewalk installation. Admin. Marcellis responded there was a bid opening today; that Purchasing will evaluate the bids and give a recommendation and might be able to bring it up next week.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the following purchase was approved for use by the Finance Department (Information Systems):

MICROSOFT CORPORATION (Single Source, per TCA-6-56-301)

Ratification of previous agreement (Requirements contract)

PURCHASES (Cont'd.)

BELLSOUTH (Lower and better bid)
Requisition No. R0029836

Purchase of Upgrade of Telephone System

\$1,963,000.00

COMMITTEES

Councilwoman Hurley stated a meeting of the Parks and Recreation Committee was held and dealt with all the matters pertinent to the Committee tonight. Mention was also made of the dedication and softball game that will be held at the Stadium of 1000 Dreams on Monday, April 20 beginning at 7 p.m. between the UT-Knoxville and UTC women's' teams.

Councilman Lively stated the Legal and Legislative Committee had a meeting today and considered the new landscape ordinance.

Councilman Pierce stated a meeting of the Safety Committee was held and discussion centered around the seat belt ordinance; that it was agreed to have the matter on the agenda two weeks from tonight; that the matter comes to the Council without a recommendation.

FINLEY STADIUM

Councilman Pierce stated a couple of weeks ago he brought a situation to the Council's attention regarding the noise level a young lady had contacted him about that was coming from the Stadium during one of the Stadium's events; that the young lady had a tape she wanted Council members to hear regarding the high noise level that was disturbing to her.

FINLEY STADIUM (Cont'd.)

Councilman Pierce stated he suggested that the lady come to the Council so the Council could hear portions of her tape. He stated the young lady came after the Council meeting on that day and only three-or-four Council persons heard about ten seconds of her 40 minute tape. He stated he and other Council members could not determine anything from the tape at that point and asked if she would leave the tape so the tape could be heard in its entirety. He stated it was later determined there were a couple of spots where some sound could be detected of what was being said over the PA system, but that was only as a result of her having her window open. He stated what was heard was determined not to have been a nuisance to the people; that this young lady was the only person who complained. He asked that his comments regarding the matter be forwarded to the Stadium Committee so they would be aware of the findings and let them know the Council is appreciative of the job they are trying to do.

COOLIDGE PARK

Councilman Taylor stated there will be a ground breaking on Tuesday, April 21 at 10 A.M. for Coolidge Park and invited everyone to be present for this great event. He stated there will be a carousel included in the design of the Park, and everyone is very excited about it.

Chairman Swafford stated he will be out of the City on Tuesday morning and is really excited for the community that Coolidge Park will serve; that he has had an opportunity to serve on the Committee and looks forward to the construction of the building starting. He stated it will be an unbelievable and beautiful project and hates he will miss the ground breaking.

ELECTION OF COUNCIL OFFICERS

Chairman Swafford reminded Council members of the election of Council officers scheduled next Tuesday, April 21, 1998. He stated the election will take place at the beginning of the meeting.

(COUNCILWOMAN RUTHERFORD EXCUSED HERSELF FROM THE MEETING AT THIS POINT.)

SISTER BEY

Sister Bey asked the Council to define what "African-American" means; that she is tired of the Council's deception and asked them to "butt out" (of African-American concerns) because they are killing her heritage.

DR. GRACE HEWELL

Dr. Grace Hewell stated she has two issues that have been bothering her for the ten years she has lived in Chattanooga full time; that she is very concerned about the gap between the education of children and youth and the education of young and older adults. She stated Tennessee had one of the worse adult education programs in earlier years as so much was going on in the South; that UTC and the Department of Education worked closely together to bring about changes. She stated since we are focusing on parks and recreation we need, and hope consideration will be given to, development of an educational park; that we have people who can design and create it. She stated with regard to her second concern, Councilwoman Hurley mentioned something about golf; that she (Hewell) asked Councilman Taylor if he had any ideas where land could be found to have a mini-inner-city golf course built since that is a now a national trend. She stated she attended the Honors Course when Tiger Woods played and had a wonderful time.

Councilman Taylor thanked Dr. Hewell for her interest in the community and for what she has done in the past; that when we speak about land we have a lot of land and brownfields in the district; that he and others are working toward a brownfield grant and will look at potential uses for the land. He stated he will work with Dr. Hewell in any way possible.

Dr. Hewell stated she has been telling the National Environmental Justice Council about what we are doing with land and how Chattanooga supports human empowerment and the quality of life for people here; that she wants everyone to know what wonderful things we are doing since Chattanooga has been selected as the site for their 1999 meeting.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, April 21, 1998 at 6 P.M.


CHAIRMAN


CLERK OF COUNCIL

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