

**City Council Building
Chattanooga, Tennessee
February 11, 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, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

MOUNTAIN CREEK COMMUNITY GREENWAY PLAN

Councilmen Lively and Franklin made the motion to move this Resolution forward on the agenda; the motion passed.

Greg Haynes of the Regional Planning Agency (RPA) staff made the presentation for the Mountain Creek plan. He recognized representatives of the Friends of Mountain Creek who initiated the process by requesting an amendment to the Chattanooga Master Greenway Plan. The City Council concurred by requesting the RPA work with the Friends of Mountain Creek and the Mountain Creek community, in general, for a greenway to "flush out" the basic concept of the greenway in that area. He displayed a map encompassing the area involved for the plan beginning with Morrison Springs Road on the south end to the Tennessee River and Baylor School. He stated the idea was to identify four major activity centers along the route entailing approximately three miles. He indicated Phase I of the plan is located between Red Bank High School and Red Bank Elementary, Phase II between Red Bank Elementary, down to K-Mart and North Runyan Drive and Phase III between Signal Mountain Road and the Tennessee River at Baylor School, connecting the commercial area near K-Mart down to the future Riverwalk near Baylor School.

MOUNTAIN CREEK COMMUNITY GREENWAY PLAN
(Continued)

Mr. Haynes continued by stating that TDOT plans to widen Signal Mountain Road to seven lanes and some of the construction will benefit to make the connection to the existing sidewalk. He stated getting across seven lanes will be a challenge and a crosswalk was incorporated in front of the Burger King. He stated the four basic activity centers will be connected with the greenway.

Chairman Littlefield stated Bobby Davenport of the Trust for Public Lands was helpful in assembling a lot of land through the Trust arrangement.

Irene Catlin stated that she lives in the 4700 block of Mountain Creek and represents the group that came together after the Friends of Mountain Creek and the RPA presented their plans at the first meeting at Red Bank High School in September. She stated at that time they presented a map which went further than this Resolution does, referencing two alternate plans up Highway 27 and another continuing up the Creek bank that would go through multiple family dwellings. She stated it was at that time the group came together to deal with the project and after a few meetings it was indicated this would come through the middle of her property and would split it in half. She stated everyone decided at more frequent meetings that constricting the trail way along the side of the Creek bed would interfere with the environmental impact that a lot of private owners are doing.

Ms. Catlin distributed a copy of a letter from Barry Bennett, Executive Director of RPA regarding the future initiative of the area, which stated, ***“The general area north of Morrison Springs Road, up to North Chickamauga Creek, originally described in the plan as a ‘Future Initiative’ area has been removed from the plan with no mention of or recommendation for that part of the Mountain Creek community. A future study and plan for that area would come only at the request of a greenway support group, representing most of the property owners from that community”***. She stated most of the residents north of Morrison Springs Road are vehemently opposed to putting a greenway up the Creek bank and want all on the Council to be aware of that; that the initiative to go north of Morrison Spring Road has been dropped and it is their hope it has not been just tabled. She stated many feel if it goes out Highway 27 that is fine; that she checked with Mark and Zan Lankford with the horse facility and they are in favor of having a greenway come by that facility. She stated at this point they wanted to point out that they are aware of the ongoing events about extending this and expressed appreciation for the Council’s time.

MOUNTAIN CREEK COMMUNITY GREENWAY PLAN
(Continued)

Chairman Littlefield stated that he wanted all to understand the whole idea of the concept will take years and years if any of it becomes realized; that they have the Riverwalk now, but at one time it was only a dream and the trail goes from downtown to the Dam. He stated they would try to work this around all those obstacles and people with different wishes of its pathway and nothing will happen that is not welcomed by the community it serves. He informed Ms. Catlin her points were well taken and expressed appreciation for her comments and participation in the process.

Councilman Hakeem inquired as to whether there has been any discussion with representatives of the Scenic Land School.

Mr. Haynes stated most property owners were sent packets and a draft plan accompanied by a letter as to whom to call if there were questions and to set up a meeting. He stated Mr. Davenport might have a little more information regarding this; that the School has been aware of this and are not against it; however they have concerns about safety and public access. He stated most of the property owners who have been contacted have shared this same concern and are in support of the general idea; that when there are specific questions about safety and public access they have referred persons to the Trust for Public Land.

Councilman Lively stated that it is important to point out this was a community initiated plan and has gone through the process where the community had input; that it is his belief the plan meets with ninety percent approval of the community.

On motion of Councilman Lively, seconded by Councilman Franklin,

**A RESOLUTION TO ADOPT THE MOUNTAIN CREEK COMMUNITY
GREENWAY PLAN**

was adopted.

**AMEND CITY CODE: REGULATION OF HORSE-
DRAWN CARRIAGES**

Councilman Franklin made the motion to substitute the amendments to this Ordinance; Councilman Lively seconded the motion.

AMEND CITY CODE: REGULATION OF HORSE-DRAWN CARRIAGES (Continued)

Councilman Benson stated this matter comes to the Council with the approval of the Legal and Legislative committee. He stated as part of this codicil he would ask Mr. Boney if the ordinance is passed procedures be put in place for representation of the carriage industry on the Taxi Board, as they will be the regulating board for this industry.

Councilman Hakeem stated as a member of the Taxi Board the matter has been discussed with the Chairman and other members of the Board and they have no problem with the concept of a member of the carriage industry being part of the Board. He stated what is needed is a resume or letter identifying who the person is and something about them for submission to the Mayor who will then recommend to the Council.

On motion of Councilman Lively, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, BY ADDING A NEW ARTICLE VI, SECTIONS 35-186 THROUGH 35-225, RELATIVE TO REGULATION OF HORSE-DRAWN CARRIAGES

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

AMEND CITY CODE: HORSE-DRAWN VEHICLES ON MARKET STREET

On motion of Councilman Lively, seconded by Councilman Page,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE I, SECTION 24-29, RELATIVE TO HORSE-DRAWN VEHICLES ON MARKET STREET

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

AMEND CITY CODE: WRECKING AND TOWING SERVICE

Councilman Benson stated representatives from the industry are present; however, the request is to defer the matter for two weeks to allow for further discussion in the Legal and Legislative Committee at 3 p.m. on that date.

**AMEND CITY CODE: WRECKING AND TOWING
SERVICE (Continued)**

On motion of Councilman Benson, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 35, ARTICLE IV, SECTION 35-146 THROUGH 35-180, RELATIVE
TO THE WRECKING AND TOWING SERVICE**
was tabled until February 25.

CLOSE AND ABANDON

MR-2002-223: City of Chattanooga

There was no opposition in attendance.

On motion of Councilman Page, seconded by Councilman Taylor,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE 2600 BLOCK OF LOCKWOOD AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

REZONING

2002-228: Trotter's Place, Inc.

Pursuant to notice of public hearing, the request of Trotter's Place, Inc. to rezone a tract of land located in the 2200 block of Hickory Valley Road and 6710 Shallowford Road came on to be heard.

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

Jerry Pace, Director of Operations for the Regional Planning Agency, stated that the request is located in the East Brainerd and Lee Highway area at Hickory Valley and Shallowford Roads for an R-4 office development. He stated most of the area to the west and south is zoned R-1 single family and commercial on the eastern side of Hickory Valley Road toward Lee Highway. He stated the Staff made the recommendation to only rezone the front portion along Hickory Valley Road to match the area across the north side of Shallowford, indicating that Shallowford road is scheduled to be widened in this location.

REZONING (Continued)

Mr. Pace stated the Planning Commission recommended approval of the request with conditions which includes a 30 foot buffer along the eastern property line.

Bill Sanders stated that the R-4 request would accommodate a fairly large luxuriously well-designed and landscaped office complex. He stated the reason an office complex was chosen as opposed to other uses is that the property is now vacant and is more compatible with the neighborhood and will operate from 9 a.m. until 5 p.m. He stated the property will be something everyone will be proud of; that he talked with a lot of people in the neighborhood and has yet to find any one opposed to an office complex. He expressed appreciation to the Planning Commission for their recommendation for approval and indicated at the time they agreed to a condition they would try to design around the thirty foot buffer strip; however, they have found they cannot as it would interfere with two of the buildings and would make the project economically unfeasible. He requested that the buffer be reduced to ten feet and allow for screening wherever appropriate as they desperately need the extra twenty feet.

Councilman Hakeem inquired as to whether what is proposed would increase the traffic generated in the area.

Mr. Pace indicated that he did not have comments from the Traffic Engineer as far as more traffic being generated is concerned and indicated that the proposed five lanes would accommodate any additional traffic.

City Attorney Nelson stated the City could always accept a donation. He stated that the City cannot require that property be deeded to the City in return for rezoning unless the addition is going to be provided by reason of rezoning; that the City would have a difficult time asserting that in this case, since the widening was already being planned by the time the applicant came forward.

Councilman Lively inquired as to which of the three versions the Clerk of the Council read. The Clerk of the Council clarified that the Planning Commission's version recommending approval with conditions was the version read.

Councilman Lively stated rather than R-4, why not O-1 and not put in conditions if that seems to be a problem.

Mr. Pace responded "true"; that he did not know if O-1 was discussed at the Planning meeting; that it could be rezoned R-4 with a condition for office use only.

REZONING (Continued)

Mr. Sanders stated he was not trying to “put anything over” on the Council; that it was felt the “R” residential zone would be less controversial than any other classification. He stated they knew and felt it would be a difficult thing to rezone and tried to “soften the blow” by requesting this zone. He stated he would not mind the condition for office use only.

Councilman Benson stated that the reason there is no opposition present is because Mr. Sanders and Mr. Cagle “worked” this community and informed them before this was brought along. He stated residents are not down here in opposition because he talked to several and they expect the donation to be part of the conditions. He stated the first condition references thirty feet and from the people he talked with they can come up with a condition that would mitigate any problem they might have. He stated that it is his understanding the original architect that rendered the drawing is no longer on the job.

Mr. Sanders responded “that is correct”.

Councilman Benson stated that is what the community based their lack of opposition on; that they must have some assurance and requested time between second and third reading to see if this “lives up” to the design quality and style; that they were hoping for the style shown on tonight’s renderings. He stated he would have to withhold his vote or even vote against this if it is not in the same quality on second and third reading. He asked Mr. Sanders if it is his plan to bring in another rendering and not just a site plan.

Mr. Sanders responded that he did not know as another architect has not been hired; that there was a conflict of interest and the architect resigned.

At this point Councilman Benson moved for approval on the plan with an amendment to the conditions that would require ***“Type “C” landscaping along the western property line with a 6’ high privacy fence, consisting of 2’ wide brick columns placed on 10’ centers with wood polymer lumber fencing between columns, located to the interior of landscaping”*** to protect the residents. He asked Mr. Sanders if he was willing to accept the condition.

Mr. Sanders responded “yes”.

Councilman Benson stated the citizens of the community really wanted this to be an office and indicated that it was his understanding when this originally started out it was a little too drastic. He asked if it would be legal to add the condition that this needs to be an office only. City Attorney Nelson responded “yes”.

REZONING (Continued)

Councilman Benson asked Mr. Sanders if he accepts the condition that it be used as office only.

Mr. Sanders responded "yes". He indicated they would move as expeditiously as possible and assured the project would be done to the level shown on the rendering or higher; that he would be happy to furnish another rendering.

On motion of Councilman Benson, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 2200 BLOCK OF HICKORY VALLEY ROAD AND 6710 SHALLOWFORD ROAD MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading; **second and third reading is scheduled for February 25.**

RIGHT-OF-WAY NAME CHANGE

2002-230: City of Chattanooga

Mr. Pace stated this request was discussed in the Legal and Legislative Committee for the renaming of the portion of Cummings Highway which turns and goes in front of the Mt. Vernon restaurant and other businesses people assumed was Broad Street. He stated the request is to change the name from Cummings Highway to Broad Street and rename the old Broad Street to Charger Drive.

Councilman Benson stated the matter was discussed in the Legal and Legislative Committee and the vote did not come out unanimously; that he was compelled to vote against this for two reasons. He stated the name "Charger" is parochial and is affiliated with private enterprise and does not have a universal identification. He stated he could not tell where the street is going to be; that it would make more sense to him for it to be South Broad Street. He stated he would not know which way to go to get to Charger. He stated that it is his thought this is setting a bad precedent and knows he might be in the minority in this; yet, he wanted to speak up.

Ann Weeks was present representing the Broad Street Revitalization Association. She stated the Association supports this because the Broad Street name is used by everyone right down in front of Mt. Vernon, Taco Bell and the Dialysis Center.

RIGHT-OF-WAY NAME CHANGE (Continued)

Ms. Weeks continued by stating Charger is a more common word and does represent the School's team; that Chattanooga Christian School will be there as long as we are around. She stated the Association feels that this is an appropriate name for the short street.

Don Holder, President of Chattanooga Christian School, stated they are trying to be good neighbors; that most people believe Broad Street goes by Mt. Vernon up to the railroad viaduct. He stated people need to know where they are; that there are some names less descriptive than Charger and understands the problem that there might be a precedent to name a street after a school in Chattanooga. He stated the School is thirty years old and asked for the Council's cooperation to give a name that recognizes the school that is there; that there are only two businesses on that street. He stated they need something to identify the school.

Janet Jobe, Director of Development at Chattanooga Christian, stated that her department raises money for the school; that they go out and talk about where they are and what they are doing and are adamant about being good citizens. She stated they need a street name that says something about who they are.

Councilwoman Robinson stated that it is her thought Council members are very supportive of renaming the portion and asked if any consideration has been given to naming it West Broad.

Mr. Pace stated that is not a consideration of 911; that they first go to see if the street name is appropriate and there is always a problem to have a name duplicated. He stated changing it to "east" or "west" would not be agreeable to 911 because of the duplication of others that begin with that.

Chairman Littlefield stated the Council is close to a resolution; however, he would not want to preclude the vote.

Councilman Taylor agreed with what had been previously stated and cited Chattanooga Christian's longevity and dedication to that part of the community. He stated they have been a good neighbor and have opened their doors to the neighborhood. He stated changing the name to Charger would not cause a problem in location; that it is something all would have to get used to. He requested that the Council move forward in renaming the street Charger.

RIGHT-OF-WAY NAME CHANGE (Continued)

At this point, Councilman Hakeem “called the question”.

On motion of Councilman Lively, seconded by Councilman Taylor,

AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 1700 AND 1800 BLOCK OF CUMMINGS HIGHWAY TO BROAD STREET AND FOR A PORTION OF BROAD STREET TO CHARGER DRIVE, SAID RIGHTS-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

passed first reading; Councilman Benson voted “no”.

REZONING

2003-002: First Tennessee Bank National Association

Pursuant to notice of public hearing, the request of First Tennessee Bank National Association to rezone a tract of land located at 1319 Cowart Street came on to be heard.

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

Mr. Pace stated that the request has been made to table this matter thirty days; that the applicant is having ongoing discussions with representatives of the Urban and Design Studio regarding this project. He stated the applicant has requested deferral for an effort to work out the details.

On motion of Councilman Lively, 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 1319 COWART STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled 30 days (until March 11).

REZONING

2003-007: Jose Mazariegas

Pursuant to notice of public hearing, the request of Jose Mazariegas to rezone a tract of land located at 2314 E. 17th Street came on to be heard.

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

REZONING (Continued)

Mr. Pace stated this request is located in the Oak Grove neighborhood. He stated the lot next door to Watkins Street is C-2 and presently vacant and the large M-1 in the area is the former Standard-Coosa-Thatcher plant; that there is M-2 to the South and to the west is all R-1. He stated the request is for C-2 and the Staff and Planning Commission reviewed the matter and have determined it is still a very residential area and commercial should not be increased any further in this area; that Staff and Planning recommend denial.

Jose Mazariegas stated that C-2 is all in the area; that there is a big factory building and behind it is M-2. He stated that he was trying to understand why a little piece of land cannot be rezoned since it is surrounded by C-2; that the property has always been a business until a couple years ago. He presented signatures from neighbors from Twelfth to Eighteenth Street along South Watkins who do not have a problem with this at all. He stated he has purchased a building and was told he could build a business in the area and was later told he could not because it was three feet long on Dodds and would have to rezone the property to C-2.

Chairman Littlefield asked Mr. Mazariegas if he owns the property and the lot next to it. Mr. Mazariegas responded "yes".

Louise Hammonds of the Oak Grove community stated the signatures Mr. Mazariegas has secured came from the Ridgedale community, clarifying that his request for rezoning is in the Oak Grove community. She stated the property is directly across from land owned by Mr. Shaw and his wife, missionaries that have spent their lives in missionary work. She stated that Mr. Shaw built his home to retire in and both are 79 years old and all have worked hard to get the street cleaned up. She stated Mr. Shaw called her about this, reiterating that a lot of time and money has been spent in cleaning the street up. She stated she does not know how the other piece of property was converted to a business zone; that rezoning for a garage would cause a big problem.

Gary Ball was present representing the Ridgedale Merchants Association and stated that the notice for rezoning was mistakenly sent about the property and after investigating the matter found that the property was rezoned in 1992 when Councilmen Littlefield and Hakeem were on the Council and voted to rezone this property; that the applicant, at the time, wanted to build a restaurant. He stated restrictions are always placed on properties that are rezoned and none of those imposed on this property ever happened. He expressed sorrow that Mr. Mazariegas has purchased this land without knowing the property next door probably would not be rezoned. He stated his metal building is in the back yard.

REZONING (Continued)

Mr. Ball continued by stating the applicant does not come to the community meetings and has three cars on the street now that no one can get "pulled". He stated the community is willing to work with him if he is willing to work with the community and indicated he has been run out of three different locations for working on cars in the yard.

Ms. Hammonds stated with the way Mr. Mazariegas runs his business, the Ridgedale community would be concerned even if he puts a garage there; that there would be a problem with oil which would cause bad stormwater problems.

Judith Thurman stated this location has always been business property; that back in the 1930's there was a business owned by Mr. Phillips. She stated she sold the property with the understanding that Mr. Mazariegas could build a building there; that he went to Planning and was told he needed to have an architect to design a building. She stated once this was done he was told the building was too big for the lot and he bought the lot behind this property in order to have room to park his cars and put the building on it. She stated he wanted to make sure there was proper drainage and everything would be up to standard; that the building is ready to be put up and is laying in his back yard, now. She stated Mr. Mazariegas is the single father of two small children and is trying to make a living. She stated that she lives at 160 South Watkins and a lot of people signed the petition that live on Seventeen and Eighteenth Streets and Watkins; that some live on Twelfth, Thirteenth and Fourteenth Streets, as well.

Mr. Mazariegas stated the building will be beside the alley and he could put in a blind driveway on one side or on Watkins. He expressed appreciation for the Council's consideration of this request.

Councilman Hakeem stated that Chattanooga is not an anti-business community and commended Mr. Mazariegas for his efforts and using the skills he has to improve himself and the well being of his family. He stated Oak Grove and other communities are striving to improve their way of life and persons in the community have had a problem with an automotive repair shop on Main Street that finally went out of business, reiterating that it was a real problem! He stated Mr. Mazariegas' heart might be in the right place but businesses of this nature create many problems, such as parking "all over the place" and pollution concerns. He stated if at all possible, he is not certain he could find another location available; that even though the request is for C-2 it would be monitored closely because of the concerns the community has due to past irregularities of a similar business in the same general area. At this point he **made the motion to deny the request; Councilman Franklin seconded the motion.**

REZONING (Continued)

A female resident of the community in support of Mr. Mazariegas' request stood and indicated that there are other businesses within five blocks of this lot and asked why Mr. Mazariegas is not allowed to make a living for his family.

Councilman Hakeem indicated that the person did not hear what he stated, reiterating that there were problems with an auto repair shop on Main Street a block from this location. He stated though Mr. Mazariegas' heart is in the right place he (Hakeem) sees the opportunity for the same type of concern and problem to exist again.

Chairman Littlefield asked the speaker to please be seated.

At this point, Councilman Benson "called for the question".

On motion of Councilman Hakeem, 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 2314 EAST 17TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
was denied.

REZONING

2003-009: Blood Assurance, Inc.

Pursuant to notice of public hearing, the request of Blood Assurance, Inc. to rezone part of a tract of land located at 700 East 3^d Street came on to be heard.

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

Mr. Pace stated that the site is surrounded by the UTC campus and there is a parking area to the east; that the request for C-3 is for an additional building proposed for the Blood Assurance property. He stated the C-3 designation comprises the central business zone and the conditions for all requests for C-3 as part of the downtown central business area have been attached. He stated approval is recommended with conditions.

REZONING (Continued)

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A
TRACT OF LAND LOCATED AT 700 EAST 3RD STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2003-012: Cummings Cove, LLC and Inman, LLC

Pursuant to notice of public hearing, the request of Cummings Cove, LLC and Inman, LLC to rezone a tract of land located at 4214 Cummings Highway and 4010 Cummings Road came on to be heard.

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

Mr. Pace stated this request is located in the Lookout Valley community in an area where the Cummings Cove development is underway. He stated there is C-2 commercial along Cummings, as well as C-1. A site plan showing the proposed townhouse development was shown, as well as the existing development to the west. He urged Council members to go by and look at this area, as it is magnificently beautiful! He stated the Planning Commission and Staff recommend approval.

Councilman Lively stated this is the fulfillment of the completion of the development of land for the Cummings Cove project.

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 A TRACT OF
LAND LOCATED AT 4214 CUMMINGS HIGHWAY AND 4010
CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-
1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO
RT-1 RESIDENTIAL TOWNHOUSE ZONE**
passed first reading.

PRELIMINARY PUD: CHRISTOPHER A. AMOS

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

Mr. Pace stated this request is to expand the outer boundary, which could not be done at the Planning Staff level as it has to have the approval of the legislative body. He stated this provides for an extension back into the Ashwood community for the PUD development along Shallowford Road. He stated approval is recommended.

On motion of Councilman Benson, seconded by Councilman Hakeem,

A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED R-1 RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN AS VILLAS AT ASHWOOD PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN THE 7700 BLOCK OF SHALLOWFORD ROAD AND 2306 LAURELTON CREEK LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

FINAL PUD: CHRISTOPHER A. AMOS

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

On motion of Councilman Page, seconded by Councilman Franklin,

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR AN R-1 RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN AS VILLAS AT ASHWOOD PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN THE 7700 BLOCK OF SHALLOWFORD ROAD AND 2306 LAURELTON CREEK LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SPECIAL EXCEPTIONS PERMIT: BLOOD ASSURANCE, INC.

Mr. Pace stated this Resolution "cleans up" the Blood Assurance property for exclusion from the institutional PUD properties. He stated since this involves the outer boundary operations the matter had to come before the legislative body for final approval for the correction.

**SPECIAL EXCEPTIONS PERMIT: BLOOD
ASSURANCE, INC. (Continued)**

Chairman Littlefield stated that he did not know why this was part of UTC's PUD and that UTC does not mind Blood Assurance excluding themselves. He stated there was some discussion other than transportation changes underway and considered in this vicinity; that neither the zoning or PUD action has anything to do with that.

Mr. Pace stated that the applicant was requested to work with Public Works regarding the issue.

On motion of Councilman Taylor, seconded by Councilman Hakeem,

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT TO EXCLUDE FROM THE UNIVERSITY OF TENNESSEE INSTITUTIONAL PLANNED UNIT DEVELOPMENT A PART OF A TRACT OF LAND LOCATED AT 700 EAST 3RD STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

SPECIAL POLICEMAN: LEE K. SNELL

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF LEE K. SNELL AS SPECIAL POLICEMAN FOR ERLANGER HEALTH SYSTEMS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

THREE-PARTY AGREEMENT

Councilman Hakeem stated Resolution 7(e) – (m) are recommended for approval pursuant to discussion in the Public Works Committee meeting.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A SUPPLEMENTAL THREE-PARTY AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY (NORFOLK SOUTHERN CORPORATION), RELATIVE TO PROJECT BR-STP-3552(1), 33958-2342-94, BRIDGE WIDENING 3RD STREET OVER CITICO RAILROAD YARDS FOR AN INCREASE TO BE PAID TO THE RAILROAD OF SIXTY-SEVEN THOUSAND FIVE HUNDRED FIFTY-TWO AND 009/100 DOLLARS

THREE-PARTY AGREEMENT (Continued)

(\$67,552.09), FOR A TOTAL AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY-TWO THOUSAND SIX HUNDRED FIFTY-TWO AND 09/100 (\$572,652.09), WITH NO CITY FUNDS BEING INVOLVED IN THIS PHASE OF THE BRIDGE REPLACEMENT

was adopted.

SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM ROBERT E. HENSLEY AND WIFE, ELIZABETH HENSLEY, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.07, TRACT NO. 026.2, FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED EIGHTY-FOUR DOLLARS (\$784.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Taylor, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM BEKIR O. CIGNILLI, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.13, TRACT NO. 029.1, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM KHOSRO G. KASHANI, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.03, TRACT NO. 022.1, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND SEVEN HUNDRED TEN DOLLARS (\$1,710.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM KHOSRO G. KASHANI, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.04, TRACT NO. 023.1, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND ONE HUNDRED NINETY DOLLARS (\$2,190.00)
was adopted.

SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM KHOSRO G. KASHANI, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.05, TRACT NO. 024.1, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND THREE HUNDRED THIRTY DOLLARS (\$2,330.00)
was adopted.

SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM KHOSRO G. KASHANI, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.06, TRACT NO. 025.1, FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SEVENTY DOLLARS (\$770.00)
was adopted.

SEWER EASEMENT

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM KEVIN AND NITA SHUMAKER, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.18, TRACT NO. 034.1, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY DOLLARS (\$150.00)
was adopted.

PROPERTY ACQUISITION

MR-2003-019: City of Chattanooga

On motion of Councilman Pierce, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED AT 1965 HIXSON MARINA ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM DANIEL AND LYNETTE ATCHLEY, FOR A CONSIDERATION OF SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$7,400.00), PLUS REASONABLE CLOSING COSTS, FOR USE AS A PUMP STATION RELATIVE TO CONTRACT 73B-3, HIXSON MARINA COLLECTION SYSTEM

was adopted.

OVERTIME

Overtime for the week ending February 7, 2003 totaled \$81,033.84.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **LOIS E. FRADY** – Return from FMLA, Custodian, Citywide Services, effective February 4, 2003.
- ✍ **EDWARD L. WARE** – Transfer/Promotion, Concrete Worker, Citywide Services, Pay Grade 6/Step 2, \$20,801.00 annually, effective February 6, 2003.
- ✍ **KIMBERLY MCCLURKIN** – Return from FMLA, Recycling Supervisor, Citywide Services, effective February 3, 2003.
- ✍ **MARK A. PHURROUGH** – Resignation, Crew Worker, Citywide Services, effective February 6, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **JAMES AVERY** – Military Leave, Police Officer, effective February 7, 2003 – February 7, 2004.

PERSONNEL (Continued)

✍ **VINCENT WATKINS** – Military Leave, Police Officer, effective February 6, 2003 – February 6, 2004.

PURCHASE

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

LANDSCAPE FORMS, HOWLETT EQUIPMENT CO., NICHOLS BROTHERS STONEWORKS R0065309/B0000739 (Low bidders meeting specifications)

Market Street Streetscape Furniture

| | |
|--------------------------|-------------|
| Landscape Forms: | \$81,365.00 |
| Howlett Equipment Co. | 5,211.00 |
| Nichols Bros. Stoneworks | 22,344.00 |

PURCHASE

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

MAKEPEACE, INC. (Lower and better bid)
R0065140/B0000743

Forensic Mapping and Analysis System for Traffic Division

\$12,995.00

CADET GRADUATION

Chief Dotson reminded Council members of the Cadet Graduation scheduled for Thursday at 7 p.m. at Chattanooga State.

REFUND

On motion of Councilman Hakeem, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund of 2002 property taxes due to overpayment:

WILLIAM S. AMBROSE -- \$1,105.30

TALMADGE H. HENRY -- \$1,253.74

BOARD APPOINTMENTS

On motion of Councilman Benson, seconded by Councilman Taylor, the following Board appointments were approved:

BEER BOARD:

- ✍ Appointment of **J. FREDERICK WEINHOLD** effective March 1, 2003 with a term to end August 1, 2005 representing District 3.

VARIANCES AND SPECIAL PERMITS BOARD:

- ✍ Re-appointment of **JOHN CRAWFORD** for a term ending December 31, 2005.

HEARING RESULTS: EDWARD FREEMAN

Councilman Lively stated that a personnel hearing for Edward Freeman was held on Monday and by a two-to-one vote the Committee voted to uphold the City's recommendation for termination. He stated it was not an easy decision and was very semi-emotional as the Committee really "felt" for him; however, under the circumstances the decision was upheld.

Chairman Littlefield stated the decision was consistent with the policy adopted some years ago with regard to no tolerance on alcohol.

HEARING: OFFICER SABRINA SMITH

City Attorney Nelson reported that a request has been received from Officer Smith's attorney requesting a change of hearing date due to a conflict in scheduling.

HEARING: OFFICER SABRINA SMITH (Continued)

Officer Smith's hearing was rescheduled for Monday, **March 17 beginning at 3 p.m. with Councilmen Benson, Pierce and Franklin serving as the panel;** Councilman Taylor will serve as backup.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, February 18 beginning at 3 p.m.**

Councilman Hakeem reminded Council members of the meeting of the **Public Works Committee scheduled for 4 p.m. on Tuesday, February 18.**

Councilman Taylor scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, March 4 immediately following the Public Works Committee** for a report concerning an article that appeared in today's newspaper regarding Chattanooga ranking 20th in the nation concerning toxic release. He asked the Clerk of the Council to contact EPA for an update because of the carcinogenic agents found in this area.

WORD OF THANKS!

Councilman Hakeem openly thanked Dr. Grace Hewell for an article she provided in relation to the Islamic Hodge. He indicated that he went to Saudi Arabia and participated in the Hodge in 1999 and that her "timing" was impeccable in that today was the completion of the Hodge and Festival of Prayer that he also took part in. He expressed appreciation for her thoughtfulness.

Councilman Taylor also welcomed Dr. Hewell back home stating that it is good to have her back in the Alton Park community!

DR. GRACE HEWELL

Dr. Hewell stated she has designed a strategy to help President Bush with the reentry of the United States into the U.S. National Commission; that she has been a member of the USO through her appointment by President Carter when the administration, at that time, withdrew from UNESCO.

DR. GRACE HEWELL (Continued)

Dr. Hewell stated while she was away ill she thought so much of the Council and at one point thought she was "crossing over Jordan". She stated she still has a mission as she has been working for some time since retirement to do things with and for the City noting that she was designated a Social Work Pioneer by the National Association of Social Workers, joining the ranks of "Eleanor Roosevelt, Mary Bethune and all the other wonderful people". She stated what is bothering her is that she has completed plans for a museum and learning center at her property on 47th Street; that her home is small and wondered if the Council would be interested or not. She stated Howard University wants it, but she said "no" because she has some collectible items; that she came to get guidance and the Council's opinion and does not have a resolution. She stated people have seen what she has and what she has done has been about the City and Council; that she has a very fine collection and invited Council members to visit her home to view them.

SYLVIA BENNETT

Sylvia Bennett stated the animal ordinance is scheduled to come up next week and distributed articles she collected which indicate how wrong it is to kill animals; that the City needs a spay and neuter program. She stated \$42,000 is spent to house and kill animals. She asked the Council to ponder the situation and go a different way to save animals.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, February 18, 2003 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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