

Municipal Building  
Chattanooga, Tennessee  
September 15, 1998

The meeting Chattanooga Council was called was called to order by Vice Chairman Lively with Councilmen Hakeem, Hurley, Rutherford and Shockley present. Chairman Crockett was out of the city on business; Councilmen Eaves and Taylor were participating in the Chamber's Inter-City Visit (Cleveland, Ohio); Councilman Pierce was absent to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, was also present.

INVOCATION

Councilman Shockley gave the invocation for the evening.

MINUTE APPROVAL

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

REZONING

1998-152: Marcus & Marla Burrows

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 TRACTS OF LAND LOCATED AT 400, 404, 406, 410 AND 412 SOUTH GERMANTOWN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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.

REZONING

1998-155: Michael Todd Ridge

Councilwoman Hurley made the motion to accept the amendments to this ordinance; Councilman Hakeem seconded the motion; the motion passed.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED AT 3901 CUMMINGS HIGHWAY, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL  
ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE, SUBJECT TO  
CERTAIN CONDITIONS

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

REZONING

1998-158: Knitting Mill Partners, LLC (Lynn P. Short)

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED AT 205 MANUFACTURERS ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING  
ZONE TO C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE

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

REZONING

1998-164: VFW Post 1289

On motion of Councilwoman Rutherford, seconded by Councilman  
Shockley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED AT 6011 LEE HIGHWAY, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE

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

AMEND ORDINANCE NO. 10750:  
NORTHSHORE COMMERCIAL/MIXED-USE  
ZONE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE ADOPTING AN AMENDMENT TO "APPENDIX A" WHICH IS THE BOUNDARY DESCRIPTION CONTAINED WITHIN ORDINANCE NO. 10750, ENCAPTIONED HEREINBELOW, KNOWN AS THE NORTHSHORE COMMERCIAL/MIXED-USE ZONE

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.

AMEND ZONING ORDINANCE

City Attorney Nelson stated Ordinance 6(a) should be withdrawn in favor of Ordinance 6(b).

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1001.(2), TO DELETE CERTAIN PERMITTED USES FROM M-1 MANUFACTURING ZONE; BY AMENDING ARTICLE V, SECTION 1001.(4), TO REQUIRE ISSUANCE OF A SPECIAL PERMIT FOR CERTAIN INDUSTRIAL USES AND AUTHORIZE SUCH USES WITHIN THE M-1 MANUFACTURING ZONE BY SPECIAL PERMIT; AND TO AMEND ARTICLE VIII, SECTION 107, TO DESIGNATE CONDITIONS ON CERTAIN USES WHICH MAY BE IMPOSED BY THE BOARD OF ZONING APPEALS

**was withdrawn from the agenda.**

AMEND ZONING ORDINANCE

Vice Chairman Lively declared a public hearing in process and asked persons "for" or "against" this ordinance to speak at this time; there being none, the hearing was duly closed.

Councilwoman Rutherford asked for clarification as to what this ordinance entails.

AMEND ZONING ORDINANCE (Cont'd.)

Barry Bennett explained that certain more objectionable uses from the M-1 zone is being deleted; that the M-1 zone is subject to a 1000 distance restriction from residential zones and the R-4 zones. He stated they (Planning) have taken those uses and created a sub-category of intensive industrial uses which are even more objectionable; that they include outside uses and are not within the confines of a building that create a greater nuisance factor because of smoke, dust, fumes, and the like. He stated M-4 will permit only those highly intensive outdoor industrial uses and a special permit from the Board of Zoning Appeals will have to be granted. He stated this zone includes junk yards, landfills, stockyards, sawmills and others.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,  
SECTION 1001.(2) AND 1001.(4), TO DELETE CERTAIN  
PERMITTED USES FROM M-1 MANUFACTURING ZONE; BY AMENDING  
ARTICLE V, TO INSERT NEW SECTIONS 1025 THROUGH 1026,  
CREATING AN M-4 OUTDOOR INDUSTRIAL USE ZONE AND  
ESTABLISHING USE REGULATIONS AND AUTHORIZING CERTAIN  
CONDITIONS ON PERMISSIBLE USES WITHIN THE M-4 OUTDOOR  
INDUSTRIAL USE ZONE

passed first reading.

AMEND ZONING ORDINANCE

Vice Chairman Lively declared a public hearing in process and asked persons "for" or "against" this ordinance to speak at this time; there being none, the hearing was duly closed.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE III,  
SECTION 101, TO RESOLVE ANY QUESTION ABOUT THE  
APPLICABILITY OF PROPERTY LINE TO PROPERTY LINE  
MEASUREMENTS IN ZONING LOCATION DISPUTES

passed first reading.

AD VALOREM TAXES: CHATTANOOGA  
LABELING SYSTEMS, INC. PROJECT

Councilman Hakeem stated Resolutions (a) and (b) were discussed in the Economic Development Committee earlier in the day and both come with recommendations for approval. He stated the Resolutions involve expansion of two local companies; that both are great assets to the community and this will only enhance what they are doing.

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,  
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE  
CHATTANOOGA LABELING SYSTEMS, INC. PROJECT, TO DELEGATE  
CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD  
OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR  
TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN  
LIEU OF AD VALOREM TAXES  
was adopted.

AD VALOREM TAXES: CHATTEM, INC.  
PROJECT

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

PROPERTY ACQUISITION

On motion of Councilwoman Hurley, seconded by Councilwoman  
Rutherford,  
A RESOLUTION AUTHORIZING THE ACQUISITION OF THE HENRY  
BRANCH YMCA PROPERTY LOCATED AT 915 PARK AVENUE FOR A  
CONSIDERATION OF ONE HUNDRED TWENTY THOUSAND DOLLARS  
(\$120,000.00)  
was tabled one week.

CHANGE ORDER

Councilman Shockley stated Resolutions (d) through (j) were discussed in last week's Public Works Committee and are recommended for approval.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. SWM-1-97, DRAINAGE AND WATER QUALITY ABATEMENT, WITH RIVERBEND CONSTRUCTION CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) FOR A REVISED CONTRACT PRICE OF SIX HUNDRED SIXTY-TWO THOUSAND, FOUR HUNDRED FIFTY-ONE AND 25/100 DOLLARS (\$662,451.25)

was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. SWM-6-97, HICKORY VALLEY ROAD CULVERT REPLACEMENT, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND, FOUR HUNDRED SEVENTY-TWO DOLLARS (\$3472.00) FOR A REVISED CONTRACT PRICE OF TWO HUNDRED TWENTY-FOUR THOUSAND, FOUR HUNDRED SEVENTY-TWO DOLLARS (\$224,472.00)

was adopted.

CHANGE ORDER

Councilwoman Hurley stated this Resolution basically includes private donated monies for an addition to the Park.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. CP-1-98, COOLIDGE PARK, WITH T. U. PARKS CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE MILLION, FIFTEEN THOUSAND, ONE HUNDRED SIXTY-NINE DOLLARS (\$1,015,169.00), FOR A FINAL CONTRACT PRICE OF FOUR MILLION, FIVE HUNDRED EIGHTY-NINE THOUSAND, TWO HUNDRED THIRTY-EIGHT DOLLARS (\$4,589,238.00)

was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Shockley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 28F, INFLUENT RELIEF PUMP STATION AND FORCE MAIN, WITH HAREN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY FOURTEEN (14) DAYS, WHICH INCLUDES TWO (2) INCREASES FOR SEVEN (7) CALENDAR DAYS EACH

was adopted.

EMINENT DOMAIN

On motion of Councilwoman Rutherford, seconded by Councilman Shockley,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST TYRONE ACKLIN AND BEVERLY ACKLIN FOR A RIGHT-OF-WAY ON TRACT NO. 1, EAST BRAINERD ROAD AND GUNBARREL ROAD PROJECT

was adopted.

EMINENT DOMAIN

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST RICHARD C. ABERCROMBIE FOR RIGHT-OF-WAY ON TRACT NO. 2, EAST BRAINERD ROAD AND GUNBARREL ROAD PROJECT

was adopted.

EMINENT DOMAIN

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST MARY RUTH WILHOIT YOUNG FOR A RIGHT-OF-WAY ON TRACT NO. 6, EAST BRAINERD ROAD AND GUNBARREL ROAD PROJECT

was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE PROJECT COOPERATION AGREEMENT WITH THE DEPARTMENT OF THE ARMY, RELATIVE TO CONSTRUCTION OF THE ROSS'S LANDING STREAMBANK PROTECTION PROJECT was adopted.

OVERTIME

Overtime for the week ending September 14, 1998 totaled \$86,567.73.

PERSONNEL

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

GARRY G. GRAY, SR. -- Voluntary Demotion, Truck Driver II, City-wide Services, Pay Grade 5/Step 6, \$18,675.00 annually, effective September 2, 1998.

JOSHUA D. PARISH -- Suspension (3 days without pay), Laborer II, City-wide Services, Pay Grade 4/Step 3, \$16,112.00 annually, effective September 1, 2, 3, 1998.

RICKEY D. COLSTON, JR. -- Lateral Transfer, Laborer III, City-wide Services, Pay Grade 5/Step 11, \$21,417.00 annually, effective September 16, 1998.

EUGENE B. JACKSON -- Family Medical Leave of Absence Without Pay, Laborer II, Traffic Engineering, effective July 27, 1998.

JOSEPH MELTON -- Employment (**Revision**), Water Quality Analyst I, Engineering (Stormwater Division), Pay Grade 10/Step 1, \$23,033.00 annually, effective September 11, 1998.

TIMOTHY MCDONALD -- Employment (**Revision**), Water Quality Analyst I, Engineering (Stormwater Division), Pay Grade 10/Step 1, \$23,033.00 annually, effective September 11, 1998.



PERSONNEL

The following personnel matters were reported for the Fire Department:

BYRON H. COLE -- Hire, Laborer II, Pay Grade 4/Step 1, \$15,165.00 annually, effective September 4, 1998.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following hotel permits were approved:

BEST WESTERN ROYAL INN -- 3644 Cummings Highway, Chattanooga, TN

KNIGHTS INN -- 2100 South Market Street, Chattanooga, TN

HOLIDAY INN-CHATTANOOGA CHOO CHOO, 1400 South Market Street, Chattanooga, TN

PREVIOUS COMPLAINT BY ROBERT PISH

Deputy Chief Gloster stated Captain Stafford is present to present a report regarding an incident that came before the Council last week by Robert Pish on Lindsay Street. He stated Captain Stafford has been working on this matter for several months.

Captain Stafford stated he met with Robert Pish several months ago regarding the problem and went out to the neighbor's house where he found a go-cart and definite (go-cart) track in the back yard. He stated with the dry spell we have had it is obvious dust coming from the track is a problem. He stated Mr. Pish indicated he has had trouble getting the police to come out to the area; that he gave Mr. Pish his home and pager numbers so that he (Pish) could call; that he informed Mr. Pish that he would come out or would send a car if he was not available. He stated he has not heard form Mr. Pish; that he had four calls regarding the go-cart this year and has instructed cars each shift to monitor the area. He stated he has talked with Judge Williams who has indicated he would cite them and let the Court work it out. He stated a meeting has been scheduled for 6 p.m. next Friday to work on this; that he is trying to work on it without the Court getting involved. He stated he wanted the Council to know action is being taken regarding the situation.

COMMITTEES

Councilwoman Hurley reminded Council members of the **Health, Education, Human Services and Housing Opportunities Committee** meeting scheduled for Tuesday, September 22 immediately following the **Legal and Legislative Committee** for a discussion by the Mayor regarding the Chattanooga Community Development Financial Institution (CCDFI).

ADJOURNMENT

Vice Chairman Lively adjourned the meeting until Tuesday, September 22, 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)