

**City Council Building  
Chattanooga, Tennessee  
March 20, 2001**

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

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, City Attorney Nelson gave invocation.

**MINUTE APPROVAL**

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

**REZONING**

**2001-014: City of Chattanooga**

John Bridger, Senior Planner of the Planning Agency, stated that a full presentation was made at last week's Council meeting and reiterated the concern about whether Ms. Grant's property was grandfathered-in. He stated he met with Ms. Grant and, based on the Agency's best knowledge, there is still an alley in existence between the current business and property next to the area. He stated in having a discussion with the City Attorney he learned even if the alley did not exist and the property abutted, the grandfather status does not extend to the properties to the rear. He stated they discussed plans and options and understands what the Staff presented in regard to the plan adopted in 1997 and Planning's recommendation based on that plan.

**REZONING (Continued)**

City Attorney Nelson stated that the change that was made was to the zoning map, which excludes only one property; that a motion to substitute is needed.

Bob McNutt, of Chattanooga Neighborhood Enterprise (CNE), stated that it is his pleasure to have a job helping to make this new neighborhood happen; that the original recommendation from Planning Staff did not exclude any property and there was a map that reflected the new neighborhood and excluded manufacturing from all of that. He asked if the Council would consider going with that recommendation to not exclude the one property; that the manufacturing property would have all the uses grandfathered-in and not take anything away. He stated CNE and the new neighbors welcome all of the existing businesses there; that the zoning needs to change to reflect the new neighborhood of C-3 rather than M-1. He introduced some of the new residents of the neighborhood.

Patrick Keebler introduced himself and his wife, Linda, and stated that they were the first to move into the new place. He stated they chose to move to Chattanooga from Knoxville because of the great things they heard regarding Chattanooga's revitalization and really became enthusiastic. He stated they did not like what was happening in Knoxville and really liked what was happening here. He stated Cowart Place has the potential for a great neighborhood and he and his wife are committed to making that happen, and thinks it will be a neighborhood all of Chattanooga will be proud of. He stated the businesses need to be included so there will be a balance between the neighborhood's interest and business and hoped the Council would support this.

Shannon Smith, another resident of Cowart Place, stated that she wanted to downsize, live downtown and is happy to be there. She stated the neighborhood supports the businesses in the area.

Ms. Grant, of Grant's Auto Glass, stated she bought property to extend her business and cannot use it, now. She stated that she cleaned out the alley, which was open when she bought it, even though she had been told it had been closed and the property given to persons on the other side of the adjoining property. She stated that she wants to see everything grow and needs parking space that would require 10-15 feet of the property in question; that the alleyway is half closed.

**REZONING (Continued)**

Chairman Hakeem asked if there is anything in writing that says the alley is closed? City Attorney Nelson stated that the record reflects that it is closed.

Barry Bennett, Executive Director of the Planning Agency, stated that the alley is not physically open; that the record is still "on the books" as being a public right-of-way.

Ms. Grant stated that it was open "on the books" and (she) had the trees and all kinds of landfill pulled out at a cost of \$20,000; that the City has come in and "dumped on her" and now she has quite a few hills. She asked if she could get the matter extended to have time to talk about the alleyway and what could happen?

City Attorney Nelson stated that he does not know that the alley needs to remain open. Chairman Hakeem inquired as to whether it can be used for parking? Mr. Bennett stated the right-of-way would still have to be abandoned; that if the area is zoned C-3 with a restriction to residential use, it would still be used for commercial parking as long as it is adjacent to a commercial zone.

Councilman Pierce asked if Ms. Grant would have to go through the Board of Zoning Appeals? Mr. Bennett responded "right".

City Attorney Nelson stated Ms. Grant would need to get an abandonment proceeding started, independent of zoning.

Mr. McNutt stated there are two issues: one is whether the lot behind Ms. Grant is grand fathered-in that faces on Long Street should be included, and the separate issue is whether the alley should be open or closed. He stated Long Street has always and will remain residential and should be part of the rezoning, but does not affect their business on Market Street.

Chairman Hakeem asked if it is his understanding that what is being proposed is that the area would remain residential? City Attorney Nelson responded, "Long Street, would, yes".

Chairman Hakeem asked if that is the issue before the Council today? City Attorney Nelson responded, "yes, the zoning is before the Council today, the closure is not".

**REZONING (Continued)**

Councilwoman Hurley asked if it is true negotiations have been going on for six months or more and that this is part of the Planning process that occurred in 1997?

Ms. Grant responded, "yes"; that she was told it would be going on for six months.

Councilwoman Hurley stated that was not this group that did that; that it was the Chattanooga Housing Authority and it was inappropriately done. She stated other people came back and told her (Grant) that that was not the case; that they went through a very comprehensive planning process and all the people down there were part of it. She stated to them this is very like the C-3 that has been put in place in other parts of the City and those businesses that are operating will be welcome and grandfathered-in just as in North Chattanooga and other areas. She expressed appreciation for Ms. Grant's concern and indicated that it is her thought that the business of the alley is a separate issue.

**At this point, Councilwoman Hurley made the motion to go back to the original proposal, which would require an amendment. She stated the amendment does not affect Ms. Grant, but other pieces of property so that we would have the "footprint" originally presented to the Planning Commission by Staff; Councilman Franklin seconded the motion.**

Councilman Lively stated that it seems the business owners are being told, "this is the way it will be and they cannot do anything about it". He asked that logic be used in this case; that he knows where Ms. Grant's business and lot is, and cannot imagine it being residential and anyone living there; that somewhere along the line there is a little "push" to make it work to the "nth" degree rather than working with businesses.

Councilwoman Rutherford asked if the person whose property was excluded last week is present and, if not, has he agreed to be included in this plan? Mr. Bridger responded that he has not heard anything contrary to that.

Councilwoman Rutherford stated that he was told he would be excluded by the Council's vote that was taken last week.

**REZONING (Continued)**

Councilwoman Hurley responded that "that is true"; that she thinks anything Ms. Grant is doing will continue as it always does when property is rezoned and grandfathered-in; that it is her understanding that the property behind her will still be available for parking. She stated if Ms. Grant chooses to do something different she would not have M-1 manufacturing.

Councilman Lively expressed his understanding that she would not have M-1 if there was a change; that it is his thinking there should be some room of movement rather than telling someone it will be residential with no negotiations.

Mr. Bridger stated that the Staff had two meetings wherein the plan was reviewed and there was discussion about what the Council required; that the second meeting was where the recommendation was presented. He stated the first time he met Ms. Grant was at the Planning meeting and she presented her concern about the ability to park on the lot behind her building. He stated as Mr. Bennett indicated Ms. Grant could continue to park with a special permit from the Board of Appeals.

Ms. Grant stated that she does not want to go all the way to Long Street with parking; that she wants enough room to park cars and trucks in the back and go 10-15 feet across the alley. She stated she has been informed she cannot cross the alley and that it is still open behind her shop to 17<sup>th</sup> Street.

Chairman Hakeem stated what is being stated is that the alley matter is a separate issue; that it would have to go before the Board of Zoning and Appeals. City Attorney Nelson also clarified that the closure and abandonment petition is separate from the discussion for today.

Ms. Grant stated that she does not want the matter to get out of hand; that she cannot cross the alley on property that she has purchased property for parking. Chairman Hakeem indicated that it was not said that Ms. Grant could not cross the alley.

Councilman Pierce stated that Ms. Grant is indicating that she needs a few more feet added onto the original manufacturing and to do that she would have to cross the alley. Chairman Hakeem again clarified that the alley closure is not before the Council and (he) does not see how that matter could be resolved today.

**REZONING (Continued)**

City Attorney Nelson stated that the property behind Ms. Grant is not before the Council today; that the matter needs to go before the Zoning Appeals Board to get permission to park on that property with a special permit. He stated parking behind the building as it relates to the lot across the alley and the alley are separate issues from the rezoning of the entire area.

Mrs. Grant then asked what she should do from this point to park on the other side of the alley? Chairman Hakeem requested that Mr. Bridger guide Ms. Grant as to the direction she should take.

Councilwoman Rutherford stated that she understood that the alley is not something the Council can address today; that what is being addressed is depriving Ms. Grant of using property for the purpose she bought it for. She stated the Council cannot guarantee her that the alley will ever be closed or that a variance will be granted. Mr. Bridger responded affirmatively.

Councilwoman Rutherford asked if what the Council is saying by voting is that she cannot use her property for parking as it stands this very moment?

Chairman Hakeem stated since the alley matter is to go before another body, he asked Councilwoman Rutherford if she is suggesting that by not doing this Ms. Grant can use the property?

Councilwoman Rutherford stated that she is saying by leaving it alone she can use the property for the purpose she purchased it for and by rezoning it we are denying her the right to use the property because we cannot guarantee closure or how the Variance Board will vote.

Councilwoman Hurley stated that it is her belief Ms. Grant is using it for parking, now, and that purpose will be grandfathered-in.

Councilwoman Rutherford responded, "She is not". She asked Ms. Grant if the \$20,000 she spent was spent on the alley or her property?

Ms. Grant stated that the alley was full of trees that were hanging over her building; that when she bought the property on Long Street she had it cleaned out, as it was in terrible condition.

**REZONING (Continued)**

Councilwoman Rutherford asked for clarification that Ms. Grant cleaned out the City's alley? Ms. Grant responded "yes"; that she got a permit from City Hall.

Councilwoman Rutherford then asked for further clarification that Ms. Grant got a permit to clean out the City's alley? Ms. Grant responded "yes".

Chairman Hakeem inquired as to the opinion regarding Ms. Grant's ability to use the alley. Mr. Bridger stated if it is an unimproved alley it can be used for cross access for parking as it stands now; that if it is downzoned to C-3 she would have to get a special permit to use it for parking.

Phillip Lynn, City Engineer, stated that alleys that are undeveloped fall within a policy that allows anyone to use it as they see fit; that they can do it generally without permission. He stated if it involves paving or some type of improvement the matter would come before the Council for a temporary use of the alley. He stated based on what he has heard tonight and what is going on, there is no restriction in using the alley whether improved or unimproved to go from one property to the next.

Chairman Hakeem stated if he understands Mr. Lynn, whether the property is improved or not Ms. Grant can use it for parking? Mr. Lynn responded "yes", if she chooses to improve the property it would require a temporary use before the Council.

Councilwoman Rutherford stated that she would like to have it stated one more time that if the Ordinance passes, Ms. Grant can still park cars on the Long Street property without permission?

Chairman Hakeem responded "no"; that she can use the alley whether it is improved or unimproved by getting a special permit from the Zoning Appeals Board. He stated if the Ordinance is not passed this evening she could use it as it is.

Councilman Taylor inquired as to how far back into the alley Ms. Grant would require use? Ms. Grant indicated that she would need 15-20 feet of extra parking for her tractor-trailer trucks.

**REZONING (Continued)**

Councilwoman Hurley stated the Planning Staff excluded this property and in the interest of this developing neighborhood recommended that it be left in the C-3 area. She stated the use would be grandfathered-in for the life of the industry.

Councilwoman Rutherford stated that she did not know if the gentleman was present or not; that she verified with Mr. McNutt on yesterday that the man had been told his property would be exempt; that when we voted approval on first reading his property was exempted. She stated that she does not understand without him telling the Council he wants to be included how the Council can possibly include him.

Chairman Hakeem asked if the Council could legally do this? City Attorney Nelson stated that this is a matter that has gone before Planning and this is the recommendation they have come back with. He stated, originally, the Planning Staff included all the lots; that the lots before the Council are without exclusion, and whether they should be included or not is up to the Council.

Chairman Hakeem inquired as to whether there is a requirement that the individual be informed that a change be may have been made or would be made this evening? City Attorney Nelson stated that we are required to give notice of public hearing, which was held last week. He stated there is no requirement of notice of further meetings, legally speaking.

Councilwoman Rutherford stated that the Council is rezoning an owner who does not want to be rezoned. City Attorney Nelson responded, "We do that frequently". Councilwoman Rutherford then stated that she did not know she was doing that frequently.

Chairman Hakeem stated the motion "on the floor" includes all properties. He stated the use of the property of the person wanting exclusion would not be changed; that he can continue the present use.

**At this point the Council voted on Councilmen Hurley and Franklin's motion and second to amend the Ordinance to reflect the original "footprint" presented by Staff was taken; the motion carried; Councilmen Lively and Rutherford voted "no".**

**REZONING (Continued)**

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 TRACT OF  
LAND LOCATED BETWEEN BROAD STREET AND MARKET STREET  
BETWEEN WEST 16TH STREET AND WEST 20<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; **Councilmen Lively and Rutherford voted "no"**. On motion of Councilwoman Hurley, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting; **Councilmen Lively and Rutherford voted "no"**.

**REZONING**

**2001-016: Fidelity Trust Company**

On motion of Councilman Franklin, seconded by Councilwoman Hurley,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 21 WEST 28<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND M-3  
WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2001-017: W. Joseph Patterson, Jr.**

On motion of Councilman Lively, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 205 FORRREST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

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

**REZONING**

**2001-025: Sherry Sims**

On motion of Councilman Pierce, 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 6073 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND BUDGET ORDINANCE 11027**

On motion of Councilman Lively, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 11027, ENTITLED "AN 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,**

**AMEND BUDGET ORDINANCE 11027 (Cont'd.)**

**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  
SPECIAL REVENUE FUNDS SET OUT IN SECTION 6; AND TO PROVIDE  
FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(b)**

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

**CLOSE AND ABANDON**

**2001-003: Kayo Oil Company**

There was no opposition in attendance.

Councilman Franklin stated Ordinances 6(a), (b) and (c) were discussed in last week's Public Works Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Hurley.

**AN ORDINANCE CLOSING AND ABANDONING TWO (2) UNOPENED  
ALLEYS BETWEEN THE 1200 BLOCKS OF MAIN STREET AND EAST 14<sup>TH</sup>  
STREET AND BETWEEN THE 1600 BLOCKS OF HOLTZCLAW AVENUE AND  
GULF STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS  
SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO RECORDING A NEW SUBDIVISION PLAT**

passed first reading.

**CLOSE AND ABANDON**

**2001-010: Marty M. Stone**

There was no opposition in attendance.

**CLOSE AND ABANDON (Continued)**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
**AN ORDINANCE CLOSING AND ABANDONING THE 1000 BLOCK OF  
CHAMBERLAIN AVENUE FROM THE RAILROAD RIGHT-OF-WAY  
SOUTHEAST TO THE OPEN PORTION OF THE 1000 BLOCK OF  
CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN  
AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, SUBJECT TO RECORDING A NEW SUBDIVISION  
PLAT**

passed first reading.

**CLOSE AND ABANDON**

**2001-013: Granite Heights, L.P.**

There was no opposition in attendance.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING FIVE (5) UNNAMED,  
UNOPENED RIGHTS-OF-WAY LOCATED BETWEEN THE 1300-1400  
BLOCKS OF NORTH CHAMBERLAIN AVENUE AND NORTH CREST ROAD,  
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO RECORDING A NEW PLAT FOR THE ENTIRE AREA**

passed first reading.

**AGREEMENT: THOMAS JOHNSON ARCHITECTURE**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF HUMAN SERVICES AND THE HEAD START/EARLY HEAD  
START DIRECTOR TO ENTER INTO AN ARCHITECTURAL AGREEMENT  
WITH THOMAS JOHNSON ARCHITECTURE, RELATIVE TO MASTER PLANS  
FOR RENOVATIONS TO THE DAISY HEAD START/EARLY HEAD START  
CENTER, FOR AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND,  
SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$13,757.00)**

was adopted.

**NATIONAL RECOGNITION OF HEAD START PROGRAM**

Councilwoman Hurley expressed congratulations to Admin. Turner for the national recognition the local Head Start program has received.

Admin. Turner stated that the local Head Start program received the "Program of Excellence" recognition and would be traveling to Orlando, Florida within the next thirty days to (receive the recognition award).

**CONTRACT: MCBRAYER CONSTRUCTION COMPANY**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

**A RESOLUTION AWARDING THE CONTRACT FOR RENOVATIONS TO THE DAISY HEAD START/EARLY HEAD START CENTER TO MCBRAYER CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED SEVENTY-ONE THOUSAND, NINE HUNDRED SIXTY-THREE DOLLARS (\$171,963.00)**

was adopted.

**AGREEMENT: THOMAS JOHNSON ARCHITECTURE**

On motion of Councilman Taylor, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF HUMAN SERVICES AND THE HEAD START/EARLY HEAD START DIRECTOR TO ENTER INTO AN ARCHITECTURAL AGREEMENT WITH THOMAS JOHNSON ARCHITECTURE, RELATIVE TO MASTER PLANS FOR CONSTRUCTION OF THE AVONDALE EARLY HEAD START FACILITY, FOR AN AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND, SEVEN HUNDRED SEVENTY-EIGHT DOLLARS (\$55,778.00)**

was adopted.

**SPECIAL POLICEMAN: JOHN A. WELTON**

On motion of Councilman Taylor, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOHN A. WELTON  
AS A SPECIAL POLICE OFFICER FOR THE CITY OF CHATTANOOGA,  
PUBLIC WORKS INSPECTION DIVISION, TO DO SPECIAL DUTY AS  
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AGREEMENT: HAMILTON COUNTY, TN**

On motion of Councilman Franklin, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE  
DEPARTMENT OF PUBLIC WORKS AND THE CITY FINANCE OFFICER TO  
EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT WITH HAMILTON  
COUNTY, TENNESSE, RELATIVE TO PROVIDING GIS MAPPING FOR THE  
CITY'S DEPARTMENT OF PUBLIC WORKS, FOR AN AMOUNT NOT TO  
EXCEED ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00)**  
was adopted.

**CONTRACT: MAYSE CONSTRUCTION COMPANY**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. RW-6-  
00, FREDERICK STREET IMPROVEMENTS, TO MAYSE CONSTRUCTION  
COMPANY FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED  
THIRTY-FOUR THOUSAND SIX HUNDRED SEVENTY AND 27/100 DOLLARS  
(\$134,670.27)**  
was adopted.

**CONTRACT: EAST TENNESSEE GRADING, INC.**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 48-A-  
00, LAKE HILLS INTERCEPTOR RELOCATION, TO EAST TENNESSEE  
GRADING, INC. FOR THEIR LOW BID IN THE AMOUNT OF ONE  
HUNDRED THIRTY-NINE THOUSAND, ONE HUNDRED NINETY DOLLARS  
(\$139,190.00)**  
was adopted.

**PROPERTY PURCHASE**

On motion of Councilman Pierce, seconded of Councilman Franklin,  
**A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE PURCHASE OF CERTAIN PROPERTY LOCATED AT 1701 MARKET STREET FROM EMANUEL AND ISABEL FEINTUCH FOR A TOTAL CONSIDERATION OF EIGHTY-EIGHT THOUSAND, SEVEN HUNDRED SIXTY-FOUR DOLLARS (\$88,764.00)**  
was adopted.

**AMEND RESOLUTION 22822: TEMPORARY USE FOR GEORGE H. MACHAN**

On motion of Councilman Franklin, seconded by Councilwoman Hurley,  
**A RESOLUTION TO AMEND RESOLUTION NO. 22822, ENCAPTIONED "A RESOLUTION AUTHORIZING GEORGE H. MACHAN AND/OR 610630 SASKATCHEWAN, LTD. TO TEMPORARILY USE AN UNOPENED STREET RIGHT-OF-WAY BEING A PART OF PLAZA HILLS LANE, MORE PARTICULARLY DESCRIBED HEREIN, TO IMPROVE 580 FEET OF THE UNOPENED RIGHT-OF-WAY AT NO COST TO THE CITY FOR A REAR ENTRANCE TO LOT 4701 WHISPERING HILLS LANE, SUBJECT TO CERTAIN CONDITIONS." SO AS TO CORRECT THE PROPERTY DESCRIPTION.**  
was adopted.

**PAYMENT AUTHORIZATION**

On motion of Councilman Pierce, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) TO THE ELECTRIC POWER BOARD FOR WORK RELATIVE TO THE EIGHTH STREET DEVELOPMENT**  
was adopted.

**AGREEMENT: FRIENDS OF FESTIVAL**

Councilwoman Hurley stated Resolutions 7(k) – (r) were discussed in today's Parks and Recreation Committee and approval is recommended.

**AGREEMENT: FRIENDS OF FESTIVAL (Continued)**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A LEASE AGREEMENT WITH THE FRIENDS OF THE FESTIVAL FOR RIVERBEND FESTIVAL 2001, FOR THE PERIOD OF JUNE 1, 2001 THROUGH JUNE 25, 2001**  
was adopted.

**WARNER PARK ZOO NAME CHANGE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
**A RESOLUTION CHANGING THE NAME OF THE WARNER PARK ZOO TO "THE CHATTANOOGA ZOO AT WARNER PARK"**  
was adopted.

**DEED OF CONSERVATION EASEMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT WITH STEVE AND IRENE RAMBALAKOS AND HAMILTON COUNTY, TENNESSEE, RELATIVE TO COMPLETION OF THE TENNESSEE RIVERWALK (TAX MAP PARCEL NO. 127K-1-001.16)**  
was adopted.

**DEED OF CONSERVATION EASEMENT**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT WITH THE STATE OF TENNESSEE, ACTING THROUGH THE TENNESSEE WILDLIFE RESOURCES AGENCY, AND HAMILTON COUNTY, TENNESSEE, RELATIVE TO COMPLETION OF THE TENNESSEE RIVERWALK (TAX MAP PARCEL NO. 127K-1-001.07)**  
was adopted.

**APPROPRIATION**

On motion of Councilman Franklin, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING THE APPROPRIATION OF THIRTY THOUSAND DOLLARS (\$30,000.00) FROM THE MUNICIPAL GOLF COURSE FUND TO FIRST TEE OF CHATTANOOGA**  
was adopted.

**CHANGE ORDER**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO DEMOLITION WORK AT THE BRAINERD PARK AND RECREATION COMPLEX, WITH JAMES F. HALL CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIXTEEN THOUSAND, SEVEN HUNDRED NINETY-SEVEN DOLLARS (\$16,797.00), FOR A REVISED CONTRACT PRICE OF FIVE HUNDRED EIGHT THOUSAND, TWO HUNDRED FIFTY-FIVE DOLLARS (\$508,225.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO RENOVATIONS TO THE EAST CHATTANOOGA RECREATION COMPLEX, WITH TOWER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIVE THOUSAND, ONE HUNDRED SEVENTY-FOUR AND 10/100 DOLLARS (\$5,174.10), FOR A REVISED CONTRACT PRICE OF SIX HUNDRED SIXTY-THREE THOUSAND, THIRTEEN AND 10/100 DOLLARS (\$663,013.10)**  
was adopted.

**CHANGE ORDER**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO RENOVATIONS TO THE WARNER PARK POWERHOUSE, WITH MCBRAYER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHT THOUSAND, THREE HUNDRED SVNTY-FIVE DOLLARS (\$8,375.00), FOR A REVISED CONTRACT PRICE OF TWO HUNDRED SEVEN THOUSAND, THIRTY-FIVE DOLLARS (\$207,035.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NOS. 1 THROUGH 6, CITY COURTROOM RENOVATION, WITH RMG CONSTRUCTION, WHICH CHANGE ORDERS INCREASE THE CONTRACT AMOUNT BY EIGHT THOUSAND, FORTY-SIX AND 40/100 DOLLARS (\$8,046.40) FOR A REVISED CONTRACT TOTAL OF SEVENTY-TWO THOUSAND, SEVEN HUNDRED FIFTY-SIX AND 40/100 DOLLARS (\$72,756.40)**  
was adopted.

**MEMORANDUM OF UNDERSTANDING**

City Attorney Nelson stated Admin. Traughber requested that this matter be deferred one week.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC., TO SERVE AS DEVELOPER OF THE JAYCEE TOWERS, II, SUBJECT TO THE CITY ACQUIRING THE PROPERTY FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ACCEPTABLE FINANCIAL TERMS**  
was tabled one week.

**OVERTIME**

Overtime for the week ending March 16, 2001 totaled \$12, 845.25.

**PERSONNEL**

The following personnel matters were reported for the Chattanooga Human Services Department:

**MAC AVERY** – Resignation, Dietary Assistant , Head Start, effective March 8, 2001.

**CARLA NEWBY** – Resignation, Family Services Assistant, Head Start, effective March 8, 2001.

**PURCHASE**

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

**PEBBLE SOUP CURRICULUM KITS (Single Source)**  
**Requisition R0047467**

Curriculum Kits for Pre-K Head Start Classrooms per TCA 6-56-301

\$29,000.00

**PERSONNEL**

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

**DOROTHEA RICHARDSON** – New Hire, Cultural Arts Specialist, Cultural Arts Division, Pay Grade 9/Step 1, \$22,356.00 annually, effective March 23, 2001.

**LEROY A. KING** – New Hire, Crew Worker, Sr., Parks Division, Pay Grade 5/Step 1, \$17,808.00 annually, effective March 14, 2001.

**PERSONNEL (Continued)**

**JAMES P. TUCKNISS** – New Hire, Tennis Specialist, Champions Club, Pay Grade 9/Step 1, \$22,356.00 annually, effective March 9, 2001.

**DELTON CARROLL** – Termination, Custodian, Building and Structures Division, effective March 9, 2001.

**JAMES BRADFORD, CHRISTOPHER MCCONNELL** – New Hire, Crew Worker, TN Riverpark/Downtown, Pay Grade 3/Step 1, \$15,535.00 annually, effective March 14, 2001.

**LESLIE GASS** – Termination, Concession Attendant, Golf Course, effective March 14, 2001.

**LARRY D. STURDIVANT** – Termination, Custodian, Civic Facilities, effective March 12, 2001.

**PURCHASE**

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

**ASCENSION, A DIVISION OF AGM CONTAINER CONTROLS, INC. (Best Bid)**  
**Requisition R0036962/B0000551**

Wheelchair Lift (Model SLA 2050ED/Front Opening)

\$17,967.00

**PERSONNEL**

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

**GREG HENSON** – Family Medical Leave, Crew Supervisor Senior, Citywide Services, effective March 7 – May 30, 2001.

**TERRY W. CAGLE** – Rehire, Sanitation Worker Senior, Citywide Services, Pay Grade 5/Step 1, \$17,808.00 annually, effective March 7, 2001.

**PERSONNEL (Continued)**

**ROY S. PATTERSON, GEOFFREY FARMER** – Employment, Sanitation Worker Senior, Citywide Services, Pay Grade 5/Step 1, \$17,808.00 annually, effective March 7, 2001.

**JOHNNY L. SMITH** – Employment, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$18,945.00 annually, effective March 7, 2001.

**RAY E. FORTNER** – Family Medical Leave, Equipment Operator Senior, Citywide Services, effective March 7 – March 30, 2001.

**ALAN L. GOINS** – Dismissal, Crew Worker, Citywide Services, effective March 8, 2001.

**ROY PATTERSON** – Dismissal, Sanitation Worker Senior, Citywide Services, effective March 20, 2001.

**LEROY GAUNT, JR.** – Promotion, Equipment Operator Senior, Citywide Services, Pay Grade 8/Step 1, \$21,219.00 annually, effective February 7, 2001.

**TRACY L. MURRAY** – Promotion, Equipment Operator Senior, Citywide Services, Pay Grade 8/Step 10, \$31,616.00 annually, effective February 7, 2001.

**PURCHASE**

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

**PREBUL JEEP OF CHATTANOOGA (Single Source)**  
**Requisition R0042166**

Two (2) Sports Utility Vehicles per TCA 6-56-301

\$20,300.00 each

**REFUNDS**

On motion of Councilman Franklin, seconded by Councilman Taylor, the Administrator of Finance was authorized to issue the following refunds:

**OAK CREST PROPERTIES 2000** -- Map #139P-C-004, \$4,929.36

**OAK CREST PROPERTIES 2000** – Map #139P-A-010, \$3,495.49

**TEPPER CLINIC** – Map #129B-B-008, \$1,621.02

**CRICKET COMMUNICATIONS** – Per #1017337, \$2,104.43

**CLAIMS SETTLEMENT**

City Attorney Nelson requested Council authorization to settle certain claims that are pending.

**On motion of Councilman Taylor, seconded by Councilwoman Hurley, the City Attorney was so authorized.**

**JEFF TATE**

Jeff Tate of 5633 Crestview Drive addressed the Council regarding the waste collections contract for front-end loader service. He stated that the company he works for, Waste Services of Tennessee, submitted their bid based on public information to the open bid process and, apparently, their bid was the most responsive low bid. He stated based on consultation with staff today, there seems to be an issue with regard to the waste that would be collected would not be directed to the City's landfill. He stated his purpose for being present tonight is to request consideration for his Company as the most responsive and low bid; that he is prepared to offer a direct limited amount of waste to the City's landfill based upon the best estimate of waste collected in this contract. He stated that it is his belief that the true spirit of competitive bidding is that they responded to the RFP with the most favorable pricing. He asked that his Company's bid be accepted and again indicated that a portion of the waste will be directed to the City's landfill. He stated that he brought the matter up tonight based on information from last week's minutes wherein Councilman Lively referred that his Company's waste goes to the Bradley County landfill.

**JEFF TATE (Continued)**

Councilman Lively responded that he noticed from the bids received that not any of the bidders were directing garbage to the City's landfill. He stated our landfill has suffered quite a bit of revenue loss over the last two or three years due to hauling outside. He stated he has no problem with that; that there are still "pluses" on both sides and it makes our landfill last longer. He inquired as to whether the bidder last year used the City's landfill?

Admin. Boney indicated that he did not know. Councilman Lively stated that his concern was the loss of revenue for our landfill and wanted to make sure the contract was one where the loss could be justified.

Mr. Tate indicated that the last waste contract was with Fox Waste and if he is correct the waste sent to Alabama and Athens, Tennessee.

Deputy Admin. Johnson stated at the request of Councilman Lively the Public Works Department is determining whether to award this bid based on the bid submitted, as well as the potential revenue the City may lose if the Company awarded does not use our landfill. She stated if it is determined that we do have the best bid and the company does not use our landfill, and if we rebid and the costs came in at an extraordinarily high amount and end up being on the losing end, they will make that determination. She stated they are not prepared to come forward with a recommendation tonight and, hopefully, they will on next week.

Mr. Tate indicated that his Company could provide a letter stating they would take the waste stream to the City of Chattanooga, although waste collected is co-mingled with everyone else's waste; that he spoke with Mr. Brooks and personnel in Purchasing regarding this. He stated they would have to figure out the amount of tons coming out of the dumpster and containers of the City and could give a good estimate of the volume.

Chairman Hakeem stated the Council would allow administration to review the matter and come back with a recommendation.

**ADJOURNMENT**

Following the conclusion of the Better Housing appeal of Phillip Osborne, Chairman Hakeem adjourned the meeting until Tuesday, March 27, 2001.

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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)**