

**City Council Building
Chattanooga, Tennessee
October 9, 2001
6:00 p.m.**

The meeting of the Chattanooga Council was called to order by Chairman Hakeem with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce and Robinson present; Councilman Taylor was out of the city on business. Special Counsel Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Benson gave invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2001-024: Bal Harbor Subdivision

On motion of Councilman Franklin, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT
LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 72, BAL HARBOR
SUBDIVISION, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE**

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

REZONING

Councilman Littlefield made the motion to move Ordinance 6(l) and Resolution 7(a) forward on the agenda; Councilman Franklin seconded the motion; the motion carried.

2001-145: Concorde Investments, LTD

Pursuant to notice of public hearing, the request of Concorde Investments, LTD to rezone a tract of land located at 7301 East Brainerd Road came on to be heard.

Attorney John Anderson, representative for the applicant, requested that this application be withdrawn.

On motion of Councilman Littlefield, 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 7301 EAST BRAINED ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**

was withdrawn at the request of the applicant's attorney.

ADOPTION OF HAMILTON PLACE COMMUNITY PLAN

Jeff Pfitzer, Planner with the Planning Agency, stated with the help of the consultant team everyone has been apprised throughout the summer regarding the comprehensive land use study for the Hamilton Place area; that they worked diligently with the community over the last four months to develop the Plan that is before the Council this evening. He stated this is the result of a lot of collaborative "give and take" over the summer and it is felt this is a sound and workable plan for the long range for this community. He stated in light of the fact that everyone has been briefed throughout the summer he offered himself available to answer questions in lieu of providing a full presentation of the Plan.

At this point, Chairman Hakeem offered those in attendance an opportunity to express (three minute) remarks regarding their concerns relating to this item.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Robert Reid, of 7418 Igou Gap Road, was the first to speak and indicated that he needed answers to questions. He stated that he went to the meetings and every step with everyone; that the group was told by Councilman Benson and the Planning Staff that there would be no commercial and where he comes from that means "no". He stated when he went to the first meeting, Home Depot got commercial zoning with the reason that it stuck out in the road too much; that he went to the second meeting and the commercial boundary went back on the north side of Igou Gap and Skyline Drive with the reason given that it was harsh land. He stated that he tried to understand what harsh land was, and found after looking in the "book" on page 44 that harsh land was a commitment to CBL; that the "deal" was that CBL would take care of the road from Gunbarrel to the freeway and to compensate them they had to have something. He stated the land was given to them (CBL) as commercial to develop and recoup their money. He stated when "no" is said and something differently is done, it becomes a lie; that he may be politically incorrect, but a lie was told twice. He stated this Plan is built on lies and will, therefore, never benefit citizens; that if you say "no" and give it to one because he has money and not to others, the citizens' rights have been taken away.

Councilman Littlefield suggested that the Council hear from everyone and allow Planning to answer questions at the end.

Bruce Crane of Crane Road stated that he lives directly across from Erlanger-East, next to the Pomerance Eye Center. He stated according to the Plan part of the area is zoned office and the other is not on Farris Road. He stated that he was wondering if at a later date this whole area would probably get rezoned as several doctors have stopped and asked about the property and whether it is zoned for office. He stated his response to them has been "no" and they have left their name and number with him so that he could call when and if it is rezoned. He expressed interest in having the rest of the property rezoned for office; that he had it up for rezoning last year and it was deferred until the Plan was complete.

Norman Smith stated that he and others have worked with the RPA on this Plan throughout the whole period and commended them for the work they have done. He stated it is his thinking that they have done the best they can do; that the Plan does not make everyone happy, yet, they have done a marvelous job. He asked the Council to adopt the Plan.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Dennis Chastain, of 7433 Igou Gap, stated before this Plan is adopted it would benefit the City of Chattanooga to save money by going ahead making the land commercial because of the safety of the roads. He stated that he has had one vehicle totaled coming out of his driveway; that before this Plan is adopted he would love for Council members to come out in the peak hours of driving to see what residents go through daily. He stated they never asked for shopping centers or apartments that adjoin their land, again reiterating that it would benefit everyone for the matter to be looked into further.

Steven Halbert, 7434 Igou Gap, stated where he is located he is "sandwiched" between WalMart, Hamilton Chase and the new Target; that he can see Hamilton Chase on one side and Target on the other. He stated that they are having a problem between the apartments and housing and cited a concern with dogs in the neighborhood behind him with reference to a poisoning incident and stolen guns. He stated that even though the apartments are looked at as residential, if it is looked at thoroughly it is more commercial because apartment owners are making a profit and money off the apartments. He stated people living in the apartments do not care and homeowners are suffering the consequences of the noise from the dumpsters that are emptied at 3 a.m., lights from headlights and dogs barking. He stated that he does not understand why they cannot get something resolved with this constant battle between apartments and homeowners; that they would like to have the same opportunity to be able to sell their properties at the same market rate and same value as CBL. He stated they could not understand why where they are located and "sandwiched" in commercial that they cannot get the same commercial zoning.

Ralph Williams, of 7315 Shallowford Road, stated that he lives across from Arby's and has the same problem as the previous speaker with noise and lights. He stated he and his wife have lived in their home since 1974 and have raised three children. He stated the community has changed and their lives have changed since Hamilton Place was developed. He stated he has cooperated with the City with the various changes and gave them 3,000 square feet; that he used to have three acres. He stated he never opposed the zoning request necessary to develop property around them and accepted it as positive growth; that after the mall was developed over thirteen years ago he has requested zoning for C-4 only to be turned down for the reason that there is too much traffic on Shallowford and encroachment on the neighbors.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Mr. Williams stated during this time period, CBL has continued to get rezoning changes resulting in more traffic and encroachment and there seems to be a double standard. He stated it is clear to all who will be honest in the matter that the triangle frontage on Shallowford and I-75 is suited best for commercial zoning; that the Plan before the Council tonight denies the best use of that triangle. He stated much time and money went into this Plan, yet, it needs some fine-tuning, as it is too restrictive for future development other than for CBL. He stated CBL has done a great job but are not the only ones there; that the triangle should become a broader zoning for office. He asked the Council to vote "no" on the Plan.

Jill M. Isinghoe, of the Concord and Highland Subdivisions, stated that this Plan has been worked on extensively and does not satisfy everyone; that it does not satisfy her neighborhood in some respect. She stated that commercial has to stop somewhere; that if we do more commercial and keep expanding, it will continue to threaten neighborhoods. She expressed sympathy with the families that live next to Target and other developments, stating that it seems the Council needs to do something to fix the problem already existing and prevent future problems. She stated since the City created this problem by allowing commercial development on top of residential there should be some arrangement made to purchase the homes from these people and turn the areas into greenways or parks for adequate buffers. She stated the current zoning requirement for buffering between commercial and residential is woefully inadequate, as twenty-to-thirty feet is nothing. She stated future areas encroaching on residential should ask for what they want such as 100 feet for buffering, greenways, parks and major expanses of land so that homes and properties are not threatened.

Jimmy Ray Lee, of 1832 Clearview Drive, stated that he lives behind Target. He commended the Staff on the Plan and stated that he is always for progress; that he has some concerns that should be tweaked. He stated he and others on Clearview are at a dead end street and have a sense of being trapped right now; that there is only one way in and out. He stated that he moved there twenty years ago when it was "country"; that they now have commercial and the traffic, safety issues and noise are horrendous. He stated the people on Clearview are retired (people) who have put their entire life and savings into their property and it has totally changed; that many have lived there as long as 40 years and have a concern about being trapped on Clearview Drive.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Mr. Lee stated that they are concerned about their property value as it is felt it will go down; that they do not think it is fair to the residents on the street who have lived there a long time. He stated that they appreciate the effort toward apartments and townhouses and does not know how much that will help; that he would appreciate the Council considering what they are dealing with on this dead end street of retired people who have invested their whole life.

Harley Foote stated that he owns property at 7426 and 7428 Igou Gap. He stated those who have spoken before him had said what he wanted to say, too. He spoke in reference to the C-2 zone, which would help him and all the others on Clearview Drive, stating that they just do not have anywhere to go. He expressed appreciation to the Council for their time and encouraged them to have the zoning reflect C-2.

Barbara Reid, of 7418 Igou Gap, stated that hundreds of people participated in this Plan, yet all their input was not used. She stated the issue was not to make everyone happy, but to bring forth a solid foundation for a Plan that is fair, consistent and impartial. She stated the number of persons participating has been used over-and-over to validate the Plan; that it has been tweaked for high dollar people like CBL and Home Depot. She stated if the main objective is to protect the neighborhood, the question should be why the Plan cannot be adjusted so as not to allow for further intrusion into pocket neighborhoods like hers? She asked why they should settle for offices and town homes? She stated that she is sick and tired of hearing it said that they have been given an upgrade from residential to town homes and they should be happy with that; that the Council dumped commercial in their back yard and they have been living in a commercial environment for twenty-plus years. She stated they are now being stripped of the benefits of official commercial zoning and it is not right, nor fair. She asked that the Council stop fooling themselves and others; that they are not giving them anything; that they are taking away from them and abandoning them. She stated if the Council puts this Plan through as it is, it has to fail down the road because it is not built on solid foundation.

Bernie Medley, of 1831 Clearview Drive, stated that he lives behind Target. He stated a lot of work went into this Plan and (he) thinks it is a good one. He stated he has been in touch with many people trying to get the noise of the dumpsters stopped from 3 a.m. until 6:30 or 7 a.m. He stated according to the Plan fifteen units can be placed on each acre; that there are twenty acres, which would allow for some 300 units or more.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Mr. Medly asked where the cars would go for such a high number of units? He stated the reason for building such high density housing for people on low income is so they can walk to work to Target or whatever is around. He stated he does not know how anyone will have any kind of life living with all that noise; that it would be a deterrent to live there and the only feasible thing to do is to make it commercial.

James D. Boatman, of 1825 Clearview Drive, who also lives behind Target, stated that the runoff pond is full of mosquitoes and asked if any of the Council members would buy his property! He asked that the Council change this (Plan) so that he and others could sell their property.

Russell Chastain stated that he was raised on Igou Gap and is still a property owner there. He stated the property on Igou Gap is unfit to live on and the residential should become commercial.

Mike Ledford, of Skyline Drive, was present representing the Belle Vista Homeowners Association composed of twenty homes. He stated they fully support the Plan and live on the west side of Gunbarrel; that they think it is a well thought out Plan, as commercialization has to stop at some point. He stated several speakers have mentioned dumpsters, explaining that offices don't usually generate this type of traffic; that with the cool weather people like to sleep with their windows open and the noise from the dumpsters is incredible. He stated regardless of the Plan something should be done about the noise level in the neighborhood. He reiterated that they are comfortable with the Plan and encouraged the Council to adopt it.

Lloyd Stanley, of 7442 Preston Circle, stated that he has been before the Council many times as people along this route have been fighting this battle a long time. He stated no plan is going to satisfy everyone and commended all who have been involved in the development of this one; that it is his thought if this effort had been launched several years ago there might not have been "hard feelings" and frustration. He stated this Plan is comprehensive and those who have worked on it have diligently tried to listen to all of the neighborhood and individuals, as well as businesses. He stated this is a compromise and compromises rarely satisfy everyone completely. He urged the Council to adopt the Plan as the best compromise we can have.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Eric Henson stated that he lives on Ashwood Drive and indicated that the neighborhood has been very involved in the development of the Plan. He stated as others have mentioned, it is not a perfect Plan, yet overall it has been developed with input of all involved and is one they wholeheartedly support and strongly recommended that the Council adopt as it is.

Steven Halbert, of 7432 Igou Gap, stated all the neighbors on Igou Gap agree it is a good Plan overall; that it needs some tweaking or “tuning up” for his neighborhood. He stated that he is not saying it is a bad plan and knows the RPA put a lot of work, energy and money into it. He stated that the neighborhood between Gunbarrel and Clearview should be further looked into.

Vernice Redding, of 7503 Igou Gap, expressed agreement that the Plan is a good one and can only speak for her part. She stated that she strongly feels that her neighborhood needs to be improved not only for the future but long term. She stated that they know being such a busy street with offices and residential that the traffic will increase and the quality of the roads and living is going to depreciate; that even expanding the road will help but not solve the problem. She stated finding a solution to help decrease traffic is the main problem. She asked the Council to please look into this more and listen to their concerns.

Councilman Benson stated that he was glad everyone had an opportunity to talk as everyone had an opportunity for input. He asked for a show of hands of persons not wanting the Council to adopt the plan and a few raised their hands. He then asked for a show of hands of those not wanting the Plan adopted who came to the meetings and had input, to which the response was much the same as the previous few. At this point he asked for a show of hands of those from the area asking for the adoption of the Plan, as is, to which the majority raised their hands. His next question to those in attendance was for a show of hands of persons asking for adoption of the Plan who attended the meetings and the majority, again, raised their hands.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Councilman Benson continued by stating that many on the Council attended the meetings, too, and indicated that the Hamilton Plan is a sound land use plan that was developed for the purpose of mitigating years of negative efforts of uncontrolled growth in the area. He stated hundreds of persons spent hours attending many meetings throughout this six-month process, guided by professional consultants, but driven by the community; that a consensus was forged on what would make the area a better place to live and work. He stated no one was without input or consideration, indicating that he is not totally happy with every detail of the Plan. He stated that it is his belief that the Plan is in the best interest of the commercial and residential areas of the community today.

Councilman Benson concluded his remarks by stating that he respects the Plan's integrity and the hundreds of those in attendance who were involved in the development of it; that people from both residential and commercial have ownership in this Plan. He stated that he would not break faith with the residents and demean their participation by voting to change or violate the Plan this evening. He expressed belief that once the Plan is in place and there are experiences concerning the need for changes, it would be suitable and proper to have periodic reviews with citizens and professionals for input recommending needed changes so that it would be taken back to the people the way it came. He stated that he sees where tweaking really needs to be done. He commended the RPA Staff and consultants for an excellent job.

Jeff Pfitzer expressed thanks to all the residents and stated that he was not going to try to argue point-by-point with regard to questions raised. He spoke briefly of the general intent of the Plan as formulated and grounded in the economic study and traffic analysis. He stated one of the fundamental issues identified in the economic analysis was that even though this is a strong economic center in the region, there is stagnant growth both in population and income and is very near the spending capacity for additional retail growth. He stated strictly from the economic standpoint it was determined not in the best interest to continue outward growth of retail in this area. He stated the traffic study also recommended that the roads need improvement to handle the traffic currently generated; that the traffic and noise impacts some of the codes enforcement policies. He stated part of the safety in developing the land use component is to stop pushing this harsh edge commercial deeper and deeper into the residential areas. He stated that historically vital and sustainable communities contain a mixture of uses including not only commercial but a variety of housing, as well as office uses, and are more pedestrian friendly, diverse or high quality areas.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Mr. Pfitzer stated what they have identified are the areas where there are pressures, making reference to Target's unplanned growth which was not part of the plan for this area and RPA commented against it at the time. He stated this is a good example of what happens when we try to fit it into the landscape where it does not need to be. He stated the solution is not to keep pushing it further out but leave the community together; that they wrestled with that in this Plan to find a way to identify a number of strategies that do not keep pushing the edge out in an effort to create a more pedestrian friendly mixture of uses. He stated this has not been an easy solution; that it is hoped the strategy in place can rise to the challenge of working together as a community to create a more livable environment for everyone involved.

At this point Councilmen Benson made the motion to adopt the Plan; Councilman Littlefield seconded the motion.

Councilman Page stated that he recognizes that this is a good place to start and is very supportive of the Plan. He inquired as to how matters might be resolved regarding the Igou Gap and Clearview areas?

Mr. Pfitzer stated that the original recommendation by the consulting team was that this area should be all residential and after considerable negotiations with the neighborhood regarding the range of options that might provide relief, office use was included into the mix.

Councilman Lively stated that he represents the district furthest away from Hamilton Place, and during the last eleven years of his tenure on the Council he has probably had to look at more zoning ten times the number than in the district he represents. He stated this area deserves a change and he has never seen anything in "concrete forever". He stated the Plan deserves a periodic review and expressed support for it.

Chairman Hakeem stated that he did not know if it would be the Neighborhood Services Department that would deal with the dumpster issue in that area or not, as there are many other areas that are looking for a resolution regarding the same matter. He stated two citizens addressed the same concern regarding the early morning dumpster noise, as well as the gentlemen who made reference to the water runoff problem and mosquitoes.

**ADOPTION OF HAMILTON PLACE COMMUNITY
PLAN (Continued)**

Mr. Pfitzer stated in conversation with the owner of the land today indication was given someone was working on the most appropriate method of control, reiterating that he was assured they would be working on it this week.

Chairman Hakeem stated that he also heard during the discussion that the Igou Gap residents are looking at traffic and how it impacts them.

Mr. Pfitzer stated the length of Igou Gap road is in desperate need of being brought up-to-standard. He stated improved intersections are the key element of the Plan.

After the vote was taken, Chairman Hakeem stated that the Plan was unanimously put into place with the understanding it would be reviewed in the future. He asked that those in attendance know that the Council did not take lightly any concern they had; that it is not easy for the Council to make these decisions. He stated decisions of the Council are made in an attempt to do so in the best interest of the total community. At this point, he inquired as to the safety conditions on Igou Gap Road?

Mr. Pfitzer responded that he has been in discussion with the City Engineer and Traffic Division and indicated that they were waiting for final action on the Plan before moving forward with the capital budget planning and TIP improvements with the Metropolitan Planning Agency. He stated that we are looking at a much shorter time frame than recommended by the consultant; that some conditions are much more pressing issues than having to wait five or ten years.

Chairman Hakeem expressed thanks to those in attendance regarding this matter.

On motion of Councilman Benson, seconded by Councilman Littlefield,
A RESOLUTION TO ADOPT THE HAMILTON PLACE COMMUNITY PLAN
was adopted.

AMEND ZONING ORDINANCE

Jerry Pace, Director of Operations with the Planning Agency, requested that this matter be tabled one week.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VI, SECTION 105 AND 106, TO INCORPORATE NEW LANGUAGE RELATIVE TO SINGLE FAMILY DWELLINGS AND DUPLEXES ON LOTS OF RECORD AND TO REVISE ARTICLE VI, SECTION 108, TO INCORPORATE NEW LANGUAGE RELATIVE TO CORNER LOT SETBACKS
was tabled one week.

CLOSE AND ABANDON

MR-2001-074: William A. Spears

The applicant was not present; there was no opposition.

Councilman Franklin stated Ordinances (b) and (c) were discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED SOUTHEAST END OF LOWELL STREET RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

MR-2001-080: Joe E. Proctor

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING A 900.15 FOOT LONG AND 40 FOOT WIDE SECTION OF CHICKAMAUGA WORLEY SHORTCUT, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

REZONING

2001-112: Henry Luken, III

Pursuant to notice of public hearing, the request of Henry Luken, III to rezone a tract of land located at 806 East Main Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Pierce, 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 806 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

2001-127: Clydell Darleen Floyd

Pursuant to notice of public hearing, the request of Clydell Darleen Floyd to rezone a tract of land located at 3700 Dodds Avenue came on to be heard.

The applicant was present; there was no opposition.

In the absence of Councilman Taylor, Councilman Pierce made the motion to defer the matter one week in light of the fact this request is in District 7.

On motion of Councilman Pierce, 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 3700 DODDS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
was tabled one week.

REZONING

2001-132: Rajesh Mujral

Pursuant to notice of public hearing the request of Rajesh Mujral to rezone a tract of land located at 3885 Tradeway Drive came on to be heard.

The applicant was present; there was no opposition.

Councilman Lively expressed familiarity with this request and made the motion to approve on first reading.

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 AT 3885 TRADEWAY DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE AND R-3
RESIDENTIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE**
passed first reading.

REZONING

2001-134: Bryan Owens

Pursuant to notice of public hearing, the request of Bryan Owens to rezone a tract of land located at 18 Market Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Robinson, 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 18 MARKET STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE**
passed first reading.

REZONING

2001-140: UTC (Tom Ellis)

Pursuant to notice of public hearing, the request of UTC (Tom Ellis) to rezone tracts of land located at 723, 739 and 744 McCallie Avenue came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACT OF
LAND LOCATED AT 723, 739 AND 744 MCCALLIE AVENUE MORE
PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE
COMMERCIAL ZONE TO R-4 SPECIAL ZONE**

passed first reading.

REZONING

2001-141: UTC (Tom Ellis)

Pursuant to notice of public hearing, the request of UTC (Tom Ellis) to rezone a tract of land located at 1111 Oak Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Pierce, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1111 OAK STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO R-4 SPECIAL ZONE**

passed first reading.

REZONING

2001-143: John S. Wise, III

Pursuant to notice of public hearing, the request of John S. Wise, III to rezone tracts of land located at 725, 825 and 855 Cherokee Boulevard came on to be heard.

REZONING (Continued)

In the absence of Councilman Taylor, Councilman Lively made the motion to defer the matter one week in light of the fact this request is in District 7.

On motion of Councilman Lively, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 725, 825 AND 855 CHEROKEE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE AND R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled one week.

AMEND CONDITIONS

2001-144: Chattanooga Neighborhood Enterprise

Pursuant to notice of public hearing, the request of Chattanooga Neighborhood Enterprise to amend conditions imposed in Ordinance No. 11123 on property located at 1706 and 1708 Long Street came on to be heard.

The applicant was no present; there was no opposition.

On motion of Councilman Pierce, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 11123 ON PROPERTY LOCATED AT 1706 AND 1708 LONG STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

AMEND CONDITIONS

2001-149: Kevin G. Whitmore

Pursuant to notice of public hearing the request of Kevin G. Whitmore to amend conditions imposed in Ordinance No. 11123 to rezone a tract of land located at 224 West 19th Street came on to be heard.

The applicant was not present; there was no opposition.

REZONING (Continued)

Mr. Pace stated that this Ordinance adds permitted uses for offices, which was not a part of the original Ordinance for the Southside area.

Councilman Pierce inquired as to whether office use is part of the land use plan for the Southside area? Mr. Pace responded "yes"; that north of this area there is C-3 and office was left off as a permitted use. He stated this Ordinance adds offices back in for the Southside redevelopment area.

On motion of Councilman Lively, seconded by Councilman Benson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 11123 ON PROPERTY LOCATED AT 224 WEST 19TH STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

FINAL PUD SPECIAL EXCEPTIONS PERMIT

On motion of Councilman Lively, seconded by Councilman Littlefield,

A RESOLUTION APPROVING A PROPOSED FINAL INSTITUTIONAL PLANNED UNITED DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS UNIVERSITY OF TENNESSEE AT CHATTANOOGA INSTITUTIONAL PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED GENERALLY FROM THE RAILROAD EAST OF CENTRAL AVENUE AND FROM EAST 8TH STREET TO THE TENNESSEE RIVER, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERE TO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

EASEMENT

Chairman Hakeem explained that this Resolution references the property located under the bridge which will be used for storing equipment. He stated the State is going to lease it from us for a period of time.

EASEMENT (Continued)

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT ON SURPLUS PROPERTY LOCATED ON THIRD STREET, MORE PARTICULARLY DESCRIBED HEREIN, WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO THE THIRD STREET VIADUCT REPLACEMENT PROJECT, FOR A TOTAL CONSIDERATION OF SIX THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$6,550.00)

was adopted.

AGREEMENT: TDOT AND CSX TRANSPORTATION, INC.

Councilman Franklin asked that this Resolution be tabled for one week pursuant to discussion in today's Public Works Committee.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND CSX TRANSPORTATION, INC., RELATIVE TO THE CONSTRUCTION OF THE THIRD STREET BRIDGE, PROJECT NO. BR-STP-3552(1), 33958-2342-94 AND AUTHORIZING THE TRANSFER OF EIGHT HUNDRED FIFTY-FIVE THOUSAND TWO HUNDRED FIVE AND 22/100 DOLLARS (\$855,205.22) TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF THE CONSTRUCTION

was tabled one week.

CONTRACT: MEDIA CONSULTANTS SYSTEMS INTEGRATORS

Councilman Franklin stated Resolutions 7(e) – (g) were discussed in Public Works Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT DRC-1-01A, RELATIVE TO THE DEVELOPMENT RESOURCE CENTER AUDIO-VISUAL SYSTEM, TO MEDIA CONSULTANTS SYSTEMS INTEGRATORS FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED THIRTEEN THOUSAND SEVEN HUNDRED FIFTY-FOUR AND 16/100 DOLLARS (\$113,754.16)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO LOST MOUND DRIVE AT AMNICOLA HIGHWAY, CONTRACT NO. RW-1-00, WITH LONAS CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWENTY-FOUR THOUSAND FOUR HUNDRED AND 33/100 DOLLARS (\$24,400.33), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED FORTY-SEVEN THOUSAND TWO HUNDRED TWELVE AND 48/100 DOLLARS (\$147,212.48)

was adopted.

TEMPORARY USE: KAREN POOLE

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING KAREN POOLE TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 38 FRAZIER AVENUE TO INSTALL AN AWNING, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT: RAINES BROTHERS, INC.

Chairman Hakeem stated this Resolution has been added to tonight's agenda pursuant to discussion in today's Public Works Committee meeting.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT SS-3-01, MARKET STREET STREETScape FROM 12TH STREET TO 13TH STREET AND 13TH STREET STREETScape FROM BROAD STREET TO MARKET STREET, WHICH INCLUDES PHASES IA, II AND III, TO RAINES BROTHERS, INC., FOR THEIR LOW BID IN THE AMOUNT OF ONE MILLION THREE HUNDRED NINE THOUSAND SIX HUNDRED TWENTY-SIX AND 47/100 DOLLARS (\$1,309,626.47)

was adopted.

OVERTIME

Overtime for the week ending October 5, 2001 totaled \$88,919.55.

PERSONNEL

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

JERRY STEWART – Promotion, Director, Waste Resources, Pay Grade 39/Step 8, \$79,411.00 annually, effective September 15, 2001.

RUBY FARMER – Family Medical Leave, Office Assistant, Citywide Services, effective September 25 – December 17, 2001.

KEITH D. SANDERS – Termination, Crew Worker, Citywide Services, effective September 18, 2001.

ROY E. DUNCAN – Return from Family Medical Leave, Crew Worker, Waste Resources, effective September 27, 2001.

TRAVIS M. BELL – Lateral Transfer, Sanitation Worker, Citywide Services, Pay Grade 3/Step 2, \$17,680.00, effective October 9, 2001.

PURCHASES

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

LEE-SMITH, INC. (Lower and better bid)
Requisition R0060805/B0000593

Leaf Vac Truck

\$127,600.00

LEE-SMITH, INC. (Lowest and best bid)
Requisition R0060789/B0000591

Twelve Yards Truck

\$47,494.00

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

JASON L. HOLMES, MIRANDA L. MIDDLETON, BREANNA D. BATTLES, LISA A. EVANS, JOEL T. REEVES, JAMIE L. OTIS, BOOKE J. TAYLOR, CHRISSY J. STANCIL, GEORGIA J. DYE, CARLETON L. JOY, JASON D. HARTMAN, RYAN M. HAYES, GRAHAM E. RUSK, MELISSA A. VARNER, MAGGIE Y. BARYS, DARCI E. SMITH, JUSTIN H. BUTTON, ANGELA M. BOOTH, JENNIFER M. HENSLEY, DEVONA S. BROWN, JUSTIN B. DEAN – Position elimination, Police Service Technician, effective September 30, 2001.

PATRICIA HUDSON STREIP – Resignation, Accreditation Files Assistant, effective October 4, 2001.

HENRY ANTHONY COTHERN, JR. – Voluntary Demotion, Police Service Technician, Pay Grade 3/Step 1, \$17,680.00 annually, effective October 5, 2001.

MARIO T. CUNNINGHAM – Military Leave, Police Officer, effective September 27, 2001.

HAROLD L. DIAZ – Military Leave, Police Officer, effective September 28, 2001.

PURCHASE

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

THE HUMAN EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC. (Single Source)
Requisition R0049372

Animal Services Operation Contract Extension

\$316,652.00

PERSONNEL

The following personnel matter was reported for the Finance Department:

JOAN T. HENDERSON – Resignation, Accounting Technician, Disbursing Division, effective October 4, 2001.

BOARD APPOINTMENTS

On motion of Councilman Littlefield, seconded by Councilman Franklin, the following Board appointments were approved:

ELECTRICAL EXAMINERS BOARD:

- ❖ Appointment of **FRED LUPTON, DAVID B. PERRY, WALTER HODGES** and **WALTER STILWELL** for terms to expire January 20, 2005.

HEARING: OFFICER MICHAEL FAVORS

Special Counsel McMahan reminded Council members of the hearing for Officer Michael Favors scheduled for Monday, October 15 beginning at 3 p.m. with Councilmen Lively (Chair), Benson and Robinson serving as the panel hearing the matter.

WITHDRAWAL OF REZONING CASE NO. 2000-221: LAWRIN GINNAMORE

Special Counsel McMahan stated that the Clerk of the Council received a communication from Attorney Alan Nichols, representative for Lawrin Giannamore, requesting that Mr. Giannamore's rezoning request (2000-221) for the Brick Oven Pizza on Gunbarrel Road be withdrawn.

On motion of Councilman Littlefield, seconded by Councilman Benson, the request was duly withdrawn.

REV. C. E. OVERSTREET

Rev. C. E. Overstreet addressed the Council and directed his comments directly against Councilman Littlefield for interfering with his business operation. Upon advice of Special Counsel McMahan, Rev. Overstreet's comments, Councilman Littlefield's rebuttal and Councilman Benson's comments were not transcribed due to the threatened lawsuit (as referenced by Rev. Overstreet). Atty. McMahan advised against any further reaction at this time with this petition.

SISTER BEY

Sister Bey stated that the Council is not doing anything for people and that the prayers of the Council are hypocritical.

STEVEN WEST

Steven West of the Public Works' Trash and Brush Department addressed the Council regarding the proposed amendments to the Trash and Brush Ordinance. He stated that the way the Ordinance is set up their jobs would be cut in half and it might be deemed by some that they are not working. He stated he and others in this Department have mouths to feed and the way the new Ordinance is proposed it is an injustice to the City taxpayers. He stated that he sometimes puts a television out for pickup and has to wait until the crews are in his neighborhood just as everyone else does, even though he works for the Department; that it is his hope the brush and trash collection will be left the way it is. He stated on the south side of town the majority of junk is collected, whereas in Hixson the majority of brush is collected and that is just the way it is. He stated the way the Mayor has the Ordinance set up there will be different sites for people to take appliances and heavy trash and indicated that everyone does not have a truck, including himself. He stated he would have to load his van and take it to the dumpsite.

Chairman Hakeem asked for clarification regarding Mr. West's comments.

Deputy Administrator Beverly Johnson stated that the intent is not for Mr. West to be out of a job; that the intent is to continue to collect brush and to continue to collect heavy, bulky items. She stated the purpose of the policy is for citizens not to co-mingle those items so that when brush is put out only brush would be in the pile, which would be picked up as it has always been done; that there is nothing different about that. She stated the intent is to continue to collect bulky items – televisions, sofas and appliances – and to do that on an on-call basis; that it is done that way now and will continue. She stated the intent is for citizens not to mix brush with appliances so that it slows the collection schedule down and also increases the amount of trash going into the landfill. She stated the Department is not changing what they do just the way they do it.

Mr. West acknowledged that Ms. Johnson's comments cleared things up a great deal.

Councilman Benson asked for clarification that the intent to do this is not an effort to reduce the work force or reduce through attrition?

Mrs. Johnson responded that the intent is not to reduce the labor force; that they are looking at extending the labor force through additional inspectors to make sure the way the brush and trash is collected is consistent with the proposed policy.

STEVEN WEST (Continued)

Councilman Lively stated that the proposed amendment would put things right on schedule as the Department is running a month behind.

Ms. Johnson responded that it is the Department's intent to put things right on schedule.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, October 16, 2001 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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