

**City Council Building
Chattanooga, Tennessee
February 12, 2008
6:00 p.m.**

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Feely, Franklin, Gaines, Pierce, Rico and Robinson present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

JONATHAN RANGEL

Councilman Feely introduced a very special young man, Jonathan Rangel, who "shadowed" him today. He stated Jonathan was present at today's Committee meetings and is here tonight to see what a Council person does. He stated he is an eighth grader at Ooltewah Middle School.

Chairman Page welcomed Jonathan on behalf of the Council.

COUNCILWOMAN-ELECT CAROL BERZ

Chairman Page recognized the presence of Councilwoman-Elect Carol Berz, the new representative from District Six. He stated if the certification documents are received Ms. Berz would be sworn in next Tuesday.

APPROPRIATION

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO SISKIN HOSPITAL THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) TO SUPPORT THE 5TH ANNUAL SISKIN INSTITUTE'S POSSIBILITIES LUNCHEON TO BE HELD ON FEBRUARY 13, 2008
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTIONS 2-544 AND 2-546, REGARDING NOTIFICATION PROCEDURES FOR UNCLAIMED PERSONAL PROPERTY, METHOD OF DISPOSAL OF UNCLAIMED PERSONAL PROPERTY AND DISPOSITION OF PROCEEDS FROM SALES OF UNCLAIMED PERSONAL PROPERTY
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-203: City of Chattanooga c/o William Payne

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE CLOSING AND ABANDONING A TWENTY-FOUR INCH (24") SANITARY SEWER LINE AND SEVENTY-TWO INCH (72") CSO LINE EASEMENT ON PROPERTIES LOCATED IN THE 2800 BLOCK OF ASBURY PARK, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed second and final reading and was signed in open meeting.

REZONING

2007-222: City of Chattanooga

Sid Huntley expressed thanks to the Council for what they did last week in reference to this Ordinance. He stated this ordinance has really helped values of properties and will in the future; that it is very heartening to know Council members listen to a neighborhood as they did. Once again, appreciation was expressed to the Council.

REZONING (Continued)

Chairman Page expressed thanks to the neighborhood for their involvement.

Councilwoman Robinson addressed the Council and audience from Forest Avenue and the north shore and stated that she receives mail each day from the multiple listings and clarified the property for sale on Forest Avenue was just listed today and if she is not mistaken it came "on mark" at \$785,000! She stated the values are there and the zoning the Council passed last week will "stand up" and prove to be an affirmative investment made with citizens in that area.

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE PROPERTIES WITHIN THE NORTH SHORE ZONING STUDY, PHASE ONE, MORE PARTICULARLY DESCRIBED HEREIN, TO R-1 RESIDENTIAL ZONE WITH CONDITIONS AND R-4 SPECIAL ZONE WITH CONDITIONS, SUBJECT TO SAID ZONING STUDY

passed second and final reading and was signed in open meeting; **Councilman Rico voted "no"**.

REZONING

Councilwoman Bennett asked that the Stringers Ridge Ordinance and block of Resolutions be presented together.

Councilman Rico made the motion to move Ordinance (h) forward on the agenda; Councilwoman Robinson seconded the motion; the motion carried.

2008-010: A. D. Engineering Services, Inc. c/o Donna Adams

Pursuant to notice of public hearing, the request of A. D. Engineering Services, Inc. c/o Donna Adams to rezone a tract of land located at 626 Browns Ferry Road came on to be heard.

The applicant was present; opposition was in attendance.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that a letter was received by the applicant this morning, with a copy to the Clerk of Council, requesting withdrawal of the rezoning request from R-1 to M-2. He stated he would pause at this point to allow for direction from the Council.

REZONING (Continued)

Councilwoman Bennett stated that she learned yesterday that the applicant wanted to withdraw. She stated that the attorney for the Browns Ferry residents and a large number of citizens are present. She stated this comes to the Council from Planning with a recommendation for denial and noted that she would like to give the neighborhood an opportunity to talk about this situation and the applicant, as well, if they want to say anything as far as their willingness to not do anything that would be harmful to the neighborhood.

Councilman Benson stated that it is his belief the way the first version is written it was denied by Planning and not by the Staff; that the second version is recommended for approval by Staff. He stated Planning turned down both versions and the implication is that Staff approved or recommended approval. He stated that he would like to say when the Council listens to consider if it is withdrawn it can be brought back in thirty days and if it is defeated it can not be brought back for nine months.

Mr. Haynes stated that the original request was to rezone a portion from an existing zone of R-1 to M-2 with conditions at 626 Browns Ferry Road in Lookout Valley for the purpose of constructing a warehouse for dry boat storage. He stated the site plan submitted at the Planning meeting showed what the applicant wants and (the applicant) has never updated the version of what it will look like. He stated the photo shown by PowerPoint reflects what they plan to build. An aerial view of the site was shown with the existing marina to the south, as well as the portion where the dry storage warehouse would be placed. He stated Staff recommended denial of the M-2 and, instead, to rezone everything to C-2, not only to allow the use requested, but to put the whole marina into a zone suitable for its use. He stated the marina was constructed at the time for the subdivision as an accessory use allowing for a slip in the marina; that it is not currently and never has been commercial use. He stated it is still looked at by the inspection department of the city as not commercial but an accessory. He stated the Staff recommended rezoning to C-2 and planning denied not only the M-2 but C-2, as well. He stated since the applicant has volunteered and had meetings with the residents, they were asked to show their proposed option rather than rezone the whole area; that they volunteered to cut out a piece fronting Waterfront Drive. He stated the Staff is okay with what is suggested for this portion to be rezoned C-2 and Planning still recommends denial of the original; that they never saw this option as it was submitted after the Planning meeting.

Donna Adams of A. D. Engineering introduced Adam Driver who was present with her. She stated withdrawal of the application is requested.

REZONING (Continued)

Ms. Adams noted there was no apparent opposition to the project until two days prior to the Planning meeting; that they had scheduled meetings with the Lookout Valley Homeowners Association and had meetings at Planning, came to the Variance Board for a setback and realized there was opposition and there was not time to do additional community involvement. She stated after the Planning meeting they went back to the representatives of the Homeowners Association and scheduled a meeting, with Councilwoman Bennett involved; that they met with everyone and went over the plans and there was still some opposition. She stated they felt there were still concerns and they did schedule an additional meeting after Planning. She stated at the one prior to Planning it was felt progress had been made with the community, however, they do not feel they are "there" yet as additional work needs to be done with the community.

Ms. Adams continued by stating that calls were made to the opposition and Councilwoman Bennett last night requesting withdrawal and a letter was sent this morning stating that, and the people in support of this are simply not present. She stated a packet of information was delivered to the Council yesterday and noted that the property is currently legal non-conforming and the intent is to do the C-2 to bring it up to standard. She stated that they coordinated with Greg in the pre-submittal meeting, consulted with TDEC and TVA and plan to upgrade the site by putting in a pump-out sewage system beneath all surrounding neighbors. She stated in the packet it is noted there were three different meetings held with the Homeowners Association; that the building is located in an area they feel has the least impact. She stated there are other options they would like to explore in doing a smaller building and have offered to the citizens the ability to help make color selections on the building for input on that. She stated another option would be the C-2 property fronting Browns Ferry; that the owner does have property under option. She stated the building will be tucked back into a hole with screening around and a large ridge on one side. She stated they intend to plant an additional screen to help hide the building and again referred to the packet of information that was delivered that referenced noise and maintaining business hours. She stated that the bulk of most of the traffic will be at its greatest peak during the summer.

Adam Driver of A. D. Engineering stated that the owner of the marina does have options on the lot fronting Browns Ferry that is currently zoned C-2; that the owner has the ability to go ahead and put the dry storage there which is a much more visible location than the location proposed. He stated they honestly feel the community would rather have it in the location proposed rather than where the owner can put it now.

REZONING (Continued)

Mr. Adams stated the primary reason they request withdrawal is so the community can further understand where the building can go now legally vs. where they are trying to put it. He stated if the Council goes ahead with this the owner may put the building at this location and that is not what the community is after.

Atty. Roger Dickson was present representing citizens of Browns Ferry Landing and the students and parents of Lookout Valley Elementary School. He asked those from the community in opposition to the rezoning to stand. He stated had they not gotten word last night the matter was going to be withdrawn this room would have been filled up with many more from the community and parents from the elementary school. He stated they are opposed to the rezoning and think it should be voted down and voted down tonight. He stated the Planning Commission looked at all the different concoctions and voted 9-3 to deny and the request is against the Lookout Valley Land Use plan this Council approved; that what everyone in this area and neighborhood is looking for is open space residential; that they are not opposed to putting in an office building or retail store. He stated that a dry storage boat warehouse is being proposed and noted he did not know how many are aware -- if anyone has been to a dry storage facility for boats -- what they do there is forklift in-and-out all the time, taking the boats and putting them in the water and taking them out. He stated this happens all during the night, getting boats out of their stall and getting them ready to go in to be used the next day; that all night long they are taken out of the water and put in the storage warehouse.

Atty. Dickson stated to say this is going to operate during business hours is not true because how many boat marinas close at 6 p.m. at night; that they will be rolling in through other folks back yard. He stated in addition they are talking about putting this in back yards and the maps reflect this would be in these folks' back yards. He asked why it is being placed there; that in their back yards will be ground gas storage and a gas dispensing unit, there will be motor repairs and forklift trucks moving back and forth. He stated interestingly what they said is the proposed boat storage is an extension of the existing marina boat slip area. He stated what is there now are little slips and there is no forklift, no above ground tanks; that there is already a marina and what the folks just told us is if we do not agree they may put it somewhere else on a smaller tract. He stated first of all, they are getting four acres and this smaller tract of 1.8 acres will not work. He stated what is important is the marina out there right now is an extension of an existing marina that is operating out of zone; that it is zoned R-1 and is being used as commercial, renting slips out.

REZONING (Continued)

Atty. Dickson stated people here in the neighborhood have boats where there are 80 slots; that 60 slots are being rented out. He stated this is not some little place it is a commercial operation and zoned R-1! He stated the argument they have is the illegal marina and the illegal use of the marina to give an opportunity to put something else is wrong. He stated it is not a non-conforming use, historically the property was annexed and ten years later started this development. He stated at the time the marina was put in it was R-1 and R-1 after. He asked how did the marina get put in and noted that it was put in because it was represented to the residents 20-25 slots would be limited to community people. He stated once they "got their foot in the door" there are now 80 slots and are talking about wanting another 150 more slots in the warehouse running these forklift trucks in-and-out and selling gasoline.

Atty. Dickson stated to say we have an extension of a marina is not an extension it is a whole new process. He stated the existing marina is out there only because it started out with 20 slips placed for the neighborhood that is now 80 and now want 238 (slips). He stated there is one lane of traffic and a road that is ten feet wide and five feet deep in places – one lane, almost 300 yards of one lane, 238 boats back there where people live. He stated on a Saturday and Sunday there would be ten hours of constant boat traffic. He stated the school parents are not present this evening where traffic exits into the one lane road where Lookout Valley Elementary comes in. He stated they are not even counting the nuisance that would be for kids on bicycles with above ground storage and forklift trucks. He asked the Council to go ahead and vote on this and deny it tonight.

Mr. Driver stated the last thing they want to do is go against the nature of the community; that they have a marina that has 88 slips that are fully occupied. He stated they worked with Mr. Zehnder who told them there was a large need for additional marina space in the city. He stated throughout the summer there was not enough space on the river near the city of Chattanooga. He stated the marina dry storage proposed is certainly first class and there would be very specific hours, generally from 8 a.m. – 6 p.m. and during the summer it would go later up to 7 a.m. – 9 p.m., which could be worked out with citizens. He stated the space fronting Browns Ferry where the owner could put in a dry storage does has ample size for the current facility and 150 boats; that it is not an option he would prefer but it is "on the table". He stated they would like to withdraw to allow more time to work with the citizens and come up with the best option for everyone.

REZONING (Continued)

Ms. Adams stated the residents for it are not present as there are a number of citizens in the area who are for the dry storage project. He stated that they are under NSB regulations, have a sewer output system and would keep the water clean.

Councilwoman Bennett stated that this community has spent a great deal of time educating themselves about the project and the applicant has been willing to meet and she has been working to understand the history behind the developer and how it started and intended to be. She stated from her research it is very obvious this marina was created as an accessory to this development and that was what it was intended for; that she also contacted the Public Works Department and wondered how over the years it had continued to go from 25 slips to 80. She stated that she realized it was not the city that allowed the growth it was TVA. She stated that the reason she spoke with the applicant yesterday and suggested withdrawal is that she knew whether it was withdrawn or denied one of the things that concerned her was the land use plan does call for residential and did not call for any kind of downzoning or change of zone; that she is troubled when there is spot zoning in the Lookout Valley Land Use Plan. She stated that she is concerned about C-2 property and what it can be used for; that she would like to have the neighborhood have every opportunity to be able to have the best discussion and make their choices. She **stated her recommendation, and there might not be a second, is to make sure she gives every opportunity if this applicant decides to go in a different direction.**

Chairman page stated that the motion is to withdraw, whether there is a second or not, is up to the Council.

At this point, Councilman Pierce seconded the motion.

Councilman Benson stated that he had a bad experience with sometimes tactical situations where the matter was withdrawn and thirty days later it was brought right back; that people get tired of coming back in 60 days and then continue withdrawing. He stated that it is his thought that the Council has to look at it for what it is now; that it is spot zoning and we would be putting in another spot zoning if the Council approves. He stated from what he heard tonight he did not like the veil implication; that there is an option on the C-2 facing Browns Ferry and if the applicant can not get this he could just move on down and face Browns Ferry, which did not set too well with him (Benson). He stated he can not go along with the withdrawal and **made the motion to deny; Councilwoman Bennett seconded the motion.**

REZONING (Continued)

Councilwoman Robinson stated there is a very narrow passage from the marina area as there is just a one lane road then one lane into the river. She stated what this says is no matter how nice the building is and the neighborhood choosing the décor and screening are very wonderful concessions to make, but at the end of the day there will be boats in there and we are talking about hundreds more essentially coming down a one lane road in-and-out.

At this point the vote was taken on the motion and second by Councilmen Bennett and Pierce for withdrawal; the motion failed.

Councilman Benson asked how something can be operated and not be zoned for it.

City Attorney Nelson stated it could only if it is a legal non-conforming use and from what he has heard this was not legal non-conforming use; that what he heard started ten years after it was initially zoned R-1. He stated the other thing that comes into consideration is it can have accessory uses to the R-1 and R-2 zones and may be created as an accessory to those zones, but that should be for the families in the subdivision and should not be for other parties coming in from outside as it gets into a commercial application, then.

On motion of Councilman Benson, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 626 BROWNS FERRY ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

was denied.

AMEND CITY CODE

Councilman Rico stated the recommendation is to defer the matter 35 days.

On motion of Councilman Rico, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, SECTION 31-325, LANDFILLING REQUIRMENTS IN CERTAIN
RESIDENTIAL AREAS**

was deferred 35 days (March 18).

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, SECTION 2-517 RELATIVE TO DEPOSITING OF CHECKS
RECEIVED BY THE CITY AND DISHONORED CHECKS**
passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 1001(3) TO ALLOW CERTAIN RECYCLING PROCESSING
CENTERS BY INDUSTRIAL CONDITIONAL PERMIT IN THE M-1
MANUFACTURING ZONE**
passed first reading.

AMEND CONDITIONS

2007-221: Vision Chattanooga North Shore, LLC

Pursuant to notice of public hearing the request of Vision Chattanooga North Shore, LLC to amend conditions imposed in Ordinance No. 11786 (Case No. 2005-227) on a tract of land located at 10 Cherokee Boulevard came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITIONS
IMPOSED IN ORDINANCE NO. 11786 (CASE NO. 2005-227) ON A
TRACT OF LAND LOCATED AT 10 CHEROKEE BOULEVARD, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-002: City of Chattanooga c/o Bill Payne, City Engineer

There was no opposition in attendance.

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1200
BLOCK OF GIFFORD STREET TO THE 1200 BLOCK OF MISTER AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-003: City of Chattanooga c/o Bill Payne, City Engineer

There was no opposition in attendance.

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1000
BLOCK OF NORTH EAST KING STREET TO THE 200 BLOCK OF
PROSPERITY LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**
passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-006: City of Chattanooga c/o Bill Payne, City Engineer

There was no opposition in attendance.

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE UNIT
BLOCK OF EAST CREST ROAD TO THE 200 BLOCK OF SHERIDAN
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**
passed first reading.

REZONING

2008-013: Edward E. Capehart, Sr.

Pursuant to notice of public hearing, the request of Edward E. Capehart, Sr. to rezone a tract of land located at 812 Airport Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT O
LAND LOCATED AT 812 AIRPORT ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading.

REZONING

2008-014: Eastman Construction

Pursuant to notice of public hearing, the request of Eastman Construction to rezone tracts of land located in the unit block of East 14th Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Robinson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE UNIT BLOCK OF EAST 14TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading.

REZONING

2008-017: Tom Cofer

Pursuant to notice of public hearing, the request of Tom Cofer to rezone tracts of land located in the 5000 block of Highway 58 came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 5000 BLOCK OF HIGHWAY 58, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-
2 CONVENIENCE COMMERCIAL ZONE**

passed first reading.

REZONING

2008-019: Mike Cooke

Pursuant to notice of public hearing, the request of Mike Cooke to rezone tracts of land located in the 200 block of Sawyer Street and 900 Block of Merriam Street came on to be heard.

The applicant was present; opposition was in attendance.

Councilwoman Bennett stated that the block of Stringers Ridge properties will be heard together as previously requested.

Chairman Page explained that the Resolutions have to do with the PUD, which is part of this zoning. He stated the whole project would be heard and the zoning and Resolutions read separately.

Greg Haynes stated that he would give a general overview of the project and reminded everyone that the process for the PUD's is a preliminary PUD review that action would be taken on. He stated if the preliminary PUD's are approved tonight the developer would submit the final PUD to the RPA staff and reviewed by the Subdivision Review Committee and back to the City Council. He stated once the final PUD is approved the applicant has two years to record it.

REZONING (Continued)

Mr. Haynes stated the general location is north of downtown at the southern edge of the Red Bank boundary, north of the Hill City neighborhood. The general concept of the plan was shown reflecting the four phases, three in Chattanooga and the fourth in Red Bank. The presentation also showed cross sections submitted prior to Planning and a variety of cross sections varying from three-to-eight stories and an artist's rendering looking from the Walnut Street Bridge. The renderings reflected a slight change to three stories that was submitted after the Planning Commission meeting. He stated there is already an existing PUD on the site and one of the cases tonight is to abandon the existing PUD. At this point photos were shown of the site with existing conditions reflecting a heavily wooded area with walking/biking trails.

Mr. Haynes stated that tonight's agenda reflects three PUD's and noted phase one of the project will have eight stories, phase two will have three stories and phase three would also have three stories. He stated phase four is a mixture of the three and will be in Red Bank. He stated the Hill City Plan recommends resource conservation and development should be residential. He stated there are several concerns and questions about fire protection/access, parking, stormwater, erosion control, greenways and others. He reminded Council members that the recommendation is for preliminary approval and the RPA recommendation is significant as additional information will have to be provided prior to the final PUD and would be subject to a whole list of conditions which address access to parking, erosion control, greenways and others.

Mr. Haynes stated since the Planning Commission meeting there have been a number of meetings, some between the applicant and residents, the applicant with Staff of RPA and Public Works. He stated after some of the meetings the first list of conditions have been amended and clarified even more; that the main issue was the eight stories of buildings in the first phase which became a problem for mostly everyone, including Staff, and the recommendation was brought to three stories. He stated then the question becomes how it would be written in the final recommendation, which actually turns out to be three stories plus one story underneath for parking; that the argument may be three stories vs. four stories. He stated there are a number of conditions which have been revised and adjusted; that phases two and three have been changed somewhat in bulk and the size has changed a little bit; that the applicant has agreed to reduce the height on phase one to three habitable stories which could be viewed as four. He stated to do that the rest of the buildings will absorb some of the units, which is why it looks so large.

REZONING (Continued)

Mr. Haynes stated the final request from the applicant is to change the boundary line; that the boundary in phases two and one going east to west has been combined to make the phase one area above the entry road; that there will be no units in phase one. He stated the reason for this is that the density in phase one was over the limit; that the limit was for eight units and it was more like phase three or fifteen (units). He stated by combining phases one and two the density is reduced and the overall project is unaffected. He stated the Staff okayed the change; that they looked at the change as not changing the overall plan submitted. The existing PUD was shown by PowerPoint and Mr. Haynes pointed out where phase three of the project would be; that it has five multi-family buildings that were approved and recorded which would have to be abandoned for the others (PUD's) to be proceeded with and approved. He stated the last part is the one zoning change in phase two where the development is intended to have more density in phase one.

Robert Fisher introduced Mike Price, Craig Kronenberg, Mike Cooke and Chris Anderson. He stated Mike Cooke and Chris Anderson are top notch developers with twenty-to-thirty years of building experience in the type of development they want to pursue. He stated they started this project fourteen months ago and met with the Mayor, the city's Staff, Ms. Bennett and met numerous times with RPA learning how to proceed and following protocol. He stated they had a neighborhood meeting a month ago at the Theatre Center with 200 people present and many conditions in the agreement which made the project better were discussed. He stated two weeks ago another meeting was held with 100 people at the Hill City Recreation area and a luncheon was held with the Chamber. He stated they have met numerous times with the community listening to concerns and at this point feel they have addressed basically all of their concerns; that he knows many have to do with construction engineering which will come later before the final approval of the PUD. He stated according to Barry Bennett more information was provided for this PUD than he has seen in thirty years! He stated this is a big project with lots of moving parts; that they have quality people trying to do a quality development.

Mr. Fisher stated the density is five units per acre over 100 acres and the current density allows for 560 units. He stated there are two primary accesses, High Ridge and West Bell; that there is a lot of traffic on West Bell and they would never go through the neighborhood; that some of the traffic will still go through, yet a lot will never see the neighborhoods. He stated the Hill City Plan was their guideline which showed them three things – that they saw how the land was developed, saw clustered housing and saw it as being a lot of conservation.

REZONING (Continued)

Mr. Fisher continued by stating they would be only using 35 of the 100 acres and would be preserving 65 acres; that Rick Wood from Trust for Public Land (TPL) has a letter of intent to connect both ends of the property with public trails. He stated TPL connects at White Oak Park in Red Bank and eventually Moccasin Bend; that they see this as an amenity and working well for the community. He stated some of the issues involve radon and Chattanooga shale; that radon is a natural occurring gas that is lighter than air; that new construction deals with every item and it is easily vented away from the building and referenced the TDEC website which addresses this. He stated they are aware of radon and it is easily addressed with new construction. He stated the Hill Point development on the ridge in Red Bank "hit" Chattanooga shale and, again, TDEC provides guidelines and procedures to remediate it; that they will avoid it and do what they can.

Mr. Fisher stated Hattie Darby, President of the Hill City Neighborhood Association, stated that she wrote an article that appeared in Sunday's paper which noted her concern at the end of the day was "do we really need these condos". He stated whether or not they need them is not addressed by zoning; that he is focusing on zoning. He stated he has developers with a lot of interest in determining demand and the way Chattanooga is growing it is thought this product is needed. He stated Chattanooga over the next twenty years will have 10,000 – 20,000 new residents downtown; that these are roof tops that will attract people to move here. He stated they are willing and very happy with having monthly or quarterly meetings with the neighborhood or leader and updating them of the process; that they probably will not be coming back for final until 2009 and there will be another six-to-nine months of engineering drawings and developing plans and doing some of the analysis the neighborhood wants and they need to do.

Mr. Fisher stated that stormwater has been a concern and is regulated with submittal of plans for construction. He stated construction items get addressed immediately under normal procedures. He asked the Council not to penalize them due to other developers' mistakes.

At this point Chairman Page extended Mr. Fisher's comment time an additional three minutes as a courtesy, noting that this is a long, complicated project and extensions will be made to the opposition, as well.

Mr. Fisher concluded his comments by stating there were issues about the steep slope ordinance and asked not to be penalized; that they have no view shed ordinance and have lowered the height of the buildings as they are sensitive to the view and are saving 65 acres.

REZONING (Continued)

In summary, Mr. Fisher stated they would like to move forward with the project; that some of the issues are still left “hanging” and have to do with construction and engineering drawing. He stated they would like to move forward and address those in the process as it is normally done and appropriate.

Hattie Darby of 1010 North Market Street stated that she is a resident of the Hill City neighborhood and was present as President of the Hill City Neighborhood Association. She expressed thanks to the Council for allowing them to express their thoughts and concerns regarding the Stringers Ridge development; that the Hill City Plan, of which she participated, was made to show how existing land use could be in the future. She stated the Plan talks about the fact that Stringers has significant history and serves as a habitat for wildlife in the area and adds to the scenic view that makes Chattanooga a “Scenic City”. She stated the Plan states if it is not properly developed it can detract from the scenic view and this is not something that has been discussed with the community nor anything the community has agreed to for unwanted traffic. She stated cutting down hill tops and polluting the stormwater goes against their Plan and there is more development with this Stringers Ridge project that they can handle, including traffic.

Brooke Bradley-Kirk of 1003 East Dallas Road stated she is a member of the Hill City Neighborhood Association. She stated she is not anti-development but is for responsible development. She stated this community has raised significant issues regarding contaminated soil and part of the plan, as stated, indicated they would reuse everything they can on top of the ridge. She stated if there is contaminated soil that is left uncovered and allowed to be rained upon, with the sulfur and acid crystals forming it leaches down in the soil and springs of the people in the audience who have property in the Hill City area who have springs in their back yard, as well as the spring feeding into Renaissance Park. She stated if that soil is allowed to leach sulfur it will turn the water red and run all the way down to Renaissance. She stated TDOT has had to deal with Chattanooga shale and radon with the recent Signal Mountain exit ramp that TDOT had to haul of into Red Bank causing Red Bank to lose their water and air quality award. She stated they have done an excellent job coming to the community and allowing everyone to ask questions; that there are so many ins-and-outs of what will happen on top of the ridge. She stated that they will have to fill in the gullies and when a cavity is filled it has to be tapped down and then built on top of which becomes a structural issue. She stated that it is her thought they have met every prerequisite the RPA has given, yet there are so many questions that are technical that are not understood by people who live in Hill City unless they are an architect or engineer.

REZONING (Continued)

Ms. Bradley-King asked the Council to take more time to consider what they are asking for; that they do not understand the change in the PUD as they have decreased the number of units and changed the boundary lines. She stated that they thought when the changes were made at the Planning Commission was one thing and now there is something else in front of the project and they do not understand why it would not go back to Planning for review. She stated on the traffic issue they are talking about a development taking ten years to complete and that puts a lot of construction equipment, tractors and cement trucks running up and down the streets for ten years. She asked the Council if they would like to have that kind of traffic for ten years!

Garnet Chapin stated that a large majority of residents of Hill City are adamantly opposed to the proposed 504-unit development on historic Stringer's Ridge noting that he has tried to help craft a constructive and creative compromise that would address neighbors' concerns about traffic, density and the environment. He expressed appreciation for Chris Anderson's willingness to meet with him but has found their consultant's unwillingness to address their concerns to be very disappointing. He stated that he would give his best professional opinion as a recognized urban designer in what he hopes in a more dignified manner. He expressed that there are too many units being planned for a steeply sloping and environmentally sensitive site; that the development is not in keeping with the Hill City Plan and not in compliance with the Zoning Ordinance. He stated their cut and fill plan, which would drastically alter the hilltops and fill the ravines with potential pollutants, is environmentally irresponsible and treats the site with the sensitivity of a sledge hammer! He stated the concern regarding the development's traffic through the neighborhood he has been told would be good for them because it will increase property values; that what it will do is raise their taxes, force them from their lifelong neighborhood and make their streets more dangerous. He stated the developers plan to use the community for construction access for the next eight-to-ten years; that the trucks will destroy their streets and be a real danger to the safety of their children.

Mr. Chapin continued by stating the development would destroy significant historic sites from the Civil War and Native American occupation of the site as it was from this ground that the first two Battles of Chattanooga originated; the very hills that Hill City was named for. He stated this development would be nothing short of a disaster; that in his best professional opinion this land should be a park. He stated if the Council defeats this proposal he would commit to help raise the necessary funds to help save it for our children and our children's children. He stated since the new plan was not given notice, the Council can not act on this as there was no notice of this new plan.

REZONING (Continued)

Mike Cooke stated that Mr. Chapin uses flamboyant language to talk about the property and expressed respect for his views and noted that he met with him a few times. He stated they attempted to stay within the boundaries of the zoning ordinance and the issues spoken about are construction and building issues, engineering issues that are necessarily dealt with when the building plans are completed. He stated issues of erosion control and stormwater management will be approved by TDEC and they are not asking for anything unusual. He stated that they are willing to meet monthly or quarterly with any group of persons, the Council or RPA to apprise of their progress. He stated it is private property and are clearly into a design they have wanted to use; that they think their plan is the right compromise for the hill and will continue to be ready to address the issue.

At this point, Chairman Page declared the public hearing closed, noting that it is time for the Council to deliberate.

Councilwoman Bennett stated when looking at Stringers Ridge, it is the last of the undeveloped spots on the North Shore; that few comments were made about Stringers Ridge in the Hill City Plan yet it remained undeveloped property and not a lot of focus concentrated on any kind of development there. She stated they continued to update the North Shore Plan, worked on the Hill City Plan and just completed some zoning adjustments to Forest Avenue and Tremont and it is just part of the way things are done on the North Shore in giving careful attention to making zoning changes, realizing once it is done it cannot be taken back. She expressed appreciation to Mike Cooke and stated that they bring a lot of history to the project, but within this community they have so much work that needs to be done before moving forward on this large project. She stated never in her three years of serving on the Council and seven years as a community volunteer has she seen a project this complicated. She stated it is very important that they are able to get their "arms around it", communicate clearly and know the neighborhood understands what is happening there is history. She stated everyone knows what happened in the past with Cameron Hill when a "pretty picture" was seen and everyone thought they knew what they were getting and then when it was all said and done, what happened was something no one expected. She stated they do not want that on Stringers Ridge; that they want to be sure the Council does their due diligence. She stated traditionally the Council looks to the person who represents that district and expressed appreciation for that; that this is an issue which has a much larger impact. She expressed hope that time will be taken to address concerns and issues.

REZONING (Continued)

Councilman Rico stated it is not like the developers are going to do this overnight as they have been meeting with everyone for over a year and they are still willing to meet. He stated he is not certain a lot of people are aware of the history as he has never heard anything mentioned other than it had been used as a dump until somebody cleaned it up. He stated nobody cared about it until they started developing it and all of a sudden ...

At this point, Councilman Rico was interrupted due to reaction from the audience regarding his statement about use as a dump.

Chairman Page quickly interjected that there would be no dialogue; that the Council is deliberating and asked that those in the audience honor that.

Councilman Rico continued by stating when he drove up there, there was trash and somebody had come in and finally cleaned it up. He stated he is not putting it down but just saying these people are willing to work with everyone. He stated he is a property rights proponent and respects property rights. He stated what is being attempted is trying to stall them and hope they go away. He stated give them time and if something comes up and we feel it is wrong, we will tell them "no".

Councilman Benson stated that he knows what Councilman Rico is trying to say, noting that this a preliminary PUD and they will still have to come back to the Council again months or years from now. He expressed agreement with Barry Bennett and stated he has been on the Planning Commission over 17 years and this is the best prepared plan he has seen. He asked Greg Haynes if he is right in thinking there would be 560 units.

Mr. Haynes responded that he believed so, "yes".

Someone from the audience noted that they were told there would be 504 units.

Councilman Benson stated it is already zoned and the present zone indicates a large number of units can be built and we can not do anything about it.

Mr. Haynes clarified that the current zone is mostly R-2; that a PUD is not a zone and a special permit would be needed.

REZONING (Continued)

Councilman Benson stated as he goes up Signal Mountain he has noticed that the leaves on trees are gone and it is an ugly site and shows lack of smart planning. He stated that there is the opportunity to take something and put qualified conditions on it and possibly make it a real visual and aesthetic asset; that we have no possibility of any control by leaving it as it is and that scares him. He stated we need housing stimulation and employment opportunities; that we need innovation that could come and make things productive for the lifestyle of people there as well as aesthetic looks. He stated that he is convinced this is an opportunity. He asked where the matter goes if the preliminary PUD is approved; whether it goes back to the design committee or what.

Mr. Haynes stated if the preliminary PUD is approved they will start work on the final plan and when that is done it is submitted to the RPA staff.

Councilman Benson stated there is no assurance of it being approved. Mr. Haynes responded "right"; that the Staff makes a recommendation on the final plan and then it comes back to the Council.

Councilman Benson again stated there is no assurance it will be approved.

Mr. Haynes stated responded that it is completely left up to the Council; that it is not like a subdivision. He stated that the Council has the option when the final comes back to approve, deny or defer. He stated if it shows changes that are drastically different from the preliminary it can be sent back to Planning, however, Staff's job is to look and see that it substantially conforms to the preliminary plan.

Councilman Benson stated that it is a gamble and related the situation with a decision that had to be made in the Ashwood area noting that he and others are very happy with the PUD and the quality.

Councilwoman Robinson expressed agreement with Councilman Benson's comments stating that PUD's are good and conditions can be placed on them; that without a PUD there is no control over things so troublesome such as stormwater and erosion. She stated the questions still lingering in her mind are some that were raised when she attended the RPA meeting last month because of the urgency of getting an option in place on the property; that it seems the RPA and Commission felt hurried and there were questions that came up that could not be answered. She stated the timing was running out; that the minutes of the meeting reflect that a member of the Commission noted this is a large project and a lot of important questions had not been addressed.

REZONINGS (Continued)

Councilwoman Robinson stated that this really needs to be looked at closer; that it is even a good idea to send it back to the RPA and Commission as it is something the Commission felt they needed more information about before coming here.

Councilman Benson asked Mike Langley of the Planning Commission to come forward, noting that he did not know what more the Commission could have done.

Mike Langley stated that Beverly Johnson mentioned this; that they asked for a thirty day delay on a project much smaller than this; that they looked at the cross section of buildings from the standpoint of cutting and filling and the twenty foot retaining walls as most of that would be noticed from down below the Ridge. He stated a lot of questions were about where the fill would go; that they were looking at a project with 500 units and four PUD's; that they normally look at a PUD with no more than 150 units and now there are four PUD's and the developers said the option runs out next week and they had to go to the Council with it. He stated they felt rushed and felt the need for it to be looked at more. He stated they are great developers and well qualified, but again it is important to follow a large development and whether or not the development is viable economically more time is needed. He stated the reason why he voted against moving the matter on to Council was because he wanted to do a thirty day delay to "get his arms around" some of the questions about cutting and filling. He stated the development and design are great but the cut and fill is what he is real uneasy with; that he did not see the technical drawings for cut and fill.

Councilman Benson expressed agreement; that the developers did tell them they had ten days.

Mike Cooke stated at that time they had a deadline with the Hudsons and they put up a sizeable amount of money to extend it; that the Hudsons told them they would not extend the closing deadline any more. He stated the "drop dead date" is March 17 and they plan to purchase the property.

Councilman Rico stated that the Council wants all questions addressed during this time before anything is okayed.

Chairman Page asked if there anything that can be done to make this Council more comfortable.

REZONING (Continued)

Councilwoman Bennett stated that she spent time with Barry and Greg to ask about the preliminary PUD process and the question was how often, once the preliminary phase has been entered, do we come to a final plan and deny someone. She stated they are trying as a community to do due diligence before getting this far out of respect for the community and the developers; that they want to be sure they are going in the right direction rather than have someone spend a tremendous amount of money and find themselves backward at the end of the project.

Councilwoman Gaines stated that she met with several of the developers and remembered Mike Cooke. She stated a "drop dead date" was just mentioned and asked if it is possible for this Council to defer in accordance with the March 17 date.

Mike Cooke stated he does not like the "drop dead date"; that they had the property under option and the Hudsons do not care what the protocol is or deadlines; that they have had the property almost two years and they have emphatically been told by Mr. Hudson to buy or do something else; that the last time they had ten days and put up \$50,000 and got thirty more days until March 17. He stated that is a hard date for them but their plan is to purchase the property on that date regardless of what the Council does. He stated they would purchase the property and do some type of development; that they hope to work with the Council and neighborhood. He reiterated that March 17 is a hard date for them but they do plan to buy it on that day. He asked if the Council could articulate to him precisely what it is they want from the developers at this time that they could reasonably provide to give them (Council) comfort. He stated the Council continues to ask for things that are building, construction and engineering items which is putting the "horse before the cart".

Councilwoman Gaines stated that she was not asking for the Council; that the community is present and they need to understand.

Mr. Cooke stated that they have respected their wishes and will continue, however it is not the community that votes; that they are trying to speak to those who have questions and asked what are they.

Councilwoman Gaines quickly corrected Mr. Cooke and noted that Council members represent the community, to which those in attendance responded with applause.

REZONING (Continued)

Chairman Page asked what other things the Council could ask for that would assure the project is developed in a way that is desirable to the neighborhood.

Adm. Leach stated there were several issues discussed with the Staff of Planning and Public Works and one was cut and fill issues of a very sensitive site. He stated the site is very significant as far as the view shed in the community and there is a need to carefully look at that. He stated if this were open space the Council might not be having this discussion; that there is a lot of impact to the site despite the fact that only a portion of the site will be used. He stated one of the concerns is how much will be required on the front end and stormwater quality was a huge issue. He stated changes have been made to the preliminary plan and legally it should taken back to RPA for another look as the boundary has changed and things have been done to modify it.

Chairman Page asked if it would enhance Public Works to look at it if there were more time to look at cuts, roads and range.

Adm. Leach stated that they could provide that information but would have to be directed by the Council; that they would have to be provided with certain things.

Councilwoman Bennett made the motion to defer the matter and was trying to determine how long; that it is a beautiful project that is so large and complicated. She stated they have had problems articulating exactly what is needed and there is a need to get with RPA, city Staff and “get our hands around” the material we need to make a firm decision, which has been her problem all along.

It was suggested that the matter be deferred 30 days; **Councilwoman Gaines seconded the motion.**

Councilwoman Bennett asked that the time frame be considered as the deadline is March 17. **City Attorney Nelson suggested 28 days (March 11).**

Councilman Franklin stated a lot of concerns have been expressed and some things appear to be ambiguous for lack of information. He stated it is real sketchy what the 30 days does; that it puts them five days from losing or not closing.

Chairman Page confirmed that they plan to purchase the land regardless.

Councilman Franklin inquired as to the process as it relates to a PUD.

REZONING (Continued)

Mr. Haynes stated what Adm. Leach stated was valid; that during this time they will need direction from the Council as to what needs to be communicated to the developer as to what to do differently to this plan, whether to add to or take away. He stated they would not know what to do as far as bringing back something different.

Councilman Pierce stated that the question was asked in regard to the "drop dead date"; that he does not see anything wrong with taking the time that is needed whether it is 45 or 60 days to really thrash it out. He stated the developers say they will buy the property and asked why the Council should meet that date certain.

Councilman Franklin stated that he asked the question for his own understanding.

Councilman Rico stated that it was just said to defer 30 days and it is not like we have to wait every Tuesday to discuss this; that it can be discussed during the week. He stated that it is his thought the Council owes it to both sides to find out what we need to know.

Councilman Benson stated he has not heard exactly what questions we have other than Mike Langley saying something about the wall looking bad; that he does not know what would take the Council 28 days to do that. He asked what do we want, to send it back to RPA and if so what are we asking them to do.

Councilwoman Bennett stated it has been a real challenge for a project of this scope; that even though the developers may have been looking at the property for two years and there were introductions off-and-on we knew they were looking at the property, but the first time anyone saw any renderings, drawings or the concept was December 6, so we are talking about making a decision this big and the potential for this much impact on this neighborhood is hardly less than 30 days.

Chairman Page asked Councilwoman Bennett she is willing to meet with Planning to develop questions.

Councilwoman Bennett stated that she spent time with Chris and all are frustrated; that she is relying on RPA and Planning -- those ethical boards to really get this for us. She stated she is not sure when Mike (Langley) received his packet but (she) heard he heard the request on Monday after receiving the packet on Friday.

REZONING (Continued)

Mike Langley of 1726 Crestwood Drive stated that he received the packet a week ahead of time but usually the Planning Commission members do not get the detailed drawings until about a week before. He stated Greg Haynes and Barry Bennett were both right, when a PUD does come forward for review if it is changed substantially it comes back to Planning for review; that this plan has been changed. He stated what he is asking is what they do every month; that architects and contractor understand this stuff and what they do is what the State has mandated. He stated if the Council is grappling with what has been asked for they may refer it back to the Board; that the developers agree this is a great site and the developer is well recommended.

At this point a roll call vote was taken on the motion and second to defer 28 days:

BENNETT	"Yes"
BENSON	"No"
FEELY	"Yes"
FRANKLIN	"No"
GAINES	"Yes"
PIERCE	"Yes"
RICO	"No"
ROBINSON	"Yes"
PAGE	"Yes"

The motion carried 6-3.

City Attorney Nelson stated in reading the PUD ordinance a "major change" is if there is any change in the outside boundaries.

Mr. Haynes stated that the Section is actually referring to approval.

City Attorney Nelson asked Mr. Haynes how he could say it is defined differently.

REZONING (Continued)

Mr. Haynes stated that that major and minor change clause is speaking to an approved PUD; that it says approved whether preliminary or final; that what we are looking at here is a change between the time it was before Planning and the Council.

City Attorney Nelson stated that he understood and read from Section 1212 of the Zoning Ordinance as it relates to PUD Changes and Modifications, Appendix B of the City Code, Article V: *(1) Major Changes in the Planned Unit Development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section. (2) Minor Changes in the Planned Unit Development Plan may be approved by the Planning Commission Staff. A minor change is any change that is not found in the following list of major changes: (a) Any increase in density; (b) Any change in the outside (exterior) boundaries; (c) Any significant change in the land use classification; (d) Any significant change in the location or amount of land devoted to a specific land use; (e) Any significant change in the exterior appearance from what is shown on any plans submitted or presented by the developer.*

City Attorney Nelson stated a major change is any change in the outside boundaries; that this speaks to adopted plans but there is no provision in here for there to be a change between the time it leaves Planning and gets to the City Council. He stated that item two (2) would be read with the same definition as that of a major change and what might be done in the twenty-eight days is to refer it back to the Planning Commission with the new outside boundaries to act on it in 28 days one way or the other.

Mr. Haynes asked if it would be acted upon by the Council or Staff. City Attorney Nelson responded "Staff".

Chairman Page inquired as to the outside boundary change.

Mike Price stated that the outside boundary has not been changed.

Mr. Haynes stated each request is an individual PUD; that PUD One boundary has been changed and PUD Two's overall outside has not; that technically the boundary of PUD One did change. He stated that is the way Staff looked at it and explained since there is no provision in the regulations it is up to the Council to discuss and make a "call".

City Attorney Nelson stated that it would operate to the benefit of Mr. Price to remove grounds for a possible challenge to this thing after the delay; that it is up to him (Price).

REZONING (Continued)

Mr. Price stated he has read the regulations and the exterior has never changed; that the internal boundary lines have shifted but the overall PUD has remained.

City Attorney Nelson stated that Mr. Price does not have a preliminary PUD, what we have are three-to-four separate PUD's depending upon how many lines are adopted.

Mr. Price stated with all due respect if it comes back in 28 days this Council, at that point, decides this plan has merit or sends it back. He stated there is no reason to send it back if the Council is not going to approve.

City Attorney Nelson stated that the other way around is to listen to Planning's recommendations before this Council makes up its' mind.

Mr. Price stated that he would still argue the boundary never changed and does not see this as a major change.

Councilwoman Bennett stated that it does look like a changed plan to her and is very different. She stated we can put all the issues together so we are looking at it as a unit, break it down and have discussions to determine if it needs to go back to Planning.

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 200 BLOCK OF SAWYER STREET AND 900
BLOCK OF MERRIAM STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**

was deferred 28 days (March 11).

PRELIMINARY PUD

2008-018: Mike Cook

On motion of Councilwoman Bennett, seconded by Councilman Pierce,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS THE STRINGERS RIDGE PLANNED UNIT DEVELOPMENT, PHASE 1, ON TRACTS OF LAND LOCATED IN THE 700 BLOCK OF HIGH RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred 28 days (March 11).

PRELIMINARY PUD

2008-020: Mike Cook

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS THE STRINGERS RIDGE PLANNED UNIT DEVELOPMENT, PHASE 2, ON TRACTS OF LAND LOCATED IN THE 700 BLOCK OF HIGH RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred 28 days (March 11).

PRELIMINARY PUD

2008-021: Mike Cooke

On motion of Councilwoman Bennett, seconded by Councilman Pierce,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS THE STRINGERS RIDGE PLANNED UNIT DEVELOPMENT, PHASE 3, ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF PURPLE HILL DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred 28 days (March 11).

ABANDONMENT OF PRELIMINARY PUD

2008-024: Mike Cooke

On motion of Councilwoman Bennett, seconded by Councilman Feely,
A RESOLUTION APPROVING ABANDONMENT OF A MULTI-FAMILY HOUSING PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF PURPLE HILL DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, IN ORDER TO CREATE A NEW STRINGERS RIDGE PLANNED UNIT DEVELOPMENT
was deferred 28 days (March 11).

RIGHT-OF-WAY NAME CHANGE

2008-029: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 2100 BLOCK OF NOAH STREET TO MUSEUM STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

AMEND CITY CODE

Councilman Benson stated this matter was discussed in Legal and Legislative Committee and approval is recommended.

On motion of Councilman Benson, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 16, ARTICLE 1, SECTION 16-2(1), RELATIVE TO THE AGE OF FIREFIGHTERS AND POLICEMEN
passed first reading.

PAYMENT AUTHORIZATION

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING PAYMENT TO HAMILTON COUNTY, TENNESSEE, FOR THE CITY'S PORTION OF THE 2007-2008 INSURANCE PREMIUMS FOR JOINTLY OWNED AND INSURED PROPERTIES IN AN AMOUNT NOT TO EXCEED ELEVEN THOUSAND SEVEN HUNDRED SEVENTY-SIX AND 45/100 (\$11,775.45) ACCORDING TO THE ATTACHED LIST OF PREMIUM BREAKDOWNS
was adopted.

QUITCLAIM

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A QUITCLAIM DEED TO RE-CONVEY PROPERTY ON ROSSVILLE AVENUE, TAX MAP NO. 145M-H-018, TO JOE SLIGER
was adopted.

CONTRACTS

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION RATIFYING TWO (2) CONTRACTS BETWEEN THE FRIENDS OF THE ZOO, INC. AND POINTE CONSTRUCTION RELATIVE TO THE ZOO IMPROVEMENTS PROJECT TOTALING AN AMOUNT NOT TO EXCEED THREE MILLION FIVE HUDNRED NINETY-SIX THOUSAND EIGHTY-EIGHT DOLLARS (\$3,596,088.00)
was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO ENTER INTO AN AGREEMENT WITH FRANKLIN ASSOCIATES ARCHITECTS, INC. TO DESIGN, PREPARE FOR BID AND OVERSEE THE EXPANSION AND RENOVATION OF THE LADIES' AND MEN'S REST ROOM FACILITIES AT THE TIVOLI THEATRE FOR A FEE AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. S-06-009-102, CHATTANOOGA STORMWATER AS-FOUND, WITH EARTHWORX, LLC, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$195,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED EIGHT HUNDRED TWENTY THOUSAND DOLLARS (\$820,000.00)

was adopted.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING JAMES E. CITY TO USE TEMPORARILY 518 GEORGIA AVENUE TO INSTALL AWNING, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

FINAL PUD

2007-135: C. T. Williams Contractors

The applicant was present; there was no opposition.

Councilwoman Robinson stated that she was contacted by a person in the neighborhood who had a question.

Davie Barrueta of 607 Marr Drive, Signal Mountain, was present representing his mother-in-law, Helene Reisman of 15 Fairhills Drive. He stated they are not opposed to people making money as he is in real estate; that he just wanted to insure this project has been thoroughly reviewed; that Mike Price basically told his mother-in-law they needed a sewer easement and if she would not give it to them they would have to go to an alternative site or Plan B. He stated that the tree line on Fairhills Drive would have to be ripped up if this was done; that in exchange for the easement she was told she would get a new chain link fence. He stated that his mother-in-law is very concerned and called him and Mr. Robinson called him, who was very nice, and explained what they were trying to do.

FINAL PUD (Continued)

At this point Councilwoman Robinson wanted to clarify that the Robinson Mr. Barrueta was speaking of is no relation to her!

Mr. Barrueta explained that Jay Robinson is a small real estate broker. He stated that he and his mother-in-law are concerned about a couple things and noted that the chain link fence offered is not an issue; that his mother-in-law does not care about giving someone a sewer easement but does not want the tree line ripped out. He stated they are worried about the stormwater issue as his mother-in-law is at the bottom of the biggest hill and if the tree line is ripped erosion is going to be a problem and she is at the bottom of that hill. He stated they are not prohibiting them from doing the project and expressed concern about two owls that live in the trees. He stated they do not have the total issue of what will be done.

Mike Price of MAP Engineers stated that they did meet with Mr. Barrueta and at the time the option was to run the sewer across the back of lots three – six (3-6). He stated as it turns out they have gone to Plan C and are going to take the sewer through the right-of-way and will not tear down any trees; that instead they will run it to the cul-de-sac and then into the properties. He stated from the standpoint of what was the original plan, they are now going with Plan C and will not disturb any properties as it relates to laying sewer or removal of trees.

Councilwoman Robinson stated that she wanted to make sure the question was answered about the sewer easement and asked Mr. Price to restate the stormwater issue. Mr. Price stated that this will not impact it negatively; that it may not improve the condition to the point of what exists now, but it will not exacerbate or make it worse.

Councilwoman Bennett made the motion to approve; Robinson stated she would second the motion based on the assurances made that the tree line would be preserved.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS RIVERVISTA PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND LOCATED IN THE UNIT BLOCK OF RIVERVISTA DRIVE, 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.

PRELIMINARY AND FINAL PUD

2008-011: James Pratt

The applicant was present; there was no opposition.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**A RESOLUTION APPROVING A PROPOSED PRELIMINARY AND FINAL
PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A
PLANNED UNIT DEVELOPMENT KNOWN AS THE REUNION PLANNED UNIT
DEVELOPMENT, LOTS 31, 31A, 31B, 44A AND 44B ON TRACTS OF LAND
LOCATED AT 1030 REUNION DRIVE, IN THE 8300 BLOCK OF LADY SLIPPER
ROAD, AND THE 8600 BLOCK OF WINTERBERRY ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND
DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT OT CERTAIN CONDITIONS**

was adopted.

AGREEMENT

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO RENEW
THE ADMINISTRATIVE SERVICES AGREEMENT WITH PHP COMPANIES,
INC. D/B/A/ CARITEN TPA SERVICES RELATIVE TO INSURANCE BENEFITS
OF CERTAIN RETIREES**

was adopted.

OVERTIME

Overtime for the week ending February 8, 2008 totaled \$7,276.29.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **SCOTT NEUBAUER** – Lateral Hire, Police Officer, Pay Grade P1/Step 2, \$32,760.00 annually, effective February 8, 2008.
- **JASON PATTY** – Lateral Hire, Police Officer, Pay Grade P1/Step 4, \$35,825.00 annually, effective February 8, 2008.

PERSONNEL (Continued)

- **ASHLEY BISHOP, TRAVIS BURDETTE, CHRISTOPHER CLESIAK, SEAN EMMER, ERNEST FIELDEN, ANTHONY GIBSON, VICTOR MILLER, BRYAN MOODY, III, KYLE MOSES, BRION POSEY, NICHOLAS SABO, CAMEKA SANDERFUR, AARON SAWYER, ANTHONY SIMMONS** – Employment Police Officer, Pay Grade P1/Step 1, \$31,229.00 annually, effective February 8, 2008.
- **TRISHA HISSAM** - Resignation, Police Officer effective February 8, 2008.

PUBLIC WORKS DEPARTMENT:

- **GEORGE W. DERAMUS, JR.** – Employment, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,650.00 annually, effective January 31, 2008.
- **AARON SAWYER** – Re-Hire, Crew Worker, Pay Grade 3/Step 1, \$20,650.00 annually, effective January 31, 2008.
- **JOYCE HAGUE** – Employment, Permit Clerk, Land Development Office, Pay Grade 5/ Step 1, \$20,650.00 annually, effective February 1, 2008.
- **EUSI HAMILTON** – Suspension (2 days without pay), Equipment Operator, City Wide Services, effective February 7-8, 2008.
- **TYERRENCE L. JACKSON** – New Hire, Plant Operator Principal, Waste Resources, Pay Grade 13/Step 3, \$33,543.00 annually, effective February 1, 2008.
- **JAMES HICKMAN** – Termination, Heavy Equipment Operator, Waste Resources, effective February 4, 2008.
- **RALPH LEE** – Termination, Equipment Operator Senior, Waste Resources, effective February 4, 2008.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **TERESA BAKER** – Resignation, Teacher Assistant, Child Care, effective January 25, 2008.

PARKS AND RECREATION DEPARTMENT:

- **JAMES SIMMONS, III** – Termination, Pro Shop Clerk-Golf, effective January 25, 2008.

RESCIND CONTRACT

On motion of Councilwoman Gaines, seconded by Councilman Rico, Contract P0028003 (R0105518/B0004779), with Allesco in the amount of \$10,750.00 for Seepex Pump Parts approved by City Council on January 29, 2008 for the Public Works Department was duly rescinded. (*Request for rescission was due to Allesco discovering they had inadvertently bid outside their established authorized distribution territory and declined to accept the contract.*)

PURCHASE

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

DICKSON/PEARSON SUPPLY, INC. (Second Lowest Bidder)
R0105518/B0004779

Seepex Pump Parts, Contract P0028003

\$11,218.00

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchase was approved for use by the Chattanooga Fire Department:

P & C CONSTRUCTION (Lowest and best bid)
R0105772/B0004811

Furnish and Install Kitchen Cabinets

\$12,190.00

REFUND

On motion of Councilwoman Gaines, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund due to incorrect payments on multiple parcels:

CHATTANOOGA NEIGHBORHOOD ENTERPRISE \$6,236.87

REFUND

On motion of Councilwoman Robinson, seconded by Councilman Gaines, the Administrator of Finance was authorized to issue the following refund for overpayment of 2007 stormwater fees and/or property taxes:

SONIC DEVELOPMENT, LLC	\$14,174.11
RACHEL PARKER	1,224.53

REFUND

On motion of Councilman Rico, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund of Real Property Tax due to Tennessee State Board of Equalization 50 percent exemption on building and proportional amount of land as of August 18, 2004:

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 820	\$4,678.69
--	-------------------

BOARD APPOINTMENT

On motion of Councilman Franklin, seconded by Councilman Feely, the following Board appointment was approved;

TAXI BOARD:

Appointment of ***TERRY HART***, replacing Ruthie Dudley, for a term expiring February 5, 2010.

RIGHT-OF-WAY NAME CHANGE TO MISTER AVENUE

Councilman Pierce stated asked how the street name change came about to "Mister Avenue" in Ordinance (e) on tonight's agenda.

Adm. Leach stated that the person on the street came up with the name; that the name cleared the gauntlet of names with GIS and duplicate names; that "Mister" is a name.

**RIGHT-OF-WAY NAME CHANGE TO MISTER
AVENUE (Continued)**

Councilman Pierce stated that he is sorry to be mentioning this late on tonight's agenda and noted that there is only one person on the street, wanting to know who came up with the name.

Adm. Leach stated that it is his understanding that the owner came up with the name.

Councilman Pierce stated he has lived in that area all his life; that the neighborhood is not familiar with this. He stated the poster stayed up two weeks and then it was taken down.

City Attorney Nelson reminded Councilman Pierce that the matter was on first reading tonight; that something could be done next week.

Councilman Pierce clarified that this is a street name change and wondered what department he would have to deal with.

City Attorney Nelson stated that it would have to go back through the process; that somebody will have to choose a new name and run it back through Planning, GIS and back to the Council in a month-or-two.

Councilman Pierce stated he would like to challenge it and do that.

Councilman Benson stated that he would, too.

Councilman Rico expressed his thought that this is nitpicking; that whether the name is "Mister, Jones or Angela" it does not matter. He stated the man wanted that name and he is the only one that lives there; that we let other people decide what names they want to name a street on their street; that we let the people in Linda's district do that. He reiterated that the Council is getting too nitpicky!

Councilman Pierce stated that it does not matter with him other than he has lived out there all his life and would like to have other people in the neighborhood participate in it. He stated the community should have had some involvement; that the only one person that received a letter was the person who used to be acting chairman of the community. He stated that duplex has been purchased within the last four years and this is an absentee landlord.

Chairman Page stated that the matter could be discussed next week.

**RIGHT-OF-WAY NAME CHANGE TO MISTER
AVENUE (Continued)**

Councilman Pierce stated that he wanted to talk to Adm. Leach about it tonight and have it go back through the process.

Adm. Leach responded that he is just the messenger and would be delighted to work with it! He stated there are hundreds and hundreds of names to choose from.

COUNCILMAN FEELY'S FAREWELL

Councilman Freely stated he would not be with Council members next week and wished Councilwoman-Elect Berz the best of luck!

COMMITTEES

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, February 19 at 3 p.m.**

JEFF BERNSTON

Jeff Bernston of SEIU Local 205 stated that he was present in regard to the proposed privatization abolishment of Animal Services. He stated it has come to their attention that the Animal Services Department would be done away with and the McKamey Animal Shelter would be handling animal services. He stated he reviewed their website and found it interesting that they would be offering such great services; however Animal Services has not been told how and when animal enforcement will be handled, which is why he and others are present. He stated individuals have spent one-to-ten years with the City of Chattanooga and have arguably done a great job in their profession; that they are nationally certified officers and proud to serve the city. He stated they have been told they would have to be interview for jobs with the McKamey Center, do not know what the pay will be or whether they would have insurance or not. He stated they were also told they would have to take a physical if medical insurance is given. He stated it has been reported that the McKamey Center will be advertising locally, regionally and nationally for positions which is clearly what privatization has to offer. He stated certain government responsibilities should be met, mainly that of public safety; that the Shelter can not meet the donation expectation and the city will have to "kick in" more money to "draw the line" and citizens would suffer in the end.

JEFF BERNSTON (Continued)

Mr. Bernston stated that it is felt the city should take a long hard look and do what is best for its citizens and employees. He stated he would be remiss if he did not offer a possible solution, noting that he has always believed "if it is not 'broke' don't fix it". He stated it is his belief that Animal Services should remain as is and should remain with the city of Chattanooga as animal services employees working out of the McKamey Animal Shelter.

Councilman Benson stated that this is not privatization as it is a quasi-governmental arrangement and will be no different than the airport or Civic Center; that it is a partnership with government. He stated most of the emotion was from one person misunderstanding and he does not know how in the world she misunderstood him and he talked to her about that. He stated nothing has been settled about this, not one single thing has been settled at this point. He stated Mr. Bernston's presentation is premature; that what will happen will be good for the entire citizens. He stated that he has no problem with Mr. Bernston representing them and noted that they are upset because they heard wrong things from one person; that it was not from him.

Councilwoman Bennett stated two weeks ago she made the request of Donna Kelley to come back with a report to clarify issues in this regard as there may be some misunderstandings about the transition.

Mr. Bernston stated that he would get with Ms. Kelley tomorrow.

Councilman Benson stated that the problem is that Donna does not know all this.

RAYMOND REED

Raymond Reed stated two weeks ago the Director of the Shelter, Dr. Wotjalik, told them their jobs would be dissolved and that they would have to apply for new jobs.

Councilman Benson stated that is premature.

Chairman Page stated if Dr. Wotjalik said that she was prematurely speaking. He stated typically, if one partner goes out of business there is usually employment with another organization and that is a reality. He stated it is too early and there has been no decision. He thanked Mr. Reed and others for coming and bringing the matter to the Council's attention.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, February 19, 2008 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)**