

Municipal Building
Chattanooga, Tennessee
September 22, 1998

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

INVOCATION

J.B. Collins delivered the invocation for the evening.

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.

AMEND ZONING ORDINANCE
M-4 OUTDOOR INDUSTRIAL USE ZONE

Councilman Eaves stated that every contractor of any size in this town has a borrow pit, and they have to get chert from somewhere, and he questioned if we are creating a hardship on these people. He stated you can't build a heavy building on soil; that you have to have earth that will compact. He stated this same issue would come up when we build new buildings downtown. He asked again if we were creating a problem.

Councilman Hakeem asked Ken Hays to address this.

Mr. Hays of the Mayor's Office stated that as we looked at the Ordinance we found that the M-1 Zone has many classifications existing, and we had tried to take uses out of M-1 and create an M-4 Zone. He noted that in the County to get a borrowing pit you have to have M-1 or M-2 Zoning. He stated that this would not affect existing borrow pits.

Attorney Nelson added that any use that is legal now would be grandfathered in as a legal non-conforming use; that this just puts borrow pits in the M-4 Zone.

AMEND ZONING ORDINANCE (CONT'D.)

Mr. Hays noted that the bulk of the property in the downtown area is zoned M-1; that we don't need junk yards in downtown Chattanooga.

Councilwoman Hurley stated that as she understood this, it just divides M-1 Zone into two classifications and is not as broad and sweeping as it currently is; that if a borrow pit was in an eligible site, they could apply for M-4; that we were not eliminating the use.

Mr. Hays stated that borrow pits were not in the M-1 classification; that Planning had recommended we take this classification and do something like Hamilton County does; that borrow pits were not in the M-1 classification in the City but were in the County; that this just defines where it goes.

Councilman Hakeem questioned if the passage of this ordinance would eliminate discussion on cut and fill areas.

Mr. Hays explained that this just says that for an area to be a "cut" area it needs to be in the proper zone in the future.

Attorney Nelson stated that he had talked to some contractors and some "tweaking" might need to be done down the line and borrow pits would need to be defined. He stated there would be more in the future in view of the cut and fill areas.

Councilman Eaves asked if we had heard from the contractors on this; if they had been approached and made a part of this.

Chairman Crockett stated that he had talked to some contractors this afternoon and would allow them to speak tonight if they were present; that this was an ongoing process; that cut and fill would be a part of this, and we would further define borrow pits. He noted that this would straighten out a large zoning issue -- that the M-1 zone is broad and needs the classification tightened and needs to be smaller; that borrow pits could be in the R-1 and R-2 zone now as there are no restrictions in the City.

Mr. Hays stated that clearly there is a need to look at neighborhoods and what happens in them; that this ordinance was not meant to penalize or hurt anybody but was just an effort to play catch-up.

Doug Stein with Stein Construction Co. spoke next. He stated they had had informal discussions and wanted to make sure that existing uses were not being rezoned and were told that they were not; that they just wanted to get clear about borrow pits; that if the wrong person saw the word landfill, they would shut them down; that the City has a 10-year old Ordinance and borrow pits do comply. He stated they just wanted to make sure they understood what was being done.

AMEND ZONING ORDINANCE (CONT'D.)

Chairman Crockett stated that he had talked to the Contractors' Organization on grandfathering, and they had repeated Mr. Stein's concern; that Attorney Nelson had stated, in fact, that this would be covered under the grandfather clause; that some "tweaking" might be needed to make it work.

Councilwoman Hurley stated that Mr. Littlefield had called her, and we do have an Ordinance that includes the concerns of Mr. Stein and the other contractors, noting that there was an error in the Times.

Attorney Nelson noted that one of the provisions states that a pre-blast survey must be completed for all properties located within a one mile radius of the area covered by the state permit; that this would be the responsibility of the Board of Zoning Appeals; that some thought that it might be more appropriate for the City Council to have this responsibility but that he was comfortable with leaving it with the Board of Appeals.

On motion of Councilman Lively, seconded by Councilman Taylor,
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 ESTAB-
LISHING USE REGULATIONS AND AUTHORIZING CERTAIN CONDI-
TIONS ON PERMISSIBLE USES WITHIN THE M-4 OUTDOOR INDUS-
TRIAL USE ZONE

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

AMEND ZONING ORDINANCE
LOCATION DISPUTES

On motion of Councilman Lively, seconded by Councilwoman Hurley,
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 APPLICA-
BILITY OF PROPERTY LINE TO PROPERTY LINE MEASUREMENTS
IN ZONING LOCATION DISPUTES

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

REZONING

#1998-160 (Dodson Avenue Partners, LP)

Councilman Hakeem stated there were some present who might want to address this Ordinance; that there had been a lot of discussion between the neighborhood and the developer on this project. He asked that the Planning Commission minutes of August 10, 1998 be made a part of our official record.

Mr. Chris Hodges, Vice-President of Lawler Woods in Knoxville, noted that there were two conditions wanted by the community. He explained that there was no contamination as evidenced by a letter from Tri-State Testing and Drilling, LLC, which will be made a part of the official record. He stated that there was also a letter that indicated that the developer would address all drainage and flood control issues as directed by the City Engineer's office. He stated that in addition to the letter from the engineering firm, Tri-State Testing and Drilling, there is also a copy of the Chattanooga-Hamilton County Regional Planning Commission Minutes of August 10, 1998, that are submitted for the record with modification. He explained that the Blackford Street access will primarily serve as the parking area and the primary access will be off Dodson Avenue; that parking on site would be restricted to minimum requirements as they wanted some flexibility.

Dr. Joel V. Harrell of the Stanley United Methodist Church spoke next. He stated that they did support this rezoning and had worked with Lawler Woods and Chris Hodges and wanted to make this a successful venture in the community, and they did support this based on the revisions.

Councilman Pierce questioned if the access off of Dodson Ave. would have any effect on traffic congestion. Mr. Bennett responded that this recommendation came from Traffic Engineering, and they thought it would be a better approach. Chairman Crockett noted that the access off of Blackford would be just for parking. Councilman Pierce questioned if this would necessitate a caution light. Ms. Pasley-Johnson responded that John VanWinkle of Traffic Engineering had taken a look at this and saw no problems with ingress and egress being off Dodson Ave.; that they did not discuss a caution light. Councilman Pierce asked if the church felt comfortable with this. Chairman Crockett expressed appreciation to the developer, the church, and the neighborhood in working this out.

REZONING (CONT'D.)

On motion of Councilman Hakeem, 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 547 DODSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilman Hakeem, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

REZONING

#1998-018 (KING REALTY, LTD.)

Mr. Barry Bennett handed out copies of Revised Conditions.

Mr. John Bridger of the Planning Commission was present and stated this was part of his district, and he had been working with Charles King on this and after meeting with Mr. King they had a set of conditions that they had looked at after this had been adopted on first reading. He noted they had revisited the issue and felt comfortable with it. He explained that what the Council saw in **BOLD** were the modifications, being (a) **the Building Official determines the structure to be unsafe for continued occupancy;** and (b) **demolition of a portion of the building as indicated in the enclosed site plan.** He explained that we would give Mr. King the option to partially demolish part of the structure.

Attorney Nelson stated that the Council would need a motion to substitute the **Revised Conditions** in place of the present conditions before they passed on second and third readings.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the **Revised Conditions will be made a part of the Ordinance.**

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 1401 CHESTNUT STREET, BEING ON THE NORTHWEST LINE OF CHESTNUT STREET AT WEST 14TH STREET, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS 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

#1998-148 (Lee Bowman)

Chairman Crockett noted that the Council had already heard a good bit on this case and asked Mr. Bennett for an update.

Mr. Bennett stated this was a request to rezone from M-1 to C-3 so that the applicant would be able to operate a restaurant and have on-premise consumption of beer. He stated that Mr. Bowman's property was too close to a church to meet the conditions for an M-1 zone; that he could operate the restaurant in M-1, but he could not meet the Beer Board restrictions. At this point he referred to a map that he had prepared for each Council person and that is made a part of the Ordinance. He explained that most everything was zoned M-1 Industrial, and the area is developed with light industrial and commercial use; that there is one existing apartment building. He explained that there was a large sign indicating that this is the future development site for the Cowart Street Cottages, which is a CNE development; that they plan to begin construction very soon, and this is the only major difference in land use in the area; that everything else is commercial and light industrial in nature. He reiterated that they had not yet begun construction. He also stated that the Southside Plan does call for future residential use and would involve changes in land use. He stated that the C-3 Zone was appropriate for this but their main concern was not the restaurant but for the possibility of being able to attain a beer license and the degree of compatibility this would have with the residential endeavors in the area.

Councilman Eaves asked what the green area on the map was, and Mr. Bennett responded a church; he asked about the brown area and was told it represented apartments.

Mr. Lee Bowman, the applicant, was given a chance to speak, and stated he did not know what he could say to convince the Council. He stated he would not be incompatible with the CNE development.

Councilman Taylor stated he heard Mr. Bennett say something about C-3 having a mixed use. Mr. Bennett explained that C-3 allows businesses, residences, offices, and institutional uses. Councilman Taylor noted that then it was not fully residential. He stated that property across the street is already zoned C-3 and for what Mr. Bowman was proposing, he could move across the street. Mr. Bennett stated theoretically that was true but noted that there is a Plan in place for this area.

REZONING (CONT'D.)

Councilman Pierce stated that CNE would have to have C-3 zoning and questioned how we could grant the zone to CNE and deny it to another. He asked when they would need the C-3 zoning.

Mr. Bennett explained that because the CNE project would involve some minor commercial use that C-3 would allow this; that the Central Business District was what C-3 was designed for.

Councilwoman Hurley stated that this troubled her; that her district had used C-3 to have small restaurants in a residential area and she questioned denying this when you have C-3 on the other side. She stated this applicant had been working on this for 2-3 years, and she would move that we accept the rezoning.

Councilman Crockett asked Mr. Bennett what the minor commercial use was that Mr. Bennett was talking about for CNE. Mr. Bennett stated there was nothing commercial in the block; that it would be a small grocery store on one of the corners. Chairman Crockett asked if we were being asked to make improvements in the area. Mr. Bennett stated that he felt new development should be of a nature that would complement this area toward residential.

Chairman Crockett shared his concern, stating that restaurants are a good idea; however this will be a fairly large housing development and infrastructure, and his concern was on the front end; we are trying to generate housing and making a significant investment. He questioned if this would help people to pioneer moving into this area. He stated that he did appreciate the work the applicant had done with his business; that the arguments made at the Planning Commission were that this was not housing-oriented; that that was their concern, and he shared it.

Councilman Hakeem stated that he hoped the Southside Plan would have some flexibility.

Councilman Taylor stated that he grew up in this area, and the building in question is done in a good fashion, and he felt it could tie in with the CNE project and enhance the community; that he did trust that Mr. Bowman would be a good neighbor.

Chairman Crockett stated that the CNE project was residences with a small grocery store, and he felt it was no where near the same use.

Councilman Pierce asked if in opening the restaurant up if there was any parking requirements. Mr. Bennett responded not in C-3.

REZONING (CONT'D.)

On motion of Councilwoman Hurley, 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 AT 1803 COWART STREET AND 308 EAST 18TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE passed first reading with Chairman Crockett abstaining.

ENGAGEMENT LETTER

On motion of Councilman Lively, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENGAGEMENT LETTER WITH BENCHMARK HOSPITALITY, INC. AND HINES INTERESTS LIMITED PARTNERSHIP, RELATIVE TO MANAGEMENT SERVICES FOR THE DEVELOPMENT OF THE CHATTANOOGA CONFERENCE CENTER was adopted.

PROPERTY ACQUISITION

Adm. Traugher explained that this was part of the original plan in April to purchase the Henry Branch YMCA which was relocating to the Eastgate Center; that we purchased the building to help with the relocation; that this was a prominent piece of property that could provide housing at this point in time; that the building could not be saved for recreational purposes and does not fit the current recreational needs.

Councilman Pierce indicated his support of this, noting that money was allocated to the "Y" in the renovation project, and this was not out of order.

On motion of Councilman Hakeem, seconded by Councilman Pierce, 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 adopted.

PERSONAL SERVICES CONTRACT

On motion of Councilwoman Hurley, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL
SERVICES ADMINISTRATOR TO ENTER INTO A PERSONAL
SERVICES CONTRACT WITH DEBRA SINIARD STINNETT,
RELATIVE TO VARIOUS PROJECTS IN THE DEPARTMENT
OF GENERAL SERVICES, FOR A TERM OF TWELVE (12)
MONTHS AT AN AMOUNT NOT TO EXCEED THIRTY-FIVE
THOUSAND DOLLARS (\$35,000.00)
was adopted.

CONTRACT

On motion of Councilman Taylor, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL
SERVICES TO ENTER INTO PHASES 2 AND 3 OF A CONTRACT
FOR PROFESSIONAL SERVICES WITH MIKE LITTLE AND
ASSOCIATES, RELATIVE TO THE SOUTH CHATTANOOGA SAFE-
WALK PROJECT, FOR AN AMOUNT NOT TO EXCEED TWENTY-
ONE THOUSAND, EIGHT HUNDRED FIFTY DOLLARS (\$21,850.00)
was adopted.

AGREEMENT

On motion of Councilman Pierce, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANS-
PORTATION AND THE CITY OF EAST RIDGE, RELATIVE TO
THE PEDESTRIAN/BICYCLE TRAIL FROM THE SHALLOWFORD
ROAD ENTRANCE OF THE LEVEE TRAIL TO THE WEST
CHICKAMAUGA CREEK BRIDGE
was adopted.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
52E, SANITARY SEWER RELOCATION, INTERSTATE 75
WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153,
TO MAYSE CONSTRUCTION COMPANY FOR THEIR LOW BID
IN THE AMOUNT OF SIX HUNDRED SEVENTY-ONE THOUSAND,
FIVE HUNDRED DOLLARS (\$671,500.00)
was adopted.

OVERTIME

Overtime for the week ending September 18, 1998 totaled \$19,972.22.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the following purchases were approved for use by the Parks and Recreation Department:

GRAYBAR ELECTRIC (Lower and better bid)
Requisition #0035748

Louis Polusen Ballard Lights

\$23,120.00

EASTMAN CONSTRUCTION (Lower and better bid)
Requisition #0037438

New construction on Riverside Park at Crutchfield Street

HEALTH INSURANCE

Adm. Traughber stated that the City's lowest bid on health insurance was BlueCross-BlueShield of Tennessee; that he would go into more detail with this Plan at a later date; that at this point they just wanted to finalize the Plan; that he felt it would be a total enhancement and all major hospitals would be involved; that we would have one plan and eliminate the "gatekeeper". He mentioned an option of carrying this for three years, noting that this Plan would increase at the rate of \$1 million per year. He reiterated that he would go into more detail at the appropriate time.

Councilwoman Hurley stated she would schedule a committee meeting at the appropriate time to hear this issue. She asked the comparative cost between the figure we have for this Plan and our current Plan. Mr. Morgan responded it was about a \$1 million increase. Councilwoman Hurley asked if the three year contract in the past had escalated by \$1 million dollars. Mr. Morgan responded that it had been escalating 5% per year. Adm. Traughber indicated that this was going to be a major expense for the City -- that we were now back in "reality".

Chairman Crockett noted that this issue would be taken to committee.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Lively, the following purchases were approved for use by the Department of General Services:

ARAMARK UNIFORM SERVICES (Lower and overall bid)
Requisition #0037660

12 Month Contract for Shop Towels, Dust Mops and Floor Mat Rental
(Varied Prices)

BLUE CROSS/BLUE SHIELD OF TENNESSEE (Lowest and best bid)
Requisition #R0005343

Employee Health Insurance Coverage
(See Minute Material for prices)

PERSONNEL

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

KENNYA TREMBLE -- Hire as Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 9/23/98.

SANDRA R. BARBEE -- Hire as Scale Operator, Pay Grade 4/1, \$16,345.00 annually, effective 9/25/98.

MICHAEL K. WATKINS -- Hire as Concrete Worker, Pay Grade 6/1, \$18,574.00 annually, effective 9/16/98.

GILBERT J. LOTT -- Hire as Concrete Worker, Pay Grade 6/1, \$17,210.00 annually, effective 9/9/98.

PURCHASES

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

CAMERON & BARKLEY (Lower and better bid)
Bid No. P0009598

Twelve (12) Months Requirements Contract for Plastic Rolls for Moccasin Bend Treatment Plant

\$45.06/Per Roll

PERSONNEL

The following personnel matter was reported for the Police Dept.:

OLIVIA KAREN GLENN -- Family and Medical Leave of Absence of Meter Patrol Officer, effective 8/19/98 thru 10/2/98.

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the following purchase was approved for use by the Police Dept.:

MOTOROLA INC. (Single Source Purchase)
Requisition #0032722

Mobile Data Terminal System

\$535,607.84

METER PATROL EQUIPMENT

Councilman Pierce stated that Judge Williams had mentioned the need for hand-held computers for Meter Patrols. Chief Dotson responded that this was mentioned when he first came on board; that he had not allocated any money for this, and there was no money in the budget; that when they looked at the total package of technology, hand-held computers could be considered if they fit in with their overall needs; that as yet we had had no chance to do any field testing; that when they explored and researched their total technology package they would see what this would cost, and there would be field testing.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Hakeem, the following purchase was approved for use by the Department of Finance and Administration:

METROPOLITAN SECURITY, INC. (Lower and better bid)
Requisition #R0028593

Security Services Contract for Bicentennial Library

\$8.08 per hour

LIQUOR LICENSE

On motion of Councilman Pierce, seconded by Councilman Hakeem, the following Liquor License Change of Ownership was approved:

From REGENCY LIQUOR STORE to DEDRA PARTRIDGE -- 500 East M.L. King Blvd.

BOARD APPOINTMENTS

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following Board Appointment was approved:

CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY BOARD OF TRUSTEES:
--Appointment of **DR. H. BARRETT HEYWOOD**, to fill the unexpired term of Dr. David R. Barnes, whose term will expire **NOVEMBER 1, 1999**.

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following Board Appointment was approved:

HUMAN RIGHTS/HUMAN RELATIONS COMMISSION:
--Appointment of **EARL L. TOLBERT** for a term of two years expiring **JULY 28, 2000**.

COMMITTEES

Councilman Taylor reminded the Council of the **Public Works Committee meeting** scheduled for **Tuesday, September 29th at 4:00 P.M.**

COMMITTEES (CONT'D.)

Councilman Pierce scheduled a meeting of the **Legal and Legislative Committee** for **Tuesday, October 6th at 5:00 P.M.** to discuss the bidding process and the appraisal of properties.

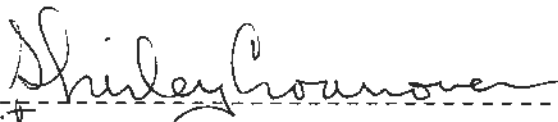
Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee** immediately following the Public Works Committee Meeting on **Tuesday, September 29th** to discuss the employee health insurance plan to be presented by Adm. Traughber.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, September 29, 1998 at 6:00 P.M.



CHAIRMAN



asst. CLERK OF COUNCIL

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