

**City Council Building
Chattanooga, Tennessee
March 16, 2004
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce and Robinson present; Councilman Taylor was 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, Councilman Page gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION:

Councilman Lively recognized Bill Hewitt, local President of the Employee Support of the Guard and Reserve (ESGR), and presented him with a framed certificate of support from the City of Chattanooga. He stated that the certificate of support reaffirms what the City has been doing and will continue to do in the future in supporting the men and women who serve in the Guard and Reserve that make up 60 percent of our defense force, now. He stated in the next few months our men and women will make up 40 percent of those serving in Iraq. He stated the City would do everything we can to support them and it is an honor to do that!

Bill Hewitt introduced others present with him, Steve Leach, Olwin Benton, Jim Boulden and Ray Adkins, who comprise the ESGR Committee for Hamilton County.

AMEND CONDITIONS

2004-015: Jeff Carmack

Councilman Lively made the motion to move Ordinance VI(c) forward on the agenda; Councilman Littlefield seconded the motion; the motion carried.

Councilman Page asked Jerry Pace to brief the Council on the agreement that has been made with the neighborhood and developers in a meeting this afternoon.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this matter was discussed at length last week and the property in question is located at Sutton Drive and 153 at Winding Lane. He stated there has been concern with regard to parking abutting the property of Mr. & Mrs. Millard of 908 Sutton. A map was displayed showing the O-1 property between the Millard property line and the R-4 zoning as being 56 feet; that 20 feet of that is a sewer easement, leaving a remainder of 36 feet of the property that can be built on. He stated last week the discussion was to move the building for a parking lot in the rear abutting Mrs. Millard's property line, however, after looking at it, the R-4 zone would not permit a building to be placed in that area. He stated the only one option is for the building to go in the 36-foot wide portion of the O-1; that the matter has been discussed with the applicant and the residents along Sutton with Mrs. Millard, Mrs. Goforth and a couple other people along there.

Mr. Pace stated that the application to amend the conditions for the existing vegetation along the 50-foot buffer will remain; that the applicant is requesting to lift the condition to allow the developer to re-grade the 50-foot area and add landscaping material so the building could be lower and less visible to the residents along Sutton. He stated that the request is to amend the conditions, and what they are trying to work on is the wording to allow the developer to amend condition two in the existing ordinance to exclude that from the condition and allow the developer to re-grade the 50-foot buffer area along the rear property lines of the residential lots abutting the south side of Sutton, and to add additional landscaping along the arterial according to the re-grading plan that has been presented. He stated the re-grading plan references height dimensions and the species of vegetation that would be placed in the area; that it also adds or installs a six-foot high white vinyl fence along the east property line of the lot at 908 Sutton, Mrs. Millard's residence. He stated the desire of the property owner is that the vegetation that is there not be part of this and will be worked out between her and Mr. Carmack if she wants it removed or left in tact.

AMEND CONDITIONS (Continued)

Mr. Pace continued by stating that a condition would be added that all lighting on the O1 and R4 properties would be directed away from the residential properties along Sutton and Winding Lane. He stated what has been mentioned were the conditions discussed in the meeting today to allow the developer to go in and build on the 36-foot portion of property on the east side of the lot, re-grade the property and landscape it according to the plan. He indicated that his comments reflect the notes taken in today's meeting and was not certain if he had left anything out at this point. He stated the applicant would add a row of Leland Cyprus trees on the east property line on the outside or inside of the fence, which would be Mrs. Millard's choice. He stated there would be no parking along Mrs. Millard's property line, which was one thing she feared most. He stated that City Attorney Nelson would prepare conditions in the ordinance for second and third reading and that the conditions would be read carefully to assure they agree with the applicant and property owners to better protect them.

Councilman Hakeem stated his concern has been answered with regard to Mrs. Millard as far as the other neighbors and the applicant agreeing on what has been described.

Mr. Pace responded "yes"; that they met today in the Council Conference Room and will look at the matter again prior to second and third reading to make sure that it reflects what the applicant and the neighbors agreed upon.

Councilman Lively asked if the final fence would be on Mrs. Millard's side of the twenty feet or on the builder's side.

Mr. Pace stated it would be on Mrs. Millard's side of the 20-foot easement, along her property line.

Councilman Page stated as for procedural matters it would be advantageous if the language changes could be sent out to the Sutton residents prior to next Council meeting, yet he is not certain about the timeliness of it.

Mr. Pace stated that he could hand deliver the information once it has been typed.

City Attorney Nelson stated that the information could be sent out with the Council packets for next week.

Councilman Hakeem clarified that the desire is to get the information to the neighborhood.

AMEND CONDITIONS (Continued)

Mr. Pace indicated that he would get it and hand-deliver it to Mrs. Millard.

Councilman Benson stated we can have that by the second and third reading and indicated that he would hate to delay this. He stated he was getting used to Mrs. Millard's presence at the Council meetings!

Mrs. Millard quickly quipped that she would miss seeing Councilman Benson!

At this point residents present from Sutton Drive, as well as the developer, indicated their agreement with the conditions mentioned by Mr. Pace.

On motion of Councilman Benson, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 11405, ON PROPERTY
LOCATED AT 5809 WINDING LANE, BEING MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 24, ARTICLE XIV, SECTION 24-504, RELATIVE TO ONE-WAY
STREETS**
passed second reading. On motion of Councilman Lively, seconded by
Councilwoman Robinson, the Ordinance passed third and final reading and
was signed in open meeting.

REZONING

2003-196: William H. Ring, d/b/a/ WHR Properties

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1011 AND 1013 DALLAS ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Pierce, seconded by
Councilman Page, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2004-010: Dwight Aaron Smith

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 2300 OHIO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-1
RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**

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

CLOSE AND ABANDON

MR-2004-013: Thomas A. Austin

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED
ALLEYS LOCATED BETWEEN THE 100 BLOCKS OF BAKER STREET AND
TAMPA STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO COMCAST CABLE COMMUNICATIONS,
INC. AND THE CHATTANOOGA GAS COMPANY RETAINING THEIR
RESPECTIVE EASEMENTS IN THE FULL WIDTH OF THE EXISTING RIGHT -
OF-WAY**

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

2004-019: Hoyt and Leticia Deal

On motion of Councilwoman Robinson, 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 5106 NORTH MOORE LANE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL
ZONE**

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

REZONING

2004-027: Ken DeFoor

On motion of Councilman Benson, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 0958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10856, ON PROPERTY
LOCATED AT 6121 AND 6151 SHALLOWFORD ROAD, BEING MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Littlefield, seconded by
Councilman Benson, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2004-018: BMJ, LLC

On motion of Councilman Benson, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 7244 TYNER ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL
ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE**
passed second reading. On motion of Councilman Lively, seconded by
Councilwoman Robinson, the Ordinance passed third and final reading and
was signed in open meeting.

REZONING

2004-029: V. L. Capital Partners

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 900 BLOCK OF SIGNAL MOUNTAIN ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE
AND R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Pierce, seconded by
Councilman Page, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2004-031: Porter Yarbrough

On motion of Councilman Littlefield, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2014 GODSEY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL 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

2004-033: Raymond Hale

On motion of Councilman Benson, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7538 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO C-5 NEIGHBORHOOD COMMERCIAL ZONE USES, EXCLUDING THE BUILDING SIZE LIMIT

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.

CHATTANOOGA CITY CODE

Councilman Littlefield stated this matter was heard in today's Legal and Legislative Committee. He stated this proposal removes several archaic portions of the Code that our attorney and our financial officer feel will be difficult to enforce. He stated it does leave in tact the portion that relates to aggressive pan handling that was redrafted and adopted earlier this term. He stated the Committee recommends approval.

On motion of Councilman Littlefield, seconded by Councilman Benson,

AN ORDINANCE TO REPEAL PART II, CHATTANOOGA CITY CODE, CHAPTER 24, ARTICLE II, SECTION 25-45(e) AND SECTIONS 25-46 THROUGH 25-50, RELATIVE TO BEGGAR'S PERMITS

passed first reading.

CLOSE AND ABANDON

MR-2004-011: Dwight Aaron Smith

Councilman Hakeem stated this matter comes with the request for approval from the Public Works Committee.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 2300 BLOCK OF OHIO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO THE ELECTRIC POWER BOARD, COMCAST CABLE COMMUNICATIONS, INC. AND THE CITY OF CHATTANOOGA MAINTAINING THEIR RESPECTIVE EASEMENTS IN THE FULL WIDTH

passed first reading.

COVENANTS AND RESTRICTIONS

Councilman Littlefield stated this matter was discussed in today's Legal and Legislative Committee and puts in place those special covenants and restrictions added to all properties sold at Enterprise South; that the matter would also be before the County Commission on tomorrow. He stated the Committee recommends approval.

On motion of Councilman Littlefield, seconded by Councilman Page,

A RESOLUTION AUTHORIZING THE ADOPTION OF THE ENTERPRISE SOUTH INDUSTRIAL PARK COVENANTS AND RESTRICTIONS

was adopted.

ZONING STUDY

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION DIRECTING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO CONDUCT A ZONING STUDY OF THE SOUTH BROAD STREET REDEVELOPMENT PLAN AREA

was adopted.

OVERTIME

Overtime for the week ending March 12, 2004 totaled \$13,496.60.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ? **ELIJAH N. WRIGHT** – Suspension (three days without pay), Equipment Operator, Sr., Citywide Services, effective March 8, 9, 11, 2004.
- ? **DAVID T. LAWSON** – Promotion, Plant Maintenance Mechanic, Waste Resources, Pay Grade 11/Step 1, \$26,402.00 annually, effective March 3, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- ? **DARRYL P. HUBBARD** – Resignation, Police Service Tech., Sr., effective March 11, 2004.
- ? **LISA M. MYRICK, TIM L. MEIVES** – Hire, Communications Officer, Pay Grade 11/Step 1, \$26,402.00 annually, effective March 18, 2004.
- ? **PHILLIP WADE HOLMES** – Family Medical Leave, Property Service Clerk, effective March 10-April 18, 2004.

PURCHASE

On motion of Councilman Page, seconded by Councilwoman Robinson, the following purchase was approved for use by the Human Services Department:

MID-ATLANTIC SECURITY (Best overall bid)
R0074045/B0001271

Twelve Month's Contract for Monitoring and Maintenance of Burglary/Fire System

\$8,329.80

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Littlefield, the following purchase was approved for use by the Public Works Department:

PURCHASE (Continued)

SHERWIN-WILLIAMS (Lower and better bid)
R0069099/B0001323

Waterborne Traffic Paint

\$244.75 per 55 gal. Drum, Yellow

\$244.75 per 55 gal. Drum, White

PURCHASE

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

10-33 EQUIPMENT, INC. (Single source)
R0054820/B0001402

Eight (8) Self-Contained Breathing Apparatus, per TCA 6-56-304-2

\$42,432.00

PURCHASE

Councilmen Pierce and Littlefield made the initial motion to approve this purchase for use by the Chattanooga Police Department.

Councilman Hakeem inquired as to whether Brooker Ford is a local company.

Roy Dickey, Manager of Security Facilities and Fleet at the Police Department, responded "no"; that the company is located in Dalton.

Councilman Hakeem asked if Brooker is on the City's State contract. Mr. Dickey responded "no".

Councilman Hakeem stated if the company is not local and is not on the state's bid, was it awarded due to being in the region.

City Attorney Nelson asked if this is a "sole source".

Mr. Dickey clarified that the bid was awarded as the "lowest and best bid".

PURCHASE (Continued)

City Attorney Nelson stated if it is the lowest and best bid, yes, it is acceptable.

Councilman Littlefield inquired as to whether the cars are Crown Victoria's.

Mr. Dickey responded "no"; that they are for the investigative officers.

Councilman Littlefield then indicated that they are obviously Fords.

City Attorney Nelson asked if the gas tank problem has been remedied.

Mr. Dickey clarified that the cars are not Crown Victorias and that "yes", as far as he knew, the matter had been corrected. He stated several vehicles "fold like an accordion" from being hit; that they have not had any explosions, fires or injuries with Crown Victorias.

City Attorney Nelson indicated that other agencies have.

Councilman Hakeem asked if Mr. Dickey was speaking what he thinks and not what he knows.

Mr. Dickey clarified that he has read literature and modifications have been performed on Crown Victorias; that he has been told by their correspondents they have made the corrections.

Councilman Benson asked if Brooker Ford was the lowest bidder.

Mr. Dickey responded "yes".

Councilman Benson asked how much the City saved in going with this bidder.

Mr. Dickey indicated that bids were sent to ten (10) vendors with five (5) responding. He stated one bidder did not complete the bid and of the remaining four, Brooker was the lowest bidder.

Councilman Benson asked how much was saved by going to Dalton rather than Chattanooga.

Mr. Dickey stated from the lowest bid to the highest, the City will save roughly \$4,000.

Councilman Hakeem asked if that is from the highest bid. Mr. Dickey responded that it is "overall".

PURCHASE (Continued)

Councilman Benson asked if the savings was \$4,000 over all nine vehicles or per vehicle.

Mr. Dickey indicated that it is a total savings of \$4,000 by going to Dalton.

Councilman Hakeem stated that he appreciates the lowest and best bid, yet we have dealers here who attempt to work with us, who have been very diligent and pay taxes. He stated he is not asking that we "close our border". At this point he **made the motion to defer the matter one week; Councilman Benson seconded the motion.**

Councilman Pierce asked why (defer it) if there is a process in place; that this was the lowest and best bid.

Councilman Littlefield asked if a one-week deferral would complicate matters.

Mr. Dickey responded "no" and indicated that the Department has ordered twenty-two (22) cars for patrol they will have to get in before April 10 that will be before the Council on next week. He indicated that Brooker Ford was the lowest bidder on that, as well.

Councilman Lively reminded everyone that while the Dalton dealer got the bid, some cities in Georgia probably took a bid from one of our dealers and it all "comes out in the wash"!

Councilman Page stated that if we are dealing with something other than the lowest and best bid he could see where we are going.

Councilman Pierce expressed opposition in deviating from what is in process for the lowest and best bid; that the amount of money is not worth it. He stated that he would like to see this Council do this with all bids, as this is the first time he has seen a bid scrutinized like this.

BROOKER FORD, INC. (Lowest and best bid)
R0073519

Nine (9) Vehicles

\$138,234.16

On motion of Councilman Hakeem, seconded by Councilman Benson, the purchase of nine vehicles on lowest and best bid from Brooker Ford, Inc. was tabled one week.

PURCHASE (Continued)

On roll call vote:

Benson	"Yes"
Hakeem	"Yes"
Littlefield	"Yes"
Lively	Abstain
Page	Abstain
Pierce	No
Robinson	"Yes"
Franklin	"Yes"

HEARING: THOMAS HORTON

City Attorney Nelson reminded Council members of the hearing for Thomas Horton scheduled for Monday, March 22 beginning at 3 p.m. with Councilmen Benson, Robinson and Lively serving as the panel; Councilman Littlefield volunteered as alternate.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, March 30 at 4 p.m.**

Councilman Littlefield stated that the **Legal and Legislative Committee would meet on Tuesday, March 23 beginning at 3 p.m.**

Councilman Page stated that the **Economic Development Committee would meet jointly with the Legal and Legislative Committee on Tuesday, March 23.**

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, March 23, 2004 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)**