

**Municipal Building  
Chattanooga, Tenn.  
June 27, 2000**

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

**INVOCATION**

Invocation was given by City Attorney Randall Nelson.

**PLEDGE OF  
ALLEGIANCE**

Chairman Hakeem led the audience in the Pledge of Allegiance to the Flag.

**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.

**AGENDA ORDER**

On motion of Councilman Eaves, seconded by Councilman Franklin, **Item VI (e)** was moved to the beginning of Ordinances—First Reading.

**REZONING**

**2000-030 (Edith Redish)**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 515 TREMONT STREET BEING ON THE NORTHWEST LINE OF TREMONT STREET, NORTHEAST OF LYTLE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2000-090 (Sandra Coffey)**

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 7737 STANDIFER GAP 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 Councilman Lively, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

**CLOSE & ABANDON**

**2000-089 (Steve Randolph)**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED NORTHEAST FROM ALLIN STREET, NORTHWEST OF DODSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

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.

**CLOSE & ABANDON**

**2000-101 (Chris Farris)**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,  
**AN ORDINANCE CLOSING AND ABANDONING WESTRIDGE  
ROAD AND AN UNOPENED ALLEYWAY LOCATED  
SOUTHEAST OF TENNESSEE AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
PLAT ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE**

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

**FY 2000-2001  
OPERATING BUDGET**

Mayor Kinsey was present. He stated that since we did not have a Budget Committee meeting today, he would entertain any questions the Council might have; that he would not go into great detail but wanted to be here just in case there were questions. He commended Jim Boney, Daisy Madison, the supporting Staff and Administrative heads in their work on the budget and being able to provide more services. He stated that they worked especially hard this year and continue to deliver.

Councilman Crockett stated that he had just a question or two; Adm. Boney's staff and Randy Burns had been kind enough to provide a number of pieces of information for him; that he was really looking at our employment figures for this period of time; that since FY 96-97, we have increased the number of employees by 185; that we were glad to get a lot of these employees in the Fire and Police Departments. He mentioned the early retirements that enabled us to meet an earlier budget. He stated that our overall operating expenses have gone up \$10 million in actual spending and also there has been an increase in our capital expenditures. Councilman Crockett stated that his biggest question was in regards to this being possible because of a variety of reasons including the school merger and the sales tax and efforts to reduce the pension fund contributions have enabled us to spend more money in key areas. He questioned if we would be able to sustain this level of spending, as he expected we would continue that level of expenses for the next year as we have done in the past two years.

**OPERATING BUDGET**  
**(CONT'D)**

Mayor Kinsey stated that he agreed with the slides that had been shown and feels good about what we have been able to do. He stated, however, that the Operating Budget utilizing the fund balance is misleading; that this has never been done and is not an appropriation; that police cars don't wait for the Capital Budget. (Councilman Crockett pointed out that he explained this during the slide presentation). Mayor Kinsey stated that he just wanted to make sure everyone understands this. He stated that more people were working here, and we also have more services; that there are 56 additional employees in the Fire Dept.; that we have full staffing and are doing things that people care about, mentioning animal services. Mayor Kinsey added that we have trimmed management and we need to look at the overall picture, for instance the tax rate and not just the number of employees; that the Police Dept. eliminated 18 captains and lieutenants, which are "big paying" jobs and in their place we put police officers on the streets; that we had been able to utilize our reserves and cut costs where we can. He stated that Councilman Eaves had raised the same question as to whether this could be sustained. Mayor Kinsey stated that we have all positions totally funded for twelve months and less than the standard vacancy factor. He stated that there are no better Department Heads than those we have in City government; that we have been able to provide more services, and this is a real attribute to Administrators and the City Council. He stated that this budget was clearly sustainable with standard growth; that we could have chosen to do less for our citizens and not provide the services, but he thought this was what people wanted.

Councilman Crockett stated that he had supported the budget every year, especially the Fire and Police, and we would have the ability to sustain this with a normal revenue stream in the future, and he was hearing from the Mayor's answer that this was not a problem.

Mayor Kinsey stated that he thought it was important that we have increased our Bond Rating to AA, and he believed it was because we did cut taxes; that we have a very healthy reserve; that it is a tight budget but he thought it was supposed to be tight.

Councilman Crockett commended Administration and Department Heads, and stated that he thought it was important to point out that we did have the \$10 million because of the school merger and our bond issue gives us the ability to spend at the level we have not enjoyed since this Council first began.

**OPERATING BUDGET**  
**(CONT'D.)**

Mayor Kinsey disagreed, stating that he did not think the school merger and sales tax had anything to do with this Budget; that the ½ cents sales tax we are now getting is going to the schools and the Economic Development Fund and is not part of this operating budget.

Councilman Crockett agreed that it was not the operating budget but pointed out that he did have a slide up about the Capital Budget, which he discussed when this slide came up.

Councilwoman Rutherford asked how much we have in the Reserve Fund. Mayor Kinsey responded about \$30 million.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

**AN ORDINANCE, HERINAFTER ALSO KNOWN AS “THE  
FY2000/2001 BUDGET ORDINANCE”, TO PROVIDE REVENUE  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND  
ENDING JUNE 30, 2001, AND APPROPRIATING SAME TO THE  
PAYMENT OF EXPENSES OF THE MUNICIPAL  
GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL  
TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES  
AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID,  
WHEN THEY SHALL BECOME DELINQUENT; AND  
PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT  
TAXES AND PRIVILEGES**

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

**AMEND CITY CODE**  
**SKATEBOARDS**

On motion of Councilman Lively, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 25, SO AS TO ADD SECTION 25-33,  
RELATIVE TO PROHIBITING SKATEBOARDS AND  
AGGRESSIVE SKATES ON PUBLIC STREETS AND  
SIDEWALKS IN THE DOWNTOWN AREA**

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.

**NORTH CHATTANOOGA**  
**NEIGHBORHOOD**  
**OVERLAY DISTRICT**

Councilwoman Hurley stated that this matter had been deferred until July 18<sup>th</sup>; that this would need to be moved to **July 25<sup>th</sup>**, as Mr. Bridger will be out of town on the 18<sup>th</sup>. **On motion of Councilwoman Hurley, seconded by Councilman Franklin, this matter will be moved to July 25<sup>th</sup>.**

**AMEND ORD.NO.10499**  
**MACKEY AVE.**

**2000-098 (Patten Golf, Inc.)**

Pursuant to notice of public hearing, the request of Patten Golf, Inc. to amend certain conditions imposed in Ordinance No. 10499, came on to be heard.

The applicant was present. There was considerable opposition in attendance.

Mr. Pace made the presentation and stated that this was located in the East Brainerd area just off Mackey Rd.; the property is presently zoned C-1 with conditions on the parcel. The present use is a golf driving range, and the request is for conditions to be lifted from the C-1 Zone, and the Planning Staff approves of the project and the Planning Commission recommended denial. He noted that there was a commercial nursery to the east with single-family residences and apartments to the south; that the Planning Staff recommended approval subject to a report by a Sound Engineer to certify that the sound level will not exceed 45 decibels and no use shall exceed 45 decibels and that all outdoor lighting shall be directed away from any residential uses fronting along Mackey Avenue.

**Mr. Zeb Patten**, the applicant spoke next. He stated that he was the current owner of the Chattanooga Golf Center in East Brainerd; that the use next to them is R-3 zoning. He stated that they wanted to be allowed to change the conditions in their rezoning to include a Family Entertainment Center; this will be a \$4 million resort-quality center and will be a super nice facility. Mr. Patten stated that Chattanooga was in need of a facility like this—that it will be a facility where families can come and enjoy the center as a whole; that at the Planning Commission meeting there were some objections, and he felt like they had answered most of the concerns; that sound was one of the concerns; that they had hired an Acoustical Consultant to meet this concern. Mr. Patten stated that the Go-Cart issue had been a very vocal one, and they had decided to go with electric engines, which are very quiet. Mr. Patten noted that traffic was another issue and that they had no intent to open up Mackey Ave.; that John VanWinkle had no problems from a traffic standpoint. He noted that there had been some concern regarding land values and that

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**(CONT'D.)**

land values might be reduced; that they had asked the Haisten Group to come in and report on this, and they felt that land values could rise. He noted that there was a lot of support for this and a need for it in East Brainerd, and they felt good about this. He asked Dr. Noel Currey to speak to the sound issue.

**Dr. Currey** stated that a sound level not to exceed 45 decibels had been advocated, which she would consider restrictive but this company (Patten Golf) had chose to meet this number; that according to an electrical engineer and based on data at Mackey Ave., 45 decibels is the EPA requirement. She stated that the applicant had actually put in a lot of money to do these things; that they had decided to use berms to control the sound level.

At this point, Mr. Patten asked Joyce Kendall, a resident of the neighborhood, to speak.

**Ms. Kendall** thanked Mr. Patten for giving her the opportunity to speak. She stated that she was not here to speak as an advocate for this; that she was here in order to work with Mr. Patten and to serve the neighborhood and that she was neutral. She outlined some of the measures that Mr. Patten had agreed to take, stating that he was eager to work with the neighborhood. She stated the neighborhood was concerned about three issues—**sound, light, and traffic**; that she had talked to an experienced professional, and he had advised her on the preservation of the neighborhood; that Mr. Patten had agreed on the costly, but effective, measure of berms to protect the neighborhood from harsh sounds; that where there is not a berm, a fence will be built; there will be trees on top of the berms. She stated that the dead-end on Mackey will not be opened to through traffic; that the streets are narrow in this area and that Engle Ave. is only 14 ft. wide; that children play on their bicycles and there are no sidewalks. She stated that Mr. Patten had promised not to seek any other entrance but East Brainerd Rd., and the City of Chattanooga can operate this right-of-way. She stated that if this is passed, they want the Agreement that is before the Council, made by Mr. Patten and Mr. Spraker, to be included as part of the Ordinance; they also wanted the dead-end street to be permanently closed. Ms. Kendall thanked the Council for allowing her to speak.

Councilman Taylor asked what the operating hours would be. Mr. Patten responded from 9:00 A.M. to 12:00 midnight, and there would be security when the park was closed.

Councilman Eaves verified that there would be trees on top of the berms. He asked Attorney Nelson if what had been agreed to could be put into the formal Ordinance and attached as part of the Ordinance and if this was not “lived up to” that the zoning would automatically revert back to what it was before. Attorney Nelson responded “yes”.

**PATTEN GOLF, INC.**  
**(CONT'D.)**

Chairman Hakeem stated that he would like to ask the sound person a question—that with the trees and fences and all of the electric cars, what does that do to the 45 decibel rating. Dr. Currey responded that the 45 decibel rating is based on a maximum number of cars all in use at the same time, which is the worst case scenario; that this is the full quota of go-carts. She added that this did not consider the arcade.

Councilman Taylor asked if Mackey Rd. was closed. Mr. Patten responded that it was a right-of-way to Dudley. Mr. Pace added that the right-of-way is unopened and has never been used; that they could petition to have it closed permanently.

Councilman Pierce stated that he was not for sure when we were talking about decibels if we were talking about the number of cars and boats in use. Mr. Patten stated that Dr. Currey had talked about the worst case scenario, when all were open and in use at one time. Councilman Pierce asked where this number appeared and was told that it was in the packet that had been provided. Attorney Nelson pointed out that the number (45 decibels) was also in the Ordinance.

Councilman Eaves asked if abandonment of the right-of-way was also part of this Agreement. Mr. Patten responded that they had no interest in opening up Mackey Ave. Councilman Eaves indicated that he would like to see this formally closed.

Councilman Franklin asked if by chance this is passed, would the closure of Mackey Ave. be attached as part of the Agreement.

Attorney Nelson stated that all access to the family entertainment center would be off East Brainerd Rd. Councilman Franklin asked if it were in our legal bounds to attach this. Attorney Nelson explained that formal closure would have to be referred to the Planning Commission first for abandonment. Mr. Pace noted that four or five lots front on Mackey Rd., and this would affect the lots on the east side. He stated that we could not take this away from these lots as they would be landlocked. Councilman Pierce asked if we did abandon, how would the property be divided at this point. Mr. Patten stated that they were past all of the residences on Mackey Ave.; that they are landlocked now.

**David Montgomery** spoke next in opposition. He stated that he resided at 7801 Dudley Rd. and had been a resident there for four years. He asked the people in the room who were against this to stand and almost the entire room stood. Mr. Montgomery stated that this was the kind of day that adds up to years; that they were in danger of losing their foundation of hope and contentment; that everyone here is against this project; that they all were aware of the Agreement that was read, and he helped co-author it. He stated that they were against this project for a number of reasons, including property values, noise, additional traffic, and security; that there are no buffer zones in this case at all—they do



**PATTEN, GOLF, INC.**  
**(CONT'D.)**

not have buffer zones. He stated that Mrs. Brackett, who lives in the neighborhood, is 75 years old and totally independent, and the Council's actions tonight could make her not independent anymore; that she would have to depend on her children, and she does not want to be a burden to them. Mr. Montgomery stated that the World Health Organization shows that sound levels up to 45 decibels causes sleep disturbances and high blood pressure; that one thing that had not been considered was the decibels coming from 500 people at one time. In conclusion, he stated that he would like to leave with the Council that for Mr. Patten to pay off his \$4 million dollar debt, he would have to have over 4,000 customers a month, and he was concerned about security. Mr. Montgomery stated that they were against this project and asked the Council if they would like to have this in their backyards.

**Mrs. Georganna Yurjevic** spoke next in opposition. She stated that she lived at 7639 Davidson Rd.; that many issues had been brought up and in the interest of time, she would take on the main issues. She stated that the Planning Staff recommended approval and after hearing both sides and the opposition that was present, the Planning Commission voted to deny, going against the Staff. She stated that common sense prevailed at the Planning Commission meeting, and she hoped common sense would prevail, and the Council would vote against this. She stated that it was a very good idea; however this is the only piece of "raw" land in East Brainerd and something will be developed here; that development should be approved for this—however it was "smack dab" in the middle of a very lovely and quiet neighborhood, and this project was totally inappropriate for this area.

**Mrs. Lucinda Otte** spoke next in opposition. She stated that she lived at 989 Charlotte Ave., and she would like the Council to know that this is no small neighborhood; that it is a very large neighborhood of middle income families and contains streets where children play; that they already have "family entertainment"; that the City of Chattanooga has also formed family entertainment with Coolidge Park and most such projects are located beside the Interstate where there is a noise level of 45 decibels. She stated that she visited one such center and the owner stated that it was absurd to try to put something like this in a neighborhood—that it should not be beside a neighborhood; that these people lived in nice houses and had raised their families there; that it simply does not belong beside a neighborhood!

Councilman Pierce noticed a man in the back of the room that wanted to speak and asked that he be given an opportunity.

**PATTEN GOLF, INC.**  
**(CONT'D.)**

**David Jackson** stated that he lived on Engle Ave. and was not prepared to speak; that he had raised three kids on Engle Ave., and his back yard would be right against this proposal; that no matter how big a fence you put up, there is no place for sound to go but up. He stated that he had lived here for 26 years, and it was a quiet, nice residential area and has been for 50 years; that they wanted to keep it as pristine as possible; that the Burger King had already been imposed on them. He stated that this was inappropriate for this area.

Councilman Taylor asked to speak to Mr. Montgomery, noting that Mr. Montgomery stated that he had helped put the proposal together, and he questioned the reasoning in this since he was against this.

Mr. Montgomery noted that Councilman Taylor was absent last week. He stated that he had made Council members angry; that Mr. Patten had passed the word around that he had enough votes to defeat the neighborhood and one woman was told that there was no reason for her to even attend this meeting tonight because the votes had already been decided. He stated this made him sick to his stomach; that he had to have some input into the agreement and was "hedging his bet". He stated that he was against this but was trying to protect their children and property values.

Councilman Taylor noted that there were three to four houses on Mackey Street and asked if anyone present had signed the petition on this.

Mr. Montgomery responded that one-half acre behind his house was on Mackey Drive; that if it were closed, he would have no ingress to his lot.

**Mr. Bill Shell**, representing the Gibsons, spoke next. He noted that Mrs. Yurjevic had stated that this was not appropriate for this area; that in the files in the City's Real Estate office, there would be a letter from him offering this property to the City and also a letter from the City rejecting this. He stated that the City did not want to develop this; that they made the effort, and the City expressed no interest in this.

Councilman Crockett stated that he did not understand what Mr. Shell was saying.

Mr. Shell stated that he had approached the head of the Real Estate Dept. of the City with maps, offering to sell this property to the City for a park; that at this time interest was real high in the "greenway thing"; that this was about two years ago; that they thought this was a good idea since it was near Mackey Creek and thought it would work nicely for a City park; that in a couple of months, they received notice that the City was not interested in it.

**PATTEN GOLF, INC.**  
**(CONT'D.)**

Councilman Eaves asked how much money they offered the property for. Mr. Shell responded \$400,000—that they had received an offer from a developer for \$400,000, and they used this as a basis; that it was 16 acres but according to their calculations there were 20 acres. Councilman Eaves asked how much of this was in the floodplain. Mr. Shell responded, actually none of it; that TVA has no interest in this; that the only water on this property is in a “swell” built as a drainage effort and no more than one-half acre from one to ten feet wide would contain water.

Councilman Lively noted that he thought Attorney Nelson was in the process of working this agreement into the next Ordinance; that the midnight hour bothered him, and he did not think he could go along with this. Mr. Patten agreed to “knock” it down to 11:00 P.M.

Mr. Pace noted that the front portion has different conditions for a driving range. Mr. Patten noted that the East Brainerd Land Plan map showed that this was for commercial; that he would let their Sound Engineer give a demonstration of what 45 decibels is like.

Dr. Currey asked that everyone in the room be very quiet, and she asked Chairman Hakeem to please read the decibel meter. It was noted that the level was 43 decibels and 45 decibels would only be slightly more; that the only area that would be quieter would be a rural area, which would probably be 40 decibels.

Councilman Taylor asked Dr. Currey if we could assume that 43 decibels would be reasonable in this case. Dr. Currey responded that she had never had a client who approached the sound level in this way; that they were trying to work with the community and going to the extreme; that no one ever said they did not want to live by a golf course! Councilman Taylor verified that on Mackey Ave. there would be 45 decibels and questioned if it would be as quiet as this room had been.

Councilman Eaves, at this point, stated that he wanted the people to know where he was; that he went to church and had lived in this subdivision; that he did not want this to happen, and he felt like it was an imposition on the people, and he could not vote for this.

Councilman Taylor asked if this was a motion and then verified by Dr. Currey that Mackey Ave. would be this quiet.

**PATTEN GOLF, INC.**  
**(CONT'D.)**

**Councilwoman Hurley made the motion to deny. This was seconded by Councilman Crockett on roll call vote as follows:**

<b>COUNCILMAN CROCKETT</b>	<b>“YES”</b>
<b>COUNCILMAN EAVES</b>	<b>“YES”</b>
<b>COUNCILMAN FRANKLIN</b>	<b>“NO”</b>
<b>COUNCILWOMAN HURLEY</b>	<b>“YES”</b>
<b>COUNCILMAN LIVELY</b>	<b>“NO”</b>
<b>COUNCILMAN PIERCE</b>	<b>“YES”</b>
<b>COUNCILWOMAN RUTHERFORD</b>	<b>“NO”</b>
<b>COUNCILMAN TAYLOR</b>	<b>“NO”</b>
<b>CHAIRMAN HAKEEM</b>	<b>“NO”</b>

Chairman Hakeem stated that we knew the investments that were made in the community by the homeowners and also the investment being made by this company; that the effort is being made to give the highest and best use of this land; that he thought he was hearing the community saying that they wanted it to stay as it was, not even apartments. Some in the audience said this was not true and urged Chairman Hakeem not “to put words in their mouth”.

**The motion to deny failed.**

**PATTEN GOLF, INC.**  
**(CONT'D.)**

On motion of Councilman Taylor, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO  
AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE  
NO. 10499 ON PROPERTY LOCATED AT 1073 MACKEY  
AVENUE, BEING MORE PARTICULARLY DESCRIBED  
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed first reading on roll call vote as follows:

<b>COUNCILMAN CROCKETT</b>	<b>“NO”</b>
<b>COUNCILMAN EAVES</b>	<b>“NO”</b>
<b>COUNCILMAN FRANKLIN</b>	<b>“YES”</b>
<b>COUNCILWOMAN HURLEY</b>	<b>“NO”</b>
<b>COUNCILMAN LIVELY</b>	<b>“YES”</b>
<b>COUNCILMAN PIERCE</b>	<b>“YES”</b>
<b>COUNCILWOMAN RUTHERFORD</b>	<b>“YES”</b>
<b>COUNCILMAN TAYLOR</b>	<b>“YES”</b>
<b>CHAIRMAN HAKEEM</b>	<b>“YES”</b>

Councilwoman Hurley stated that she had had a good conversation with the developer, but she thought there should be some middle ground; that she knew the developer had gone to great lengths, but it was not the machinery but the activity. She stated that she would not want to live by Coolidge Park, even though she is not far from it; or anywhere where there is an attracter of lots of people. She stated that the goal was worthy, but it was too close for this. She stated that this was very painful to her because she knows the integrity of the Patten family, but bumper cars and go-carts are attracters of people who make noise.

Councilman Pierce explained why he first voted to deny this and then to approve it. He stated that he was hard for him to make a decision on this; that he got in “the middle of the pool and wanted to go back to the bank”; that he felt strongly about this and would like to see it go forward but was in sympathy with the neighborhood and mentioned the control this Council has over peoples’ lives. He stated that he had talked to Richard Spraker, and he supported this; that he tried to go along with the denial, but it failed and now he was voting to approve this because the votes are here; that he lost the vote to deny.

Councilman Lively pointed out that this is the first reading and second and third readings will be in two weeks. He asked that the time of operation be amended before second and third readings.

Councilman Eaves stated that he thought we needed to put these conditions in an operating agreement and these amendments needed to be a part of the Ordinance.

Chairman Hakeem stated that Attorney Nelson would do as suggested.

Councilman Eaves stated that he thought the developer needed to understand that if he does not live up to this that he would no longer have the zoning; that he wanted to make sure everyone understood this. Councilman Franklin indicated that this was his feeling too.

Chairman Hakeem reiterated that this would be up for second and third readings in two weeks.

## **REZONING**

### **2000-099 (Patten Golf, Inc.)**

Pursuant to notice of public hearing, the request of Patten Golf, Inc. to rezone a tract of land located at 1071 Mackey Avenue came on to be heard.

The applicant was present. There was opposition present.

Mr. Pace stated that the same arguments that could be applied to the previous case would also apply here and the same conditions are attached to this second application as the first. These conditions are listed in the Ordinance, and the only use is for a driving range.

**David Montgomery** asked that one more decibel test be performed. He suggested that everyone Pledge Allegiance to the Flag again and see what the decibel rating was when everyone was talking. He stated he thought it would be tremendous, and we could see what it was as we failed to see what the decibel rating was for normal voice level.

**PATTEN GOLF, INC.**  
**(CONT'D.)**

Chairman Hakeem ruled against this.

**Sterling Jetton**, a County Appraiser, spoke next. He stated that he did not live in this area, but if he did, he would not want this. He urged the Council to go back and check the police records and see if rains had not risen above the bridge; that water covers this area; that he had contacted the Corp of Engineers and Mr. Patten did not qualify; that Mr. Patten needed to go to the Corp of Engineers to have this checked out. He stated they would like to keep the community like it is. He stated that he was an appraiser, and he did not see how Mr. Haisten could determine whether property value would go up or down; that he could not tell anyone this; that the market determines what property is worth and the tax base could be eroded. He stated that Bill Shell was a great guy; that the City went .4 mile further and paid a lot more for property; that if the Council chooses to vote for this that the Corp of Engineers will be here by July 12<sup>th</sup>—that he was going to call them in the morning; that Patten Golf, Inc. should have submitted a Plan. He asked that the Council take this into consideration.

**Mrs. Otte** stated that the residents of this neighborhood were not opposed to apartments in this R-3 zone; that they never had opposed apartments; that no one was opposing apartments. She asked that an amendment be put in saying that this will be policed. She questioned who would police this and if the 45 decibel would be part of the policing. She wanted to know who they were to report to if he went over the 45 decibel limit. She wanted to know what their recourse was. She stated that this was a lovely neighborhood along Davidson Rd., and this was not pleasing to them.

Mr. Patten stated that the Planning Staff recommended to them for the lighting to be away from all residences, and they would adhere to that. Attorney Nelson pointed out that the 45 decibels were in the Ordinance.

Mrs. Otte stated that if the Building Inspector was to be the one who policed this, how did they go about making a complaint. Chairman Hakeem responded that if the neighborhood identifies noise levels beyond the 45 decibel limit that they should notify the Inspection Department, and they will monitor it.

Mr. Pace stated that this case comes with the same recommendation from the Planning Commission to deny and the Staff to approve.

Councilman Taylor stated that he was still concerned about the 45 decibels and Mackey Ave.; that there would be a substantial noise level inside the park. Dr. Currey agreed that it would be much more than 45 decibels. Councilman Taylor asked if the noise would abate as it goes out. Dr. Currey explained that for every “doubling” of distance, there is a

**PATTEN GOLF, INC.**  
**(CONT'D.)**

drop of six decibels; that the noise would abate; that this was based on reasonable acoustical assumptions. Councilman Taylor asked what happens if it goes beyond 45 decibels at Mackey. He asked if it would be shut down if it goes beyond that. Dr. Currey stated that it would meet that guideline. Councilman Taylor asked if she was allowing for variations. Dr. Currey explained that this was tested with all equipment going simultaneously, which is the worst case scenario.

Councilman Franklin asked how many feet this actually was from Mackey Rd. Mr. Spraker responded about 100 feet, which would be the batting cages.

Councilwoman Hurley stated she would like to address the Sound Engineer. She asked if in fact we had been able to do Mr. Montgomery's test, would it measure the sound of the people and the machinery. Dr. Currey stated that it would be about 60 decibels, which is the normal speech range; that is 60 decibels for each person; at 25 ft. you get a drop of 18 decibels and at 100 ft. you would get an even higher drop. Councilwoman Hurley asked if the same number would apply to 45 kids on go-carts.

Attorney Nelson stated that he had two concerns: (1) The present Ordinance does not specify where the sound is to be measured from. He asked if this was Mackey Rd., and the answer was "yes". (2) He asked Dr. Currey if assuming the Building Inspector went out and took a decibel meter reading whether he could tell if the sound was caused by engineering noise or people noise. Dr. Currey stated not with the meter we had tonight; that he could not determine it with this meter.

Councilwoman Hurley stated that she assumed the Ordinance was talking about the total noise.

Chairman Hakeem asked if you would take 45 decibels for machinery and 60 decibels for conversation and add them up to come to 105 decibels. Dr. Currey stated that it would be a higher noise.

Attorney Nelson noted that in drafting the Ordinance he would go with 11:00 P.M. as closing time and 9:00 A.M. as opening time.



**PATTEN GOLF, INC.**  
**(CONT'D.)**

On motion of Councilman Franklin, 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 1071 MACKEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND O-1 OFFICE ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading with Councilwoman Hurley and Councilman Eaves voting No.

**REZONING**

**2000-079 (Wolford Development)**

Pursuant to notice of public hearing, the request of Wolford Development to rezone several unplatted tracts of land located around Highway 153 and Grubb Road in the Rhea Subdivision came on to be heard.

Mr. Pace stated that this request is in the Hixson area and the use along HW 153 from Hixson Pike up to Winding Lane is used as commercial. The request is to rezone a tract of land from R-1, R-2, R-5, and M-3 to C-2 commercial zone. The policy that the Planning Staff follows is no more commercial zones north of Winding Lane. At this point Mr. Pace showed slides, showing property directly across the street, which is a strip center. He showed slides on Grubb Rd. He stated that the Staff felt the Policy in place meets the zoning needs and an extension of a commercial zone would be detrimental to residential uses along Winding Lane and Grubb Rd. The proposed use is for a 24-hr Walmart Super Center. He stated that the Staff felt the lighting and noise would be detrimental to property owners. He noted that the Planning Commission recommended approval with conditions to eliminate the R-4 Special Zone section off of Winding Lane and leaving it as R-1 and directing the lighting away from the residential areas. He reiterated that the recommendation of the Planning Staff is to deny.

Councilman Crockett asked Mr. Pace to go over what the zoning is by acreage currently on the tract. Mr. Pace stated that it was not broken down by acreage but then realized that there were 17 acres of vacant C-2; 6 acres of M-3; and 43 acres of R-1, R-2, and R-5 lumped together.

**WOLFORD DEVELOP.**  
**(CONT'D.)**

The applicant, **Scott Williams**, made the presentation, stating that Bucky Wolford was unable to attend tonight because of another engagement made some time ago. He stated that the expert advice of the Planning Commission had come up with acreage in this matter; that there are 17 acres of C-2 and 6 acres of M-3, which makes 23 acres that are already suitable if this is the case; that they are asking for the other 27 acres to be rezoned. Mr. Williams stated that there were 395,000 sq. ft. of building area, and they hoped to get started in September of this year and open by 2001. He stated that he felt it was important to point out that there has not been a new shopping center in Northgate since the existing Walmart was built 9 years ago.

Regarding traffic, Mr. Williams stated that at the direction of John VanWinkle and Ed Watt they had eliminated two curb cuts. In addition, they had worked with the developer on HW 153 and Grubb Rd. and had changed the entrance to help reduce the traffic impact. Truck traffic will be prohibited on Winding Lane.

Off-site, the project has warranted two traffic signals, at the developer's expense. Mr. Williams stated that they had provided additional right-of-way to the City at no cost to the City

Mr. Williams mentioned the implementation of a Natural Resource Director who has come up with a Natural Resource Plan and Land Management Plan with a buffer between Winding Lane. This director is Steve Clark, and he asked him to speak at this time.

**Mr. Clark** stated that he was not an expert, but he was excited to be here. He stated that there was a Land Architectural Team, and this team had been good to him. He stated that they would be looking at all that affects the ground. They would be looking at the buffer and the preservation of the creek and the preservation of trees and would consider transplantation. At this point he showed slides of work that he had done for Walmart around the country. He stated that they had rules and regulations over and above the law and were working in concert with Mr. Hyde; that there would be some transplantation of large trees and also some small trees. He reiterated that they would be looking at large trees as well. He showed slides of a project in Alabama. He stated that they would be moving some things as the construction crews move dirt. He stated they would have some connection with the community, and it would be a pleasant experience for the people. He stated that they would negotiate with the City about plantings. He showed slides of large transplants in Mississippi, reiterating that they would be moving a few large trees and would work creatively with the contractor.

**WOLFORD DEVELOP.**  
**(CONT'D.)**

Mr. Williams stated as architects they had worked with the Planning Staff, and Councilman Crockett on this, and they were very pleased that Walmart would tie-in to their color scheme; that site lighting would minimize the impact. He stated that the center would be 395,000 sq. ft. and would create 1,000 jobs and during the course of construction, 400 construction workers would be hired. This center would generate sales of \$140 million dollars. He stated that this was the only area in the Northgate area that would accommodate this Walmart Center. He reiterated that they had tried diligently to work with the Planning Staff and Councilman Crockett.

Councilwoman Hurley asked what happens to the old Walmart when it is vacated. Mr. Williams responded that they were not involved with this; that it was a good piece of real estate.

Councilman Taylor asked what usually happened when Walmart moves to another store. Mr. Williams responded that each situation is different. Councilman Taylor asked him what had happened in the past. Mr. Williams responded that sometimes the entire retail sector has moved. He stated that he was not trying to “skirt around” the issue; that this building was still in the heart of everything, but it was not in his control.

Councilwoman Hurley asked him if he was under the impression that Walmart fulfills an obligation to fill the store they vacate. Mr. Williams stated that this involved overall economics.

**Herbert Sanger, Jr.** was the next speaker. He stated that his company, **Wagner, Myers & Sanger, P.C.**, was based in Knoxville; that they were asked by the owner of Northtowne Center to become involved in this, and they represented major developers and were familiar with this and familiar with what has happened in the past. He stated that where large boxes move out, it is sometimes not good; that the owner of Northtowne is interested in what happens to Northtowne if Walmart goes to a larger place. He stated that Mr. Pace related to the Council the present policy of the City and what is involved. He stated that he would say significant factors involve the overall Hixson area and it will be what Walmart’s actions are as regards to their present building; that across the country large stores have a policy applied that is so detrimental that there is a name attached to it and this is “Aggressively Going . . . .”

**WOLFORD DEVELOP.**  
**(CONT'D.)**

At this point Chairman Hakeem stopped Mr. Sanger, stating that he was defaming a company and asked him to stick to the issue before us. Mr. Sanger responded that he was telling the Council that literature is published, and this title is labeled. Chairman Hakeem continued to ask Mr. Sanger to stick with the issue before us. Mr. Sanger maintained that this did affect the issue. Chairman Hakeem maintained that the issue was the possible rezoning of a tract of land. Mr. Sanger asked what happens at Northtowne if the existing Walmart is kept “dark”, and this is totally debilitating. He stated that he was sorry he could not relate to Chairman Hakeem that this has been a nation-wide issue.

Chairman Hakeem stated that Mr. Sanger represented the existing property owner, and they did not want to see Walmart leave; that he was maligning Walmart and this seemed inappropriate to him. Mr. Sanger stated that he apparently was not doing a very good job if this was the conclusion that Chairman Hakeem was drawing.

Chairman Hakeem asked for Attorney Nelson’s advice in the matter, and Attorney Nelson responded that this was a factor that the Council might wish to consider in the well-being of the area as a whole.

Councilman Crockett stated that on this particular issue there were three main categories—how it affects the immediate community on Winding Lane and Grubb Rd.; how it would affect Northtowne Center, noting that we have had experience with Eastgate and Brainerd Rd. and learned enough to not do it anymore; and number three, addressing the Policy in the future and what this will do long-term. As it relates to this Walmart, they have brought in their Site Manager and Real Estate Manager for Tennessee, and this came up at the Planning Commission meeting where they were aware that the issue Mr. Sanger was speaking of was a national issue. He stated that lease negotiations are hard core, and they can keep it vacant, and we know what vacant spaces mean—it is detrimental to the whole neighborhood. Councilman Crockett stated that this point was raised to the real estate people of Walmart, and he had talked to the attorney of Northtowne; that Walmart wrote him a letter summing up their position but from the attorney’s standpoint this is not hard language and only expresses an intent in a general sense; that with clear conversation we expect aggressive efforts. Councilman Crockett noted that other stores in Northtowne Center depend on the activity of Walmart, and a big hole here could have a significant negative effect; they are losing a good one, and they have an interest in this. He stated that the developer could not speak with any kind of authority for Walmart; that they have to do this for themselves. He stated that it was a big issue nationally and called **“big boxes going dark”**. He stated we had some sitting around Chattanooga.

**WOLFORD DEVELOP.**  
**(CONT'D.)**

Chairman Hakeem asked Councilman Crockett if the activity of Walmart would be a detriment to his community. Councilman Crockett responded that it would be if this store is not released to an appropriate retail-type tenant; that it would be a detriment to the existing business district. He stated that all of his contacts say they intend to release this facility; that it would be more than disappointing if they did not do this; that they understand overall what Chattanooga is trying to do, and we took enough time to explain, and they understand the spirit of what we expect, and we hope we will have this.

Councilman Lively stated that he understood where Mr. Sanger was coming from and what Councilman Crockett was talking about; that there is a risk in everything we do and one of the risks is Walmart “leap-frogging” into the County and the City of Chattanooga loses out completely; that Northtowne has companies that are where they were when Walmart moved there, and they put out smaller businesses.

Mr. Sanger stated that he talked to Mr. Williams last week and tried to confront this up front; that it is a valid problem, as shown in literature all over the country.

Councilman Crockett stated that Mr. Sanger was not trying to stop the zoning. Mr. Sanger stated “absolutely not”, but this is a big issue that is part of the Council’s issue. Councilman Crockett stated that he believed that it was a legitimate issue, and he thought Walmart had tried to address this; that no developer has worked harder on all of these immediate issues with the community; that he thinks Walmart will release the facility; that the developer is dealing satisfactorily with the interests of the community, and it is much different than anything we have had before; that it is a mixed-use design, and they have broken the old mold; that they have addressed traffic, design and lighting and all that we have asked for at least and more; that he hears what Planning is saying about the Policy, but this is not like Shallowford Rd. cases. He stated that this is a hodgepodge of stuff, and it is an ugly site today and will be an overall improvement.

Councilman Taylor asked if all of the spaces are pre-leased out. Mr. Williams responded that small leases are coming along extremely well. Councilman Taylor asked how many tenants there were in Northtowne. Mr. Sanger responded that they had Staples, a Winn-Dixie, and Walmart. Councilman Taylor agreed that if the major store moves, smaller stores will feel it.

**WOLFORD DEVELOP.**  
**(CONT'D.)**

Mr. Williams reiterated that they can't make decisions from a retail standpoint; that they had tried to resolve this, but it was out of their control. He stated that he could not answer this.

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 SEVERAL UNPLATTED TRACTS OF LAND LOCATED AROUND HIGHWAY 153 AND GRUBB ROAD IN THE RHEA SUBDIVISION, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1, R-2, AND R-5 RESIDENTIAL ZONES AND M-3 WAREHOUSE AND WHOLESALE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2000-093 (Robert Whitmire)**

This case was held from the June 20<sup>th</sup> meeting.

Mr. Pace explained that it is in the East Lake area at 4<sup>th</sup> Ave. at 34<sup>th</sup> St.. He showed a slide. He noted that a dry cleaners was built up to the street, and it has been a laundry use in the past and is presently zoned C-2; across the street is a neighborhood grocery store. Mr. Pace stated that the Planning Staff recommended denial because they felt this was spot zoning and would not be in keeping with the character of the area; there is no other such development in the area and there is inadequate parking onsite. The Planning Commission's recommendation is to approve.

Mr. Whitmire, the applicant, stated that this had been used for 40 years for a large commercial laundry, and he had trouble getting a big business in; the proposed renter would have six to eight employees, and it would be light manufacturing or welding—just light stuff. It would be totally maintained indoors. Mr. Whitmire stated that parking was no problem, and the parking lot would only be used by the six to eight employees. He reiterated that all work would be done inside, noting that this is a small building, and they wanted to keep it as nice as possible. He stated that he grew up here and wanted to keep it topnotch and with income, he could do this.

**REZONING(CONT'D.)**

This is in Councilman Taylor's district, and he asked that it be delayed until **July 11<sup>th</sup>**.

On motion of Councilman Taylor, seconded by Councilman Eaves,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3311 FOURTH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred until July 11<sup>th</sup>.

**REZONING**

**2000-094 (Fidelity Trust Company)**

This case was also held from the June 20<sup>th</sup> meeting.

Mr. Pace stated that this was in the South Chattanooga area near Chattanooga Creek. The applicant is requesting rezoning from M-3 to M-1 for a paper recycling business. Mr. Pace stated that the Staff recommended denial as this is in proximity to the new park, and there would be outdoor storage of materials, and if the proposed use should cease, something more detrimental could occur. The Staff recommended denial; the Planning Commission recommended approval subject to certain conditions, including that the *proposed use be for a paper recycling facility only; that there be no outside processing or storage; and, all existing easements are retained.*

Councilman Taylor asked that this case also be deferred until **July 11<sup>th</sup>**.

On motion of Councilman Taylor, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 21 WEST 28<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-1 MANUFACTURING ZONE**  
was deferred until July 11<sup>th</sup>.

**REZONING**

**2000-095 (Mark Henry)**

Chairman Hakeem stated that this case was heard last week. Councilman Eaves agreed that this case had already been heard one time, and he did not see any need to hear it again.

Councilman Lively stated that he wanted to make sure with the City Attorney that the restrictions are in there—that all ingress and egress accesses be limited to Dayton Boulevard only and this be used as a tree service only. Chairman Hakeem also stated that we needed to make sure that all of the conditions are included to make this more palatable to the neighborhood.

Attorney Nelson read the conditions: *(1) Use as a tree service only. (2) All ingress and egress accesses limited to Dayton Boulevard only. (3) No outdoor parking of work trucks (the garage shall be completed within six months of the passage of this Ordinance), and (4) All existing easements are retained.*

Chairman Hakeem reiterated that we had already had a public hearing and those members who were absent had read the minutes and felt confident to vote.

On motion of Councilman Eaves, 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 10 EAST MORGAN LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading with Councilwoman Rutherford voting “No”.

A lady from the audience stated that there was more equipment than two trucks.

**(COUNCILMAN CROCKETT LEFT AT THIS TIME)**



**REZONING**

**2000-103 (Elizabeth Trimble)**

Chairman Hakeem stated that this case had also been heard at the June 20<sup>th</sup> meeting and asked Mr. Pace if he had any additional information.

Mr. Pace stated that he could go over his presentation for the benefit of those not present at last week's meeting but if they had read the minutes, they knew what was going on.

On motion of Councilwoman Hurley, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1010 SOUTH HIGHLAND PARK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

**was denied, with Councilwoman Rutherford voting "No".**

Councilwoman Rutherford explained to those who were in opposition to this that she supported all that they were doing in Highland Park, and if this had been for the sale of beer and alcohol, she would have voted to deny but since it is a clothing shop, she felt it would be an asset to the community.

**(COUNCILMAN EAVES LEFT AT THIS POINT)**

**CLOSE & ABANDON**

**MR-2000-004 (CBL and Associates)**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A SEWER EASEMENT LOCATED IN THE EAST BRAINERD PROPERTY OWNED BY FRANK FRIST, PROPERTY OWNED BY NAOMI ROLLINS, AND PROPERTY OWNED BY MARK T. AND PATRICIA HUGENIN, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

**SPECIAL POLICE  
APPOINTMENT**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF CHARLIE W. WILLIAMS, JERRY B. BIDWELL, AND MARK A. BARNES AS SPECIAL POLICEMEN FOR THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**SALARY AUTHOR.**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO PAY EMPLOYEES UNDER THEIR NEW SALARIES ADOPTED THIS DATE BY THE 2000-2001 BUDGET ORDINANCE COMMENCING THE FIRST OF JULY**

was adopted.

**AGREEMENT AMEND.**

On motion of Councilwoman Hurley, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. CSO-3-98, WILLIAMS STREET COMBINED SEWER OVERFLOW FACILITY, WHICH AMENDMENT INCREASES THE CURRENT AGREEMENT AMOUNT BY FIFTY THOUSAND DOLLARS (\$50,000.00) FOR A TOTAL AGREEMENT COST OF TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$245,0000.00)**

was adopted.

**PAYMENT—BANK  
STABILIZATION**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT  
OF ONE HUNDRED FIFTY-THREE THOUSAND, FIVE  
HUNDRED EIGHTY DOLLARS (\$153,580.00) TO HAMILTON  
COUNTY, TENNESSEE, FOR THE CITY OF CHATTANOOGA'S  
SHARE OF PROJECT COSTS RELATIVE TO STABILIZATION  
OF THE BANK OF THE TENNESSEE RIVER**  
was adopted.

**CONTRACT**

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
NO. GR-1-00, MISCELLANEOUS GUARDRAIL REQUIREMENTS  
CONTRACT, TO LU CORPORATION FOR THEIR LOW BID IN  
THE AMOUNT OF SEVENY-SIX THOUSAND, NINETY-THREE  
DOLLARS (\$76,093.00)**  
was adopted.

**CONTRACT**

On motion of Councilman Lively, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
NO. 134J, RIVERVIEW AREA SEWER SEPARATION, TO  
MAYSE CONSTRUCTION COMPANY FOR THEIR BID IN THE  
AMOUNT OF FIVE HUNDRED THIRTY THOUSAND, NINE  
HUNDRED THIRTEEN AND 10/100 DOLLARS (\$530,913.10)**  
was adopted.

**TEMP. ROW USAGE**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING SEVEN EYED RESTAURANT  
GROUP TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY  
AT 203 WEST SECOND STREET FOR INSTALLATION OF  
THREE (3) CANVAS AWNINGS ON THE OUTSIDE FACE OF  
THE BUILDING, MORE PARTICULARLY DESCRIBED HEREIN,  
SUBJECT TO CERTAIN CONDITIONS**  
was removed from the agenda per request of the Public works Dept.

**AGREEMENT**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CBL AND ASSOCIATES PROPERTIES, INC. RELATIVE TO TRAFFIC SIGNAL CONTROLS AT THE INTERSECTION OF HAMILTON PLACE BOULEVARD AND THE I-75 OFF-RAMP, WHEREBY THE CITY WILL BE REIMBURSED THE TOTAL COST NOT TO EXCEED FORTY-FIVE THOUSAND DOLLARS (45,000.00)**

was adopted.

**CONTRACT**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. BR-1-00, RECONDITIONING OF THE WALNUT STREET BRIDGE, TO K & N PAINTING COMPANY, INC. FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED TWELVE THOUSAND, FOUR HUNDRED TWENTY DOLLARS (\$212,420.00)**

was adopted.

**AGREEMENT**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF A THREE-PARTY AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY AND LAKESHORE APARTMENTS AND CONDOMINIUMS, INC., RELATIVE TO STABILIZATION OF THE SHORELINE ON CHICKAMAUGA RESERVOIR FOR PROTECTION OF AN INTERCEPTOR SEWER AND PUMP STATION, WITH THE CITY'S CONTRIBUTION NOT TO EXCEED FIFTY-TWO THOUSAND DOLLARS (\$52,000.00)**

was adopted.

**ART PROGRAM**

On motion of Councilman Lively, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING ALLIED ARTS TO ADMINISTER AN ART IN PUBLIC PLACES PROGRAM ON BEHALF OF THE CITY OF CHATTANOOGA**  
was adopted.

**CONTRACT**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH ARTECH DESIGN GROUP, INC. FOR RENOVATIONS TO THE FITNESS CENTER FOR AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND FOUR HUNDRED SEVENTY-NINE AND 85/100 DOLLARS (\$15,479.85)**  
was adopted.

**AGREEMENT AMEND.**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH ARTECH TO ADD THE POLICE PRECINCT PORTION OF THE SOUTH CHATTANOOGA RECREATION CENTER FOR AN ADDITIONAL FEE NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00)**  
was adopted.

**CONTRACT**

On motion of Councilman Pierce, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF GENERAL SERVICES TO ENTER INTO A CONTRACT WITH M.L. JOHNSON AND COMPANY, INC. AND M. L. JOHNSON/ARTECH FOR FEASIBILITY ASSESSMENTS, RELATIVE TO THE MARTIN LUTHER KING BOULEVARD REDEVELOPMENT PLAN, FOR A CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), MORE PARTICULARLY DESCRIBED HEREIN**  
was adopted.

**REZONING**  
**TRIMBLE**

Councilman Taylor asked to go back to **Ordinances—First Reading, Item (g)** for property located at 1010 South Highland Park Ave. He stated that this moved fast, and he was not sure about his vote; that he heard Councilwoman Rutherford say something about the sale of alcohol. Councilwoman Rutherford explained to Councilman Taylor that it is for a clothing store. Councilman Taylor verified that it was denied and asked what the procedure was to change his vote. Attorney Nelson explained that the original action taken would have to be rescinded.

Councilwoman Hurley pointed out that there had been people in the room, who had now left, who thought the Council had taken the final action.

Attorney Nelson explained that since it was denied, it won't come back for another nine months; that it did not have the votes for approval.

**Councilman Taylor moved to rescind the vote. This was seconded by Councilwoman Rutherford.**

Councilwoman Rutherford noted that Councilman Taylor was not here for the discussion last week, and we ran through it quickly tonight. Chairman Hakeem suggested that Councilman Taylor refer to last week's minutes. Councilman Taylor indicated that he was just concerned because he heard liquor and beer being put forth.

Chairman Hakeem stated that there was a motion before the Council to rescind the original action in regards to the rezoning for Elizabeth Trimble at 1010 South Highland Park Ave., and he asked for a vote. There were only two votes to rescind, with Councilman Pierce abstaining. The motion did not carry.

**OVERTIME**

Overtime for the week ending June 23, 2000, totaled \$23,682.34.

**PERSONNEL**

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

**JEANNE KAY HINCHEE**—Resignation of Crew Worker, effective 6/20/00.

**SHERNARD STEWART**—New Hire of Crew Worker, Pay Grade 3/1, \$15,230 annually, effective 6/21/00.

**PURCHASE**

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

**COTHAM CONSTRUCTION COMPANY (Change Order):**  
**Purchase Order P008776/R0030961**

Renovation of the Carver Community Center—Change Order 1

\$274,568.25 Original Contract  
\$ 6,475.41 Change Order  
\$281,043.66 Total Contract Cost

**EMERGENCY PURCH.**

The emergency purchase for the lease of a temporary trailer at the Cricket Pavilion Skate-park for the Department of Parks and Recreation, Purchase Order R0051022, in the amount of \$13,366 was issued to G. E. Capital Modular Space and was duly reported and signed in open meeting.

**PURCHASES**

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Dept.:

**MID-SOUTH EQUIPMENT (Best bid for the City)**  
**Requisition R0049743/B0000478**

Vibratory Plate Compactor  
\$9,132.00

**PURCHASES**  
**(CONT'D.)**

**LEE-SMITH, INC. (Lowest and best bid for the City)**  
**Requisition R0049714/B0000476**

Truck Cab & Chassis

\$37,573.00

**VIKING EQUIPMENT (Lowest and best bid meeting specs.)**  
**Requisition R0048266/B0000477**

Vibratory Roller

\$29,300.00

Councilman Pierce stated that he would like an update on Brush and Trash.

Adm. Marcellis stated that they were a couple of days late; that they had just gotten into Councilman Pierce's area with Brush and Trash employees; that they were working both areas (3 & 4) and should be finished by early next week and then get back on schedule.

Councilman Pierce also asked about the situation at the dump and citizens going to the dump. Adm. Marcellis responded that city residents can bring anything they want to that is not hazardous; that they would be asked for their driver's license to confirm city residency. Councilman Pierce asked if they were limited to so many times or not. Adm. Marcellis responded that there was no limitation. Councilman Pierce stated that he received a call from a woman who was remodeling her house and had made a second trip and was told she could only "dump" once. They would not allow her to dump a second time. Adm. Marcellis asked Councilman Pierce to give him her name and number, and he would let her know that they would honor her second "dump".

Councilwoman Hurley stated that she also had received a call from a man and questioned whether the employees at the dump were challenging people. He was told that he had to pay \$12.50. He was also told to go back and put the trash in front of his house. Adm. Marcellis stated that he would talk to Mr. Wright in the morning about this.



**PERSONNEL**

The following personnel matter was reported for the Chattanooga Police Department:

**DANIEL W. KNIGHT**—Resignation of Police Officer, effective 6/21/00.

**PURCHASES**

On motion of Councilman Pierce, seconded by Councilman Lively, the following purchases were approved for use by the Chattanooga Police Dept.:

**NEWTON CHEVROLET, INC. (Low and best bid meeting specs. for the City)**  
**Requisition R0047980/B0000479**

Six (6) Chevrolet-Geo Trackers 2001 year/model

\$93,000.00

**LEE-SMITH, INC. (Low and best bid meeting specs. for the City)**  
**Requisition R0047981/B0000475**

One (1) Crew Cab Truck

\$27,945.34

**PURCHASES**

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchases were approved for the Bicentennial Library, Telecommunications, and City Court:

**B & B JANITORIAL SERVICE & SUPPLY (Low and best bid meeting specs)**  
**Requisition R0038773/P0014462**

Janitorial Services for the Bicentennial Library

\$17,280.00

**PURCHASES (CONT'D.)**

**TELESOFT CORP. (Low and best bid meeting specs. for the City)**  
**Requisition R0041702/B0000484**

Telecommunications Network Management System for the Information Services Dept.

\$51,263.00

**ACS—IMAGE SOLUTIONS (Sole Source Upgrade)**  
**Requisition R0027374/P0014305**

Upgrade of MicroImager in City Court

\$39,681.00 Original Price  
\$20,681.00 Trade-In  
\$19,000.00 Net Cost

**BOARD APPOINTMENT**

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

**STADIUM BOARD:**

--Appointment of *DOUG THIGPEN* for a term of four years, ending **July 1, 2004.**

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the following purchase was approved for use by the Personnel Department:

**MEDIA RESOURCES GROUP (Low and best bid meeting specs for the City)**  
**Requisition R0041246/B0000472**

Orientation Video Production

\$12,451.00

**COMMITTEES**

Councilman Franklin reminded the Council of the **Parks and Recreation Committee for Tuesday, July 11<sup>th</sup> at 4:00 P.M.**

**ADJOURNMENT**

Chairman Hakeem adjourned the meeting until Tuesday, July 11<sup>th</sup>, 2000 at 6:00 P.M.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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