

**Municipal Building  
Chattanooga, Tennessee  
December 21, 1999**

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

**INVOCATION**

Invocation was given by Councilman Franklin.

**MINUTE APPROVAL**

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

**REZONING**

**1999-205 (PAUL & CATHERINE HANEY)**

Councilman Eaves stated that there was a slight hitch on this case, and he felt we needed to touch base with Mr. and Mrs. Haney. He noted that they had been selling cars in their driveway; that the Council was zoning this to be only a beauty shop, and they would have to move the cars; that he felt we needed to touch base with them so that they would fully understand this; that he would be satisfied if they moved the cars; that he wanted to make them aware of this before it becomes final.

Mr. Pace stated that they would be notified either through Planning or the Building Permit Dept. that the selling of automobiles would not be permissible.; that this could be voted on and passed tonight.

Councilman Eaves stated that they needed to be issued a letter that only a beauty shop would be permissible.

**REZONING (CONT'D.)**

Councilman Pierce stated that he saw no reason to delay voting tonight; that they could just be told that they are in violation. Councilman Eaves agreed that it should not be held up, but he did want a letter sent to them.

On motion of Councilwoman Hurley, 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 8253 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**1999-209 (GRANITE HEIGHTS, LP)**

On motion of Councilman Hakeem, 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 IN THE 1300 AND 1400 BLOCKS OF NORTH CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second reading with Councilwoman Rutherford abstaining on the same reasons as last week. On motion of Councilman Hakeem, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting with Councilwoman Rutherford abstaining.

**REZONING**

**1999-211 (CHATTANOOGA CONFERENCE CENTER)**

On motion of Councilman Hakeem, 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 1228 CHESTNUT STREET AND 51 WEST 13<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND ZONING ORD.**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, ARTICLE V, SECTIONS 503(3) AND 603(5), TO CORRECT AN ERROR OF PUNCTUATION RELATIVE TO THE REQUIREMENTS FOR AUTOMOBILE, BOAT, AND MOTORCYCLE SERVICE STATIONS, WASHES, DEALERSHIPS AND REPAIR FACILITIES AND TO ADD CERTAIN OTHER USES**

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

**CLOSURE & ABANDON**

**1999-195 (HIGHLAND GROUP)**

Councilman Franklin stated that this came before the Public Works Committee with a recommendation for approval.

On motion of Councilman Franklin, seconded by Councilman Eaves,

**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY SOUTHEAST OF FILLMORE STREET (UNOPENED) AND FILLMORE STREET SOUTHWEST OF EAST 16<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

**REZONING SIGNS**

At this point Mr. Pace explained that the Planning Staff policy is that signs shall remain up throughout the whole rezoning process. Attorney Nelson stated that this was a good rule but legal notice is 15 days in the newspaper. Mr. Pace stated that this was just standard Planning Commission policy.

**FUNDS TRANSFER  
ALTON PARK PLAN**

Councilwoman Rutherford noted that Resolutions (a) and (b) and Resolutions (f) through (m) were all discussed in today's Parks and Recreation Committee meeting and come with a recommendation.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE TRANSFER OF TWENTY THOUSAND DOLLARS (\$20,000.00) FROM THE ECONOMIC DEVELOPMENT FUND TO THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY RELATIVE TO CONSULTANT SERVICES FOR THE DEVELOPMENT OF A MASTER PLAN FOR ALTON PARK**

was adopted.

**PROPERTY PURCHASE**

Councilman Pierce stated that he would like to have a description of this property. Adm. Traugher stated that it was two tracts on Main and Market Streets behind the Conoco Station; that he thought Mr. Hays had shown the map to everyone this afternoon. Councilman Pierce stated that Mr. Hays talked to him earlier, and he supported this, but he did not know what location we were talking about, questioning if Choo Choo Fish was a part of this. It was explained that it is the whole block with the exception of Choo Choo Fish.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE PURCHASE OF APPROXIMATELY TWO (2) ACRES OF PROPERTY ON MARKET STREET FOR A CONSIDERATION OF EIGHTY THOUSAND DOLLARS (\$80,000.00), PLUS REASONABLE TRANSACTION EXPENSES**

was adopted.

**AGREEMENT**

Councilman Franklin noted that Resolutions ©, (d), and (e) came before the Public Works Committee with a recommendation.

On motion of Councilman Franklin, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, RELATIVE TO ENGINEERING SERVICES ON CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, FOR A TOTAL FEE NOT TO EXCEED ONE HUNDRED THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$137,500.00)**

was adopted.

**AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH DAVID VOLKERT & ASSOCIATES, INC., RELATIVE TO DESIGN SERVICES ON THE 13<sup>TH</sup> STREET REGIONAL DETENTION AND GRAY WATER COLLECTION SYSTEM AND THE UNDERGROUND MASTER PLANNING AROUND THE CHATTANOOGA CONFERENCE AND HOTEL CENTER, FOR A TOTAL FEE NOT TO EXCEED THIRTY-TWO THOUSAND DOLLARS (\$32,000.00)**

was adopted.

**TEMP.ROW USAGE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

**A RESOLUTION AUTHORIZING GIRLS PREPARATORY SCHOOL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY BELOW THE VETERANS' BRIDGE AT THE NORTH END FOR INSTALLING A TWELVE (12) FOOT WIDE AND ONE HUNDRED TWENTY (120) FOOT LONG FLOATING DOCK, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.**

was adopted.

**PROPERTY ACCEPT.**  
**BETHEL BIBLE**  
**VILLAGE**

On motion of Councilwoman Hurley, seconded by Councilman Crockett,  
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF  
CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM BETHEL BIBLE VILLAGE FOR THE NORTH  
CHICKAMAUGA CREEK GREENWAY  
was adopted.

**PROPERTY ACCEPT.**  
**OSBORNE BLDG. CORP.**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,  
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF  
CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM OSBORNE BUILDING CORPORATION, INC.  
FOR THE SOUTH CHICKAMAUGA CREEK GREENWAY  
was adopted.

**PROPERTY ACCEPT.**  
**KENCO GROUP, INC.**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF  
CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED  
HEREIN FROM KENCO GROUP, INC. FOR THE TENNESSEE  
RIVERPARK  
was adopted.

**PROPERTY ACCEPT.**  
**ROPER CORP.**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF  
CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM ROPER CORPORATION FOR THE TENNESSEE  
RIVERPARK  
was adopted.

**PROPERTY ACCEPT.**  
**T.A. LUPTON, JR.**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN PROPERTY, KNOWN AS TAX MAP PARCEL NOS. 127D-B-001 AND 119P-B-005.02 AND MORE PARTICULARLY DESCRIBED HEREIN, FROM T.A. LUPTON, JR. FOR THE SOUTH CHICKAMAUGA CREEK GREENWAY**

was adopted.

**PROPERTY ACCEPT.**  
**T.A. LUPTON, JR.**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN AND KNOWN AS TAX MAP PARCEL NO. 119P-B-002.02, FROM T.A. LUPTON, JR. FOR THE SOUTH CHICKAMAUGA CREEK GREENWAY**

was adopted.

**PROPERTY ACCEPT.**  
**TITLE GUARANTY**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN AND KNOWN AS TAX MAP PARCEL NO. 155D-C-005, FROM TITLE GUARANTY AND TRUST COMPANY OF CHATTANOOGA, FOR THE CHATTANOOGA CREEK**

was adopted.

**CONTRACT**

On motion of Councilwoman Hurley, seconded by Councilman Crockett,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF  
THE DEPARTMENT OF PARKS, RECREATION, ARTS AND  
CULTURE TO ENTER INTO A CONTRACT WITH SANCTUARY  
SKATE PARK, INC. TO PURCHASE JUMPS AND RAILS AND TO  
OPERATE AND MANAGE THE CITY'S SKATE PARK**  
was adopted.

**Y-2K READINESS PLAN**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
**A RESOLUTION RATIFYING THE CHATTANOOGA YEAR 2000  
READINESS PLAN AND IMPLEMENTATION OF SUCH PLAN  
BY EXECUTIVE ORDER OF THE MAYOR**  
was adopted.

**RESOLUTION OF  
SUPPORT -CHICAGO  
O'HARE**

On motion of Councilman Crockett, seconded by Councilwoman Hurley,  
**A RESOLUTION IN SUPPORT OF ALLOWING AMERICAN  
EAGLE TO SERVE THE CHATTANOOGA-CHICAGO O'HARE  
MARKET, AND COMMENDING THE U.S. DEPARTMENT OF  
TRANSPORTATION FOR THEIR SINCERE EFFORTS TO  
PRESERVE CHATTANOOGA'S VITAL AIR LINK TO CHICAGO  
O'HARE**  
was adopted.

**TEMP. ROW USAGE**

Councilman Franklin stated that it had been brought to his attention that a Resolution scheduled for January 4<sup>th</sup> needed to be moved to this week's agenda and voted on this evening; that it is for Dr. Charles A. Portera to use temporarily the city's right-of-way on the south side of the intersection at Third Street and Georgia Ave. for beautification purposes.

Councilman Pierce noted that it was Councilman Crockett who brought this to Councilman Franklin's attention and questioned the future of campaign signs.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING DR. CHARLES A. PORTERA  
TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON THE  
SOUTH SIDE OF THE INTERSECTION AT THIRD STREET AND  
GEORGIA AVENUE FOR BEAUTIFICATION PURPOSES,  
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**OVERTIME**

Overtime for the week ending December 17, 1999 totaled \$137,606.88.

**PERSONNEL**

The following personnel matters were reported by Adm. Jerry Mitchell who wished everyone a Happy Holiday Season.

**FRANK (BUD) ELLIS**—Resignation of Carousel Curator, effective 12/16/99.

**TERRELL L. JAMES**—Promotion to Equipment Operator, Sr. from Crew Worker, Sr., Pay Grade 8/1, \$20,803 annually, effective 12/22/99.

Councilwoman Rutherford expressed sadness in seeing Mr. Ellis resign and asked who would take care of the carousel. Adm. Mitchell responded that Mr. Ellis would remain on a contractual basis—that he was going back to his business "Horsin' Around".

Councilwoman Hurley stated that she would like to have the economic structure of the carousel discussed in a Parks and Recreation committee meeting; that this salary was very little compensation, and we relied on volunteers; that she would like to get with Mr. Ellis and stabilize this situation more.

**PURCHASES**

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, the following purchases were approved for use by the General Services Dept.:

**INTERNATIONAL EQUIPMENT CO. (Only bid received)**  
**Requisition No. R0042285**

Gate Operator System for E. 11<sup>th</sup> Street Parking Lot

\$23,630.00

**JAT OIL (Lowest and best bid for the City)**  
**Requisition No. 0044720**

Oil, Transmission Fluid, Lubricants, Etc.

(See minute material for various prices)

**LEE-SMITH (Only authorized dealer in the area)**  
**Requisition No. 0044873**

Transmission for W005 Automated Garbage Truck for Fleet Maintenance I

\$15,631.00

**LEE-SMITH (Only authorized dealer in the area)**  
**Requisition No. R0044876**

Transmission for W006 Automated Garbage Truck for Fleet Maintenance/12<sup>th</sup> St. Garage

\$15,517.22

**LEE-SMITH (Lowest and best bid for the City)**  
**Requisition No. 0044887**

Automotive & Truck Parts, Service, Supplies and Equipment

(See minute material for various prices)

**PERSONNEL**

The following personnel matters were reported for the Public Works Dept.:

**RONALD CUNNINGHAM**—Release from duty of crew worker, effective 11/13/99.

**ROBERT L. COREY**—Suspension of Equipment Operator, effective 12/6-12/7-99.

**ANDREW A. WILLIAMS**—Reinstatement of Sanitation Worker, effective 11/30/99.

**LEROY FITCH**—Lateral Transfer of Equipment Operator in Street Cleaning to Equipment Operator in Street Maintenance/Repair Section, effective 12/29/99.

**STEPHEN W. SMITH**—Dismissal of Equipment Operator Sr., effective 11/30/99.

**BRUCE D. VAN HOOSER**—Dismissal of Crew Worker, effective 11/23/99,

**WILLIAM C. PAYNE**—Promotion from Engineering Design Coordinator to Stormwater Manager, Pay Grade 29/1, \$44,210.00 annually, effective 11/11/99

**JOEL RICHARD MEEKS**—Employment of Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 12/22/99.

**WILLIAM C. BOYD**—Employment of Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 12/22/99.

**PURCHASE**

On motion of Councilman Crockett, seconded by Councilman Eaves, the following purchase was approved for use by the Public Works Dept.:

**F. M. RUSSELL COMPANY (Best bid for the City)**  
**Bid No. P0013635**

Pre-assembled Silt Fence—12 Months Requirements Contract

\$21.85/roll

**GARBAGE AND RE-  
CYCLING SCHEDULE**

Adm. Marcellis announced that there would be no garbage collection on Friday of this week nor Friday of next week as this is the day before Christmas and New Years. Garbage and recycling will be picked up on Wednesday of this week and next week. The Monday schedule will be the regular one. There will also be collection on Thursday.

**PERSONNEL**

The following personnel matters were reported for the Fire Dept.:

**KENNETH FARMER**—Retirement of Battalion Chief, effective 12/30/99.

**JOHN HAWKINS**—Retirement of Captain, effective 12/30/99.

**TIMOTHY R. HUSTAD**—Assignment to Staff Officer, F4/8, \$42,493.60 annually, effective 12/17/99.

**JOHN B. GROSS**—Promotion from Private to Senior Firefighter, F2/2, \$26,132.40 annually, effective 12/17/99.

**TERRY A. JONES**—Promotion from Private to Senior Firefighter, F2/4, \$28,621.20 annually, effective 12/17/99.

**JAMES J. MCKNIGHT, JR. AND VANCE L. WOODWARD**—Promotion from Private to Senior Firefighter, F2/5, \$29,865.60 annually, effective 12/17/99.

Chief Coppinger expressed his appreciation for the service that both Chief Farmer and Captain Hawkins had rendered for the City. They are both retiring December 30, 1999, after many years of service.

**HOTEL PERMITS**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following Hotel Permits were approved:

**KNIGHT'S INN**—103 Patten Chapel Rd.

**INTOWN SUITES**—1914 Gunbarrel Rd.

**LAPLAZA MOTEL**—3222 Cummings Highway

**PERSONNEL**

The following personnel matters were reported for the Chattanooga Police Dept.:

**COREY BOYKIN**—28-Day Suspension without pay, effective 12/17/99.

**ALBERT D. CHANDLER**—Retirement of Officer, effective 12/30/99.

**W. MICHAEL GILLIAM**—Retirement of Officer, effective 12/30/99.

**PURCHASE**

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

**INNER SPACE SYSTEMS, INC. (Lowest and best bid)**

**Bid No. B0000386**

Modular Panel System

\$24,583.00

**PERSONNEL**

The following personnel matter was reported for Finance and Administration (City Court):

**MARY H. CORDELL**—Court Clerk, Deceased, effective 12/15/99.

**COMMITTEES**

Councilwoman Rutherford reported that the Parks and Recreation Committee had met earlier in the evening and would meet again in two weeks.

**COMMITTEES (CONT'D)**

Councilman Franklin reminded the Council of the **Public Works Committee meeting scheduled for January 4, 1999 at 4:00 P.M.** He wished everyone a Merry Christmas and Happy New Year.

Councilman Crockett wished everyone a Happy Holiday Season and a Happy New Year.

Chairman Lively noted that there would not be a Council meeting next week and wished everyone a Merry Christmas. The next meeting will be January 4, 2000 and is scheduled to be held in the new Council Building, which will have double the space we have now.

**ADJOURNMENT**

Chairman Lively adjourned the meeting until Tuesday, January 4<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)**