

**City Council Building
Chattanooga, Tennessee
May 9, 2000**

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

INVOCATION

Invocation was given by City Attorney Nelson.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 11, ARTICLE XV REGARDING TEEN SOCIAL CLUBS**
passed second reading. On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the Ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 26, RELATIVE TO THE ESTABLISHMENT OF A
SOFTBALL PROGRAM PETTY CASH FUND**
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 CHARTER

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF TH STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROHIBIT CONVICTED FELONS FROM SERVING IN CITY ELECTIVE OFFICES

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

AMEND CHARTER

On motion of Councilman Franklin, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND THE PROVISION AUTHORIZING THE CITY COUNCIL TO FILL VACANCIES IN THE OFFICE OF CITY JUDGE

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

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE, TO MAKE CERTAIN IMPROVEMENTS TO THE GENERAL PENSION PLAN AND TO AUTHORIZE FUTURE AMENDMENTS BY ORDINANCE

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

AMEND CHARTER

On motion of Councilman Franklin, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE, TO MAKE CERTAIN IMPROVEMENTS TO THE FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION PLAN AND TO AUTHORIZE FUTURE AMENDMENTS BY ORDINANCE

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

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL PROVISIONS CONCERNING BIDS FOR CONTRACTS FOR PUBLIC IMPROVEMENTS

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

AMEND CHARTER

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROVISION OF THE CHARTER REQUIRING SEPARATE SESSIONS FOR THE TRIAL OF TRAFFIC VIOLATIONS

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

AMEND CHARTER

Councilman Franklin made the motion to move Ordinance 6(h) forward on the agenda; Councilman Pierce seconded the motion; the motion passed.

The Clerk of the Council read the proposed Charter amendment relative to the “election” of the Court Clerk:

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROVISIONS REGARDING THE APPOINTMENT OF THE CITY COURT CLERK BY THE CITY JUDGE AND PROVIDING FOR THE TERM OF OFFICE FOR THE CITY COURT CLERK, AND TO PROVIDE FOR THE ELECTION OF THE CITY COURT CLERK

Councilman Pierce stated that he noticed on the agenda Council members received over the weekend that there were two versions of this Ordinance; that the original version wherein the Mayor would make the appointment and the Council approve was not on the agenda. He stated that he asked the City Attorney why it did not appear on the agenda and was told that if we ever hear State cases again it will have to be an elected position. He stated the Mayor appointing with the Council confirming is the version he thought would be considered and asked the City Attorney to work on that version and bring it tonight.

Councilman Crockett stated that he understood what Councilman Pierce stated and asked for clarification regarding the City not hearing State cases if the position were not an elected position.

City Attorney Nelson stated that is probably true; that the Constitution requires that all courts involving State violations must have an elected clerk. He stated that could be fulfilled if we wanted to by contracting with one of the other elected Clerks, but if we are going to have our own court and have it hear State jurisdiction cases we would need an elected clerk. He stated the Council decided in 1993 they did not want to hear State cases and the court has not been hearing them for that period of time; that the court cannot hear them again until 2006 after judicial elections as judges have to be elected for a full eight year term when others are elected until that time. He stated that judge or whoever is elected in 2005 would be able to hear State cases if we had an elected clerk, but otherwise not.

AMEND CHARTER (Continued)

Chairman Hakeem asked the City Attorney to address the economic factors that would be taken into consideration if the City opted to hear State cases.

City Attorney Nelson stated that as he could recall it cost the City something like \$30 per case and the City is not being reimbursed by the State to hear State cases; that the amount adds up to hundreds and thousands of dollars a year that are being donated to the State. He stated that was the reason the Council decided we would hear violations of City Ordinances only; that he does not know if the State has gotten more liberal on payment schedules in the last seven years. He stated that is probably not an option the Council wants to revisit now, but if they ever did there would be a need for an elected clerk.

Councilman Franklin stated he had a short conversation with Judge Williams early today and asked that apologies be expressed for his not being here; that he would have liked to have been here to hear the issue but had a prior engagement.

Chairman Hakeem stated if he understands what the City Attorney indicated, there are two versions – one that puts the clerk under the Finance Department and one that has the Mayor making the appointment with confirmation of the Council; that he assumes we are not looking at State cases any time in the near future. City Attorney Nelson responded, “That is correct”.

Chairman Hakeem stated the Clerk of the Council read the version dealing with the election of the clerk; that to this point there is no motion or second.

At this point Councilmen Rutherford and Taylor made the motion and second to approve the version wherein there would be an elected clerk.

On roll call vote:

Crockett	“Yes”
Eaves	“No”
Franklin	“No”
Hurley	“No”
Lively	“No”
Pierce	“No”
Rutherford	“Yes”
Taylor	“Yes”
Hakeem	“No”

The motion failed.

AMEND CHARTER (Continued)

City Attorney Nelson stated the versions now before the Council involve one that would make the city court clerk an employee of the City as opposed to an officer, and the other would make the city court clerk as an officer of the City and make him subject to being appointed by the Mayor and confirmed by the Council as all other department heads.

Councilman Franklin made the motion to accept the version wherein the clerk would be appointed by the Mayor and confirmed by the Council; Councilman Lively seconded the motion.

City Attorney Nelson stated that Section 4.38 of the Charter will now read; *“The mayor shall appoint the city court clerk at the time (s)he appoints all other department heads, subject to confirmation by a majority vote of the entire membership of the council. The term of the clerk shall be concurrent with that of the mayor and until the clerk’s successor is appointed and qualified. The mayor may remove the clerk at any time with the approval of a majority vote of the entire membership of the council.”*

Councilman Crockett asked if this would be the same as any other department head. City Attorney Nelson stated there is a provision in the Charter as it relates to removal; that the Council can do it with six affirmative votes regardless of the Mayor; that other than that it is the same. He stated he would make one other note that most of the other department heads are not permanent Charter positions and that is not true of the Finance Officer, City Attorney and Chiefs of the Fire and Police Departments; that the remaining department heads are not Charter officers which makes a difference as to certain employee benefits.

Councilman Crockett asked if the city court clerk under this version would be a charter officer or non-Charter. City Attorney Nelson responded “non-Charter”.

At this point, the Clerk of the Council read the caption of the version involving appointment by the Mayor with confirmation by the Council.

Councilwoman Rutherford asked what is to be done between now and when the public approves this referendum.

City Attorney Nelson stated the options now are that the current City Charter says the judge has the right to make the appointment subject to confirmation by the Council. He stated that is the only way it could be done; that his term does not begin under the present Charter until next January; that the position runs from the first of January following the appointment for two years.

AMEND CHARTER (Continued)

Councilwoman Rutherford asked what happens if the public approves the referendum. City Attorney Nelson stated as it is now if the clerk were appointed tomorrow and the Council confirms next Tuesday his term of office would be until January 1 of 2003; that the judge has appointed an interim clerk who is a former city court clerk; that his name has not been submitted to the Council as a permanent appointment. He stated until such time, the Council can choose to act or not on that appointment; that in the meantime Mr. Dotson is serving as the interim city court clerk.

Councilwoman Rutherford stated if the public approves this referendum in August when will the court clerk be appointed and for how long.

City Attorney Nelson stated he court clerk would be appointed next April by the Mayor and confirmed by the Council; or for that matter there might be some argument it could be done the first of October because it becomes effective sixty days after adoption by the public. He stated arguably, the Mayor could appoint and the Council confirm for the remainder of this Mayor's term and whoever is elected next March or April could make the appointment at that time.

Councilman Taylor asked what happens if the matter is not approved. City Attorney Nelson responded that it "remains as it presently is".

On motion of Councilman Franklin, seconded by Councilman Lively,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROVISIONS REGARDING THE APPOINTMENT OF THE CITY COURT CLERK BY THE CITY JUDGE AND PROVIDING FOR THE TERM OF OFFICE OF THE CITY COURT CLERK, AND TO PROVIDE FOR THE APPOINTMENT OF THE CITY COURT CLERK

passed first reading.

REZONING

2000-063: Edward Jay Harshman

Pursuant to notice of public hearing, the request of Edward Jay Harshman to rezone a tract of land located at 534 Central Avenue came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition in attendance.

Jerry Pace of the Planning Agency stated this request is located on Central Avenue in the vicinity of Engel Stadium and historic Fortwood. He stated the request is for R-4 for a doctor's office and assisted living or apartments. He stated the Staff recommended denial and the Planning Commission recommended approval with conditions.

Councilman Franklin asked why the Staff recommended denial. Mr. Pace stated that the Staff felt that the residential uses in the area of Fortwood to the west and east should be maintained, even though there is an industrial zone there is still residential next to Engle Stadium. He stated even though the properties are rundown and in need of repair they could still be used as residential.

Edward Harshman, owner of 534 Central, stated that the building has sustained fire damage in the back and the brick structure in the front is in good condition. He stated he intends to retain the existing residential appearance. He stated the damaged structure has been subject to exposure to the elements for countless years; that it is structurally unsound and plans to keep the brick in front and tear out the damage in the rear. He stated there was a concern about parking and indicated parking would not be any worse than if it were an office. He stated this is an historic building and is requesting a mixed use with some residential and office use; that people will be in the building at all times.

Councilwoman Rutherford inquired as to the square footage of the building, as it looks small.

Mr. Harshman stated the structure used to be a two family residence; that the property slopes down at the top of the hill; that the lower floor would be the basement and there is a good need for a high ceiling in the structure. He stated he has a plan for expanding the building to the rear away from Central and will preserve the basic appearance with some change in the roofline.

Again Councilwoman Rutherford asked Mr. Harshman if he knew the square footage. Mr. Harshman stated it is 30 X 50 and has three floors.

Councilman Franklin stated with any professional building there would have to be some consideration given to parking. He asked if the entrance will be from the O'Neal Street side and made reference to the condition within the Ordinance regarding grassy conditions being retained.

Mr. Harshman stated there is a curb cut at 534 Central and an alley from Fisk Street. He stated the property at 536 Central has a major mortgage and is property he might acquire for access from Fifth Street to the alley.

REZONING (Continued)

Councilman Franklin inquired further as to the property at 536 Central. Mr. Harshman stated that 536 Central is to the right of his property and is property he is interested in acquiring; that he is waiting on the legal documents to return.

Councilman Taylor expressed concern with regard to parking and inquired as to the plans for the property. He stated he has heard there will be a doctor's office, an assisted living facility and maybe apartments.

Mr. Harshman stated his current plans indicate that there will be a physician's office at ground level, a residence upstairs and a residence in the basement if the structure is expanded to the rear. He stated it would be something a doctor can live in and work out of.

City Attorney Nelson asked if this request is outside the Fortwood area's moratorium. Mr. Pace responded "yes".

Chairman Hakeem asked if the applicant desires to use the existing structure or plans to construct a new structure. Mr. Harshman stated that the existing brick structure will remain as it is except for renovation of the porch; that the burned out portion in the back will be removed.

Chairman Hakeem stated he is trying to understand that the intent is for the applicant to live at the residence or whether it is being prepared for someone who would want to use it for the purpose of a doctor's office and residence. Mr. Harshman stated that is what he is hoping to do; that he hopes to live there or lease it to someone.

Councilman Taylor asked if any of the applicant's plans will change in the process of trying to secure the house adjacent to this property; whether both buildings will be saved. Mr. Harshman stated he is interested in preserving the property at 534; that the property next door is a "structural mess".

Councilman Taylor asked what the applicant plans to do with the property next door. Mr. Harshman stated he did not know enough about the property at 536; that if he gets two for the price of one there will be a driveway that will go out to Fifth Street.

Councilman Taylor stated he is hearing some uncertainty; that he would hate to see the Council rezone the property knowing the applicant needs something else.

Councilman Franklin stated that he would hope that some developer would develop the property in that manner because he has seen it in Baltimore with a physician who has a brownstone wherein they actually live on the first two floors and use the third level for a dentist's office. He stated he hopes the applicant is considering developing the property in that manner and still adhere to the neighborhood requirements and conditions.

REZONING (Continued)

Chairman Hakeem stated that he did not know what the Council would decide in voting on this matter; that there might be the need for the applicant to come back with a more decisive, architectural rendering of what is being requested.

Councilman Pierce stated this is located within his district and indicated that he has not heard anything from the constituents in Fortwood; that he would be reluctant to put an office in a residential area. He stated with the expansion of the University and the Hospital and the possibility of what could happen with the Engel Stadium property adjoining on O'Neal Street, he would be leery about supporting this request at this time. He stated after the applicant acquires the property and comes back with a more definitive plan he would not have a problem supporting it, indicating that he is not in a position to support at this time.

At this point Councilman Pierce made the motion to deny the request as recommended by the Planning Staff; there was no second to the motion.

Councilman Taylor asked how long it would take for the applicant to come back with a plan. Mr. Harshman stated he would know once he knew whether he would have the property at 536 Central Avenue; that it could possibly be after May 16 or as long as three months or longer. He stated it is reasonable to wait and come back later.

Councilman Franklin asked Councilman Pierce if he would consider a second motion to defer to allow the applicant the opportunity to see if he can do more with the other property.

Councilman Pierce indicated that he did not problem with that suggestion.

At this point Councilman Franklin made the motion to defer the matter 60 days (July 11); Councilman Taylor seconded the motion.

Councilwoman Hurley suggested that Mr. Harshman talk with the Fortwood Neighborhood Association to see if they support his request. The young lady with Mr. Harshman stated that the Association is in support of this request.

Councilwoman Hurley stated that Mr. Harshman should make the Association's support of his application part of his presentation when he returns; that if it is a good structure it should be preserved.

Councilman Pierce stated that he would like to have known that the applicant spoke with Mr. Pomeroy of the Association prior to tonight; that it will help tremendously if he could get a letter from the Association.

REZONING (Continued)

Chairman Hakeem stated the applicant is to return on July 11 with a letter from the neighborhood association, as well as something more definitive regarding architectural renderings.

Mr. Harshman stated he has a personal event one day following July 11, which is the day he will be marrying the young lady with him.

Councilmen Crockett and Pierce amended the previous motion to defer the matter until July 25.

On motion of Councilman Crockett, 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 534 CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred until July 25.

REZONING

2000-068: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone several platted tracts of land located in the 1600 block of Rossville Avenue came on to be heard.

The applicant was present; there was no opposition in attendance.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL PLATTED TRACTS LOCATED IN THE 1600 BLOCK OF ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-2 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

2000-069: Curtis Wilson

Pursuant to notice of public hearing, the request of Curtis Wilson to rezone a tract of land located at 4219 Dodds Avenue came on to be heard.

The applicant was not present; there was opposition in attendance.

On motion of Councilman Lively, 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 4219 DODDS AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**
was denied.

REZONING

2000-070: William B. & Virginia C. Sanders And William Sanders, Jr.

Pursuant to notice of public hearing the request of William B. & Virginia C. Sanders And William Sanders, Jr. to rezone a tract of land located at 626 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this property is located next to the post office on East Brainerd Road and comes with approval from both the Planning Commission and Staff.

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 REZONE A TRACT
OF LAND LOCATED AT 7626 EAST BRAINERD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE
TO C-2 CONVENIENCE COMMERCIAL ZONE**
passed first reading.

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

REZONING

2000-075: Gene D. Pearson

Pursuant to notice of public hearing, the request of Gene D. Pearson to rezone an unplatted tract of land located at 2906 Silverdale Road came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this property is located in the East Brainerd, Tyner Road area and the recommendation from Staff is for denial as it is felt Silverdale Road should be maintained as a residential area. He stated the recommendation from the Planning Commission is for approval.

Gene Pearson stated that he owns the property and indicated that he also owns the property on Walker Road; that there is a two-story brick building that he plans to use for expansion of his operation. He stated that he bought the eyesore of the neighborhood and plans to put a nice building there which will look like a residence.

Councilman Eaves stated he does not have a specific objection to this request and has had a couple telephone calls. He asked to defer the matter for one week to allow an opportunity for him to look at the property.

On motion of Councilman Eaves, seconded by Councilman lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE AN
UNPLATTED TRACT OF LAND LOCATED AT 2906 SILVERDALE
ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

was tabled on week.

REZONING

2000-081: Barry Evans

Pursuant to notice of public hearing, the request of Barry Evans to rezone several unplatted tracts of land located in the 7200 block of Bonny Oaks Drive came on to be heard.

The applicant was present; there was no opposition in attendance.

REZONING (Continued)

Mr. Pace stated this request is in the Silverdale, Tyner, and Bonny Oaks area and involves large tracts of several lots. He stated the recommendation is for approval subject to conditions.

Councilman Pierce asked if the applicant is in agreement with the conditions. The applicant responded affirmatively. Mr. Pace stated the applicant has redesigned the site plan to accommodate the conditions.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL UNPLATTED TRACTS OF LAND LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWHNOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2000-085: Mark W. Lovett

Pursuant to notice of public hearing, the request of Mark W. Lovett to rezone several tracts of land located in the 100 block of East Main Street came on to be heard.

The applicant was present; there was no opposition in attendance.

Mark Lovett stated he is attempting to develop forty units of new residential housing at this site and restoration, preservation of the Levin building is what he plans to do.

Councilman Pierce stated this is adjacent to the new fire hall on the corner of Rossville and Main Street; that this is part of the southside redevelopment.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL TRACT OF LAND LOCATED IN THE 100 BLOCK FO EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

**RESOLUTION OF SUPPORT FOR HOPE VI
REVITALIZATION GRANT APPLICATION**

Councilwoman Hurley stated this matter was discussed in great detail in Committee; that representatives of the Housing Authority and others are present if there are questions.

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION SUPPORTING THE SUBMISSION OF A HOPE VI REVITALIZATION GRANT APPLICATION FOR SPENCER J. MCCALLIE HOMES, COMMITTING TO PROMOTION OF MIXED INCOME REPLACEMENT HOUSING, AND PLEDGING MULTI-YEAR RESOURCES TOWARD THE ALTON PARK/SPENCER J. MCCALLIE HOMES COMMUNITY, SUBJECT TO CERTAIN CONDITIONS

was adopted.

**CONTRACT: YERBEY CONCRETE
CONSTRUCTION, INC.**

Councilman Franklin stated Resolutions (b), (c) and (d) were discussed in Public Works Committee last week and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SW-3-00, SCHOOL SIDEWALK PROJECTS, PHASE II, FOR EAST BRAINERD ELEMENTARY SCHOOL, WASHINGTON ELEMENTARY SCHOOL, HIXSON MIDDLE SCHOOL, AND TYNER MIDDLE SCHOOL, TO YERBEY CONCRETE CONSTRUCTION, INC., IN THE AMOUNT OF THREE HUNDRED FORTY-FOUR THOUSAND, FIVE HUNDRED DOLLARS (\$344,505.00)

was adopted.

**CONTRACT: EAST TENNESSEE GRADING,
INC., CASE CONSTRUCTION SERVICES,
INC., AND MAYSE CONSTRUCTION
COMPANY**

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 00A, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS, TO EAST TENNESSEE GRADING, INC., CASE CONSTRUCTION SERVICES, INC., AND MAYSE CONSTRUCTION COMPANY, FOR A COMBINED TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000.00)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. SS-3-99, WILLIAMS STREET STREETScape, WEST MAIN STREET TO WEST 14th STREET, WITH CASE CONSTRUCTION SERVICES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-SIX THOUSAND, SEVEN HUNDRED FIFTEEN AND 37/100 DOLLARS (\$46,715.37), FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-SIX THOUSAND, TWO HUNDRED EIGHTEEN AND 13/100 DOLLARS (\$156,218.13), AND WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY TWENTY-ONE (21) CALENDAR DAYS

was adopted.

PROPERTY PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 1700 BALDWIN STREET FROM LEGAL TITLE AND ESCROW, INC., FOR THE EXTENSION OF 17th STREET FROM BALDWIN STREET TO ROSSVILLE AVENUE, FOR A CONSIDERATION OF TWENTY-EIGHT THOUSAND DOLLARS (\$28,000.00), PLUS ASSOCIATED CLOSING COSTS

was adopted.

REBATE PAYMENT

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING A REBATE PAYMENT IN THE AMOUNT OF ONE HUNDRED EIGHTY-SEVEN THOUSAND, SIX HUNDRED THIRTEEN AND 21/100 DOLLARS (\$187,613.21) TO THE DEPARTMENT OF THE U.S. TREASURY WITH SAID FUNDS TO COME FROM INVESTMENT INCOME FROM THE 1995 BOND ISSUE

was adopted.

OVERTIME

Overtime for the week ending May 5, 2000 totaled \$110,447.42.

PERSONNEL

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

CHRISTOPHER WHITMIRE – Military Leave, Tree Trimmer, Forestry Division, effective May 6 – September 1, 2000 (approximate time).

JESSICA BLEVINS – New hire, Zookeeper, Zoo Division, Pay Grade 6/Step 1, \$18,574.00 annually, effective May 3, 2000.

WARDELL HENDERSON – Termination, Crew Worker, TN Riverpark Downtown, effective May 8, 2000.

PURCHASES

On motion of Councilman Franklin, seconded by Councilman Taylor, the following purchases were approved for use for the Parks and Recreation Department:

GAMETIME %DOMINICA RECREATION PRODUCTS (Best bid)
Requisition R0046842/B0000445

Playground Equipment

\$57,471.00

R. M. GEOGHOGAN LLC (Lowest and best bid)
Requisition R0046840/B0000447

Renovation of the Missionary Ridge Fire Hall

\$53,999.00

J & J CONTRACTOR (Lowest and best bid)
Requisition R0046848/B0000452

Construction of the Eastdale Recreation Center Building

\$377,850.00

PURCHASES (Continued)

TOWER CONSTRUCTION CO. (Lowest and best bid)
Requisition R0046793/B0000412

Installation of Playground Equipment

\$82,321.00

TOWER CONSTRUCTION COMPANY (Change Order #1)
Requisition R0042541/P0013403

ADA Retrofitting

\$129,204.00 -- Original Contract (12/7/99)
2,691.00 -- Change Order #1
\$131,895.00 -- TOTAL CONTRACT COST

SOLOFF (Lowest and best bid)
Requisition R0046841/B0000446

Renovation of Powerhouse

\$80,180.00

TOWER CONSTRUCTION (Lowest and best bid)
Requisition R0046838/B0000448

Renovation of Greenway Farm Conference Center

\$82,302.00

PURCHASE

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

SOUTHERN PUMP & TANK CO. (Lowest and best bid)
Requisition R0047896

Automated Fuel System
\$50,335.00

PERSONNEL

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

WILLIAM H. RYAN, III – Transfer & Promotion, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective May 10, 2000.

FRED J. VANDERGRIFF – Retirement, Construction Inspector Supervisor, Engineering, effective May 31, 2000.

ROBERT M. HARRIS – Lateral Transfer, Construction Inspector, Engineering, Pay Grade 13/Step 10, \$39,302.00 annually, effective May 1, 2000.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Fire Department:

WOODLEE APPLIANCE (Lowest and best bid)
Requisition R0046596

\$12,578.00

OZARK RESCUE SUPPLIERS (Lowest and best bid)
Requisition R0046601

Water Safety Equipment
\$15,020.40

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

FREDRICK ALLEN – Suspension (10 days without pay), Police Officer, effective May 6, 2000.

PATRICK HUBBARD – Suspension (28 days without pay), Police Officer, effective May 5, 2000.

GARY LOMENICK – Suspension (5 days without pay), Police Sergeant, effective May 8, 2000.

RODRIGO FERNANDEZ – Resignation, Police officer, effective May 10, 2000.

TRAFFIC DIVERSION/HIGHWAY CLOSURE

Councilman Lively stated that he had several irate constituents call him regarding a partial closure of the interstate on this past Saturday; that he does not know who would be the person to talk with to coordinate this. He stated traffic was at a stand still coming into Chattanooga from the west and all the traffic was diverted to Cummings Highway around Lookout Mountain; that one lane was closed coming into town for a bicycle race. He stated several emergencies occurred that day that the race interfered with.

Chief Dotson stated that he would think the State would coordinate closing of the freeway; that as far as other streets are concerned it would come through the Department's Special Events Coordinator, Capt. Bond. He stated he would check to find out more information regarding this.

Councilman Lively stated that he knows we have no control over the State; that there should be more coordination than that to close down the only highway into the City for a bicycle race.

Chief Dotson stated that those events are usually planned in advance and the State does not let his department know in all cases when they plan to close down any part of the freeway. He stated his department makes an effort to work with different groups on the events that are held.

Councilman Lively stated that it is very evident there was no coordination between the State and the Police Department.

Chief Dotson stated we will probably see more than less closings as the State continues to remodel freeways; that his department does not control the permits as to who gets the special events; that his officers are there to work them. He stated his department will try to do a better job of finding out when the State will close down various freeways.

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Crockett, the following purchase was approved for use by the Chattanooga Police Department:

PROSTAR (Best bid)
Requisition R0047063

Fitness Equipment

\$54,363.00

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Franklin, the following purchase was approved for use by the Bicentennial Library:

GATEWAY, INC. (Single source purchase)
Requisition R0038784

Computer Equipment per TCA 6-56-301

(Price information available and filed with minute material)

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Taylor, the following purchase was approved for use by the Finance Department, Telecommunications Division:

PREBUL CHRYSLER JEEP (Per State Contract SWC223)
Requisition 0041694

Jeep Cherokee

\$18,712.00

HEARING: TOM SKYLES

City Attorney Nelson stated a request for hearing has been received from Tom Skyles regarding his termination from the Parks and Recreation Department.

A hearing date of June 19 at 6 p.m. was scheduled to hear this request with Councilmen Pierce, Hurley and Lively serving as the panel with Councilman Pierce as Chair, Councilman Franklin volunteered to serve as alternate in the event one of the panel members could not serve.

HEARING: OFFICER GREEN

Councilman Crockett reported that the hearing for Officer Curtis Green was held last night involving his 28-day suspension. He stated the panel voted unanimously not to uphold the 28-day suspension; that the primary witness was not available. He stated this hearing involved a chaotic situation. He stated he will call a meeting of the Legal and Legislative Committee for a discussion to see if a Charter amendment can be considered as to how we handle the personnel cases.

City Attorney Nelson reminded Councilman Crockett that tonight is the last night to get something on for the August ballot; that the matter can go on for November, but that tonight was the last night to make the August ballot on first reading.

Councilman Crockett stated that he was not in a position to make a proposal; that he just proposes that the Committee discuss the matter.

JUNE 13 COUNCIL MEETING

City Attorney Nelson stated that the Clerk of the Council needs guidance as to whether there will be a Council meeting on June 13; that that is the night to hear zoning cases and several will be out for the Tennessee Municipal League meeting and she needs to know for advertising purposes.

After polling the Council, it was determined there would not be a quorum for the June 13 meeting and the meeting of June 13 would be cancelled with rezonings heard on first reading on Tuesday, June 20.

Councilman Crockett indicated that he could be present on June 13 but could not on June 20; that he has some very significant cases in his area and would like to be present for them.

JUNE 13 COUNCIL MEETING (Continued)

Chairman Hakeem suggested that Councilman Crockett identify the date he would be in the City for scheduling those items in his area. City Attorney Nelson suggested that the cases be heard on Tuesday, June 27 and that advertising notices for his cases reflect that date.

COMMITTEES

Councilman Lively stated a meeting of the Economic Development Committee was held today and was given a presentation by the Mayor and Chairman of the Electric Power Board regarding the plan for their new headquarters, which is to be located on what is now referred to as the "Butcher Block". He stated the City of Chattanooga will take possession of the current headquarters in a trade for properties.

Councilwoman Hurley stated the Health, Education, Human Services and Housing Opportunities Committee met for a thorough presentation regarding the Hope VI proposal; that it is a very ambitious proposal and everyone, including Councilman Taylor, is very hopeful it will be a successful request this time.

Councilman Franklin stated the Parks and Recreation Committee met today to bring forth two contract authorizations and had a presentation from Friends of the Zoo regarding their proposed park expansion.

MAGLEV

Councilman Crockett stated there is a request for additional funding to complete the proposed work for the MAGLEV; that two groups of Senators are trying to make that happen.

HIXSON SCOUT TROOP

Members and leaders of Scout Troop 314 were recognized. The Troop was from East Brainerd and each introduced themselves.

CITY/COUNTY BUDGET HEARING

Chairman Hakeem reminded Council members of the joint City/County budget hearing scheduled for Wednesday morning at 9:30 in the County Commission meeting room.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, May 16, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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