

Municipal Building  
Chattanooga, Tennessee  
May 25, 1999

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

### **INVOCATION**

Invocation was given by Management Analyst Randy Burns.

### **MINUTE APPROVAL**

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

### **SPECIAL PRESENTATION** **TERRI FARMER** **CRANIOFACIAL FOUNDATION**

Ms. Terri Farmer, Executive Director of the Tennessee Craniofacial Center, was present to invite the Council to the World Premier Showing of "*FACES IN THE FOREST*" on June 1st at 7:00 P.M. at the Chattanooga Choo Choo, Centennial Theater. She thanked the Council for allowing her to make this presentation regarding the work being done at Erlanger Medical Center and T.C. Thompson Children's Hospital by Dr. Larry A. Sargent, Medical Director. She stated that Dr. Sargent was one of the best in his field in the United States and the program encompasses over 40 states and numerous foreign countries. Ms. Farmer stated that one of the things they love to do is to tell their story and the miraculous results. She stated that they wanted to tell their story to the world and were able to do this in a one-hour documentary film "*FACES IN THE FOREST*". She stated the purpose of this film was to educate people on the things being done to help both children and adults who have facial deformities and to let them know what we have in Chattanooga. She noted that this film would be shown in four countries, as well as on the Discovery Channel. She noted that this film had gained recognition as one of the countries' best documentaries, and at this time she showed a brief clip from the movie, stating that she hoped the Council would continue telling their story with them. Chairman Lively recognized that this was a wonderful work.

**REZONING**

1999-024 (City of Chattanooga)

Councilman Taylor stated that the applicant was present and would like to share information with the Council; that they would like this extends for two weeks so that they could make contact with the neighbors. He called on Mr. Reggie Ruff.

Mr. Ruff confirmed that they wanted this delayed and needed more time; that they had three meetings set up and needed more time to craft this and make it a win-win situation. He asked that this be delayed until July 6<sup>th</sup>.

Councilman Taylor stated that he had spoken with all parties, and they were in agreement with this.

On motion of Councilman Taylor, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN PROPERTY GENERALLY DESCRIBED AS BOUNDED ON THE NORTH BY THE RED BANK/CHATTANOOGA CITY LIMITS, ON THE WEST BY INTERSTATE 124 (US27/TN29), ON THE SOUTH BY MANNING STREET, AND FOLLOWING AN IRREGULAR LINE ON THE EAST FROM NORTH MARKET STREET TO THE RED BANK/CHATTANOOGA CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN AS THE NORTH CHATTANOOGA RESIDENTIAL ZONING STUDY 99/024, SUBJECT TO CERTAIN CONDITIONS**

was delayed until July 6<sup>th</sup>.

**INTERIM BUDGET**

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,

**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER, 1999, PENDING THE ADOPTION OF THE 1999-2000 ANNUAL BUDGET**

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

**REZONING**

1999-071 (BRIAN KELLY VANNOY)

Chairman Lively noted that this case was held from May 11, 1999 and Councilman Eaves was not here on May 18<sup>th</sup> and since it was in his district, it was postponed until tonight. He called on Mr. Bennett to make the presentation.

Mr. Bennett explained that this was a rezoning on a tract of land located at 7432, 7434, and 7436 Pinewood Drive, which is southeast of Gunbarrel Road and includes three and one-half acres which is being rezoned from R-1 to R-T/Z, Zero Lot Line Zone. He explained that the proposed development is for small lots with single-family detached houses including 15 to 19 units. He explained that the maximum allowed would be 8 units per acre, which would be 29 to 30 units and this request is considerably less than the maximum. He explained that 7500 sq. ft. is the standard lot size, and he can get 15 lots out of this property.

Mr. Vannoy presented some drawings of what the street looks like, showing pictures of what is there now and what will be removed so that the Council could get a feel of what he was proposing. He explained that a 0 ft. lot line would allow him to better position these houses; that it is hard to put the houses on lots that were too narrow, and it would make a better looking subdivision and allow more flexibility.

Councilwoman Rutherford asked why Planning and the Staff both recommended denial. Mr. Bennett responded that the primary reason was the fact that Pinewood Drive is primarily large lot single-family dwellings and this would represent higher density and would not be appropriate in a low density setting; however, he explained that the density being proposed is about one-half of what could be on this property; that there is mixed feelings on the Staff as more affordable development is needed, and he explained that there may be a compromise settlement on this.

Mr. Vannoy added that one reason that he felt they recommended denial was because they barely got their application and rough plat in on time; that there were a lot of nuances, and they did not have their engineering work completed at the time; that since then they had been approved subject to a resolution of conditions on the Plat.

Councilman Eaves stated that he went out and talked to the people in the neighborhood and found not objections; that there is R-T/Z zoning on Min-Tom. He stated that he had attempted to get in touch with some of the Planning Commission members, and he did not find anyone adamantly opposed. He, too, questioned why the recommendation for denial. He stated he could not come up with the reasoning.

**REZONING**  
**(CONT'D.)**

Mr. Bennett responded that he thought a reasonable compromise could be reached because (1) It backs up to an existing townhouse development and (2) The proposed development is single-family as opposed to attached townhouses, and the proposal is only about one-half of the maximum allowed density. He asked that conditions be placed on the density as they would have to give the same consideration to others in keeping the density down.

Councilman Eaves verified that Mr. Bennett was saying that if this rezoning was granted that they wanted it understood that the density proposed is the maximum density. The applicant agreed to this.

Councilman Franklin asked what other opportunities there were to do substantial development in this vicinity. Mr. Bennett responded that there was quite a bit of opportunity for future development. Councilman Franklin asked if the houses were being lived in right now and whether there were vacant houses. Mr. Bennett responded that there were no vacant houses that he was aware of.

Councilman Taylor asked if they had spoken with the surrounding neighbors in the area. Mr. Vannoy stated that he had talked to the neighbor directly across the street and had asked them to put the word out that any opposition should give him a call. He stated this person was happy with this and indicated he might sell his property in the future; that he knew the lady in the mobile home was aware of this—that the people are all related, and he was confident the word was out. Councilman Taylor asked the maximum that could be allowed. Mr. Vannoy responded that he had 17 buildable lots versus 13; that most of the houses are in the 1200 to 1400 sq. ft. range. Councilman Taylor asked if he was hearing 15 single-family residences. Mr. Vannoy stated that 17 was what he was proposing. Councilwoman Ruitherford asked if this would be a total of 18. Mr. Vannoy responded that 17 were his and one that belongs to someone else.

Councilman Eaves noted that there seemed to be no problem with this, and he saw no reason to deny this. Councilwoman Hurley questioned if he meant with the maximum number of lots.

Attorney Nelson stated that he would need to re-do the caption and added “*subject to a maximum of 18 detached single family residences being developed on said tract*”.

**REZONING**  
**(CONT'D.)**

Councilman Taylor asked how many he could build without this condition. Mr. Bennett responded up to 30 units; that under R-1 he could build 15 standard size single-family dwellings.

On motion of Councilman Eaves, 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 7432, 7434, AND 7436 PINWOOD DRIVE, BEING ON THE SOUTHWEST LINE OF PINWOOD DRIVE SOUTHEAST OF GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE SUBJECT TO A MAXIMUM OF EIGHTEEN (18) DETACHED SINGLE-FAMILY RESIDENCES BEING DEVELOPED ON SAID TRACT**

passed first reading.

**CLOSE AND ABANDON**

1999-050 (EDGAR K, QUARLES)

Councilman Hakeem stated that this did not appear to be an alley. Adm. Marcellis explained that this is part of 23<sup>rd</sup> St. and is only for one-half block between the alley and Huff Place.

On motion of Councilman Hakeem, seconded by Councilman Taylor,

**AN ORDINANCE CLOSING AND ABANDONING PART OF EAST 23<sup>RD</sup> STREET LOCATED NORTHWEST FROM HUFF PLACE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

**NEW PARK RATES**

Councilwoman Rutherford noted that this had been discussed in committee and comes with recommendation.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**AN ORDINANCE TO PROVIDE NEW RATES FOR THE USE OF  
VARIOUS PARKS AND RECREATION FACILITIES**  
passed first reading.

**AMEND ORD. 9693**  
**DIVERSE ELEMENTS**

Councilman Pierce stated that this needed to be withdrawn at this point; that it needs to be looked at again and put into another form.

**AN ORDINANCE TO AMEND ORDINANCE NO. 9693,  
ENCAPTIONED "AN ORDINANCE TO AMEND CHATTANOOGA  
CITY CODE, PART II, SECTION 2-326(e) TO REQUIRE ALL NON-  
PROFIT ORGANIZATIONS TO PROVIDE SPECIFIC  
INFORMATION PRIOR TO CONSIDERATION BY THE  
CHATTANOOGA CITY COUNCIL OF ANY APPROPRIATED FUND  
REQUEST FROM THE BUDGET OF THE CITY OF  
CHATTANOOGA," BEING SECTION 2-326(e) OF PART II,  
CHATTANOOGA CITY CODE, SO AS TO REQUIRE ADDITIONAL  
INFORMATION AS TO HOW ANY APPROPRIATION WILL  
BENEFIT ALL OF THE DIVERSE ELEMENTS OF THE CITY'S  
POPULATION**

was withdrawn.

**SURPLUS PROPERTY**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION TO RECOMMEND THAT CERTAIN PROPERTY,  
MORE PARTICULARLY DESCRIBED HEREIN, BE DECLARED  
SURPLUS**  
was adopted.

Councilman Pierce asked why this was tabled from May 11, 1999.

**SURPLUS (CONT'D.)**

Adm. Traugher responded that we did not have any information by address, and we now have maps; that some were without street addresses.

**URBAN GROWTH PLAN**

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

**A RESOLUTION SUPPORTING THE PLAN OF THE URBAN GROWTH PLAN COORDINATING COMMITTEE TO PERMIT THE CHAIRPERSON TO BE ELECTED FROM OUTSIDE THE CURRENT MEMBERSHIP AND FOR SAID PERSON TO BE A NON-VOTING MEMBER OF THE COMMITTEE**

was adopted.

**NEW DRUG POLICY**

Councilman Hakeem explained that this was the new Drug Policy.

Adm. Traugher explained that the Old Policy included that if an employee tested positive for drug use that the disciplinary action could be “up to and including” termination; that this policy changes the wording to termination. Adm. Traugher stated that they would come back with their approach for identification of those suspected of using drugs.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**A RESOLUTION RESCINDING RESOLUTION NO. 18020, ENCAPTIONED HEREINBELOW, AND ADOPTING A NEW POLICY REGARDING ALCOHOL AND DRUGS FOR CITY EMPLOYEES, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

was adopted.

**BRIDGE EXCHANGE**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE MAYOR TO EXCHANGE BRIDGES WITH WALKER COUNTY, GEORGIA, SO AS TO TRADE THE HOOKER ROAD BRIDGE FOR A BRIDGE OVER WEST ARMUCHEE CREEK IN GEORGIA, AND WHICH IS TO BE USED TO EXTEND THE SOUTH CHICKAMAUGA CREEK GREENWAY TO CAMP JORDAN**

was adopted.

**GRANT APPLICATION**  
**URBAN FORESTRY**

On motion of Councilman Crockett, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE TENNESSEE DIVISION OF FORESTRY AND, IF SELECTED FOR APPROVAL, ACCEPT A GRANT IN THE AMOUNT OF TWENTY THOUSAND, ONE HUNDRED TWENTY DOLLARS (\$20,120.00) RELATIVE TO THE URBAN AND COMMUNITY FORESTRY GRANT ASSISTANCE PROGRAM**

was adopted.

**“CITY LANDFILL”**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

**A RESOLUTION RENAMING THE “BIRCHWOOD LANDFILL” TO “CITY LANDFILL”**

was adopted.

**CONTRACT**  
**RIVERBEND CONST.**

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SW-2-99, EAST CHATTANOOGA SAFEWALK AND OCOEE STREET SIDEWALK, TO RIVERBEND CONSTRUCTION CORPORATION FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED NINETY-FOUR THOUSAND, FIVE HUNDRED ONE AND 50/100 DOLLARS (\$294,501.50)**

was adopted.



**TEMPORARY USAGE**

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING CONOCO, INC. TO USE TEMPORARILY A PORTION OF AN UNOPENED ALLEY BEHIND THE CONOCO STATION AT 1501 MARKET STREET FOR INSTALLATION OF A FENCE AND LANDSCAPING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**OVERTIME**

Overtime for the week ending May 21, 1999 totaled \$97,961.94.

**PERSONNEL**

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

**DARREN J. FOSTER**—Hire as Crew Worker, Pay Grade 3/1, \$15,230 annually, effective 5/26/99.

**RILEY WALKER**—Resignation of Crew Worker, Pay Grade 3/2, \$15,991 annually, effective 5/25/99.

**BOB E. MCMURRAY**—Retirement of Sr. Recreation Specialist, effective 5/31/99.

**PURCHASES**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the following purchases were approved for use by the Parks and Recreation Department:

**TICKETSTOP, INC. (Lowest and best bid)**  
**Requisition No. R0036846**

Ticket Sales Management System for Memorial Auditorium and Tivoli Theater

\$27,240.38

**PURCHASES (CONT'D.)**

**CASE CONSTRUCTION SERVICE (Lowest and best bid)**  
**Requisition No. R0041349**

Earthwork at Walnut Street Bridge

\$15,680.00

**ACE LOCK & KEY SERVICE (Lowest and best bid)**  
**Requisition No. R0042509**

Twelve Months (12) Requirements Contract to Supply Keys and Locksmith Services

\$804.50

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Department of General Services:

**MACHINERY & EQUIPMENT (Lowest and best bid)**  
**Requisition No. R0041516**

New or Used Steelweld Press Brake

\$16,000.00

**PERSONNEL**

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

**RALPH E. MEANS**—Family Medical Leave of Absence of Crew Worker, effective 5/7/99 for a period of 12 weeks.

**PERSONNEL (CONT'D).**

**CHARLES N. HARRIS**—Retirement of Plant Mechanic, effective 5/28/99

**SARA R. COMBS**—Employ as Fee Clerk in Stormwater Div., Pay Grade 5/1, \$17,459.00 annually, effective 5/10/99.

**REBECCA E. ROBINSON**—Employment as Water Quality Analyst I, Pay Grade 10/1, \$23,033.00 annually, effective 5/7/99.

**CHARLES N. THOMPSON**—Promotion from Crew Worker to Senior Crew Worker, Pay Grade 5/9, \$24,065.00 annually, effective 5/26/99,.

**DALE W. HUMPHREY**—Resignation of Crew Worker, effective 5/13/99.

**PURCHASES**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Public Works Dept.:

**DATEX, INC. (Lowest and best bid)**

**Requisition No. R0041974**

Twelve (12) Months Requirement Contract for “Red Hot” Sewer Solvent for Moccasin Bend Treatment Plant

\$32.50 per 50 lb. Pail

**SPECIALIZED OPERATIONS SERVICES (Lowest and best bid)**

**Requisition No. R0041897**

Odor Control Chemical Feed System, South Chickamauga Creek Pump Station

\$23,800.00

**PERSONNEL**

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

**JOHNATHON CHAMBERS**—Reemployment as Police Officer, Pay Grade P1/I, \$25,925.00 annually, effective 5/21/99.

**JOHN W. GILREATH**—Hire as Police Service Technician, Pay Grade P3/1, \$15,230.00 annually, effective 5/21/99.

**DONALD LONG**—Leave of Absence for Parking Enforcement Officer, effective April 16, 1999 to July 1, 1999.

**JERRY POTEET**—Transfer /promotion from Property Officer to Police Officer, Pay Grade P1/5, \$31,107.00 annually, effective 5/21/99.

**WILLIAM J. TAYLOR**—Retirement of Meter Officer, effective 5/27/99.

**DAVID HUGGINS, JR.**—One day suspension without pay, effective May 27, 1999.

**JAMES JACKSON**—Two days suspension without pay, effective June 15 and 16, 1999.

**JOE SID BUTLER, III; KIRBY MARSHELE CARR; DAVID GLENN COX; STEVEN L. CRUISE; DENNIS DEWAYNE DALE; MARK E. DELANEY; WILLIAM R. ENGLE; HENRY “DEAN” FARLEY; MICHAEL S. KEPHART; ARIES “BREELAND” KILGORE; JEFF L. KIRK; PATRICK L. KUSHMAN; JERRY R. LEE; THOMAS ALAN LEWIS; JOHN E. LUQUER; JOHNNY L. MARTIN; JAMES K. MATHERLY; DAVID W. MAYS; ERIC LEE MILCHAK; BRIAN S. MILLER; FREDRICKO M. MOORE; DEWAYNE V. PRATER; PERRY J. STEPHENS, JR.; JERRI A. SUTTON; DALE A. TAYLOR; JEFFREY TYRONE THOMPSON; VINCENT A. WATKINS; AND JACQUES L. WEARY**—Hire as Police Officers, Pay Grade P1/Step 1; \$25,925.00 annually; effective 5/21/99.

**REFUNDS**

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the City Finance Officer was authorized to make the following refunds on Stormwater Fees:

**NORTH AMERICAN ROYALTIES, INC.**—Years 1997-98, \$15,076.30

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Bicentennial Library:

**CERTIFIED MAINTENANCE SERVICE, INC. (Lowest and best bid):**  
**Requisition No. R0038725**

Twelve (12) Months Requirements Contract for Janitorial Service

\$17,568.00

**HEARING:**  
**ALVIN THOMPSON, JR.**

Councilman Taylor stated that he was the alternate for the hearing for **Alvin Thompson, Jr. on Monday, June 21<sup>st</sup> at 6:00 P.M.** He will be out of the City on this date and informed the Council that another alternate needed to be selected. The panel consists of Councilwoman Hurley, Chairman, and Councilmen Crockett and Hakeem. It is not certain at this time whether Councilman Crockett will be able to be present at this hearing. No alternate was appointed.

**COMMITTEES**

Councilwoman Rutherford stated that a Parks and Recreation Committee meeting was held earlier in the day, and the Brainerd Family Complex was discussed and there would be another update in a few weeks. She reminded the Council of the **Parks and Recreation Committee meeting set for Tuesday, June 8<sup>th</sup> at 4:00 P.M.**

**COMMITTEES (CONT'D.)**

Councilman Hakeem stated that there was a joint meeting of the Budget and Finance and Economic Development Committees earlier in the day dealing with general items on the agenda. He reminded Council members of the **Budget and Finance Committee scheduled to immediately follow the Public Works Committee.**

Councilman Franklin reminded Council members of the **Public Works Committee scheduled for Tuesday, June 1st at 4:00 P.M.**

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS  
FILED WITH MINUTE MATERIAL OF THIS DATE)**