

**City Council Building
Chattanooga, Tennessee
January 21, 2003
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE

On motion of Councilman Lively, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, RELATED TO THE ADOPTION OF AN UPDATED CODIFIED VERSION OF THE ZONING ORDINANCE CONTAINING ALL ZONING AMENDMENTS APPROVED BY THE CHATTANOOGA CITY COUNCIL FROM JANUARY 1, 2002 THROUGH DECEMBER 31, 2002, AND APPROVING OTHER CHANGES NECESSARY FOR CLARIFICATION OF CERTAIN STANDARDS AND TERMS, AS SHOWN ON THE RE-CODIFIED ZONING ORDINANCE, DATED DECEMBER 31, 2002

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

REZONING

2002-206: City of Chattanooga

Jerry Pace, Director of Operations with the Regional Planning Agency, RPA, stated that a piece of property was inadvertently left off the list last week when this Ordinance was passed on first reading. He stated the property owner has been contacted and agrees with the change.

Councilmen Hakeem and Taylor made the motion to substitute the amendment to this Ordinance; the motion carried.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE ASSORTED PROPERTIES LOCATED IN THE CITY OF CHATTANOOGA AS SHOWN ON THE LIST ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM C-1 HIGHWAY COMMERCIAL ZONE AND C-6 COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-1 RESIDENTIAL ZONE, SO AS TO CONFORM TO THE REVISED CHATTANOOGA ZONING ORDINANCE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2002-217: Tommy Hobbs

On motion of Councilman Page, 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 2201 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

RIGHT-OF-WAY NAME CHANGE

Councilman Hakeem indicated that Planning, the Traffic Engineer and Public Works officials recommend approval pursuant to discussion in today's Public Works Committee meeting.

2002-218: City of Chattanooga

On motion of Councilman Page, seconded by Councilman Franklin,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF
NORTHGATE PARK LANE TO ALPHA LANE, SAID RIGHT-OF-WAY BEING
MORE PARTICULARLY DESCRIBED HEREIN**

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

REZONING

2002-220: Todd Long

On motion of Councilman Page, 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 1203 CRUTCHFIELD STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-1
RESIDENTIAL ZONE**

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.

REZONING

2002-224: City of Chattanooga

On motion of Councilman Page, 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 1701 MARKET STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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.

REZONING

2002-227: Jack Webb

On motion of Councilman Taylor, seconded by Councilman Page,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PORTION OF A TRACT OF LAND LOCATED AT 6139 WILDER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2002-071: Volunteer Behavioral Health Care Systems

Councilman Taylor stated this Ordinance has been deferred several times and indicated representatives from the neighborhood were present and had comments to make.

Linda Bennett, President of the Northside Community Association, stated for the last six months Rudy Utt of Volunteer has met with them to work on this in an effort to formulate conditions for consideration. She stated they were under the impression this matter would be heard today and finalized, however due to technicalities and some delay as far as "changing players" the matter has to be deferred again. She stated that they would like to have this resolved as quickly as they can, as they are growing weary and tired; that a lot of "man hours" have gone into this. She stated they want to make sure they have the decision maker "at the table" when they go back into discussions because a lot of things hinge on the matter being finalized so they can move ahead. She indicated that the Task Force has been "put on hold" while the situation is worked out with Volunteer and mentioned that the area is scheduled on the NUSA Conference tour in May. She stated they would like to have the matter resolved prior to that time.

Rudy Utt, Regional Director of the Johnson Mental Health Center, a sub-agency under the corporation name of Volunteer Behavioral Healthcare, spoke at this time. He stated Dr. Freeman, the Chief Executive Officer, has to approve an agreement such as this. He stated that he has had conversation with him within the last two-or-three days and concern was expressed regarding the wording in the agreement and Dr. Freeman wants to get a legal opinion on it. He requested that the matter be continued.

REZONING (Continued)

Chairman Littlefield inquired as to how much time would be needed. Mr. Utt responded "one month".

Councilman Taylor stated this matter has "drawn itself out", has gone on-and-one and is wearing on the patience of the community. He stated something important was stated earlier that Dr. Freeman is a "major player" in this and should be "at the table". He stated after submitting the information several weeks ago -- if not months ago, he found out Dr. Freeman had not perused the information or is just getting it! He urged Mr. Utt to make sure Dr. Freeman is part of the negotiations with the community so that all stakeholders could be "at the table". He stated the community association has worked extremely hard and this will be the final extension given as the matter has been dialogued "to death"!

On motion of Councilman Taylor, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 413 SPRING STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

was tabled one month (February 25, 2003).

CLOSE AND ABANDON

MR-2002-124: Eva L. Pate and Ernest L. Pate, Jr.

The applicant was present; there was no opposition in attendance.

Councilman Hakeem stated the Public Works version of this Ordinance was the version approved by Public Works Committee for approval and submission to the Council for consideration. He stated Ordinances 6(e) and (h) are recommended for approval and (g) should be tabled one week.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED WEST OF EAST 33RD STREET AND WEST 15 FEET OF EAST 33RD
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO THE CITY MAINTAINING A SEWER EASEMENT
FOR THE FULL WIDTH OF EAST 33RD STREET**

passed first reading.

REZONING

2002-136: Troy L. Cox

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this request is located in Ashland Terrace and was before the Council and referred back to Planning for review. He stated the first request was for an industrial zone, which was not approved for the area and not part of the North River-Hixson Plan. He stated the matter was referred back to Planning for review and the request is now for C-2. He stated the Planning Commission recommends approval with thirteen conditions attached with the main condition for C-2 use for offices and associated indoor storage; that there is also a provision for one frame shop with no retail commercial. He stated the applicant has requested an additional change.

Mike Price, with MAP Engineers, was present representing the applicant. He stated that the request is that the condition placed on the front half of the site be removed and unrestricted in terms of C-2 use; that they have a site plan and have met with Staff regarding this. He stated this is still in keeping with what the Staff recommended and allows for proper use and development of the property; that the front portion has a detention pond on it and room for one building.

Councilwoman Robinson stated that this is a project that has really brought forth a lot of leadership from the neighborhood association and applicant working together. She stated this is a very good plan and that Mr. Pace explained to her the whole concept of the R-1 bordering the property clarifying that there would be an additional buffer from this property and the neighborhood. She stated this is a good use for the property; that there is one additional change that should be explored and "on the record" that will be incorporated prior to second and third reading. She made the motion to approve the plan as suggested; **Councilman Taylor seconded the motion.**

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 706 ASHLAND TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE TO WITHIN SIXTY (60) FEET OF THE EAST PROPERTY LINE, FIFTY (50) FEET OF THE WEST PROPERTY LINE, EIGHTY (80) FEET OF THE EAST PROPERTY LINE WITH THE REMAINDER OF THE R-1 RESIDENTIAL ZONE PROPERTY BEING R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

(COUNCILMEN HAKEEM AND TAYLOR EXCUSED THEMSELVES FROM THE MEETING AT THIS POINT TO ATTEND A PUBLIC MEETING AT HOWARD SCHOOL OF ACADEMICS AND TECHNOLOGY.)

CLOSE AND ABANDON

MR-2002-160: Tim Andrews

Prior to excusing himself from the meeting, Councilman Hakeem stated this matter was discussed in Public Works Committee and the recommendation was to withdraw the request.

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY
LOCATED IN THE 2300 BLOCK OF BRAGG STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**
was withdrawn.

CLOSE AND ABANDON

MR-2002-198: Robert L. and Donna S. Morris

There was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED
PORTION OF THE 1100 BLOCK OF MORRIS LANE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

REZONING

2002-209: Timothy Duckett

The applicant was not present; there was no opposition in attendance.

Councilman Franklin stated this matter has been deferred for the past three-to-four weeks to allow an opportunity for the applicant to meet with the neighborhood association. He stated Mr. Duckett, owner of Wheeler Bonding, met with the North Brainerd Neighborhood Association last week and discussion involved this request in relation to the Eastdale Plan adopted in 1998.

REZONING (Continued)

Councilman Franklin continued by stating that the parameters and boundaries of the residential zones were discussed as opposed to a commercial zone; that Mr. Duckett owns the corner of property located off Greenwood Road up to the triangle point going toward Wilcox, which is all zoned residential. He stated in speaking with Mr. Pace and working with City Attorney Nelson, the outcome was to allow a small piece of this property to be zoned R-4 as referenced in the alternate version.

Mr. Pace stated this request is located in the Eastdale community; that there is single family residential up to Greenwood Road with C-2 along Wilcox. He stated when this request was first reviewed the recommendation for denial was made for the whole parcel due to the residential area. He stated the recommendation in the alternate version is for approval just for the portion of property to accommodate the bonding company; that this is for that use and nothing else and could never be used for any other type office except a bonding company.

Councilman Franklin stated the applicant is not present; that Robert Shreane, President of the North Brainerd Neighborhood Association, is present and they are in agreement.

Mr. Shreane stated that the Association completely agrees with this version reiterating that they have spoken with Mr. Duckett and Councilman Franklin and are "in line" with what is being requested.

Mr. Pace clarified that the map references the small area that is being rezoned.

On motion of Councilman Franklin, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PORTION
OF A TRACT OF LAND LOCATED AT 1323 GREENWOOD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

CHANGE RIGHT-OF-WAY NAME

2002-230: City of Chattanooga

On motion of Councilman Franklin, seconded by Councilman Lively,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 1700 AND 1800 BLOCKS OF CUMMINGS HIGHWAY TO BROAD STREET AND FOR A PORTION OF BROAD STREET TO CHATTANOOGA CHRISTIAN SCHOOL BOULEVARD, (CCS BOULEVARD), SAID RIGHTS-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN
was tabled one week.

CLOSE AND ABANDON

MR-2002-231: City of Chattanooga

There was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY AND A PORTION OF THE 2000 BLOCK OF CUSHMAN STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO THE CITY MAINTAINING A SEWER EASEMENT
passed first reading.

(COUNCILMAN PIERCE EXCUSED HIMSELF FROM THE MEETING TO ATTEND A PUBLIC MEETING AT HOWARD SCHOOL OF ACADEMICS AND TECHNOLOGY.)

CONTRACT: HAZLETT, LEWIS & BIETER, PLLC

Councilman Benson stated this Resolution was discussed in today's Legal and Legislative Committee and comes with the recommendation for approval.

On motion of Councilman Benson, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH HAZLETT, LEWIS & BIETER, PLLC, RELATIVE TO ADDITIONAL FEES RELATIVE TO IMPLEMENTATION OF GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT #34, IN AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND SEVEN HUNDRED DOLLARS (\$26,700.00)
was adopted.

AGREEMENT: LAMAR DUNN & ASSOCIATES, INC.

Chairman Littlefield stated this request and other Resolutions on tonight's agenda involving Public Works were discussed in the Public Works Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LAMAR DUNN & ASSOCIATES, INC., RELATIVE TO IMPROVEMENTS OF ZIEGLER ROAD-GUNBARREL TO CANNONDALE LOOP, CONTRACT NO. 3-02-007-100, FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND DOLLARS (\$26,000.00)

was adopted.

AGREEMENT: BETTS ENGINEERING ASSOCIATES, INC.

On motion of Councilman Franklin, seconded by Councilman Page,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BETTS ENGINEERING ASSOCIATES, INC., RELATIVE TO THE NORTH CHATTANOOGA SEWER REHAB-PHASE I, CONTRACT NO. W-01-001-100, FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED TWO THOUSAND TWO HUNDRED DOLLARS (\$102,200.00)

was adopted.

CHANGE ORDER

On motion of Councilman Page, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO PHASE I AND II GAS COLLECTION WELLS AND PUMPS, CONTRACT NO. BL-2-01, WITH K. W. RAINES ASSOCIATES, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TEN THOUSAND SIXTY-NINE AND 86/100 DOLLARS (\$10,069.86), FOR A REVISED CONTRACT AMOUNT OF THREE HUNDRED THIRTY-ONE THOUSAND SIX HUNDRED TWELVE AND 54/100 DOLLARS (\$331,612.54)

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO SANITARY SEWER RELOCATION FOR WIDENING OF INTERSTATE HIGHWAY 76, CONTRACT NO. 55A-3, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-FOUR THOUSAND ONE HUNDRED THREE AND 38/100 DOLLARS (\$44,103.38), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED FOUR THOUSAND THIRTY-TWO AND 41/100 DOLLARS (\$404,032.41)

was adopted.

TEMPORARY USE: ACQUATERRA ENGINEERING

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING AQUATERRA ENGINEERING TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN AREA BOUNDED BY GEORGIA AVENUE, LOOKOUT STREET AND 6TH STREET FOR INSTALLATION OF A GROUND WATER MONITORING WELL (MW NO. 5) AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SEWER EASEMENT

On motion of Councilman Franklin, seconded by Councilman Benson,

A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM RON AND LORIE MARSH, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-B-030, TRACT NO. 065, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM LELAND C. ROGERS, JR. AND PARTRICIA A. ROGERS, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.09, TRACT NO. 110.1 FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY FIVE DOLLARS (\$355.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Page, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER
EASEMENT FROM BARBARA JEAN HARVEY, RELATIVE TO CONTRACT
NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-
53.10, TRACT NO. 113.1 FOR AN AMOUNT NOT TO EXCEED ONE
HUNDRED THIRTY-FIVE DOLLARS (\$135.00)**
was adopted.

**(COUNCILMAN FRANKLIN EXCUSED HIMSELF FROM THE MEETING AT THIS
POINT TO ATTEND A PUBLIC MEETING AT HOWARD SCHOOL OF ACADEMICS
AND TECHNOLOGY.)**

OVERTIME

Overtime for the week ending January 17, 2003 totaled \$11,795.28.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

JUAN M. TONEY, FRANCIS E. TURLEY – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 9, \$23,170.00 annually, effective January 22, 2003.

ALBERT L. LLOYD, DENNIS CHRISTOPHER, JR. – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 11, \$25,071.00 annually, effective January 22, 2003.

MELVIN G. SPURLOCK, JR. – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 2, \$18,100.00 annually, effective January 22, 2003.

JOHN K. ILES – Hire, Plant Operator, Waste Resources, Pay Grade 9/Step 1, \$23,313.00 annually, effective January 8, 2003.

CHATTANOOGA FIRE DEPARTMENT:

**JEFFEREY BOWMAN, THOMAS MONTGOMERY, PAUL CHAPIN, MELISSA BARROWS,
SCOTT PELL** – Promotion, Lieutenant, Pay Grade F3A/5, \$35,696.00 annually, effective January 24, 2003.

PERSONNEL (Continued)

RICHARD A. PHILLIPS, DAVID J. PEMBERTON, CLIFFORD BRYANT, JR., RICTOR CRAIG – Promotion, Captain, Pay Grade F4A/Step 8, \$46,508.00 annually, effective January 24, 2003.

JAMES WHITMIRE –Promotion, Captain, Pay Grade F4C/Step 9, \$48,211.00 annually, effective January 24, 2003.

KENNETH ATKINS – Promotion, Captain, Pay Grade F4A/Step 7, \$44,805.00 annually, effective January 24, 2003.

RICHARD BOATWRIGHT – Promotion, Lieutenant, Pay Grade F3A/Step 5, \$35,696.00 annually, effective January 24, 2003.

DAVID ARNOLD – Promotion, Battalion Chief, Pay Grade F5A/Step 7, \$54,074.00 annually, effective January 24, 2003.

FINANCE AND ADMINISTRATION DEPARTMENT:

ALICE T. KEITH – Retirement, Payroll Supervisor, effective January 9, 2003.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

DINA DILLON – Termination, Center Clerk, Head Start, effective January 10, 2003.

CHATTANOOGA POLICE DEPARTMENT:

CRAIG A. NABORS – Military Leave, Police Officer, effective January 17, 2003 – January 17, 2004.

BRIAN BLUMENBERG – 24-Day Suspension (without pay), Police Officer, January 17 – February 19, 2003.

PURCHASE

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

TEMPLE, INC. (Lowest and best bid)
R0066940/B0000736

Traffic Signals & Parts

\$8,944.00

RETIREMENT ACKNOWLEDGEMENT

Admin. Boney acknowledged the retirement of Alice Keith, Payroll Supervisor, after many years of faithful service.

REFUNDS

On motion of Councilman Page, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds of overpayments of 2002 property taxes and stormwater fees:

JUAN FLORES -- \$1,173.23

STEVEN BOHR – \$1,322.31

CHARLENE CANTRELL – \$1,240.54

JERRY LEE -- \$1,343.06

REFUNDS

On motion of Councilman Page, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds of real and/ or property taxes:

AMERICAN DAIRY QUEEN CORP. -- (\$1,770.16, \$1,019.63) \$2,789.79

BOARD APPOINTMENT

On motion of Councilman Benson, seconded by Councilman Lively, the following Board appointment was approved:

CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION:

- ☞ Re-appointment of **KEN HAYS** for another three year a term to expire January 1, 2005.

BOARD APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilman Page, the following Board appointment was approved:

LIBRARY BOARD:

- ☞ Re-appointment of **HERBERT COHN** for another three-year term to expire July 1, 2005.

BOARD APPOINTMENT

On motion of Councilman Lively, seconded by Councilman Page, the following Board appointment was approved

BEER BOARD:

- ✍ Appointment of **JULIE CHAMBERLAIN** to fill the un-expired term of Ford Irwin for a term expiring January 31, 2005, representing District 6.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 28 beginning at 3 p.m.** to finalize discussion regarding the carriage ordinance.

In the absence of Councilman Hakeem, a meeting of the **Public Works Committee was scheduled for Tuesday, February 4 beginning at 4 p.m.**

REFER TO THE REGIONAL PLANNING AGENCY

Mr. Pace stated the Regional Planning Agency received a case for rezoning off 153 at Sutton Drive and indicated that the matter had been denied for C-2 rezoning by the Council a few months ago. He stated the request submitted is for O-1 office zone and he knows there is a nine-month rule on property that has been denied at the Council level. He stated the O-1 zone requested complies with the North River-Hixson Plan that was recently adopted. He stated that a request from the Council is needed to have the matter referred to Planning for review and recommendation back to the Council for consideration later.

City Attorney Nelson asked if the area previously denied by the Council for C-2 has been "carved out" of this request.

Mr. Pace stated that the area previously requested for C-2 would be taken out and is not in the request for O-1.

City Attorney Nelson stated that a motion is needed to refer the matter to Planning.

Councilman Lively made the motion to refer the matter to Planning with the understanding that the portion previously denied would be "cut out" from it. He stated that he spoke with the future possible developer and discussed this with him. **Councilman Page seconded the motion.**

REFER TO THE REGIONAL PLANNING AGENCY
(Continued)

Councilman Benson expressed unreadiness on the motion, stating that he had a problem with a precedent being set. He stated the request had come before the Council and was denied; that the residents and neighborhood went home after the denial and are under the impression they would not have to come back for at least nine months if another request was made. He stated that he had another point of unreadiness, inquiring as to whether this is speculative and whether there are site designs.

Mr. Pace responded "yes" that there are site drawings; that he has had dialogue with the neighborhood association and Councilman Lively has spoken with them.

Councilman Benson stated that he would defer to Councilman Lively. Mr. Pace expressed agreement; that Councilman Lively has gone through the proper steps with the neighborhood.

City Attorney Nelson stated that it was his thought that the discussion might be "mixing apples and oranges"; that the applicant is petitioning for property next to and surrounding what was previously denied.

Councilman Benson asked why an exception is needed. Mr. Pace stated that the property denied was a small portion of the whole piece of property

City Attorney Nelson quoted from the Zoning Ordinance stating, "***Provided, however, that a petition for rezoning or to close and abandon shall not be accepted for a period of nine months following denial of a previous petition involving the same property or any part thereof***". He stated what this is "saying" is that this is not the same property.

Mr. Pace stated this is one big piece of property; that what was previously requested for C-2 was a small portion of that.

Chairman Littlefield clarified that the small portion previously requested for C-2 would be left out. Mr. Pace responded "yes".

Mike Price stated this is not a request for the portion that was denied; that it is requesting everything else around it. He stated the request is for three-fourths of a four-acre tract that "came in" when Zaxby's requested C-2. He stated the rest of the property meets the land use plan for the area and there is a good plan of what the applicant wants to do; that it is not speculative and reiterated that it meets the land use plan.

REFER TO THE REGIONAL PLANNING AGENCY
(Continued)

Mr. Price stated the applicant did not want to be "held hostage" and they know what they want to do with the rest of the property. He stated it is a good plan and a new developer; that they are trying to move on with a good plan.

Councilman Benson indicated that he is at a loss as to why the matter is being considered.

Chairman Littlefield stated that this is apparently the way to exclude the portion that was denied. He stated City Attorney Nelson is agreeable and all know this has been a "troublesome" piece of property for more than a dozen years; that the neighborhood association is happy for any way this could move forward.

Councilman Benson expressed concern about setting a precedent and the future.

Chairman Littlefield stated that it was his thought the City Attorney defined it enough; that it is something he could "live with" as a precedent. He stated the way he understood it, Councilman Lively has wrestled with this many times.

Councilman Lively stated he would sit down with the neighborhood and let them know; that the developer insists this is not the portion that was turned down.

Mr. Price stated that he knows the history of this property and the previous rezoning requests; that he would definitely welcome getting with the community.

Councilman Benson asked Mr. Pace if he recommends this. Mr. Pace responded "yes".

After a unanimous vote of the five Council members present, Chairman Littlefield stated that the matter would be referred back to Planning. He stated if the neighborhood is not happy, they will let us know before any further action is taken.

NORTH CHATTANOOGA NEIGHBORHOOD
ASSOCIATION

Councilwoman Robinson announced that the North Chattanooga Neighborhood Association has a meeting planned for Thursday, January 23 at 6:30 p.m. at Northside Presbyterian Church. She invited everyone to attend, whether they are owners, renters or business people; that a wonderful meeting is planned!

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, January 28, 2003 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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