

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
APRIL 24, 2001**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

City Attorney Randall Nelson led the audience in the Pledge of Allegiance, followed by the Invocation.

MINUTE APPROVAL

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

REZONING

2001-031 (CITY OF CHATTANOOGA/HAMILTON COUNTY PLANNING COMMISSION)

On motion of Councilman Pierce, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL TRACTS OF LAND BORDERED BY UNIVERSITY STREET TO THE WEST, THE SOUTHERN RAILROAD TO THE EAST, EAST 8TH STREET TO THE NORTH, AND BY FLYNN STREET TO THE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2001-36 (JO M. PECKINPAUGH)

On motion of Councilman Littlefield, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7411 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL 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.

REZONING

2001-37 (THOMAS R. COOK, III AND CAROL HILE)

On motion of Councilman Pierce, seconded by Councilman Littlefield,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 9080, ON PROPERTY LOCATED AT 625 AND 627 MORRISON SPRINGS ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2001-38 (WALTER M. HAYNES, WINIFRED HAYNES & MARY O. WHEELER)

On motion of Councilman Pierce, 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 4126 CAINE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

TEMP. ROW USE

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING CURTIS D. ADAMS TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 509 EAST MAIN STREET FOR INSTALLATION OF A SIGN, MORE PARTICULARLY DESCRIBED HEREIN, WITH THE BOTTOM OF THE SIGN TWELVE FEET (12') ABOVE THE SIDEWALK AND PROJECTING SIX FEET (6') INTO THE MAIN STREET RIGHT-OF-WAY, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USE

On motion of Councilman Benson, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING CAROLYN H. STAGGS, TWINBROOK ENTRANCE COMMITTEE, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT STANDIFER GAP ROAD AND TWINBROOK DRIVE TO REPLACE A BUS SHELTER WHICH WAS RECENTLY DESTROYED BY A TRAFFIC ACCIDENT, ON THE TRAFFIC ISLAND OF STANDIFER GAP ROAD AND TWINBROOK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

COLLAPSED CLARIFIER

Mr. Bill McDonald, Interim Director of Public Works, went over this Resolution for the benefit of those not in the Committee Meeting. He explained that there was a problem at the Moccasin Bend Sewer Plant on Friday, April 13th and for the Council's information, explained that a wet basin, 130 ft. in diameter and 18 ft. deep, made out of concrete, and three clarifiers, part of a large construction project are involved. The purpose of a clarifier is to separate solids from liquids in the treatment process, and on the 13th we had concrete beams fall into the clarifier. He stated that Arcadis was out there this afternoon designing a correction to take care of this problem; they will fix the two that did not collapse and proceed to work on the one that did collapse. At this point Mr. McDonald referred to pictures shown on the screen depicting the damage. Mr. McDonald noted that there were 31 concrete beams in each clarifier and 14 in the one that failed.

COLLAPSED CLARIFIER
(CONT'D)

Mr. McDonald referred to the proposal by the engineer to correct this, noting that they had had a brief chance to look at it this afternoon but explained that they wanted an independent consultant to also look at it with them, which would be done after tonight. He explained that a Permit had been applied for with the State, but the State had not yet issued it; that this was a wet weather clarifier and not really needed unless there is a storm event; that if we did not receive the Permit shortly, we could be operating outside the Permit with a maximum fine assessed by the State at \$10,000 per day, which is a liability.

Chairman Hakeem asked for questions from the Council, stating that he felt that this was a necessary step to protect our citizens.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY
ATTORNEY TO RETAIN ENGINEERS, ATTORNEYS, AND
OTHER CONSULTANTS RELATIVE TO THE COLLAPSED WET
WEATHER CLARIFIER MECHANISM SUPPORT ARMS AT THE
MOCCASIN BEND WASTEWATER TREATMENT PLANT**

was adopted.

HIXSON & HW 58 STUDY

On motion of Councilman Page, seconded by Councilwoman Robinson,

**A RESOLUTION REQUESTING THE CHATTANOOGA-
HAMILTON COUNTY REGIONAL PLANNING AGENCY TO
DETERMINE A SCOPE OF STUDY FOR THE HIXSON AND
HIGHWAY 58 AREAS**

was adopted.

OVERTIME

Overtime for the week ending April 20, 2001 totaled \$75,535.84.

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Page, the following purchase was approved for use by the Public Works Department:

LEE-SMITH, INC. (Best bid meeting spe cs.)
Requisition #R0060760/B0000565

Crew Cab Pick-Up

\$30,743.00

PERSONNEL

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

PAUL CHAPIN—Promotion to Senior Firefighter, F2/4, \$29,480 annually, effective 5/4/01.

JOSEPH MCDANIEL & DEXTER WEST—Promotion to Senior Firefighter, F2/11, \$38,452.00 annually, effective 5/4/01.

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Robinson, the following purchase was approved for use by the Chattanooga Fire Dept.:

MEDTRONIC PHYSI-CONTROL (Single Source Purchase)
Requisition #R0043062/P0016129

Defibrillator Lease Agreement—Option to Purchase

\$45,961.32

PERSONNEL

The following personnel matters were reported for the Finance & Administration Dept.:

MARTHA FAYE BLABON—Resignation of Tax Clerk in Treasurer’s Office, effective 4/30/01.

KENNETH A. KITCHEN—Promotion to Programming Manager in Information Services, Pay Grade 32/7, \$63,541.00 annually, effective 5/4/01.

JOHN J. BURGESS—Promotion to Sr. Network Technician in Information Services, Pay Grade 11/9, \$35,222.00 annually, effective 5/4/01.

DARRYL SHEPPARD—Promotion to System & Database Specialist I in Information Services, Pay Grade 20/5, \$41,834.00 annually, effective 5/4/01.

CITY ATTORNEY

City Attorney Randall Nelson asked the Council’s permission to file the following two lawsuits: (1) A case where a Public Works’ driver was struck in the side in the Parking Lot of Ace Hardware on Broad Street. The other party involved refuses to pay the City and Attorney Nelson requested permission to file a lawsuit against Phillip Robertson. **On motion of Councilman Pierce, seconded by Councilwoman Robinson, permission was granted.**

(2) Another case, in excess of \$4,000, involves a city vehicle proceeding south on McCallie Ave. when another vehicle made a sudden turn in front of the city vehicle into Eckerds and likewise denies liability. This case involves a Mr. Jackson **and on motion of Councilman Littlefield, seconded by Councilman Page, Attorney Nelson was granted permission to file this lawsuit.**

RONALD SMITH

Mr. Ronald Smith, General Manager of the Days Inn at Hamilton Place asked to address the Council. He stated that they had owned this property for five years and was one of the last to be developed in the Hamilton Place area. He stated that they had received a variance for an Interstate Sign of 60 ft. in 1995 and now wanted to put up a messaging center under this Sign in order to gain more business. He stated that they had received a letter from Richard Hutsell stating that they could put a manual sign up, but they wanted an electronic sign, explaining that an electronic sign is easier to maintain and more economical, also the visibility is better. He stated that the comment had been made to him that only places downtown accommodating over a 1,000 people could have an electronic sign. He noted that Holiday Bowl has one and also a Furniture Shop. He stated that their sign would give the time and temperature. He stated that Chattanooga was losing a lot of business to Georgia because of our high tax rate. He ended by saying that they wanted to be able to advertise on a marquee to encourage more people to stay with them.

Chairman Hakeem asked Mr. Smith if he was aware that we have a Sign Ordinance and also a Sign Board; that he would ask the City Attorney or Councilman Littlefield to respond to Mr. Smith, as Councilman Littlefield had done a lot of work on the Sign Ordinance years ago; that he thought we set the standard in the best interest of the entire community and if we allowed Mr. Smith to do this, we would have “requests out of our ears”.

Councilman Littlefield stated that he remembered this quite well; that there had been a debate over the issue relating more to the Interstate and signs visible from the Interstate; that we did not want signs giving messages for people to read who were going 70 mph. He stated that there was a lot of debate about the Hamilton Place sign and after quite a bit of debate, they reached a unanimous decision. He stated that he would want to hear from the Traffic Engineer as to how this would affect the area; that we don't want a proliferation of signs with reading messages; that there was some concern as to the unsafeness of scrolling signs. He acknowledged that this was a complicated issue and that we were not trying to be hardnosed; that the issue has to do with safety. He suggested that this be referred to the Sign Board to consider and that the Council talk to the Traffic Engineer and discuss what this might open up in terms of other signs in Hamilton Place.

Councilman Benson stated that he concurred with Councilman Littlefield; that he would be concerned about what this might lead into as far as sign competition.

Chairman Hakeem asked for a recommendation as to how Mr. Smith should pursue this.

RONALD SMITH (CONT'D.)

Attorney Nelson stated that Mr. Hutsell was correctly interpreting the law, and Mr. Smith could ask the Sign Board to entertain changes.

Mr. Smith stated that he was from Nashville, and there had never been any problems in Nashville with this; that the same held true in Atlanta, Knoxville, and Memphis. He stated that he would like for them to make contact with these other cities to see how they were utilizing these signs.

Chairman Hakeem advised Mr. Smith that he would have to go through the Sign Board and that the Council was going to ask Staff if they would recommend any changes to us in regards to electronic boards.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga City Council until Tuesday, May 1st, 2001 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)**