

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
July 9, 2002**

Chairman Littlefield called the meeting of the Chattanooga City Council to order with Councilmen Benson, Franklin, Hakeem, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

Councilman Hakeem led the audience in the Pledge of Allegiance, followed by invocation.

**MINUTE APPROVAL**

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

Chairman Littlefield acknowledged the presence of office holders and office seekers in the audience, stating that we were glad to have them with us; that they had been involved in some of the neighborhood concerns that would be addressed tonight and included Commissioner Adams, Commissioner Vandergriff, Paula Thompson, Janice Boydston and Everett Fairchild. He went on to note that we had a long agenda tonight and would move as quickly as possible and would move some of the cases that involved a lot of people to the front of the agenda.

**AMEND ORD. 11216  
CLOSE AND ABANDON**

**Mr-2001-153 (Americo Group by Thomas Kale)**

On motion of Councilwoman Robinson, seconded by Councilman Taylor,

**AN ORDINANCE AMENDING ORDINANCE NO. 11216,  
ADOPTED DECEMBER 4, 2001, CLOSING AND ABANDONING  
ALL RECORDED RIGHTS-OF-WAY IN AN AREA BOUNDED BY  
WEST 33<sup>RD</sup> STREET ON THE NORTH, WEST 35<sup>TH</sup> STREET ON  
THE SOUTH, BROAD STREET ON THE EAST AND ST. ELMO  
AVENUE ON THE WEST, AS SHOWN ON THE MAP ATTACHED  
HERETO AND MADE A PART HEREOF BY CORRECTING THE  
PROPERTY DESCRIPTION**

passed second reading. On motion of Councilman Taylor, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting. Councilwoman Robinson verified that this was the right version.

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**CLOSE & ABANDON**

**MR-2002-041 (Regina Sawyer)**

On motion of Councilman Franklin, seconded by Councilman Taylor,

**AN ORDINANCE CLOSING AND ABANDONING A FIFTY FOOT (50') WIDE RIGHT-OF-WAY LOCATED IN THE 1800 BLOCK OF MOREHOUSE 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 Lively, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE & ABANDON**

**MR-2002-064 (S. Reginald Ruff, III)**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,

**AN ORDINANCE CLOSING AND ABANDONING ALL INTERIOR RIGHTS-OF-WAY LOCATED WITHIN THE MCCALLIE HOMES COMPLEX, 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 Franklin, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**BUDGET ORDINANCE**

Councilman Lively noted that this was discussed in a Budget Committee Meeting and comes with a recommendation for approval.

**BUDGET (CONT'D.)**

On motion of Councilman Benson, seconded by Councilman Taylor,

**AN ORDINANCE, HEREIN AFTER ALSO KNOWN AS “THE FY 2002/2003 BUDGET 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; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES**

passed first reading.

Councilman Hakeem urged everyone to take a look at what the Council and Administration have done in the past three years; that there have been efficiencies in government spending and increases in taxes have been minimal, and the community in general should be pleased with the direction that we are going with this Budget. He went on to say that at the State level, we are pleased with some of what has gone on but are also concerned with how things have been done at the State level. He stated that we needed to send our mindset to the State Legislature by way of Councilman Lively where we could directly have an impact on the budget at the State level.

Chairman Littlefield stated that he was sure Councilman Lively thanked Councilman Hakeem for this unpaid political endorsement; that we all wish him well and are pleased.

Councilman Pierce stated that he wanted to ask some questions; that when going through the Budget process, the Mayor presented the Budget two weeks ago and a Budget Committee meeting was scheduled for two weeks, which was today; that he was surprised that it was on tonight’s agenda, and he was not of the opinion that we were doing this in the proper process. He noted that it had not been advertised publicly, and he thought acting on first reading was out of order.

Attorney Nelson responded that the Budget Committee did meet today; that under State Law, unless there are provisions in the City Charter, we would have to follow the State law, but we do have City Charter provisions that are substantially equivalent to State Law.

**BUDGET (CONT'D.)**

Councilman Pierce still questioned if this did not need to be advertised. Attorney Nelson responded “no”; that part of it has been advertised; that all appropriations to non-profit organizations and charities have to be advertised, and this has been advertised and provisions have been made for the Public Hearing tonight. Councilman Pierce still questioned if this did not have to be advertised in its entirety. Attorney Nelson responded that we had not done this in 20 years.

Chairman Littlefield asked if anyone wished to comment on the Budget; that it would come back for second and third readings next week with some minor changes.

Councilman Pierce verified that it would be voted on for second and third readings next week. Chairman Littlefield stated that he believed it would, with some minor changes; that if the minor changes take longer than a week, then it could be the week after next.

**At this point Councilman Benson made the motion to move those items on the Agenda with large delegations forward on the agenda. This was seconded by Councilman Taylor.**

**HIXSON-NORTH RIVER  
COMMUNITY PLAN**

This Resolution was the first item to be moved forward. John Bridger of the Regional Planning Staff made the presentation.

Mr. Bridger thanked those from the community for being present tonight, and he asked the Leadership Committee to stand. He then asked that any of the public who had had a part in the Hixson Plan to stand. He explained that the request for the Plan came from the City Council; that Councilman Page had approached them to do two studies; that they had built up a partnership with Councilman Page, Councilwoman Robinson, and Councilman Lively, along with Commissioner Vandergriff who had provided guidance.

He stated that from the onset, their objective had been to create a unifying and compelling vision, define policy for future development, identify important community assets and strategies for protecting/enhancing them, guide future investments in public infrastructure and services, and measure their success by implementation. He went on to

say that this Plan is just a document and it takes the City Council and County Commission and the people in the community to make this happen.

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### **HIXSON PLAN (CONT'D)**

The study area covers more than 16,000 acres of land and is bounded by Lupton Drive, the Tennessee River and Chickamauga Lake to the south and east; Thrasher Pike to the north; and Boy Scout Rd., US 27 and Red Bank to the west. This is a very large study area and Mr. Bridger reiterated that it started with a City Council request, and they did their work at the Planning Staff. He thanked those members of the Planning Staff that had had a part in this. He went on to say that they also hired a Traffic Consultant, Volkert and Associates, and that Ed Watt was present tonight; that they had assessed the operating efficiency of several key intersections within the study area, and their recommendations had been encompassed into the Plan. A Retail Market Analysis was also conducted.

Mr. Bridger noted that leadership had continued to work with them from the beginning and had advised them as a Staff and had taken part in public meetings and had assisted in the implementation. He mentioned that a Vision session and a Strategy session had taken place and both had been very successful. In addition to the public meetings, business and residential surveys were conducted in the Hixson area. Hixson was perceived to be a great place to live, and there was strong support for a Town Center, as there was no place to focus energy in this area.

Mr. Bridger went on to say that they needed to address the physical facilities of schools and also traffic concerns, and a Draft Plan had been developed. They presented this Draft on May 20<sup>th</sup> to the community and then on to the Planning Commission in June. One of the key initiatives in the Draft, itself, was the development of a Town Center Complex. Another initiative was to promote planned growth, followed by development of a Community Wide Park-Trail System, improvement of public education, upgrading substandard road infrastructure, and promoting more housing for seniors and younger families.

In implementing the Town Center, a central location was needed, and this would be near the Hixson Pike-H/W 153 intersection. Some rough drawings were done to come up with an overall design. Mr. Bridger noted that this was just a vision of what could possibly happen. There will be a follow-up meeting in July.

In looking at planned growth, neighborhoods and offices were considered. There are two major retail areas—Northgate and Four Oaks and several neighborhood commercial

areas, including the Food Lion at Ashland Terrace and at Big Ridge and the Bi-Lo at Hixson Pike. He mentioned the employment area of Dupont and some industrial sites along Adams Rd. He explained that they wanted to avoid strip development and sprawl; that the key in protecting the area is to allow the opportunity for development but limit it to offices and apartments, with no retail.

In developing a Community Wide Park-Trail System, the North Chickamauga Creek Greenway System would be completed and a north shore Tennessee Riverpark would be initiated to connect North Chickamauga Creek with Rivermont Park.

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### **HIXSON PLAN (CONT'D)**

Mr. Bridger mentioned the Soccer Recreational Field Complex on Access Rd.

In improving public education, Mr. Bridger mentioned reassessing the structural integrity of Hixson Middle School, which is in bad shape.

In upgrading road infrastructure, Mr. Bridger stated that we needed to improve Hamill Road, Ashland Terrace, Hixson Pike-Highway 153 interchange, and the Boy Scout Road-Highway 153 intersection.

Mr. Bridger stated that these were the main elements of the Plan.

Councilman Benson stated that he really endorsed the making of Plan Growth; that this had been done in Hamilton Place, and this Plan looked as good as theirs; that this Plan went one step further, with an implementation schedule, and he urged the Council and RPA not to break this schedule; that there needs to be a commitment to stay with it unless it needs to be amended. If it needs to be amended, Councilman Benson urged to take it back to the leadership of people who developed it. He stated that they found in their Plan that it did have to be amended on one occasion. He commended the Hixson area on a good Plan, stating that it would promote harmony between commercial entities and residents. He asked Mr. Bridger if they would take it back to the people if any changes needed to be made.

Mr. Bridger assured Councilman Benson that they would work with the public and the Council concerning the Plan.

Councilman Page stated that he appreciated Councilman Benson's comments. He thanked Everett Fairchild, who had chaired the Leadership Committee, and the Regional Planning Agency, noting that they had spent a lot of time working on this Plan and commended the Leadership Committee for doing a super job. He thanked all of the people in the community for coming to the charettes, noting that the turnout was great. He stated that this Plan would be a tool to guide them. He mentioned that Councilwoman

Robinson had been the creative person behind this Plan, as well as mentioning Councilman Lively's input and the important part that Commissioner Vandergriff had played. He thanked all who had participated.

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### **HIXSON PLAN (CONT'D.)**

Councilwoman Robinson echoed all that Councilmen Page and Lively had said and done and thanked the citizens who came out tonight, with a special thanks to Charlotte Vandergriff for her representation from the County. She stated that this was truly a Plan for all of us.

Chairman Littlefield asked if anyone from the audience had anything to say.

**Shannon Brown** came forward, stating that he was the owner of Zaxby's; that he had requested zoning that was contrary to this Plan, and he asked the Council to defer voting on the Plan for 30 days so that details of the Plan could be worked out.

**Sharon Goforth** spoke next, stating that she had participated in the planning sessions, and she thanked Mr. Bridger and the Planning Staff and all of the residents for their input. She stated that Mr. Brown was not a resident of Hixson, but the residents had spoken, and it does not include the commercial use that he is asking for. She urged the Council to approve the Plan tonight, as this is what the community wants to see happen.

**Everett Fairchild** spoke next, stating that he chaired the Leadership Committee. He complimented the Planning Staff and the Planning Commission and thanked them for the efforts of John Bridger and his Staff. He stated that he was concerned about the planning and growth of their community; that one of the things they wanted to do was to protect the integrity of residential areas, and he thought this Plan did that; that it would require some tweaking and some adjustment. At this point he urged the Council to adopt this Plan for the planned growth of the Hixson Community.

**Commissioner Charlotte Vandergriff** was the next speaker. She stated that this whole Plan did include most of her district and that she appreciated the City's invitation to participate. She stated that she would be remiss if she did not commend the RPA Staff and their tireless energy; that they gave them good reports so that they could make good

decisions. She stated that she felt good about community participation, which was the key to the whole thing. She thanked the Council for their kind words concerning her and requested them to move forward with this Plan.

On motion of Councilman Lively, seconded by Councilman Page,

**A RESOLUTION TO ADOPT THE HIXSON-NORTH RIVER  
COMMUNITY PLAN**

was adopted.

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Chairman Littlefield explained the procedures for hearing rezoning cases, noting that the proponent would be given up to nine minutes for a presentation, which could be three three-minute presentations, and the opposition, if any, would also be allowed nine minutes, which could also be three presentations for a total of nine minutes; a minute would be allowed for rebuttal by the proponent.

**REZONING**

**2001-084 (Raymond L. Hassler)**

Pursuant to notice of public hearing, this request for rezoning the 5800 Block of Highway 153 came on to be heard.

Jerry Pace, Director of Operations with the RPA, made the presentation. He stated that this was a tract of land located along Highway 153 and was next to a rental store and was a request to go from R-4 Zoning to C-2 Zoning. He explained that this was in a mixed area and comes with a recommendation for approval.

On motion of Councilman Lively, 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 IN THE 5800 BLOCK  
OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE  
COMMERCIAL ZONE**

passed first reading.

**REZONING**



**2001-085 (Dewey C. Roberson and Timothy McClure)**

Pursuant to notice of Public Hearing, this request to rezone a tract of land located in the 5700 Block of Grubb Road came on to be heard.

The applicant was not present.

On motion of Councilman Pierce, seconded by Councilman Page,

**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 5700 BLOCK OF GRUBB ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE**  
was denied.

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**REZONING**

**2001-186 (JDC Calhoun, Inc. c/o James Doran Company)**

Pursuant to notice of public hearing, the request to rezone tracts of land located at 5918 and 5926 Hixson Pike, came on to be heard.

The applicant was not present. Mr. Pace explained that the applicant did not appear before the Planning Commission either. He explained that the request was for tracts of land on Cassandra Smith Road, as well as on Hixson Pike; that the recommendation was for denial of the tracts on Cassandra Smith Rd. but approval of the tracts on Hixson Pike. He stated that the Planning Commission chose to deny the whole request because the applicant did not make an appearance. He noted that this was somewhat surprising because the applicant did participate in the process of the community meetings.

**Councilman Pierce made the motion to deny this case.**

Councilman Page stated that he would like some clarification on this request and would also like for Mr. Pace to make a statement; that there were people with questions about the Plan in regards to Cassandra Smith Rd. and Hixson Pike; that there may be some confusion in the community regarding commercial on Hixson Pike only and a change in the Plan. He stated that there was no site plan on this, and we don't know what the developer is proposing, and it would seem that it would be most appropriate to deny. He asked Mr. Pace to speak to potential development on Cassandra Smith Rd.

Mr. Pace explained that properties facing Hixson Pike in the neighborhood can be used for commercial use and the remaining ones on Cassandra Smith Road should be residential; that this made is necessary to approve those on Hixson Pike and deny those

along Cassandra Smith Rd.; because the applicant did not appear at the Planning Commission meeting, they chose to deny the request outright; that the applicant would have to wait nine months. He stated that they would like to see a Site Plan.

Councilman Page verified that they denied the whole piece down Cassandra Smith Road. He asked if this was denied tonight, could they come in with plans just for Hixson Pike. Mr. Pace explained that they would have to wait nine months. **This being the case, Councilman Page moved that this be deferred for 60 days to let the applicant understand that they need a Site Plan.** Mr. Pace stated that they would contact the applicant.

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

**Leroy Phillips**, Attorney, asked to speak. He stated that he knew everyone on the Council; that he was appearing not as a lawyer but as a citizen; that he was vitally concerned about Cassandra Smith Road and most of the people in his subdivision attended the meetings at Hixson High School, and he was impressed that they were allowed to have input into this Plan. He stated that the reason he asked to speak was in regards to the motion made; that they all attended the meetings at Hixson School, and they understood the recommendation against coming down Cassandra Smith Rd. with commercial, and they all went to the Planning Commission meeting, and the applicant did not show up there either, and the Planning Commission adopted the Plan, and they denied the entire thing, and they wanted the Council to deny this at the present time for this rezoning; that Hixson Pike is commercial, and it was important to them on Cassandra Smith Rd. as the road is narrow, and they were vitally interested in knowing what will be put up there. He stated that the applicant did not appear here tonight nor at the Planning Commission meeting, and he felt this should be denied; that people in this area had other things to do rather than coming back here 90 times; that he did not feel like this would be punishing them; that if they were interested they would have attended and presented a site plan. He stated that he did not see “leaning out” to these people who won’t come to the meetings and urged the Council to deny this just like the Planning Commission did.

Councilman Page responded that the question he had was concerning the applicant having ample notice to appear; that Mr. Phillips did a super job, and he agreed with what he said; that his question was that we might not have communicated adequately with the applicant and that he might be unduly penalized; that he would hate to see him unduly

punished. Mr. Pace stated that he could not say for sure whether the applicant was notified.

Councilman Pierce stated that he was in sympathy with the people who had come down tonight and that was the reason he moved to deny this; that if the applicant was interested, he would have found out the process. He stated that he would be willing to re-enter his motion to deny. Mr. Pace pointed out that they had not notified any of the applicants here tonight.

On motion of Councilman Page, 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 5918 AND 5926 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND 0-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**  
was denied.

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### **REZONING (CONT'D)**

Councilman Benson stated that this was frustrating to him; that the applicant did not appear before the Planning Commission; that he was fearful to rezone when an applicant did not think enough about his request to appear, and he endorsed the vote to deny.

### **REZONING**

#### **2002-105 (Charles Robert Skillern)**

Pursuant to notice of public hearing, the request to rezone tracts of land located at 5109 and 5111 Skillern Drive came on to be heard.

Before beginning the presentation, Mr. Pace expressed his thanks to everyone who had commended the Planning Staff. He stated that it was good to hear that the Council and Commission appreciated what they do, stating that he wished he had said this earlier.

This request is from R-2 Zone to R-4 Zone and is for a small dental office. The Staff approved this with the condition that it go before the Board of Zoning Appeals for parking on the front lot, which is 5111 Skillern Drive. The Planning Commission approved both lots.

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 REZONE TRACTS OF LAND LOCATED AT 5109 AND 5111 SKILLERN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM 4-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

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**REZONING**

**2002-109 (Kinney and Brenda Short)**

Pursuant to notice of public hearing this request to rezone a tract of land located at 2501 Maple Street came on to be heard. The applicant was not present.

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 REZONE A TRACT OF LAND LOCATED AT 2501 MAPLE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE**  
was denied.

**REZONING**

**2002-117 (City of Chattanooga)**

Pursuant to notice of public hearing, the request to rezone the Concord Road Area from R-5 and R-2 to R-1 and from R-3 to R-4 came on to be heard.

Mr. Pace stated that Mr. Greg Haynes is on vacation this week and left this for him to do. He stated that Greg had done a wonderful job. The desire to look at the area came as a result of a development started on Concord Rd. that had upset the neighborhood. This Plan was brought forward to recommend appropriate zoning action. Mr. Pace explained that this area was bounded on the north by East Brainerd Rd., on the south by the South Chickamauga Creek, on the east by Gunbarrel Road, and on the west by Interstate 75. This area was in the county in 1971; when it was annexed by the city in 1971, the area was zoned Urban Residential, which would allow duplexes in the area. The Plan is recommending to rezone to R-1 to accommodate this area. Mr. Pace explained that a small area in the center did have duplex development, and there were large lots around the duplexes. Over the past 30 years, this area has continued to develop into a single-family neighborhood. Single-family residences account for 62% and is the largest use. There is also a recreational golf course and Audubon Acres. It continues to develop into single-family residences, and the recommendation comes from the Planning Commission to rezone the area to R-1, leaving the existing north end next to Baskin Robbins as C-2. The area that will be rezoned to R-4 could be developed as offices or used for apartments. This comes with the recommendation that the area be downzoned to accommodate single-family residences.

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

Councilman Benson stated that he was very much in favor of the RPA's recommendation here. He stated that he was called by the leadership in Concord, and he told them that to have 10 or 12 people would be enough tonight. He stated that they exhibited friendly persistence; that they had been hurt with the clear-cutting, and this case had demonstrated their ability to unite; that some of them were down here tonight with some concerns that this would be able to do the job. He stated he did not know if it would or not. He asked the Council to indulge them and let them ask a few questions.

**Rod Harrison**, Vice President of the Audubon Association, spoke first. He stated that he was glad this development had taken place because it had united them, and there were good things ahead. He stated that he happened to be one of the duplex owners and wanted to make sure how this affects existing homes.

Attorney Nelson explained that any existing use would be grandfathered, and the use could continue; that if the place burned down or ceases to be used for 100 days, it would revert to R-1 Zoning.

Mr. Harrison stated that R-1, as written, is pretty loose in the amount of density. He asked that the city try to further define what R-1 means; that they would like R-1 defined more narrowly. He went on to say that something else would make them happy—that he

was glad Mr. Stephens was proposing 50 single-family homes—that 50 houses seemed to be somewhat more appropriate; that they would like less; that if you put 50 houses here they would have 100 more cars. He asked if there could be some linkage between upgrading the road conditions and pursuit of this development. He reiterated that he was glad this was happening, but it was putting 50 more homes on a road that is already in bad shape.

Mr. Pace clarified that the use had to be stopped for 100 consecutive days, and this could be altered if the person was in the process of re-building. He went on to explain that R-1 is the most restrictive zone; that the minimum lot requirement is 7,500 sq. ft. on sewers, which is five units per acre. He stated that the developer was re-drawing this to accommodate lots along Concord Road itself. He stated as far as linkage between road upgrading and the development, he did not know of anything directly that we could tie down.

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### **REZONING (CONT'D)**

Mr. Barry Bennett, Planning Director, explained that the only vehicle to get a developer to participate with infrastructure is through the rezoning process, and this developer already has R-1 zoning. He explained that Planning had the final authority through the Subdivision Process. He stated that he was not aware of any precedent where the Planning Commission has required a developer to make improvements to the existing infrastructure; that he was not sure State law gives us this discretion. He stated that Traffic Engineering could take a hard look at this area and see if this particular development will over-tax the infrastructure; that this is all we can do at this point.

On motion of Councilman Benson, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THE CONCORD ROAD AREA BEING BOUNDED ON THE NORTH BY EAST BRAINERD ROAD, ON THE SOUTH BY THE SOUTH CHICKAMAUGA CREEK, ON THE EAST BY GUNBARREL ROAD AND ON THE WEST BY INTERSTATE 75, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-5 AND**

**R-2 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE AND  
FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

passed first reading.

**REZONING**

**2002-108 (Marvin Berke and Ronald Berke)**

Pursuant to notice of public hearing, the request to rezone a tract of land located at 2151 Glass Street came on to be heard.

Councilman Hakeem stated that he and Councilman Pierce met with the residents of the area and Mr. Berke and the developer, and he believed that the request was for this to be deferred for 30 days. He stated that they did have a representative from the community present and asked if she would like to speak.

**Ms. Cora Lanier**, a representative from the community, thanked the Council for deferring this until the community has the opportunity to see what is being proposed.

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**REZONING (CONT'D.)**

On motion of Councilman Hakeem, 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 2151 GLASS  
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM  
M-1 MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE**  
was deferred for 30 days.

**REZONING**

**2002-071 (Volunteer Behavioral Health Care Systems)**

Pursuant to notice of public hearing, this request to rezone a tract of land located at 413 Spring Street was again heard.

Councilman Taylor stated that this had been discussed in committee and should be deferred for 30 days; that there was a Community Plan going into effect, and this will be addressed through another resolution. Instead of 30 days, Councilman Taylor stated that this should be deferred for three months; that they would get the word out when this is coming back on the agenda.

He asked at this point that the Resolution dealing with the Task Force be discussed. Attorney Nelson did not have the Resolution, as he had given it to Councilman Taylor. Councilman Taylor, in turn, had given it to Attorney Kale. He asked that Linda Bennett and Jerry Jenkins be given an opportunity to speak.

**Linda Bennett** stated that she was President of the Northside Community Association; that they had been working diligently with the re-location of the Johnson Mental Health facility; that there were a lot of concerns about the future of the North Chattanooga community. She stated that the recommendation had been made to form a Task Force to see how they could pro-actively work together with the mental health community and be involved in the process.

**Jerry Jenkins** stated that he was with the Johnson Mental Health Center; that Mrs. Coats had been involved in this also, and they thought this committee could bring things together.

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

Councilman Taylor expressed his appreciation for the community coming together and addressing this; that they knew there was a need, and they would look at it in a more comprehensive manner. He again thanked the community.

**Councilman Taylor made the motion to authorize the Chairman to appoint a Task Force to study the parameters in rezoning mental health facilities in communities. This was seconded by Councilwoman Robinson.**

Attorney Nelson stated that this Resolution would be prepared and could be passed at next week's meeting.

On motion of Councilman Taylor, 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 413 SPRING**



**STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM  
M-1 MANUFACTURING ZONE TO R-4 SPECIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**  
was deferred for three months.

**ZONING ORDINANCE**  
**LIFT CONDITIONS**

**2002-110 (Peter Gibson-Nino Piccolo, Architect)**

Pursuant to notice of public hearing this request to lift conditions imposed in Ordinance No. 11108 on property located at 615 West Bell Ave. came on to be heard.

Mr. Pace explained that this request was to lift conditions in a previous zoning ordinance. He showed a slide of the site plan and footprint of the single building being requested. He explained that this was a tract of land located at 615 West Bell Ave. and showed a slide of the residential uses surrounding it. He stated that this came before the Planning Commission last month and had gone through extensive negotiations with the neighborhood. Mr. Pace stated that they felt like the conditions in place were good for the development of the area, and at this time they believed that the neighborhood and the developer could work with the conditions and that it was unnecessary to lift the conditions, and they felt like denial of the request was appropriate. This comes with a recommendation for denial from both the Planning Commission and the Staff.

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**REZONING (CONT'D.)**

The applicant, Mario Piccolo, asked that this be deferred for 14 days; that they were in the process of working with the neighborhood and working with Councilman Taylor; that this request for deferral comes with the support of the neighborhood. He stated that he felt like they could resolve the concerns.

Councilman Taylor stated that they were asking for additional time to get with the Neighborhood Association; that they needed at least two weeks.

Councilman Hakeem asked if this meant their Plan would be ready in two weeks or that they would come back before the Council in two weeks. Mr. Piccolo responded that they wanted to look at some of the restrictions again and that they wanted the support of the neighborhood; that they could hopefully ease a couple of the restrictions and keep with the original intent of the zoning as passed. Councilman Hakeem asked if they would present something to the Council in two weeks, and the answer was "yes".

Ms. Linda Bennett stated that they had spoken with Mr. Piccolo, and they had presented several different adjustments; that they would give Mr. Gibson their full support if he worked within the conditions.

Mr. Gibson stated that they got started on the wrong foot; that he was a rookie at this and wanted to work with the community. He stated that he had not lied to anyone; that he just did not know and would appreciate support.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS IMPOSED IN ORDINANCE NO. 11108 ON PROPERTY LOCATED AT 615 WEST BELL AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was deferred for two weeks.

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**ZONING ORDINANCE**  
**M-2 LIGHT INDUS. ZONE**

Mr. Pace explained that this corrects some of the language so that it will be clearer and easier for the Chief Building Inspector to understand.

On motion of Councilman Lively, seconded by Councilman Hakeem,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1011(1), TO INCORPORATE NEW LANGUAGE RELATIVE TO PERMITTED USES OF THE M-2 LIGHT INDUSTRIAL ZONE**

passed first reading.

**REZONING**

**2001-194 (City of Chattanooga)**

Mr. Pace explained that this was temporary zoning on an annexation lot.

On motion of Councilman Lively, 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 4415 KELLY'S  
FERRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN,  
FROM A TEMPORARY R-2 RESIDENTIAL ZONE TO R-1  
RESIDENTIAL ZONE**

passed first reading.

**REZONING**

**2001-196 (City of Chattanooga)**

This also involves annexation on the side of Lookout Mountain.

On motion of Councilman Pierce, seconded by Councilman Page,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE SO  
AS TO REZONE A TRACT OF LAND LOCATED AT 1020  
SHINGLE ROAD, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM A TEMPORARY R-2 RESIDENTIAL  
ZONE TO R-1 RESIDENTIAL ZONE**

passed first reading.

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**REZONING**

**2002-017 (Troy L. Cox)**

Pursuant to notice of public hearing, the request to rezone a tract of land located at 706 Ashland Terrace came on to be heard.

Mr. Pace explained that this property was used for an appliance store that had moved from Red Bank and is in compliance with the Plan adopted earlier.

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 706 ASHLAND TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2002-089 (Stein Construction Company, Inc.)**

Pursuant to notice of public hearing, the request to rezone a tract of land located at 1220 Birmingham Highway came on to be heard.

Mr. Pace made the presentation and showed slides of the surrounding area. He explained that the Staff recommended approval of M-2 as an acceptable use and that they did get a Site Plan, which is on file in their office.

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 A TRACT OF LAND LOCATED AT 1220 BIRMINGHAM HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

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**REZONING**

**2002-100 (Mt. View Presbyterian Church)**

Pursuant to notice of public hearing, the request to rezone a tract of land located at 3111 Kelly's Ferry Road came on to be heard.

Mr. Pace made the presentation and stated that this comes with a recommendation for approval from both the Planning Commission and Staff. He showed slides of the surrounding neighborhood.

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 A TRACT OF LAND LOCATED AT 3111 KELLY'S  
FERRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN,  
FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-1  
RESIDENTIAL ZONE**

passed first reading.

## **REZONING**

### **2002-102 (Sashi Madan)**

Pursuant to notice of public hearing, the request to rezone a tract of land located at 1006 Metro Drive came on to be heard.

Mr. Pace made the presentation, explaining that this was in a planned area and is down-zoning; that this is a neighborhood of duplexes and this request comes with a recommendation for approval from the Planning Commission and Planning Staff.

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 1006 METRO  
DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM  
C-2 CONVENIENCE COMMERCIAL ZONE TO R-3  
RESIDENTIAL ZONE**

passed first reading.

## **REZONING**

### **2002-112 (Tommy Freeman)**

Pursuant to notice of public hearing, the request to rezone a tract of land located at 7716 Standifer Gap Road came on to be heard.

Mr. Pace made the presentation, stating that this was in the East Brainerd area and was surrounded by R-1 zone with the exception of an RZ-1 Subdivision. He stated that they asked for a Site Plan and what he had tonight was a preliminary sketch; that three zero lot

line structures would be added, making four on the property. He explained that this would have to go through the Subdivision Review on a more formal basis. He stated that this comes with a recommendation for approval from the Planning Commission and reiterated that it will have to have a more formal review process.

Councilman Benson stated that there was no Site Plan at the Planning Commission meeting, and they did approve this. He asked how the Planning Staff felt about this. Mr. Pace responded that four is the maximum he could get and would be an appropriate use.

On motion of Councilman Benson, 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 7716 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE**

passed first reading.

#### **AGREEMENT**

On motion of Councilman Pierce, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH FOAMCRETE RELATIVE TO THE INSTALLATION OF A ROOF FOR THE MOTORCYCLE GARAGE, FOR A TOTAL FEE NOT TO EXCEED TEN THOUSAND EIGHT HUNDRED FORTY-FOUR DOLLARS (\$10,844.00)**

was adopted.

#### **AGREEMENT**

On motion of Councilman Lively, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH EASTMAN CONSTRUCTION RELATIVE TO THE POLICE MEMORIAL, REQUISITION NO. R0061148, FOR A TOTAL FEE NOT TO EXCEED SIXTEEN THOUSAND TWO HUNDRED TEN DOLLARS (\$16,210.00)**

was adopted.

### **TEMP ROW USAGE**

On motion of Councilman Pierce, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING BLUE CROSS/BLUE SHIELD  
OF CHATTANOOGA TO USE TEMPORARILY THE CITY'S  
RIGHT-OF-WAY AT 631 BROAD STREET TO PROVIDE A DATA  
CONNECTION BETWEEN THE BLUE CROSS/BLUE SHIELD  
FACILITY AND THE TIVOLI CENTER THAT WILL CROSS 7<sup>TH</sup>  
STREET, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

### **OVERTIME**

Overtime for the week ending July 5, 2002 totaled \$28,628.83.

### **PERSONNEL**

The following personnel matters were reported for the various departments:

#### **CHATTANOOGA HUMAN SERVICES DEPT.:**

**ERICA JONES** – Resignation of Head Start Teacher, effective 6/21/02

#### **PUBLIC WORKS DEPARTMENT:**

**R.C. FLETCHER** – Retirement of Crew Worker, effective 6/27/02

**JAMES H. WHISENANT** – Retirement of Equipment Operator, Senior, effective 7/1/02.

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### **PERSONNEL (CONT'D.)**

**ALFRED AMMONS, JR.** – Resignation of Light Equipment Operator, effective 6/28/02

**CHARLES E. SANDERS** – Family Medical Leave for Crew Supervisor, 7/3-9/18/02.

**HERANA ROBINSON, SR.** – Suspension of Sanitation Worker, effective 7/3-7/16-02

**MICHAEL D. YIELDING** – Employment of Engineering Designer, PG 17/3, \$35,798.00 annually, effective 6/28/02.

**CHATTANOOGA FIRE DEPT.:**

**JOEL PIPPIN** – Retirement of Captain, effective 7/25/02

**PURCHASES**

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

**INGERSOLL-RAND (Lowest and Best Bidder meeting specs)**  
**Requisition R0061786/B0000691**

Two (2) Portable Air Compressors

\$19,594.00

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

**HIWASSEE CONSTRUCTION (Lowest bid meeting specs)**  
**Requisition R0055069/P0017846**

Underground Boring & Trench Digging Services

(See Minute Material for prices)

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**PURCHASES (CONT'D.)**

On motion of Councilman Franklin, seconded by Councilwoman Robinson, the following purchase was approved for use by the Public Works Dept.:

**L.T. MASO (Single Source Purchase)**  
**Requisition R0065514/P0017626**



Instrument Maintenance

(Not to exceed \$10,000 annually)

**HOTEL PERMITS**

On motion of Councilman Pierce, seconded by Councilman Franklin, the following hotel permits were approved:

**SUPER 8 MOTEL** – 20 Birmingham Highway

**DAYS INN, TIFTONIA** – 3801 Cummings Highway

**KNIGHTS INN** – 2100 S. Market Street

**HOLIDAY INN EXPRESS** – 4833 Hixson Pike

**RAMADA INN** – 100 West 21<sup>st</sup> Street

**PURCHASE**

On motion of Councilman Franklin, seconded by Councilman Pierce, the following purchase was approved for use by the Finance Department:

**COLEMAN TECHNOLOGIES (Single Source Purchase)**  
**Requisition R0060439**

Wireless Internet Router/Firewall Switch & Hardware

\$10,148.26

**BETTER HOUSING APPEAL**

Attorney Nelson informed the Council that **Heather Bell** had requested an appeal of a Better Housing Case on property located at **711 Highland Park Ave.** He stated that Kenardo Curry wants to work with them a little more before the Council sets a hearing and suggested that the hearing not be set until next week. He added that she did get her

request in within the 15-day limit. **On motion of Councilman Hakeem, seconded by Councilman Taylor, this matter will be deferred for one week.**

### COMMITTEES

Councilman Franklin reminded the Council of the **Safety Committee** scheduled for **Tuesday, July 16<sup>th</sup> to immediately follow the Parks and Recreation Committee.**

Councilman Hakeem reported that the next **Public Works Committee** would meet on **Tuesday, July 23<sup>rd</sup> at 4:00 P.M.**

Councilman Lively thanked Councilman Hakeem for his political endorsement, stating that it was totally unsolicited.

Councilman Page reminded the Council of the **Economic Development Committee** scheduled for **Tuesday, July 23<sup>rd</sup> to immediately follow the Public Works Committee.**

Councilman Benson reminded the Council of the **Legal and Legislative Committee meeting** scheduled for **Tuesday, July 16<sup>th</sup> at 3:00 P.M.**

### STEPHEN JONES

Mr. Jones asked to address the Council, stating that he had already spoken to Councilman Littlefield, but he thought this needed to be brought to the attention of the entire Council in an attempt to get some resolution. He stated that he had been arrested and charged with crimes that he had already paid his debt to society for; that he was forced to make bond against his will; that he did not have the financial means to fight this and a great wrong had been committed against him. He stated that he was incarcerated and forced to go to Court. Mr. Jones stated that he had been to the Mayor's Office and everywhere concerning this. He admitted his ignorance in politics and stated that asking the Police Dept. to investigate this is a gross injustice. He stated that he felt violated; that no one in the Mayor's Office seems to care and no one seems to care what all of this was going to cost him. He noted that he had a family and was a student; that he had had to miss an exam because of this. He asked if this Council had the power to look into the allegations of breaking his civil rights and into investigating the jail personnel.

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### STEPHEN JONES (CONT'D.)

Mr. Jones stated that he would like for something to be done; that he did not think that just because he was poor that he should suffer.

Councilman Pierce asked him if he had been on talk radio and proposed to burn the American Flag.

Mr. Jones stated that he was on talk radio but that he did not exactly propose to burn the flag; that all he was asking was for someone to help him; that the Mayor's secretary had told him that the Mayor was not answerable to anyone. He asked how he was supposed to explain to his son that he was not guilty; that this was a high violation, and he was disappointed and upset; that he had been cited to go to Court and Judge Williams shouted and yelled at him and ordered a police to detain him and escort him out of Court. He stated that he had been "herded" about like an animal; that he might not dress just right, and he was not political, but he was a veteran who had served his country.

Chairman Littlefield told Mr. Jones that he had promised him he would get the records and determine what had happened, and they would talk about it.

Mr. Jones stated that he believed Councilman Littlefield and was not trying to go over him, but he just felt that this was something that needed to be brought to the whole Council. He stated that he knew Councilman Littlefield was honorable; that he had gone to school with Councilman Littlefield and Councilman Hakeem's kids.

Chairman Littlefield assured Mr. Jones that he would look at the records and see if further investigation was needed with Internal Affairs and that this would not be brushed aside.

### **ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga City Council until Tuesday, July 16, 2002 at 6:00 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)**

