

City Council Building
Chattanooga, Tennessee
October 14, 2003
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Chairman Franklin gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

Councilmen Lively and Robinson made the motion to approve this Ordinance on second reading.

Councilman Benson stated that an emergency notation has been applied due to the situation in District 4 that is very harmful to adjacent land and property owners where clear cutting is taking place as of this day. He stated if it is agreeable with the motioner and seconder, he would add the amendment to include the emergency implementation.

Special Council McMahan stated that the amendment would state, “. . . *That this Ordinance shall take effect immediately after its passage, the public welfare requiring it*”.

Councilmen Lively and Robinson made the motion and second to accept the amendment to this Ordinance; the motion received unanimous vote approval.

AMEND CITY CODE (Continued)

Councilman Littlefield stated that people at work out there should be notified to now cease and desist.

Admin. McDonald stated that he had a conversation with the attorney earlier that this would probably be coming up and the Department of Public Works is prepared.

Councilman Pierce stated Administrator McDonald has to notify persons of this Ordinance and asked if their actions will cease as of tonight or within two weeks.

Councilman Littlefield responded "no, immediately". He stated assuming they are not cutting tonight, they should not resume work in the morning.

On motion of Councilman Lively, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, ARTICLE VIII, DIVISION 8, SECTION 31-321, RELATIVE TO
THE REGULATION OF LAND-DISTURBING ACTIVITY**

passed second reading with unanimous vote approval. On motion of Councilman Lively, seconded by Councilwoman Robinson, the Ordinance passed third and final reading with unanimous vote approval and was signed in open meeting.

(Councilman Taylor joined the meeting at this point.)

REAPPORTIONMENT OF DISTRICTS

Councilman Pierce stated the Redistricting Committee met this afternoon and noted that the Council had already come to a consensus on this issue. He stated he was waiting to hear from the Election Commission as to why they have grouped some of the precincts and a meeting would be rescheduled with them.

On motion of Councilman Pierce, seconded by Councilman Littlefield,

**AN ORDINANCE REAPPORTIONING THE NINE (9) DISTRICTS FOR CITY
COUNCIL**

passed first reading.

AMEND BUDGET ORDINANCE

Councilman Hakeem stated Ordinances 6(b), (c), (f), (i) and Resolutions (c) – (i) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 11434, ENTITLED “AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.” SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b), ADD SECTION 6(e), AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM
passed first reading.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Page,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 31, ARTICLE II, SECTIONS 31-36, 31-41 AND 31-43, RELATIVE TO SEWER SERVICE CHARGES AND FEES
passed first reading.

AMEND ZONING ORDINANCE

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA) stated that this Ordinance incorporates new language to allow for restaurants with a permit from the Board of Appeals; that alcoholic consumption on the premises would be prohibited.

Chairman Littlefield declared a public hearing in process for those wanting to speak for or against this Ordinance; being none, the hearing was duly closed.

On motion of Councilman Littlefield, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTIONS 904, 906 (1) AND 906 (3) AND ARTICLE VIII, SECTION 107, TO INCORPORATE NEW LANGUAGE RELATIVE TO PROHIBITED USES AND STRUCTURES IN THE C-5 NEIGHBORHOOD COMMERCIAL ZONE
passed first reading.

SPECIAL GUESTS: PLANNERS FROM VIETNAM

Councilman Littlefield introduced special guests from Vietnam. He stated that he has had an opportunity to meet with them and talked about planning and development in this country; that they had an interesting discussion about the differences and similarities. He stated they met with representatives of RiverCity and CNE and are here tonight to observe government in action. He stated they are fortunate in that this is zoning night, which is the one issue they are interested in. He welcomed them to the meeting and stated that the interpreter for the group would be speaking to them as the Council moves along through the agenda.

Chairman Franklin stated that the Council is happy to have them present and it is hoped they saw many interesting things in Chattanooga to prompt creative minds as it relates to their field of endeavor. He stated that they should feel free to observe the meeting and that he would try to go through the agenda a little slower to give an opportunity to know what is being done.

The interpreter for the group spoke on behalf of his colleagues and expressed their deepest thanks. He stated it is a privilege for them to be here and to observe the workings of the City Council. He stated they found the City of Chattanooga to be a very pleasant and interesting place, not just in observing from a planning point of view, but from the citizens, as well.

REZONING

2003-138: Gregory Shawn Petree

Pursuant to notice of public hearing, the request of Gregory Shawn Petree to rezone a tract of land located at 2510 Duncan Avenue came on to be heard.

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

Mr. Pace stated that this request is located in the Ridgedale community at the intersection of Duncan and Bailey near the McCallie Avenue connector. He stated the property is presently zoned R-2 with the rest of the surrounding neighborhood zoned R-2; that there is C-2 along Dodds Avenue. He stated the Ridgedale Plan does call for single family uses for this area, but with the neighborhood coming around and working with the applicant, the Planning Commission agreed this is a special area that needs to be looked at as such. He stated the island between the connector is being "squeezed" with commercial or other uses other than residential. He stated the Planning Commission recommends approval of the request with conditions.

REZONING (Continued)

Councilman Hakeem stated that he was trying to understand and clarify the matter; that Mr. Pace had referenced commercialization in the area.

Mr. Pace stated that there is "pressure" from Dodds Avenue, in the back on Duncan and on the south side where Bailey goes toward Dodds. He stated there are uses for office or a day care center; that this island is "into itself". He stated he talked with residents of the neighborhood to "bring them around" to the future for some type of revisit to the Plan that would change the potential use in the area for a higher use; that Gary Ball would address that from the neighborhood's perspective. He stated it was felt keeping residential going in near the heavily traveled McCallie-Bailey connector was not really conducive to single family use; that this area would be more "in tune" with office use or something of that nature.

Councilman Hakeem stated in dealing with the R-4 request, the conditions reflect R-1 or office use.

Mr. Pace responded, "right"; that the property could be used for office or single-family use, nothing other than that. He stated there could be no duplex or multifamily units allowed.

Gregory Petree stated that he has a new site plan; that the engineer looked at it and it is available for review. At this point, he distributed copies of the site plan to members of the Council.

Gary Ball stated that Mr. Petree has been to their meetings and discussed this. He stated it turns out that Pat Rogers' house is two doors down from this; that she was there and we voted a month to six weeks ago to support this. He stated they asked, and it would need to be put in writing, that when the plan was done the McCallie-Bailey two-way was not envisioned; that it is their thought this is probably the first of a floodgate of items coming to the strip between McCallie and Bailey once it is finalized. He stated maybe some time could be found within the next six-to-eight months for RPA to do a small revisit so as not to have to revisit all the questions and concerns every time something comes up. He stated the only reservation is that this is a spot zone and they do not want to set a precedent; that they are trying to help Mr. Petree, as this has been a problem property for five years. He stated they all felt, including Ms. Rogers, that it was something that would upgrade the property and they are all in support.

REZONING (Continued)

Pat Rogers stated that she was at the meeting and expressed appreciation for the effort to get the neighborhood organized and communicating. She stated they need to keep working and keep people informed before decisions come before the Council. She stated this block set a very good example of how to have intermingling of work, residential and political efforts as all three need to have representation in our City.

Councilman Taylor asked Mr. Petree if he has a tenant at this time.

Mr. Petree responded "not at this time"; that he met with a leasing company prior to the project. He stated because of the surrounding medical buildings this property would be best suited for medical.

Councilman Littlefield asked Ms. Rogers if she had a copy of Mr. Petree's site plan showing the landscaping. Ms. Rogers responded "no". Councilman Littlefield gave a copy of the plan to her, indicating that it has a lot of detail and looks good.

On motion of Councilman Pierce, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 2510 DUNCAN AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

CHANGE RIGHT-OF-WAY NAME

2003-139: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to change the right-of-way name of Hamill Road between Central Avenue and Rossville Boulevard to Craftsman Road came on to be heard.

Councilman Taylor stated that he has attended several meetings with the community and all are in agreement that the name should be **Workman Road**. He stated that he called Public Works about this and thought it had been adjusted. He stated the matter was dialogued quite a bit and the recommendation from the community is for Workman Road.

RIGHT-OF-WAY NAME CHANGE (Continued)

Councilmen Taylor and Benson made the motion to amend the caption of the Ordinance to reflect "***Workman Road***". Special Council McMahan amended the caption in open meeting.

Admin. McDonald stated that the Ordinance reflected Workman Road when it was brought to committee and he was asked, during committee, to change it to Craftsman Road. He stated it was then changed to Craftsman Road as requested and indicated that it does not matter to Public Works whether it is Craftsman or Workman.

Councilman Hakeem inquired as to the timeline with regard to the Public Works Committee meeting and Councilman Taylor's discussion with the community, wanting to know if both came away with the name change to Workman Road.

Councilman Taylor responded, "correct".

Admin. McDonald stated, "no"; that the last word was that it should be changed to Craftsman and not Workman. He reiterated that Public Works does not have a preference; that they just need to know which it will be.

Councilman Taylor stated that he called Public Works while at the meeting and spoke with Mr. Lynn. He stated Mr. Lynn came to the first meeting and there was a concern for the name change to Craftsman Road. He stated another meeting was held and he called Mr. Lynn while at the meeting and informed him of the change to Workman Road. He stated the residents of the community have come to this agreement; that he spoke with Mr. Lynn who informed him he would address it.

Councilman Hakeem stated the Public Works Committee meeting that Mr. McDonald spoke of, was that before or after the community meeting.

Councilman Taylor stated all of them were community meetings; that at the first meeting they voted for Craftsman and the majority did not care for Craftsman. He stated they then petitioned to go forward with Wood Avenue or something.

Councilman Lively suggested that the matter be approved on first reading and the details worked out prior to second and third.

RIGHT-OF-WAY NAME CHANGE (Continued)

Admin. McDonald stated Councilman Hakeem was correct. He stated they were at a committee meeting wherein it was drafted as Workman. He stated Phillip Lynn called during the meeting and said he had word from Councilman Taylor that it should be changed to Craftsman, which is how they got Craftsman. He stated there is a need to be certain of the timing to make sure the last meeting reflected Craftsman.

Councilman Taylor stated the last meeting reflected Workman and not Craftsman; that the community wants it to be Workman.

Admin. McDonald again reiterated that Public Works does not have a preference.

Councilman Littlefield also suggested that the matter pass on first reading and between now and next week there will be ample time for additional dialogue if needed.

Councilman Benson stated four weeks ago this matter was before Planning at the Courthouse and they were told it would be Workman Road and that is what they voted on.

Mr. Pace stated when the matter was at Planning it passed as Craftsman and was sent to the City Council for deliberation to come up with a final solution. He stated at the last neighborhood and committee meeting he attended, the last word he received was that Craftsman was not acceptable with the community and they agreed on Workman. He stated Public Works did not have a preference for either. He stated he checked with GIS and either is proper.

Councilman Benson stated that he wants to make it clear that it is not named after anyone named Mr. Workman.

Mr. Pace stated as far as it is now it is generic.

On motion of Councilman Taylor, seconded by Councilman Benson,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF HAMILL
ROAD BETWEEN CENTRAL AVENUE AND ROSSVILLE BOULEVARD TO
WORKMAN ROAD, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

REZONING

2003-142: Wilburn L. Hicks

Pursuant to notice of public hearing, the request of Wilburn L. Hicks to rezone a tract of land located at 3618 Tanaka Trail came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated the applicant initially requested rezoning on two tracks of lane, one on Tanaka and the other on South Crest. He stated the Planning Staff and Commission made the recommendation to approve rezoning on the back portion of the lot facing Tanaka to R-3MD and not on the tract facing South Crest Road, which is presently zoned R-2 as are all lots in the area; that they are generally single family residential. He displayed photos of the site and reiterated that the recommendation from Staff and Planning is to rezone the back portion facing Tanaka and leave the lot facing South Crest to R-2.

Robert Brown was present representing Mr. & Mrs. Hicks, owners of the property. He stated this is a well-maintained and attractive structure and it has been that way for the twenty years the Hicks' have owned the property, indicating that they resided there for a number of years. He stated the property has been a triplex for more than twenty years and has a seven-car garage, as well as off street parking. He stated the vacant lot was added to the application at the suggestion of someone with the Planning Staff to give a larger landmass, which may have been the source of some confusion as he was not present at the Planning meeting. He stated that is just the reverse of what Mr. & Mrs. Hicks would ask this body to do; that they have no plans to add or build any additional structures. He stated they are at an age where they would like to sell the property and any informed purchaser, even though it has been a triplex for several years, would still have some concern about zoning status. He stated all they are asking to do is recognize what has been there for years; that it has never caused a problem and classifying it as a triplex with the condition there be no other structure built on either of the two lots is acceptable to the Hicks'.

Forest Brooks stated that he lives next door to this request. He stated it has always been a triplex; that it was a duplex when Mr. Hicks bought it and he (Hicks) knew it was illegal when he put it in. He stated Mr. Hicks did not bother to get a building permit and just started renovating the property and changed it to a triplex. He stated that he tried to get it rezoned; that he knew it was illegal to start with and got in trouble for using Hamilton County employees for doing work for him. He stated others in the neighborhood did not know where the meeting was being held or they would have been here against it.

REZONING (Continued)

Councilman Hakeem asked if there have been any complaints or violations filed.

Mr. Pace responded "not with his department"; that when Mr. Hicks renovated the duplex this area was zoned for duplex even though the majority in the area is single family. He stated the apartment was put in the basement for a family member, as there is allowance to have a family member. He stated that he did illegally turn the duplex into a triplex and is trying to remedy it by making it legal because he wants to sell the property. He stated it was felt this would set a precedent for putting R-3MD or any higher density zone along South Crest, which is all single family residential. He stated that is the basis upon which the recommendation was made to deny the request for the South Crest parcel, even though it was recognized the Planning office did recommend the two parcels be combined since Mr. Hicks owned both. He stated they saw that Tanaka trailed to the rear where there were all duplexes and a majority of R-3MD next door and felt that would be the more appropriate use than the South Crest Road side.

Councilman Hakeem stated that he was trying to be clear of the recommendation from Planning, whether it is to go with the triplex and one parcel would not be rezoned. Mr. Pace stated that the triplex is presently illegal.

Councilman Hakeem asked if the recommendation is to essentially legalize the triplex. Mr. Pace responded "no", that it would be left R-2. He stated Mr. Hicks would have to eliminate one of the apartments because there cannot be but two units in the R-2 zone.

Councilman Taylor asked how long the triplex has been illegal. Mr. Pace responded that he "did not know".

Mr. Brooks stated that it has been this way for twenty years; that Mr. Hicks was told he could leave the apartment there as long as the son lived there; however, the son moved out over a year ago and he began trying to sell it.

Special Counsel McMahan stated if a family member is there it is still considered a duplex in its use.

Mr. Brown stated that there is on file a copy of a total of nine residents in the area who have signed (a petition) in support of this rezoning. He stated his final comment is that in one sense Mr. Hicks got more than he asked for because they got the vacant lot zoned for a triplex, but they really want to keep the extra unit that is there now and do not want to build three more.

REZONING (Continued)

Mr. Brown stated in one sense it is a trade off by getting rid of three additional units and keeping the one there now. He stated this would legalize the structure that is there, now, and would appreciate the Council's consideration.

Councilman Littlefield stated that he had an opportunity to talk briefly with both parties and recalls having a conversation with a number of people over the last few weeks about this other than Mr. Brooks. He stated he knows there is, in spite of the fact there are signatures from people in support, that more than a single individual is opposed to it. He stated he also knows the property has been for sale for quite some time and nearly sold; that a proposed purchaser asked if the property was zoned R-3 and was a triplex. He stated at the time it was a problem he could not solve for them; that if the property is illegally a triplex building codes would have to enforce it.

Councilman Lively stated the question is in the price of the property; that it is worth more as a triplex; that he understands that the Planning Staff analyzed the situation well and they have gone through the process of looking at the entire neighborhood. He stated the proposal they have would not solve the problem but would simply create another opportunity on another street. He stated this is one of the few areas in District 6 that has not been rezoned R-2 as it is predominantly single family and is on the Georgia line. He stated he has the highest regard for all concerned, particularly the attorney; that he does not see anything to do here other than creating a precedent he does not think we could live with. He expressed respect for the Planning Staff and their recommendation and moved for denial of the application; Councilman Lively seconded the motion.

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 3618 TANAKA TRAIL, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3MD
MODERATE DENSITY ZONE**
was denied.

REZONING

2003-148: Glasscock Development, Joe Glasscock

Pursuant to notice of public hearing, the request of Glasscock Development, Joe Glasscock to rezone a tract of land located at 613 West View Road came on to be heard.

REZONING (Continued)

Mr. Pace stated that the applicant is having a problem getting a clear title to the property and requests a deferral for a maximum of ninety (90) days to clear up the process. He stated the applicant does not want to rezone the property without a clear title.

On motion of Councilman Lively, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 613 WEST VIEW ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT -1 RESIDENTIAL
TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS**
was tabled ninety (90) days at the request of the applicant.

CLOSE AND ABANDON

MR-2003-149: David Macallister

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

Mr. Pace stated this is a useable alley; that there is a recommendation from Planning, Staff and Public Works to deny the request for closure as it is an open alley. He stated the house sits very closely to the alley and an asphalt ramp was built from Seneca to the existing alleyway to a parking pad poured on the other side of the house. He stated if the alleyway was closed and the properties split, half would go to one property owner and the other would be unable to get to the parking pad. He stated if this were closed it would cut off access that could be used.

On motion of Councilman Taylor seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY
LOCATED BETWEEN THE 4400 BLOCK OF SENECA AVENUE AND THE
1300 BLOCK OF WEST 45TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE**
was denied.

REZONING

2003-150: Napier Associates

Pursuant to notice of public hearing, the request of Napier Associates to rezone a tract of land located at 7327 Shallowford Road came on to be heard.

REZONING (Continued)

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

Mr. Pace stated this is a large tract that involves four parcels for rezoning to R-4. He stated the requests are in compliance with the Hamilton Place Plan adopted last year. He stated there is a site plan and additional properties will be coming forth next month for addition to this site plan and development for office and a bank. Photos were shown of the site. He stated the recommendation is for approval from the Staff and Planning Commission, reiterating that it is in compliance with the Hamilton Place Plan.

Councilman Benson stated this site has been known as the "triangle" and has been going since 1996 and was a very contentious situation. He stated the Council Assembly Room has been filled up with regard to problems involving this site to the point they were very contentious and there was a lot of acrimony; that it "tore up the community" for a long time. He stated thanks to Councilmen Taylor, Franklin, Hakeem, Pierce and Lively who passed this land use plan in October 2000. He stated the hostile battles are over because the developer has worked within the land use plan, met with adjacent neighborhoods and has made compromises. He expressed appreciation for the way the developer worked, as he did not "pull any strings" on anyone; that it was an "open route" from the beginning and all were able to listen and make adjustments. He stated that he does have any objections to the request and conditions will need to be worked out.

Mr. Pace clarified there are three conditions contained within the ordinance.

Councilman Benson stated one neighbor called about the water spillover. He stated he talked with the developer about it and found there would be a buffer of trees around the perimeter.

Ken Defoor, applicant (Napier Associates), stated that everything Councilman Benson said is what they are intending to try to do. He stated they have conducted an extensive traffic study that will be given to Mr. VanWinkle immediately. He stated the study indicates the current and future needs; that when persons come off the Interstate who are not from Chattanooga will exit and look down the hill; that they expect to do attractive things. He stated they have met with the community leaders and aesthetic things have been put into place that will include biking trails. He stated that it is his thought this is something the City will be proud of and thinks they've done it right.

REZONING (Continued)

On motion of Councilman Lively, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 7327 SHALLOWFORD ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2003-155: Polis Studio

Pursuant to notice of public hearing, the request of Polis Studio to rezone a tract of land located at 4808 St. Elmo Avenue came on to be heard.

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

Mr. Pace stated the next three cases are adjacent to each other, yet are separate cases. He stated the first one is a request for R-4 at 4808 St. Elmo Avenue for a bed and breakfast-type use. He stated this is within the plan that calls for mixed uses. He stated it was felt this rezoning to R-4 would be appropriate for the house if it were conditioned as a bed and breakfast only. He stated the Staff and Planning recommend approval as it does meet the St. Elmo plan.

Pride Evans stated that he is a partial owner of the project and introduced Eric Meyer who was hired to devise the plan and is new to Chattanooga. He stated they wanted to develop the corner as a retail center and the plan is to significantly upgrade both homes. He stated all three sites tie-in together; that two are commercial pieces and both have a long history of having been commercial.

Councilman Taylor expressed appreciation to Mr. Evans for what he is doing to revitalize St. Elmo and stated that he has the support of the community.

On motion of Councilman Taylor, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4808 ST. ELMO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

(Councilman Page excused himself from the meeting at this point.)

REZONING

2003-156: Polis Studio

Pursuant to notice of public hearing the request Polis Studio to rezone a tract of land located at 4812 St. Elmo Avenue came on to be heard.

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

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4812 ST. ELMO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2003-157: Polis Studio

Pursuant to notice of public hearing, the request of Polis Studio to rezone a tract of land located at 4900 St. Elmo Avenue came on to be heard.

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

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4900 ST. ELMO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**
passed first reading.

REZONING

2003-158: John Straussberger

Pursuant to notice of public hearing, the request of John Straussberger to rezone tracts of land located in the 2700 block of Citico Avenue came on to be heard.

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

REZONING (Continued)

Mr. Pace stated this request is for rezoning to O-1 for a medical office; that the property is presently vacant and located next to the Citico apartments. He stated a site plan was shown at the Planning meeting, which has been revised to reflect landscaping and parking; that the revised site plan would be attached to the ordinance prior to second and third reading. He stated the recommendation is for approval from both Planning and Staff.

Councilman Hakeem stated the developer and doctor involved met with him and other community representatives; that they had a good discussion and came to a "meeting of the minds". He stated this is a "win-win" situation for the community.

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 IN THE 2700 BLOCK OF CITICO AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO
O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2003-159: Brian L. Tune

Pursuant to notice of public hearing, the request of Brian L. Tune to rezone a tract of land located at 1140 East 16th Street came on to be heard.

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

Mr. Pace stated zoning in this area is predominantly M-1; that the request is for C-2 for apartments and commercial uses. He stated the effort is to create an art community; that the sculptor John Henry has large metal sculptures in an area near here. He stated approval is recommended from both Planning and Staff in support of the C-2.

Councilwoman Robinson stated this kind of live/work community for artists is something talked about for a long time in Chattanooga. She stated several sites have been proposed for this kind of place; that certainly the anchor of John Henry and the work he is doing is a very nice extension. She stated with Montague Park nearby this has the potential to become a very nice neighborhood for artists to live and work.

REZONING (Continued)

Mr. Pace stated he has spoken with Messrs. Henry and Tune and others trying to go into the area. He stated they would like to work with the Recreation Department; that somehow the back portion of Montague Park that is unused could be a sculpture garden similar to the one in the arts district where artists can work and display. He stated the train is on the tract that goes from the museum to the Choo-Choo; that there could possibly be a stop or something at this location for people to view, rather than an unused industrial area.

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 1140 EAST 16TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
passed first reading.

**ADOPTION OF EAST BRAINERD ROAD CORRIDOR
COMMUNITY LAND USE PLAN**

Councilman Benson stated this plan is an extension of the plan he spoke of earlier and is recommended for approval from the Planning Commission.

On motion of Councilman Benson, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE ADOPTION OF THE EAST BRAINERD
ROAD CORRIDOR COMMUNITY LAND USE PLAN**
was adopted.

AMEND RESOLUTION NO. 23927

On motion of Councilman Littlefield, seconded by Councilman Lively,
**A RESOLUTION AMENDING RESOLUTION NO. 23927, ADOPTED
SEPTEMBER 23, 2003, ENCAPTIONED HEREINBELOW, SO AS TO
CORRECT THE DESCRIPTION OF THE AREA TO BE STUDIED**
was adopted.

**CONTRACT: YERBEY CONCRETE CONSTRUCTION
AND INTERSTATE CONCRETE CONSTRUCTORS**

On motion of Councilman Lively, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 3-02-018, MOUNTAIN CREEK AND THE BROWNS FERRY ROAD SIDEWALKS, WITH THE MOUNTAIN CREEK PORTION AWARDED TO YERBEY CONCRETE CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED SEVENTY-NINE THOUSAND FOUR HUNDRED THREE AND 25/100 DOLLARS (\$79,403.25) INCLUDING A CONTINGENCY AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) AND THE BROWNS FERRY ROAD PORTION AWARDED TO INTERSTATE CONCRETE CONSTRUCTORS FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED SIXTY-EIGHT AND 70/100 DOLLARS (\$156,568.70) INCLUDING A CONTINGENCY AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00)
was adopted.

CONTRACT: SOUTHERN CONSTRUCTORS, INC.

On motion of Councilman Lively, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-02-013-201, WALNUT STREET BRIDGE REPAIRS, TO SOUTHERN CONSTRUCTORS, INC. FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED EIGHTY-NINE THOUSAND DOLLARS (\$289,000.00) INCLUDING A CONTINGENCY AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)
was adopted.

**CONTRACT AMENDMENT: CONSOLIDATED
TECHNOLOGIES, INC.**

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 2, WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE MARTIN LUTHER KING BOULEVARD STORM WATER FACILITIES, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY TWENTY THOUSAND TWO HUNDRED DOLLARS (\$20,200.00) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$149,700.00)
was adopted.

TEMPORARY USE: ALMA PROPERTIES, LLC

On motion of Councilman Pierce, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING ALMA PROPERTIES, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 436 MARKET STREET TO INSTALL AN AWNING, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE: CHARLES L. WARD

On motion of Councilman Pierce, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING CHARLES L. WARD TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF A PORTION OF AN UNMAINTAINED ALLEY LOCATED BETWEEN EAULAH AVENUE AND VIRGINIA AVENUE TO INSTALL A FENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT: QL CONSULTING, INC.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO AN AGREEMENT WITH QL CONSULTING, INC., RELATIVE TO DEVELOPING A STRATEGIC PLAN FOR THE DEVELOPMENT OF OUTDOOR AMENITIES IN THE CHATTANOOGA REGION, FOR AN AMOUNT NOT TO EXCEED FORTY-THREE THOUSAND DOLLARS (43,000.00)
was adopted.

ACCEPT PROPOSAL WITH TDOT

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT AND EXECUTE A PROPOSAL WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION ("TDOT"), RELATIVE TO STATE PROJECT NO. 33005-2168-44, FEDERAL PROJECT NO. IM-75-1(106)(10), INTERCHANGE AT ENTERPRISE SOUTH ACCESS ROAD
was adopted.

OVERTIME

Overtime for the week ending October 10, 2003 totaled \$10,442.07.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **ERIC CROSS** – Suspension (three days without pay), Equipment Operator, Sr., Citywide Services, effective October 7-10, 2003.
- ✍ **THOMAS A. MEDLIN** – Termination, Equipment Operator, Sr., Citywide Services, effective October 2, 2003.
- ✍ **KIMBERLY MCCLURKIN** – Family Medical Leave (Intermittent), Education Coordinator, Engineering, effective October 2 – December 25, 2003.
- ✍ **GEORGE W. DERAMUS, JR.** – Reinstatement, Equipment Operator, Sr., Citywide Services, Pay Grade 8/Step 1, \$22,818.00 annually, effective October 2, 2003.
- ✍ **BRAD S. PRYOR** – Promotion, Crew Supervisor, Sr., Citywide Services, Pay Grade 12/Step 3, \$30,304.00 annually, effective October 8, 2003.
- ✍ **JERRY W. HAYES** – Hire, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$18,643.00 annually, effective October 7, 2003.
- ✍ **TERRY A. HAMPTON** – Voluntary Demotion, Crew Worker, Citywide Services, Pay Grade 3/Step 11, \$25,823.00 annually, effective October 8, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **JAMES "JOEY" SMITH** – Promotion, Lieutenant, Pay Grade F3/Step 5, \$36,767.00 annually, effective October 17, 2003.
- ✍ **JAMES E. JACKSON** – Promotion, Lieutenant, Pay Grade F3/Step 1, \$30,730.00 annually, effective October 17, 2003.
- ✍ **DON BOWMAN** – Promotion, Captain, Pay Grade F4/Step 4, \$40,887.00 annually, effective October 17, 2003.

PERSONNEL (Continued)

- ✍ **DOUG RANDOLPH** – Promotion, Captain, Pay Grade F4/Step 8, \$47,903.00 annually, effective October 17, 2003.
- ✍ **WINSTON SHIELDS** – Promotion, Battalion Chief, Pay Grade F5/Step 6, \$53,575.00 annually, effective October 17, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **SHIRLEY CURTIS** – Family Medical Leave, Police Records Clerk effective October 3 – December 25, 2003.
- ✍ **MARIO CUNNINGHAM** – Extension of Military Leave, Police Officer, effective September 28, 2003 – March 24, 2004.
- ✍ **DAVID GLENN COX** – Resignation, Police Officer, effective October 10, 2003.
- ✍ **NORMA MCAFEE** – Resignation, School Patrol Officer, effective September 29, 2003.
- ✍ **JOY NELSON** – Family Medical Leave, Communications Officer, effective October 8 – December 30, 2003.
- ✍ **STANLEY STILES** – Family Medical Leave, Animal Services Officer, effective October 7 – December 29, 2003.
- ✍ **GREGORY COOKE** – Return to Duty, Communications Officer, effective October 17, 2003.

PURCHASE

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

KAZMIER & associates of Lenoir City, TN – Single Source
R0069956

Mine Safety Appliances (MSA) Control Unit Parts per TCA 6-56-304.2

\$12,907.20

BOARD APPOINTMENTS

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

AIRPORT AUTHORITY BOARD:

- ✍ Appointment of **JIM HALL** for a term ending July 1, 2006.
- ✍ Appointment of **BILL KILBRIDE** to fill an unexpired term, which will expire July 4, 2004.
- ✍ Appointment of **TANYA GIPSON** for a term ending July 1, 2006.
- ✍ Reappointment of **DAN JACOBSON** to fill an unexpired term, which will expire on July 1, 2005.

REFUND

On motion of Councilman Pierce, seconded by Councilman Littlefield the Administrator of Finance was authorized to issue the following refund for gross receipts tax due to incorrect interest and penalty on the July, 2002 – June, 2003 business tax report:

STAPLES BUSINESS ADVANTAGE -- \$2,944.57

PURCHASE

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

REMAINSTOBESEEN (Lowest and best overall proposal)
R0051187

Citywide Employee Service Awards, Twelve Months Contract

\$400.00

LIQUOR STORE APPLICATION

Admin. Eichenthal presented a liquor store application in the name of Rivermont Wine and Spirits, LLC and stated that it has been through the Treasurer's department and is located at 3600 Hixson Pike. He indicated that signatures are needed from Council members to complete the application process.

COMMITTEES

Councilman Benson stated that he was reporting for Councilman Page and indicated that the Economic Development Committee met today to review results of migration trends outward from employment of Chattanooga residents to Georgia. He stated a request was made that the City provide \$4,000 for a study to determine why there is an outward movement to try to identify conditions that are attracting Chattanooga residents to Georgia and northern counties. He stated that the Council agreed that we do not have any money and asked that Mr. Eichenthal get with representatives of RPA. He stated we really do need to find reasons why migration is taking place and the entire Council felt it was necessary. He stated the study would begin with a random sample poll of 400. He again asked that RPA coordinate this with RPA.

Councilman Littlefield stated the **Legal and Legislative Committee will meet on Tuesday, October 21 at 3 p.m.**, as usual.

Councilman Taylor scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, November 4 immediately following the Public Works Committee meeting.** He stated the purpose of the meeting is to hear an update regarding HOPE VI.

ELECTION COMMISSION MEETING

Councilman Pierce asked the Clerk of the Council to check to see when the next scheduled meeting of the Election Commission would be held. He stated that he has had a problem in getting a meeting set up; that Council members would like to meet with the Election Commission pertaining to the combination of the downtown, courthouse and city hall precincts.

**NORTH CHATTANOOGA NEIGHBORHOOD
ASSOCIATION MEETING**

Councilwoman Robinson stated that there would be a meeting of the North Chattanooga Neighborhood Association on Thursday night, October 23 at 7 p.m. at Northside Presbyterian Church. She stated she is giving everyone notice to attend this important discussion regarding the future of the Wyatt Center on Colville Street. She stated there are new ideas "on the table" regarding this facility and everyone interested should be present.

RECOGNITION OF JUDGE WALTER WILLIAMS

Chairman Franklin recognized the presence of Judge Walter Williams and indicated that it was good to see him!

SISTER BEY

Sister Bey stated that she has asked the Secretary General to look into the deceit that is going on in Chattanooga. She stated people are being laid off and their properties are being taken. She stated she is trying to get the foreign counties to help because the City is seizing property and putting people on the street. She stated some buildings have been torn down that should not have been torn down and she has proof. She stated she would not sit back and let the City "crush" her people's spirit!

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, October 21, 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)**