

**City Council Building
Chattanooga, Tennessee
October 21, 2003**

Councilman Franklin called the meeting of the Chattanooga City Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson, and Taylor present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, led by Councilman Hakeem, City Attorney Randall Nelson gave the invocation.

MINUTE APPROVAL

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

DIST. REAPPORTIONMENT

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,
**AN ORDINANCE REAPPORTIONING THE NINE (9) DISTRICTS
FOR CITY COUNCIL**
passed second reading. On motion of Councilman Lively, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

**AMEND BUDGET ORD.
INTERCEPTOR SEWER SYST.**

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 11434,
ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE
FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE
30, 2004, 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 PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.” SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b), ADD SECTION 6(e), AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM

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

AMEND CITY CODE
SEWER SERVICE CHARGES

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 31, ARTICLE II, SECTIONS 31-36, 31-41 AND 31-43, RELATIVE TO SEWER SERVICE CHARGES AND FEES

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

AMEND ZONING ORD.
C-5 NEIGHBORHOOD ZONE

On motion of Councilman Lively, seconded by Councilman Littlefield,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTIONS 904, 906(1) AND 906(3) AND ARTICLE VIII, SECTION 107, TO INCORPORATE NEW LANGUAGE RELATIVE TO PROHIBITED USES AND STRUCTURES IN THE C-5 NEIGHBORHOOD COMMERCIAL ZONE

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

REZONING

#2003-138 (Gregory Shawn Petree)

On motion of Councilman Page, 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 2510 DUNCAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

Councilman Hakeem asked if the house was complete. Mr. Pace explained that the house was being worked on presently; that they would retain the same house but with new windows, etc. Councilman Hakeem stated that he saw a picture of a complete house. Mr. Pace agreed that it was complete—that this was just repairs.

STREET NAME CHANGE

2003-139 (City of Chattanooga)

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF HAMILL ROAD BETWEEN CENTRAL AVENUE AND ROSSVILLE BOULEVARD TO WORKMAN ROAD, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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

REZONING

2003-150 (Napier Associates)

Councilman Benson reported that in the last one-half hour we had received a Traffic Study and the developer was here tonight and that Mr. Pace would explain where we are on this—that we might want to pass it on second reading only or delay for one week.

Mr. Pace stated that this was brought to our attention late in the afternoon; that there were things in the Traffic Study that indicated adding lanes on Gunbarrel and Shallowford, and we had been in discussion with Mr. Defoor, who explained

that this is an analysis for the entire area and not just Mr. Defoor's building. He stated that Planning would like to defer this a week to go over this report; that Adm. McDonald was present and might want to make some comments.

Councilman Benson stated that everyone had worked together on this since its inception and that he would prefer passing this tonight contingent upon the Traffic Study. Mr. Defoor was in agreement to tabling this for a week.

REZONING (CONT'D)

On motion of Councilman Benson, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7327 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled for one week.

REZONING

2003-155 (Polis Studio)

On motion of Councilman Taylor, seconded by Councilman Littlefield,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4808 ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second reading. On motion of Councilman Hakeem, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-156 (Polis Studio)

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 4812 ST. ELMO

**AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2003-157 (Polis Studio)

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 4900 ST. ELMO
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2003-158 (John Straussberger)

Councilman Hakeem noted that before he made a motion on this that there might be a citizen who wanted to make some comments. Mr. Pace indicated that he was not sure this citizen was present; that the citizen was in his office this afternoon and was very upset about this being approved, and he was told to be at the meeting at 6:00 P.M. tonight.

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE TRACTS OF LAND LOCATED IN THE 2700 BLOCK OF
CITICO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-3 RESIDENTIAL ZONE TO O-1 OFFICE ZONE,
SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2003-159 (Brian L. Tune)

On motion of Councilman Page, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 1140 EAST 16TH
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
M-1 MANUFACTURING ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE**

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

MORATORIUM
NORTH CHATTANOOGA

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AMENDING RESOLUTION NO. 23829,
ADOPTED JUNE 10, 2003, ENCAPTIONED "A RESOLUTION
AMENDING RESOLUTION NO. 23827, ADOPTED JUNE 3, 2003,
ENCAPTIONED HEREINBELOW, RELATIVE TO A SIXTY (60)
DAY BUILDING PERMIT MORATORIUM ON PROPERTY
LOCATED IN NORTH CHATTANOOGA SO AS TO
INCORPORATE NEW LANGUAGE RELATING TO PERMITS
FOR NECESSARY REPAIRS." SO AS TO EXTEND THE
MORATORIUM UNTIL THE ADOPTION OF THE HILL
CITY/NORTH CHATTANOOGA ZONING STUDY**

was adopted.

WASTEWATER
FACILITIES PROJECT

On motion of Councilman Littlefield, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE
FINANCING OF THE CONSTRUCTION OF A WASTEWATER
FACILITIES PROJECT, INCLUDING AUTHORIZING THE
EXECUTION OF APPLICATIONS, CONTRACTUAL
AGREEMENTS AND OTHER NECESSARY DOCUMENTS, AND
MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS
AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH
SUCH FINANCING**

was adopted.

TEMP. ROW USAGE

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THOMAS MONTAGUE, OWNER
OF BELLIES AND BABIES, TO USE TEMPORARILY THE
CITY'S RIGHT-OF-WAY LOCATED AT 1428 WILLIAMS STREET
TO INSTALL AN AWNING, SUBJECT TO CERTAIN
CONDITIONS**

was adopted.

**CRIME STOPPERS
GRANT**

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE AWARD OF A GRANT IN
THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) TO
CRIME STOPPERS**

was adopted.

MIGRATION STUDY

On motion of Councilman Littlefield, seconded by Councilman Page,
**A RESOLUTION DIRECTING THE CHATTANOOGA-HAMILTON
COUNTY REGIONAL PLANNING AGENCY TO CONDUCT A
MIGRATION TREND STUDY, INCLUDING A TELEPHONE
SURVEY AND A COMPARISON OF THE HOUSEHOLD TAX
BURDEN IN CHATTANOOGA AND HAMILTON COUNTY
VERSUS NORTH GEORGIA LOCATIONS, BY THE END OF
SPRING, 2004, WITH FUNDING NOT TO EXCEED FOUR
THOUSAND DOLLARS (\$4,000.00)**

was adopted.

OVERTIME

Overtime for the week ending October 17, 2003, totaled \$70,718.90.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **JENNINGS ROBINSON, JR.**—Employment of Crew Worker, Pay Grade 3/1, \$18,643.00, effective 10/13/03.
- ✍ **PAULINE MCGRAW**—Dismissal of Equipment Operator, effective 10/14/03
- ✍ **JOHNNY WILLIAMS**—Hire as Building Inspector, Pay Grade 13/2, \$30,204.00, effective 10/20/03.
- ✍ **DAVID E. PARROT**—Promotion to Tree Trimmer, Pay Grade 8/1, \$22,818.00, effective 10/15/03.
- ✍ **ORLANDUS METCALF, JR.**—Retirement of General Supervisor, effective 10/30/03.
- ✍ **BOBBY L. SMITH**—Retirement of Crew Worker, effective 10/31/03.
- ✍ **GEOFFREY FARMER**—Resignation of Equipment Operator, effective 10/15/03.
- ✍ **GENEAL LEWIS**—Promotion to Equipment Operator Senior, Pay Grade 8/3, \$25,047.00 annually, effective 10/15/03.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **ROBERT W. FRYAR**—Retirement of Fire Captain, effective 10/17/03.
- ✍ **MIKE MEDLEY**—Family Medical Leave for Firefighter, effective 10/16/03—12/29/03.
- ✍ **EDWARD JACKSON**—Family Medical Leave for Lieutenant, effective 10/06/03—12/29/03.

PERSONNEL (CONT'D)

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **JAMES DANIEL AVERY**—Return from Military Leave, effective 10/20/03.
- ✍ **ELECIA JENKINS**—Resignation of Officer, effective 10/30/03.
- ✍ **RENISHA D. BRADY**—Resignation of Communications Officer, effective 10/28/03.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Littlefield, **the original Contract P0019634 with Play Mart, Inc. was cancelled and** the following purchase was approved for use by the Chattanooga Human Services Department:

LITTLE TYKES COMMERCIAL—Next Lowest Bidder
Requisition No. R0068242

Play Center for Head Start

\$14,242.67

PURCHASES

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

TEMPLE ELECTRIC (Best Complete Bid meeting Specs.)
Requisition No. R0069026/B0000037

Traffic Signal Equipment and Parts

(See minute material for prices)

MACKAY METERS (Lowest and best bid)
Requisition No. R0068355/B0000902

Parking Meters

\$255.08 each

PURCHASES (CONT'D.)

POZZOLANIC CONTRACTING & SUPPLY CO. (Lowest and best bid)
Requisition No. R0068980/B0000914

Bulk Lime Kiln Dust

(See minute material for prices)

Councilman Taylor asked if the traffic signal equipment and parts was going towards the MLK Street conversion. Adm. McDonald responded that part was for McCallie Ave. and 4th St. Blvd. Councilman Taylor asked when the conversion would take place. Adm. McDonald responded shortly after the bridge is finished; that they would start the second week of December and should be finished by December 19th.

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Lively, the following purchase was approved for the Finance and Administration Dept.:

INFOSERVE TECHNOLOGIES, CORP. (Lowest bid meeting specs.)
Requisition No. R0051632/B0001091

Personal Computers

\$38,695.00

LIQUOR STORE APPLICATION

Mr. Eichenthal stated that he presented a retail liquor store application in the name of **Rivermont Wine & Spirits, LLC at 3600 Hixson Pike, Suite** at last week's meeting; that there was an error in advertisement, and he was presenting it again tonight. Also, he noted, they fell one short of the needed signatures and that he needed to re-circulate this tonight.

COMMITTEES

Councilman Hakeem reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, October 28th at 4:00 P.M.**

Councilman Littlefield stated that as usual there would be a meeting of the **Legal and Legislative Committee on Tuesday, October 28th at 3:00 P.M.**

Councilman Lively scheduled a meeting of the **Safety Committee on Tuesday, October 28th, following the Legal and Legislative Committee.**

Councilman Page inquired as to who would notify the Planning Agency that funding was approved tonight for the Migration Study. Councilman Littlefield suggested that Mr. Pace do this.

Councilman Pierce reported that he, Councilman Benson and Councilman Littlefield met with the Election Commission with their concerns about the grouping of District 8 precincts. He stated that the Election Commission listened to them and said that they would take this under consideration at their next meeting; the Commission also informed them that things like this would be frequently done from time to time, and Councilman Pierce stated that the Council needed to stay on top of this; that he felt to put three precincts together, with one having 8,000 people, was too much out of proportion. Chairman Franklin expressed appreciation for these three negotiating on the Council's behalf.

Councilwoman Robinson reminded the Council of the **Outdoor Initiative meeting to be held on November 3^d**, stating that we were hoping for a big turnout at the Chattanooga, with many participating in developing the Outdoor Plan pursuant to the Mayor's vision. She stated that she believed the meeting would start at 5:30 P.M.

RON TUCKER

Mr. Tucker addressed the Council, stating that he was from the Hixson area and was a concerned taxpayer and citizen. He thanked the Council for their interest and the action taken concerning the humane treatment of animals with the Spay and Neuter Program. He added that the problem does not stop at the city limits and thanked the Council again.

WALTER WILLIAMS

Former Judge Williams stated that in the absence of Sister Bey he felt compelled to make a statement.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, October 28, 2003 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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