

**City Council Building
Chattanooga, Tennessee
August 19, 2003
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, 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 Hakeem gave invocation.

MINUTE APPROVAL

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

REZONING

2003-106: Capital Toyota, Inc.

The representatives for the applicant were present; opposition was in attendance.

Councilman Benson stated that the parties were asked to get together to resolve issues.

After carrying the vote through on second reading, the motion and second for third reading was made by Councilmen Hakeem and Lively. The Council was then made aware there were persons in opposition wanting to speak. At this point, Councilmen Hakeem and Lively withdrew their motion and second so there could be discussion. Councilmen Hakeem and Pierce then made the motion and second to accept the withdrawal; the motion carried.

REZONING (Continued)

Rick Davis of Chickamauga Road stated he was not present to stop Toyota or Lexus from expanding; that he was looking for information of a plan toward continued expansion. He stated this is a great business and as long as they continue to grow they will have to expand; that he and others want to preserve the neighborhood and they want to know of their future expansion plans so they could maintain the neighborhood and live there together. He stated they are looking for a buffer zone and understands there will be a 65-foot setback from the right-of-way and indicated he was not clear on this. He indicated that it was his wish this request would not move on until there has been an opportunity for the residents of the neighborhood to know whether their property values would be preserved, as well. He stated there are a couple other conditions he would like to address along with Capital's expansion and how far they would go; that they have been up here every two-or-three years and here we go again! He stated this is something he does not feel comfortable with indicating that he has spent \$35,000 working on his house and it appraises for less than the tax appraisal that is on it, which does not "set well" with him. He stated there is a parking lot in front of him and the issue involves the whole neighborhood that they are trying to preserve, reiterating that they would like to know what to expect in the future.

Councilman Taylor inquired as to the 35-foot buffer listed as one of the conditions in the Ordinance.

Jerry Pace, Director of Operations of the Regional Planning Agency (RPA), stated the conditions call for a 65-foot building setback from Chickamauga Road, with 30 feet of that as a landscape buffer consisting of evergreen inside the C-2 property where it abuts the R-1 and 35 feet of the property west of and parallel to Chickamauga Road originally zoned R-1.

Mr. Davis stated the 35-foot right-of-way is not what is being zoned, indicating that 35 feet is cut off that much more.

Councilman Benson stated this was discussed last week and it got to a certain point. He noted one of the other residents present with Mr. Davis had gone out into the Council lobby to discuss the matter and suggested that he (Davis) go out there to get answers to his questions.

Councilman Lively stated what Mr. Davis is asking for is the unknown; that there would be 130 feet before building anything with 35 feet of R-1 not zoned commercial, a 30-foot buffer and then another 65 feet to the first building.

Mr. Pace clarified that the 30 and 35-foot buffers total the 65 feet.

REZONING (Continued)

Mr. Lively stated what Mr. Davis is requesting is the unknown and the Council cannot tell the unknown.

Mr. Davis made reference to the C-2 zone that is there and the portion that is being requested for C-2, indicating that there may be a buffer now, but it is not permanent.

City Attorney Nelson stated there would have to be another rezoning ordinance to do away with the conditions.

Mr. Davis stated he would like to hear the future plan for expansion from Capital and have a chance to discuss this with them.

Chairman Franklin stated that is the future and is something Mr. Davis could take up with Capital for clarification.

Mr. Davis stated not one has come to an agreement and would rather do that now than come back regarding further encroachment into the neighborhood.

At this point, Chairman Franklin suggested that Mr. Davis have discussion with the representatives from Capital Toyota and that the matter would come back toward the end of the Council meeting for consideration on third and final reading.

Later in the meeting after the residents in opposition had an opportunity to discuss the issue with representatives of Capital Toyota it was indicated they had reached an agreement on the matter.

On motion of Councilman Lively, 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 205 CHICKAMAUGA ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed second reading; **Councilman Littlefield abstained**. On motion of Councilman Lively, seconded by Councilman Benson, the Ordinance passed third and final reading and was signed in open meeting, **Councilman Littlefield abstained**.

REZONING

2003-111: David Davis and Linda Sims

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 4220 AND 4256 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HERIEN, FROM R-1 RESIDENTIAL ZONE TO
M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Hakeem, seconded by
Councilman Littlefield, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2003-112: Hart Construction, G.P.

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 IN THE 600 BLOCK OF NARROWS WAY, MORE
PARTICULARLY DESCRIBED HEREIN, FROM RZ-1 ZERO LOT LINE
RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE
ZONE**
passed second reading. On motion of Councilman Page, seconded by
Councilman Littlefield, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2003-115: Cummings Cove Highway

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4000 CUMMINGS HIGHWAY, MORE PARTICULARLY
DESCRIBED HEREIN, FROM G-2 CONVENIENCE COMMERCIAL ZONE
TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE**
passed second reading. On motion of Councilman Page, seconded by
Councilman Pierce, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2003-116: Franklin Anderson

Councilman Benson stated prior to second and third reading, it was requested at last week's meeting that this matter come back with added conditions.

Mr. Pace stated that two conditions were penciled into the Ordinance tonight that reference the use would be for "*a credit union only*".

Councilman Benson stated this is very important; that in the past there have been situations where the Ordinance says it is for a proposed use only and if it is not specified what use it comes back with a deviation from the use that is not acceptable to the surrounding community. He stated it must be put in for the sake of the public that it is for a "credit union".

Councilman Pierce inquired as to whether this is the rezoning request he opposed last week; that he is trying to find out what has changed.

Councilman Benson stated that the public agreed on a credit union for the use of that property and it is being specified, now, that it would be a credit union and would retain the same structure that looks like a house.

Councilman Pierce stated that is the same thing it said last week, and nothing was done other than adding "credit union".

Councilman Benson stated the neighborhood agrees with that; that it was said last week but was not in the Ordinance.

Mr. Pierce stated that they tried to "spell it out" so it would be clear; that the reason he voted against it last week was that it tweaks the original plan.

Councilman Benson stated at the time he talked about the land use plan it was his thought it was in the plan and that is debatable. Mr. Pace clarified that it is.

Councilman Pierce stated that he questioned it last week as part of the plan.

Councilman Benson made the motion to substitute the amendments to this Ordinance; Councilman Littlefield seconded the motion; the motion carried with **Councilman Pierce voting "no"**.

REZONING (Continued)

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 6800 LONGVIEW DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE; SUBJECT TO CERTAIN CONDITIONS**
passed second reading; **Councilman Pierce voted "no"**. On motion of
Councilman Hakeem, seconded by Councilman Littlefield, the Ordinance
passed third and final reading and was signed in open meeting; **Councilman
Pierce voted "no"**.

REZONING

2003-057: Charles R. Miller, Jr.

Chairman Franklin stated this request is located in his district and was held from last week. He stated that he has had an opportunity to speak with Mr. Miller and the neighborhood association and residents are opposed to the C-2 zoning that would front on Vance Road and the road that would be necessary to access the property. He reiterated that he has spoken with Mr. Miller and made the request for denial of the zoning change.

On motion of Councilman Taylor, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PART OF A
TRACT OF LAND LOCATED IN THE 6100 BLOCK OF VANCE ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**
was denied.

CLOSE AND ABANDON

MR-2003-0099: Jeffery and Demita Watkins

On motion of Councilman Littlefield, seconded by Councilman Taylor,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
UNOPENED DIXIE HIGHWAY PARALLEL LOCATED IN THE 800 BLOCK OF
GILLESPIE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was denied.

AMEND CITY CODE

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 10, ARTICLE 11, SECTION 10-23, RELATIVE TO ENGINEERING
FEES**
was tabled one week.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 32, BY ADDING A NEW ARTICLE XII, RELATIVE TO STANDARDS
FOR ACCEPTANCE OF DEDICATED STREETS**
was tabled one week.

GRANT

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR
AND ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF
JUSTICE, LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR
THE PERIOD OF NOVEMBER 1, 2003 THROUGH OCTOBER 31, 2005, IN
THE AMOUNT OF THREE HUNDRED EIGHTY THOUSAND FOUR HUNDRED
FIFTY-EIGHT DOLLARS (\$380,458.00), WHICH, IF AWARDED, WILL
REQUIRE LOCAL MATCHING FUNDS OF FORTY-TWO THOUSAND TWO
HUNDRED SEVENTY-THREE DOLLARS (\$42,273.00)**
was adopted.

PROPOSAL WITH TDOT

On motion of Councilman Littlefield, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ACCEPT AND EXECUTE A
PROPOSAL WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION,
RELATIVE TO STATE PROJECT NO. 33959-2526-54, FEDERAL PROJECT
NO. STP-M-9202(51) SHALLOWFORD ROAD FROM 0.02 LINEAR MILE
WEST OF MARK LANE TO 0.02 LINEAR MILE WEST OF CENTER STREET**
was adopted.

EASEMENT

On motion of Councilman Littlefield, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERMANENT SEWER EASEMENT FROM CHAU MIN LIN, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-53, TRACT NO. 117, FOR AN AMOUNT NOT TO EXCEED ONE DOLLAR (\$1.00)
was adopted.

EASEMENT

On motion of Councilman Page, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERMANENT SEWER EASEMENT FROM JAMES R. AND LORIE R. MARSH, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-C-034, TRACT NO. 052.1, FOR AN AMOUNT NOT TO EXCEED ONE DOLLAR (\$1.00)
was adopted.

EASEMENT

On motion of councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERMANENT SEWER EASEMENT FROM MARINA COVE PLACE, INC., RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-053, TRACT NO. 053.1, FOR AN AMOUNT NOT TO EXCEED ONE DOLLAR (\$1.00)
was adopted.

TEMPORARY USE

On motion of Councilman Pierce, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING SHIELDS ELECTRONICS SUPPLY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 4100 BLOCK OF OLD JERSEY PIKE TO CONSTRUCT AND MAINTAIN ADDITIONAL ASPHALT PARKING AND SIDEWALK AREAS, SUBJECT TO CERTAIN CONDITIONS
was adopted.

MODIFY AGREEMENT

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
MODIFICATION TO THE MEMORANDUM AGREEMENT WITH THE UNITED
STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, RELATIVE TO
CONTRACT NO. 233-02-0026, THE METROPOLITAN MEDICAL
RESPONSE SYSTEM ("MMRS")**
was adopted.

OVERTIME

Overtime for the week ending August 15, 2003 totaled \$21,518.76.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **HERMAN BIVINS** – Resignation, Crew Worker, Citywide Services, effective August 6, 2003.
- ✍ **EDWIN ROBINSON** – Suspension (one day without pay), Crew Worker, Citywide Services, effective August 7, 2003.
- ✍ **BRIAN LESSMAN** – Promotion, Plant Operations Supervisor Solids, Waste Resources, Pay Grade 21/Step 7, \$50,070.00, effective August 22, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **MARTHA HUTCHISON** – Return from Leave without Pay, Budget Technician, effective August 18, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **PHILLIP W. HOLMES** – Return to Duty, Property Service Clerk, effective August 18, 2003.

PERSONNEL (Continued)

- ✍ **IRAN MEADOWS** – Termination, Police Officer, effective August 14, 2003.
- ✍ **DWESE MILLIRON** – Resignation, Police Officer, effective August 21, 2003.
- ✍ **RUTH BOWMAN, MARK HALEY** – Suspension (21 days without pay), Police Officer, effective August 15 – September 5, 2003.
- ✍ **PAUL F. MILLER** – Resignation, Director, Animal Services, effective August 22, 2003.

HOTEL PERMITS

On motion of Councilman Taylor, seconded by Councilman Littlefield, the following hotel permits were approved:

COMFORT INN: I-24/BROWNS FERRY EXIT – 367 Lookout High Street, Chattanooga, TN

COUNTRY INN & SUITES – 3725 Modern Industries Boulevard, Chattanooga TN

DAYS INN-TIFTONIA – 3801 Cummings Highway, Chattanooga, TN

BAYMONT INN & SUITES – 3540 Cummings Highway, Chattanooga, TN

GLENDALE COURTS – 930 Signal Mountain Road, Chattanooga, TN

PURCHASES

On motion of Councilman Littlefield, seconded by Councilman Taylor, the following purchases were approved for use by the Chattanooga Police Department:

SHRADER SECURITY & LOCK (Single source)
R0070894

Surveillance Security Equipment and Installation per TCA 6-56-304.2

\$26,984.00

PURCHASES (Continued)

PUBLIC AGENCY TRAINING COUNCIL (Single source)
R0070908

Officers Training Seminar Modules per TCA 6-56-304.2

\$15,000.00

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Lively, the following purchase was approved for use by the Finance and Administration Department, Fleet Maintenance I Division:

YATES WRECKER & RECOVERY (Lowest and best bid)
R0068723/B0000883

Towing Services Requirements Contract

(Price information available and filed with minute material of this date)

HEARING: IRAN M. MEADOWS

City Attorney Nelson stated the request for a hearing has been received from Iran M. Meadows regarding his termination from the Chattanooga Police Department.

A hearing for Mr. Meadows was scheduled for Monday, September 22 beginning at 3 p.m. with Councilmen Benson, Robinson and Hakeem serving as the panel hearing the request; Councilman Lively volunteered to serve as alternate.

COMMITTEES

Councilman Pierce stated the Redistricting Committee met today and came to a conclusion for reapportionment of districts and the matter is scheduled for first reading on next week's Council agenda. He expressed thanks to everyone who had input in both the citizen and Nelson plans. City Attorney Nelson expressed that Randy Burns was very instrumental in this process, too.

COMMITTEES (Continued)

Councilman Benson stated the **Budget and Finance Committee would meet immediately following the Parks and Recreation Committee meeting on Tuesday, August 26** for discussion regarding the Capital Budget.

Councilman Hakeem stated the **Public Works Committee would meet on Tuesday, September 2 at 4 p.m.**

Councilman Littlefield stated the **Legal and Legislative Committee would meet as usual on next Tuesday, August 26 at 3 p.m.**

DISTRICT 5 TOWN HALL MEETING

Chairman Franklin announced that there would be a District 5 Town Hall meeting on Thursday, August 21 at Brainerd High School. He stated a reception would begin at 5:30 p.m. and the meeting at 6 p.m. with topics to include property tax relief for the elderly, bio-terrorism preparedness, Chattanooga 311, stormwater management, infrastructure improvements, school test scores, redistricting and a roundtable discussion for small business owners.

Councilman Pierce inquired as to what the "hot" issue would be.

Chairman Franklin stated that the effort is to bring some of the infrastructure and other things in that the community does not have, such as a merchant's association and a Girls' Club chapter, to name a few.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, August 26, 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)**