

**City Council Building  
Chattanooga, Tennessee  
October 15, 2002  
6:00 p.m.**

Vice Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Page, Pierce, Robinson and Taylor present; Councilman Lively was absent due to personal commitment; Chairman Littlefield was out of the country on City business. 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, Councilman Page gave invocation.

**MINUTE APPROVAL**

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

**TWO WAY PAIRING**

Vice Chairman Franklin applauded the efforts of those present regarding this issue, stating that this is something that does not happen everyday in the history of this City. He stated several years ago, M. L. King and McCallie were two-way which presented its on set of challenges. He stated the Council deliberated over this issue several weeks ago and there were several public forums in which the matter was discussed. He stated there are many implications as it relates to the vitality and vision of what we want this City to be and where it is going. He stated the Council would certainly offer an opportunity for those present on this issue to express themselves even though it has been voted upon. He stated the Council would hear from two individuals each from the community representing the opponents and proponents for six minutes each side, three minutes per person.

## TWO WAY PAIRING (Continued)

Bob Elmore stated different organizations are present and asked if they would have an opportunity to speak.

Vice Chairman Franklin stated all organizations who want to be represented can submit written information; however, at this time it is asked that only two speakers on both ends of the issue speak.

Bob Graham, President of the Citywide Neighborhood Association (CNAC) stated that he was not present representing the CNAC group. He stated there was a letter in the newspaper today that was written by Robert Kling, which expressed the concerns he and others have. At this point he read the letter in its entirety, a copy of which is filed with minute material of this date. He stated that he concurred with 90 percent of the letter as did those in attendance. He stated that he is very concerned; that he drives in every day on McCallie and thinks this would be a total disaster. He stated that it is his thought the problem that plagues the area as far as businesses are concerned is the perception of crime. He stated if two-way streets are viable and there are business enhancements, what is wrong with East Third Street and why aren't other businesses booming other than Erlanger. He stated Main Street has two primary businesses – prostitution and crack cocaine! He stated if he thought changing the street would develop the community he would be more agreeable to dropping his protest. He asked the Council to keep their constituents in mind.

Jack Anderson, past President of the Chattanooga Engineers Club, gave the Council background as to why the Engineers Club became involved. He stated over two months ago Judge Ralph Kelly spoke to the Club and had the two-way as his subject. He asked the Engineers Club to form a task force to study the matter. He stated they did that and had eight professional engineers made up of traffic, mechanical and safety engineers. He stated they worked for over two months to get the study completed and did not want to get into any political involvement; that they looked at the cost, safety and traffic flow. He stated they came to the conclusion that a 1998 study indicated \$7 million dollars; that they looked into all the ramifications of what the construction entails. He stated the idea of two-way on M. L. King is one thing and indicated he is really worried about McCallie as there will be four lanes going down to one lane with parking on both sides. He made reference to there being parked cars and having to "weave" in-and-out of traffic, the number of streets with signals and those without. He stated McCallie dead ends at Tunnel and the traffic signal alone in 1998 came up to \$80,000. He stated it will cost \$1.5 million to retrofit signals alone and that it will cost \$7.5 or \$8 million for construction.

## TWO WAY PAIRING (Continued)

Mr. Anderson stated that he does not know where the money is coming from; that he has an idea the federal and state governments are against this and are moving the highway off the street because they are unsafe. He stated somebody needs to study this; that once traffic is two-way it will have people really upset from now on.

Deborah Bryant stated that she resides at 5913 Swann Road and formerly lived at 701 East 11<sup>th</sup> Street, at which time she worked at the Community Kitchen. She stated that she moved from the area and still works as part of the M. L. King Neighborhood Association. She stated it is time to return to a more normal neighborhood; that right now people want to get to places as fast as they can. She stated if one-way streets are the answer why aren't there one way streets on the side of the Ridge, in Tiftonia and Hixson. She stated she keeps hearing only when people get downtown they need extra speed and time; that they are missing something. She stated this is a neighborhood with people and houses and they are revitalizing the area. She asked that they not be overlooked; that they have a voice. She stated from a safety standpoint, McCallie and Bailey at Willow gained the reputation as crash corners; that no one can guarantee perfect safety whether one- or two-way. She stated if a person wants the shortest route to come and live in downtown Chattanooga!

P'Nut Fauntroy stated that he owns a business at 736 M. L. King and serves the finest in southern soul food! He stated that he has heard throughout the few months many different reasons why we should not change the streets back to two-way. He stated today he heard about a wonderful study others have done as engineers. He stated the one question he has is not really about two-way or one-way, but about economics and lifestyle. He asked what is it that the one-way street has given us in the last forty years – dilapidated housing, rundown situations, lowered economy and homelessness in that downtown corridor. He stated in order to revitalize and bring the area back, two-way streets would bring back safety of neighborhood and an opportunity to all. He stated in looking at the history of M. L. King and McCallie he found a combined finding over the last forty years that businesses have not only moved but closed and the buildings are gone! He stated some people say “it it's not broke don't fix it”. He stated this situation is extremely broke and it needs to be fixed! He stated something needs to be changed to bring back revitalization; that if anyone wants to do something that will cause downtown to be better, the only way is to change what was done forty years ago.

**TWO WAY PAIRING (Continued)**

Vice Chairman Franklin expressed appreciation for the dialogue and input on both sides. He expressed support for the visionary measures taken in the past in trying to make Chattanooga a better place and all persons who spoke have exemplified that. He stated everyone has a voice and everyone has an opinion, which is respected. He thanked them for their presence and opinion.

**APPOINTMENT TO ELECTRIC POWER BOARD**

**Councilman Pierce made the motion to move Resolution 7(h) forward on the agenda; Councilman Page seconded the motion; the motion carried.**

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
**A RESOLUTION CONFIRMING AND APPROVING THE APOINTMENT OF  
JON KINSEY AS A MEMBER OF THE ELECTRIC POWER BOARD OF  
CHATTANOOGA**  
was adopted.

**AMEND CITY CODE**

On motion of Councilman Hakeem, seconded b Councilman Page,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPER 3, ARTICLE X, SECTION 3-102(b), RELATIVE TO SIGNS**  
passed second reading. On motion of Councilman Hakeem, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

**AMEND CITY CODE**

**Councilmen Taylor and Pierce made the initial motion to approve this Ordinance on second reading.**

Councilman Benson stated this matter passed first reading last week and there was discussion earlier and the week before. He stated that he received a call yesterday from Mr. Moon of the Home Builders. He stated that he would like for Mr. Moon to make a presentation prior to finalizing this Ordinance on second and third reading, and that he would like for Admin. McDonald to respond.

## AMEND CITY CODE (Continued)

Mr. Moon of the Home Builders stated that he was notified that there is a \$300 review fee on subdivisions and that his "take" on that was that the \$300 would be per subdivision, however, he found that the amount is actually \$300 per lot on the subdivision. He stated that they did not think a \$300 fee was reasonable; that on a 100 lot subdivision, what they thought was \$300 was actually a \$30,000 fee! He stated Mayor Corker and Admin. McDonald have been working in "good faith" and talking with them. He stated they are not opposed to paying fees for review, but when you look at 50 lots to build on, \$15,000 is a lot of money; that they do not think they can go to market and get there at that price. He stated that he would very much like for the Council to defer this and give time to work more on it and strike a happy medium between the builders, developers and the City.

Vice Chairman Franklin asked if Mr. Moon was looking at the Ordinance as it is prepared now, indicating that it is somewhat different. He stated that it is now reflected as \$100 per lot.

Mr. Moon responded "yes"; that he understands that the City would like to have fees, but his group does not feel they can do that right now.

In responding to Councilman Benson's question, Admin. McDonald indicated that he does not have anything to respond except to make clear the review fee is a \$100 minimum fee for a lot and goes up \$10 per lot for 11-50 lots and an additional \$5 for 51 lots and over. He stated for a review fee, the inspection fee is \$3.00 per linear foot of street and \$2.00 for the sewer.

Councilman Benson asked Admin. McDonald what the fees would be on a 100 lot subdivision.

Admin. McDonald stated that the length of the street would have to be calculated as that may vary. He stated the inspection fees would be dependent upon the length of the street and the length of the sewer line. He stated the reason they went to that was, as the home builders pointed out, it is unfair to have the same fee per lot for a subdivision that had small lots. He stated it was felt this was a fair approach to look at per linear foot.

Councilman Benson stated that this seems the fairest. He stated this fee is not a "cash cow"; that it is a fee for services we are providing to the developer.

## AMEND CITY CODE (Continued)

Admin. McDonald responded "correct"; that they actually calculate what was spent as a department on the subdivision and they figured the way to recoup that is based on inspections and plans review. He stated they are trying, as Mayor Corker has encouraged them to do, to charge for services we provide the development community.

Councilman Benson asked how this fee relates with other urban areas throughout this state, whether we are high or low.

Admin. McDonald stated that Chattanooga will be high; that there are no others that charge this fee; that most charge for plans review but there is no charge or attempt to collect what is spent for inspections. He stated some do require that an independent testing lab do inspections, so there would not be an expense for doing that.

Councilman Benson asked if we charge for the plans review. Admin. McDonald responded "yes, we do"; that it is \$100 for lots 1-10, \$10 for lots 11-51 and an additional \$5 for lots 50 and above.

Councilman Taylor inquired as to whether there was dialogue. Mr. Moon stated there was dialogue early on when the \$300 review fee took effect January 1. He stated they thought it was \$300 per subdivision and found it was \$300 per lot.

Admin. McDonald stated in all fairness they did not have proper dialogue, but have since then. He stated he is not saying they are in agreement; that this is a fee the Department feels is fair to recoup costs we have spent in inspecting lots.

**Councilman Page** stated there is enough new information to make him think about this again; that he is concerned with the small developer looking at a pretty substantial fee with regard to development; that 100 lots could be \$10,000 plus. He stated that he thinks it prudent of the Council to get more information about this so as not to hurt the industry. He **made the motion to defer the matter 30 days for time to further explore the issue.**

**Councilman Hakeem** seconded the motion so that all could be on the "same page" and come to some type of conclusion.

Councilman Benson stated when the matter is brought back he would like for some thought to be given to see how we can do other things we need to do.

**AMEND CITY CODE (Continued)**

Admin. McDonald stated they can do that; that he does not have a problem with going back to review the matter. He stated there are some small developers developing one-to-five lots that do not have streets or sewers and it is his thought, in all fairness to them, we need to change this so that those people are not penalized further. He stated that he is glad to work on this and desires to postpone it for 30 days. He stated what we might want to do is look at a situation where we do not do inspections at all. He stated we could have a consulting firm to certify to us that a development has been built in accordance with plans and they have inspected and certified it; that way there is no inspection charge.

Councilman Taylor asked for more visuals or examples of total costs regarding lots and various charges.

Admin. McDonald stated they would take a typical situation and tell how much it would be; that he recognizes every subdivision is a little different.

On motion of Councilman Page, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 10, ARTICLE II, SECTION 10-23, RELATIVE TO ENGINEERING  
PLANS REVIEW AND FEES**  
was deferred thirty (30) days (November 12).

**AMEND CITY CODE**

On motion of Councilman Page, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 18, ARTICLE III, SECTION 18-49, RELATIVE TO GARBAGE  
SERVICE FEES FOR VETERINARY CLINICS**  
passed second reading. On motion of Councilman Pierce, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 32, ARTICLE III, SECTION 32-64, RELATIVE TO EXCAVATIONS  
AND RESTORATION OF PAVING**

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

**CLOSE AND ABANDON**

**MR-2002-134A: Chris Farris – Parkridge Hospital**

On motion of Councilman Hakeem, seconded by Councilman Benson,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED,  
UNOPENED ALLEY LOCATED BETWEEN THE 200 BLOCKS OF WATKINS  
STREET AND DERBY STREET, 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 Pierce, seconded by Councilman Hakeem, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2002-134B: Chris Farris – Parkridge Hospital**

On motion of Councilman Taylor, seconded by Councilman Page,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED,  
UNOPENED ALLEY LOCATED ON THE SOUTHWEST LINE OF THE 100  
BLOCK OF NORTH KELLEY STREET, 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 Hakeem, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

LIFT CONDITIONS

**2002-151: Temple Baptist Church**

On motion of Councilman Pierce, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS  
IMPOSED IN ORDINANCE NO. 8841 ON PROPERTY LOCATED AT 3204  
CLIO AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN**  
passed second reading. On motion of Councilman Hakeem, seconded by  
Councilman Taylor, the Ordinance passed third and final reading and was  
signed in open meeting.

REZONING

**2002-158: Jack & Tina Johnson**

On motion of Councilman Benson, seconded by Councilman Taylor,  
**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 1600 BLOCK OF NORTH JOINER ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
4 SPECIAL ZONE AND R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed second reading. On motion of Councilman Benson, seconded by  
Councilman Taylor, the Ordinance passed third and final reading and was  
signed in open meeting.

REZONING

**2002-161: Robert Humble**

On motion of Councilman Benson, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2307 GUNBARREL 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 Benson, seconded by  
Councilman Taylor, the Ordinance passed third and final reading and was  
signed in open meeting.

## REZONING

### **2002-168: Glasscock Developments, Inc.**

On motion of Councilman Taylor, 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 3625 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE**  
passed second reading. On motion of Councilman Benson, seconded by Councilman Taylor the Ordinance passed third and final reading and was signed in open meeting.

## CLOSE AND ABANDON

### **MR-2002-172: Camco Properties**

On motion of Councilman Page, seconded b Councilman Taylor,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED RIGHT-OF-WAY LOCATED AT 4100 CAINE LANE, 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 Page, seconded by Councilman Hakeem, the Ordinance passed third and final reading and was signed in open meeting.

## REZONING

### **2002-071: Volunteer Behavioral Health Care Systems**

Councilman Taylor made the request to move Ordinance 6(d) forward on the agenda. **Councilmen Benson and Robinson made the motion to move the Ordinance forward; the motion carried.**

Councilman Taylor stated the neighborhood met and agreed to C-2; that they would like to recommend that as they have been working together.

Linda Benton stated that they received a legal report saying Volunteer could function or work within the C-2 zoning. She expressed appreciation that they would be willing to come back and would be much more community friendly.

**REZONING (Continued)**

Councilman Taylor made the motion to approve the C-2 and delay the matter two weeks prior to second and third reading so that conditions could be worked out.

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 REZONE A TRACT OF LAND LOCATED AT 413 SPRING STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-2 CONVENIENCE COMERICAL ZONE, SUBJECT TO CONDITIONS**  
passed first reading and was tabled two weeks for second and third reading.

**AMEND BUDGET ORDINANCE NO. 11285**

Admin. McDonald requested a one week deferral of Ordinances 6(a) and (b). He stated the Chattanooga Manufacturers Association asked for one more week to consider both.

Councilman Hakeem stated a majority of Council members present for the Committee meeting today voted to defer the matter one week; that it is his understanding from the City Attorney that there is no need to vote on it again.

**AN ORDINANCE TO AMEND ORDINANCE NO. 11285, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, AND ENDING JUNE 30, 2003, 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(c); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM**  
was tabled one week per previous majority vote in Committee.

**AMEND CITY CODE**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 31, SECTION 31-36, 31-41 AND 31-43, RELATIVE TO SEWER  
SERVICE CHARGES AND FEES**

**was tabled one week per previous majority vote in Committee.**

**AMEND CITY CODE**

**Councilman Benson made the motion to approve the Ordinance on first reading.**

Councilman Hakeem asked for clarification of this Ordinance.

City Attorney Nelson stated the only change is that it amends Section 5-17(a) to provide that a full time City employee is not eligible to serve on the Beer Board.

Councilman Hakeem stated that it was his thought the Council was dealing with something else.

Councilwoman Robinson stated the Ordinance as written states no one who is an employee of the City may serve. City Attorney Nelson responded "correct"; that the only change is that it reflects "no full time" employee can serve.

Councilwoman Robinson stated that her question is that the Beer Board has far reaching powers and enforcement authority for any business in violation of the laws. She stated that it seemed to her that if we have a situation where we have a retired police officer who may serve in an off-duty capacity helping out in the Police Department, we could potentially find ourselves in a situation where even part-time could raise a question of some sort and give the impression, though erroneous, that we have people serving on the Beer Board that may be compromised or forced to recuse themselves based on being part-time or full-time employees of the City. She stated that is the concern she has.

City Attorney Nelson stated that the Council retains the authority to confirm each member as a whole, so that aspect could still be controlled if a part-time policeman or someone was recommended for one of the positions, the Council can still turn it down. The stated the problem would be where somebody, after they become a member of the Beer Board, decide they want to become a part-time policeman with the Police Department.

### AMEND CITY CODE (Continued)

Councilwoman Robinson asked if this amendment does not deal with whether the person is a district representative or not. City Attorney Nelson responded "no".

Councilman Page stated in due respect to what we are trying to do, it is his thought after some people on the Council leave their positions and look to the future, he cannot support this. He stated that it is his thought it does present a conflict of interest to those who may work part-time working in a bar that they are reinforcing. He stated he would have to speak against this and in all due respect to the good intentions of this matter, he must think of the future actions that could cause a problem. He reiterated that he would have to speak against this.

Councilman Hakeem asked City Attorney Nelson if there are other City Boards where City employees or former City employees serve. He asked if it could be put in the Ordinance when a person gets a part-time job with the Police Department after being appointed they would have to give up the position. He asked if that would deal with the concern Councilman Page has.

Councilman Page stated that would help, but it would be hard to monitor and make sure it happens. He stated that he sees that as a preventive measure and expressed respect for Councilman Benson's position; that when he (Benson) is not here anymore, he (Page) is looking ten years from now and is not sure this is a good thing.

City Attorney Nelson stated he could not think of any boards where City employees or former employees serve. He stated that the does not attend their meetings; that the meetings he attends do not have any City employees. He stated, for instance, that the Taxi Board regulates taxi drivers and that industry is well represented; that we do have that type of thing.

Councilman Benson stated that he brought this up. He stated when he came on the Council two boards had problems with a quorum and one was the Variance Board; that people were waiting on others to come and another was the Beer Board. He stated he had a good member from his district on the Beer Board who was Larry Henry and Mr. Henry is now a County Commissioner. He stated the Beer Board meets twice a month and works nearly all day; that someone has to be available to meet as two days a month is a lot of time. He stated when Mr. Henry was elected he (Benson) went out and found a person that he thought would be good on the Board. He stated the person told him he worked at the Brainerd Golf Course picking up golf balls four hours a day.

## AMEND CITY CODE (Continued)

Councilman Benson stated that he does not see this as a conflict and his representative is needed on that Board as it is hard to find someone to serve that much time with no pay. He stated the Ordinance can be passed to say "full time" which will permit him to serve and if it does not work it can be changed in two weeks. He stated that he looks to the integrity of the Council person to select people who will not be in conflict and this limits his ability to make the decision.

Councilman Page expressed agreement with Councilman Benson that the person is an excellent candidate and should not be penalized for having a job with the City; however, there are issues that may come up in the future. He asked if the policy could be left as it is and let this individual serve on the Beer Board in a special kind of probationary period from the City Council.

City Attorney Nelson stated that really ought not be done; that if a policy is set there should not be any exceptions. He stated there is a way to do it if the Council thinks that is what they want to do, which would be to pass an Ordinance on first and second reading and appoint and go back and do it again and take it out. He stated either you have a policy or you do not.

Councilman Benson expressed appreciation for what Councilman Page stated. He stated it is important to remember this member had an anonymous call made on him saying he was working for the City. He stated he works four hours a day, twenty hours per week and three months a year. He stated that it is his feeling he should be on this Board; that this can be changed two months from now if the Council wants to go back and take out "full time".

At this point Councilman Pierce called for the question.

Councilman Taylor asked if the motion could be modified since there is concern about enforcement; that it could be indicated as part time without the ability to work in the employment of the Police Department.

Councilman Benson clarified that the person is a retired fireman.

Councilwoman Robinson stated that she would like to echo what everyone is saying; that this nominee is certainly a deserving person and expressed respect for Councilman Benson's recommendation. She stated that she finds herself with the impression almost of designing or creating legislation to "wrap around" one candidate, who deserves it very much in this instance; however, it is not a good practice. She stated the Council needs to adopt an Ordinance that would avoid conflict of interest and hold nominees to that standard.

**AMEND CITY CODE (Continued)**

Councilwoman Robinson stated that it is felt we need to “bite the bullet” and vote this matter “up or down” and not tailor legislation to suit a particular set of circumstances, deserving though he may be.

On motion of Councilman Benson, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 5, ARTICLE IV, SECTION 5-17(a), RELATIVE TO MEMBERSHIP  
ON THE BEER BOARD**  
passed first reading; **Councilmen Page and Robinson voted “no”.**

**REZONING**

**2002-136: Troy L. Cox**

The applicant was present; there was no opposition.

Mr. Pace stated that the applicant has requested that the matter be deferred; that he is not certain whether the matter could be deferred indefinitely. He stated the issue is that there is a need work the matter out so it can be a “win-win” situation for both the neighborhood and development of the property.

Vice Chairman Franklin stated Robert’s Rules states if the matter is deferred indefinitely that “kills” it. Mr. Pace asked if it could be deferred six months or 90 days. City Attorney Nelson suggested 91 days.

Councilman Hakeem stated that he knows Mr. Cox’s intentions are good; that when reference was made to a “win-win” matter for the developer and neighborhood, from what he (Hakeem) was hearing are ramifications it would impact the broader community in relation to what is perceived as spot zoning, which would be setting a precedent. He stated as the matter is researched, it is hoped the possibility of spot zoning would be taken into consideration. Mr. Pace stated they are trying to look for different solutions as they are opposed to spot zoning, also.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 706 ASHLAND TERRACE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2  
CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE**  
was deferred 91 days.

## REZONING

### **2002-163: Charles E. Lawson**

The applicant was present; there was no opposition.

Mr. Pace stated this matter was deferred last week and is located in the Hixson area along Hixson Pike. He stated the property is presently zoned R-5. He stated the house in question is in an area designed for a corridor mix in the newly adopted Hixson Plan, and there is O-1 property next door in an existing structure. He stated the request meets the intent of the Plan as far as zoning for the requested R-4, which is the corridor mix for an office along this area. He stated some concern was expressed from the Council that there was no site plan and that the request is speculative. He stated it was felt with conditions in place, use of the existing structure with parking to the rear and not in the front would meet the intent of having a site plan since the existing structure would be used. He stated the Planning Commission and Staff recommend approval with conditions.

Steve Cooper was present representing Charles Lawson and stated that the reason for the request is that Mrs. Lawson has an elderly mother in her 80's that she is taking care of. She stated she cannot get out of the driveway; that persons come through the curve in front of the house very fast and it is difficult to get out. He stated what they have in mind is to sell the property as an existing small business office and buy another house in a neighborhood in Hixson that is quiet. He stated Mr. Lawson owned the house for many years and commercial is all around it, now; that he would desperately like to get rid of the home and live in a safer neighborhood. He expressed appreciation for the Council's consideration.

Councilman Page stated that he is very familiar with this area and the zoning is most appropriate. He stated that he really believes it is important for the neighborhood as to how that property would be used. He stated that he supports the zoning, however he could not support it with regard to not knowing what will be there and what could happen in the future. He suggested that the matter be deferred for an opportunity for the property to be sold to some interested party.

Mr. Cooper stated that his purpose was that he was going to market it for an office and did not want to go out and market it when he really did not have it zoned as he could get in serious trouble. He stated several in the neighborhood will eventually put their property up for sale; that Mr. Lawson spoke to persons in the neighborhood and there is no opposition.

## REZONING (Continued)

Mr. Cooper stated what he would like to do is put the house on the market, now, but was not sure he was legally right to sell it to someone and they come up and cannot get it rezoned.

Councilman Benson expressed agreement with Councilman Page indicating that this request is speculative. He stated the matter should be deferred for an opportunity to have a site plan and a buy contingent upon rezoning. He stated R-4 opens the area up to more than O-1.

Mr. Cooper stated R-1 would be fine. Councilman Benson stated R-4 is much broader than O-1.

Mr. Pace stated the conditions are for R-4 for a residence and office use only, which is the only thing it could be used for.

**At this point, Councilman Benson made the motion to defer the matter until a plan is submitted.**

Councilman Taylor stated Mr. Cooper keeps "switching" back and forth and asked what happens if he gets O-1 and then needs to move to R-4.

City Attorney Nelson stated if the applicant is given R-4 and needs residential, he would have to come back through the whole process.

Mr. Cooper stated O-1 would be okay and it could be restricted to office use; that he could sell the building as an office rather than a home because it certainly is not inhabitable today as a residence with what a person has to go through to back out of it. He stated he could go for O-1 rather than R-4.

Councilman Benson stated that it is common practice to make a sale pending zoning; that he (Cooper) could show the prospective buyer the tape of this meeting. He stated at this point the request is speculative and the Council does not know what will be put in there and how it will affect the neighbors.

**Councilman Hakeem** stated that the Council shies away from what is perceived as speculative zoning and as Councilman Benson stated it is not unusual for persons to come before us who have property pending a zoning change. At this point he **seconded the motion to defer.**

Councilman Page inquired as to whether the matter would be deferred six months. City Attorney Nelson stated that it should be deferred 90 days.

## REZONING (Continued)

On motion of Councilman Benson, 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 5404 LONGVIEW DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-5 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred 90 days.

## REZONING

The applicant was present; there was no opposition.

### **2002-173: Phillip Barry Robertson**

Mr. Pace stated that this request was deferred from last week. He stated it is located on Main Street in the Southside for C-3 and is recommended for approval with conditions from both Planning and Staff.

Councilman Pierce asked if this property is vacant. Mr. Pace stated that it is vacant and wraps around the Jazz Junction.

Barry Robertson, owner of the Jazz Junction on East Main Street, stated that the plan is to make an outside addition to the Jazz Junction, and indicated that he and his wife will possibly place a home behind the Junction; that they live upstairs on the property, now.

Councilman Pierce indicated that he did not recognize Mr. Robertson and thought this was for someone else. He stated that he has no problem with this request.

Councilwoman Robinson stated that she enjoys Mr. Robertson's place of business, that he is doing a great job and expressed hope that his business continues to be good!

On motion of Councilman Pierce, 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 WEST MAIN STREET, MORE PARTICULARLY  
DESCRIBED HERIEN, FROM M-1 MANUFACTURING ZONE TO C-3  
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**TEMPORARY USE**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING BATTERY PLACE PROPERTIES, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 324 MCCALLIE AVENUE TO INSTALL A CANVAS AWNING, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMPORARY USE**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING GREENLIFE GROCERY, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT HANOVER STREET TO EXTEND AN EXISTING LOADING PALLET FOR THE SAFETY OF EMPLOYEES, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.**

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO ENGINEERING SERVICES FOR THE MARTIN LUTHER KING BOULEVARD STORMWATER RETENTION FACILITIES, CONTRACT NO. W-02-12, FOR A TOTAL FEE NOT TO EXCEED ONE HUNDRED TWENTY-SEVEN THOUSAND DOLLARS (\$127,000.00)**  
was adopted.

**AGREEMENT: FULLER, MASSBARGER, SCOTT & MAY ENGINEER, INC.**

On motion of Councilman Page, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH FULLER, MASSBARGER, SCOTT & MAY ENGINEER, INC., RELATIVE TO THE FIRST PHASE OF THE CHATTANOOGA STORMWATER MANAGEMENT PROGRAM REVISION, FOR A TOTAL FEE NOT TO EXCEED THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Pierce, seconded by Councilman Benson,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, (FINAL), RELATIVE TO THE UTC/MARTIN LUTHER KING HISTORIC DISTRICT STREETScape, CONTRACT NO. SS-9-00, WITH STEIN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWO HUNDRED SIXTY-FOUR THOUSAND THREE HUNDRED SIX AND 93/100 DOLLARS (\$264,306.93), FOR A REVISED CONTRACT PRICE OF ONE MILLION ONE HUNDRED ONE THOUSAND FIVE HUNDRED SIXTY-SEVEN AND 57/100 DOLLARS (\$1,101,567.57)**

was adopted.

**TEMPORARY USE**

On motion of Councilman Pierce, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING MARION ENVIRONMENTAL, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY IN THE 900 BLOCK OF PINEVILLE ROAD FOR INSTALLATION OF THREE GROUND WATER MONITOR WELLS, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE**

On motion of Councilman Page, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING COLONIAL COMMERCIAL DEVELOPMENT, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE ENTRANCE OF PINNACLE HOMES AT HARBOR VIEW ALONG THE SOUTH ROAD FRONTAGE OF LAKE RESORT DRIVE FOR THE INSTALLATION OF AN IRRIGATION SYSTEM AND LAYING SOD, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**AGREEMENT AMENDMENT: CITY OF CHATTANOOGA AND HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC.**

On motion of Councilman Pierce, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A THIRD AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE AND HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC. IN THE FORM ATTACHED HERETO SO AS TO EXTEND SAID AGREEMENT FOR A PERIOD NOT TO EXCEED THREE MONTHS**

was adopted.

**ADOPTION OF 21<sup>ST</sup> CENTURY WATERFRONT PLAN**

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,  
**A RESOLUTION APPROVING AND ADOPTING THE 21<sup>ST</sup> CENTURY  
WATERFRONT PLAN, A COPY OF WHICH IS ATTACHED HERETO AND  
MADE A PART HEREOF BY REFERENCE**  
was adopted; **Councilman Pierce voted "no"**.

**OVERTIME**

Overtime for the week ending October 11, 2002 totaled \$11,954.60.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ✍ **JAMES J. SWILLEY** – Transfer/Promotion, Water Quality Technician, Engineering, Pay Grade 6/Step 2, \$24,474.00 annually, effective October 4, 2002.

**CHATTANOOGA FIRE DEPARTMENT:**

- ✍ **THOMAS RUFFIN** – Medical Leave, Lieutenant, effective September 26, 2002.

**NEIGHBORHOOD SERVICES DEPARTMENT:**

- ✍ **GERALD BENTON** – End of Temporary Employment, Code Enforcement Inspector, effective October 11, 2002.
- ✍ **ANGELA FARRIS, GERALDINE JORDAN, LARRY MEANS, ROSEMARY SEITZ** – Moved to Community Impact Fund, effective October 1, 2002.

## PERSONNEL (Continued)

### CHATTANOOGA POLICE DEPARTMENT:

- ✍ **DIANA D. HALLETT** – Resignation, School Patrol Officer, effective October 1, 2002.
- ✍ **HAROLD L. DIAZ** – Return from Military Leave, Police Officer, effective October 4, 2002
- ✍ **KIMBERLY WILSON** – Resignation, Police Officer, effective October 19, 2002.
- ✍ **DIANA WILLIAMS** – Retirement (*25+ years of outstanding service to the City and Department*), Lieutenant, effective October 22, 2002.
- ✍ **JOHN SPAIN** – Retirement (*25+ years of outstanding service to the City and Department*), Sergeant, effective October 21, 2002.
- ✍ **JENNIFER R. FLOYD** – Hire, Communications Officer, Pay Grade 11/Step 1, \$25,633.00 annually, effective October 18, 2002.
- ✍ **RODNEY C. BROWN** – Extended Military Leave, Police Officer, through October 5, 2003.
- ✍ **BARRY BURNS** – Extended Military Leave, Sergeant, through November 16, 2003.
- ✍ **MITCHELL N. MOSS** – Extended Military Leave, Police Officer, through November 16, 2003.

### CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **BOWERY JOHNSON** – Hire, Family Services Assistant, Head Start, \$17,690.40 annually, effective October 4, 2002.
- ✍ **DOROTHY JORDAN** – Family Services Assistant, Head Start, \$17,676.88 annually, effective October 4, 2002.
- ✍ **STEPHANIE MCCOY** – Hire, Teacher Assistant, \$11,643.00 annually, effective October 3, 2002.

**PERSONNEL (Continued)**

COMMUNITY SERVICES DEPARTMENT:

- ✍ **KIMBERLY M. MANNING** – resignation, Community Development Specialist, Community Development, effective October 11, 2002.

CITY COUNCIL:

- ✍ **NATALYA W. BAINE** – Hire, Council Assistant, \$7.00 per hour, effective October 14, 2002.

FINANCE AND ADMINISTRATION DEPARTMENT:

- ✍ **JEFFREY SEITZ** – Promotion, Vehicle Servicer, Fleet Maintenance, Pay Grade 6/Step 6, \$24,665.00 annually, effective October 9, 2002.

**PURCHASES**

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

**SIX MILE TRUCKING CO.**  
**R0055251/P0016528**

Carbide Lime Slurry

*Terminate current contract with Recyc Systems, Inc. without back charges. Recyc Systems could no longer supply this product as of August 16, 2002. Recyc's subcontractor, Six Mile Trucking Co., requested assumption of the responsibilities of this contract. The balance of this contract will be re-procured from Six Mile Trucking Co. until the original contract expiration date, December 31, 2003.*

(Price information available and filed with minute material of this date)

**DPC Enterprises (Lower and better bid)**  
**R0065683/P0018179**

Liquid Chlorine

\$304.80 per ton

**PURCHASES (Continued)**

**ROAD KARE, LTD. (Single source purchase per TCA 6-56-304.6)**  
**R066112/P0018350**

Preformed Speed Cushions

\$15,111.00

**HOTEL PERMIT**

On motion of Councilman Taylor, seconded by Councilman Page, the following hotel permit was approved:

**DAYS INN-RIVERGATE** – 901 Carter Street, Chattanooga, TN

**PURCHASE**

On motion of Councilman Pierce, seconded by Councilman Taylor, the following purchase was approved for use by the Chattanooga Fire Department:

**CENTRAL STATES FIRE APPARATUS (Change Order #4)**  
**P0014608**

75 Foot Custom Quint

*Contract supplement with Central States increases the total contract by \$943,909.12 and is necessary due to the four year purchase option for additional fire apparatus and a price guarantee not to exceed a 2.66 percent cost increase above the previous year's prices. This price reflects a 2.3 percent discount of \$22,376 off the original contract price.*

*\$943,909.12 (Change Order increase amount)*

**BID REJECTION**

On motion of Councilman Hakeem, seconded by Councilman Page, approval was given to reject all bids for a personal rope system for the Chattanooga Fire Department as requested in R0054727/P0018097. *(The Chattanooga Fire Department has determined that the specified size of the escape rope is incorrect. The specifications will be revised and this requirement will be re-advertised.)*

**PURCHASE**

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the following purchase was approved for use by the Chattanooga Police Department:

**LEXISNEXIS MATTHEW BENDER OF ALBANY, NY (Single Source per TCA 6-56-304.2)  
R0065053/P0018321**

500 Copies, Tennessee Criminal Laws Annotated, 2002 Edition with CD Rom

\$15,750.004

**CANINE DONATION/TRANSFER**

On motion of Councilwoman Robinson, seconded by Councilman Page approval was given to declare Police Canine Dan surplus and transferred to Officer Mark Haley, trainer and master of the dog, at no cost to the City of Chattanooga.

**PURCHASE**

Admin. Boney explained that the City is moving into the business to accept fines that do not have to be adjudicated. He stated a request for proposal was sent to twelve vendors and that three proposals came back; that the award is to the lowest bidder.

On motion of Councilman Hakeem, seconded by Councilman Page, the following purchase was approved for use by the Finance and Administration Department, Information Services Division:

**LINK2GOV (Lowest and best offer)  
R0049216/B0000707**

(Internet) Cashless Government Payment Services

*The cost for this service will be “no charge” to the City. A transaction fee of 2.65 percent for charges greater than \$150 and 2.95 percent for charges less than \$150 with a minimum allowable charge of \$1.49 per transaction will be assessed. This cost will be included as part of a 3.5 percent convenience fee paid by credit card users or cardholders.*

### HEARING: SGT. GERRY M. DAVIS

City Attorney Nelson stated the request for a personnel hearing has been made by Sgt. Gerry M. Davis regarding his two day suspension.

**A hearing date of Monday, November 11 was scheduled with Councilmen Benson (Chair), Pierce and Robinson serving as the panel hearing the request. The hearing is scheduled to begin at 3 p.m.**

### DECLARE SURPLUS

Councilman Pierce stated that he received a call from Officer McDaniel who has been with the Police Department for over twenty years and is due to retire as the result of medical reasons. He stated the car he has been operating has a lot of personal equipment on it and would like to ask the City to declare the car surplus. He stated the car is a 1993 model; that the Department just went through an auction where all 1993 vehicles were sold. He stated Officer McDaniel is willing to pay the price for the car either at the auction's highest or lowest price; that either way he is willing to pay. He stated that he spoke with Chief Dotson who does not have any objection because the car will be put up as surplus.

City Attorney Nelson stated there is a State law against this, however could not recall what the statute says. He stated that he would feel more comfortable to **defer the matter one week** so that he could research it because only certain persons can buy surplus property; that it seems using that property may be in a prohibited class.

Councilman Pierce asked that the matter be taken under consideration, reiterating that personal equipment has been added to the vehicle. He stated that it is understood Officer McDaniel would have to take it off if he does not get it.

Vice Chairman Franklin stated that he recalled that his father purchased the car he drove while City Commissioner. Councilman Pierce interjected that Chairman Littlefield purchased the jeep he drove while Commissioner of Public Works.

City Attorney Nelson stated he would be much more comfortable discussing the matter next week, again requesting that the matter be deferred (one week).

## COMMITTEES

Councilman Hakeem stated there is one more item dealing with the Assessment Committee for the fire and police department that will come before the Council next week dealing with promotions. He stated the **Pubic Works Committee would meet jointly with the Parks and Recreation Committee** to discuss items on next week's agenda on **Tuesday, October 22 at 4 p.m.**

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, October 22 at 3 p.m.** He stated if the meeting is not needed it will be cancelled.

## KAY THRASHER

Kay Thrasher distributed a letter and information from the City Code and stated that there has been an issue of stormwater drainage rushing through the center of her neighborhood and they cannot find the end of the ditch. She stated Forest Plaza is the neighborhood off Norcross in Hixson behind the old K-Mart. She stated they have had flooding problems since the mid-seventies; that the City did work on it and there was more flooding. She chronicled their problems that included the City's involvement as well as the State, indicating that the State came in and filed permits and did everything with design to slow down the water, which worked for awhile. She stated baskets of rocks were installed and they have disappeared and the ditch is filling up; that the neighborhoods in the area are concerned there will be the same flooding problems.

Ms. Thrasher displayed photos dating back to 1997 showing the construction of the ditch; that the ditch is about five feet deep and thirteen feet wide. She stated it is very large and very deep and hauls a lot of water out of Hixson which goes through her neighborhood. She stated the latest ruling from stormwater is that they no longer maintain any ditches on private property, which has left them with a problem.

Vice Chairman Franklin stated that it looks as if the neighborhood needs some relief from these problems and asked Admin. McDonald if he could look into this. He stated a Public Works Committee meeting was held earlier today regarding stormwater instances such as this.

Admin. McDonald stated that he was not personally familiar with this problem and would get familiar as he is not certain what the situation is. He stated this is a typical problem that they get frustrated with in regard to the policy involving private property. He stated they do not maintain it, which is the reason that a consultant was brought in today to look at it (policy).

**KAY THRASHER (Continued)**

Admin. McDonald stated he would look and see if there is anything within the current policy in an effort to do something about it.

**ADJOURNMENT**

Vice Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, October 22, 2002 at 6 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)**