

**City Council Building
Chattanooga, Tennessee
May 8, 2001
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor 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 Taylor gave invocation.

MINUTE APPROVAL

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

ST. ELMO COMMUNITY PLAN

Councilman Taylor made the motion to move Resolution 7(a) up on the agenda; Councilman Pierce seconded the motion; the motion carried.

Dana Stoogenke, Senior Planner of the Planning Agency, presented the Plan by PowerPoint presentation. She stated this is the neighborhood master plan for St. Elmo that many residents worked hard on and are present tonight (several residents in support stood at this point). She stated the plan sets the framework for the neighborhood and there is no money attached to any of the projects; that a broad breadth of ideas from the community has tied-in with facilitating their ideas in this format to help set a policy for years to come. She identified the boundaries of the plan and indicated that the process was open, beginning with a Charrette wherein 70 persons were in attendance, as well as representatives from different agencies of the City. She stated an advisory group helped the Regional Planning Agency (RPA) develop the plan more thoroughly involving citizens of the area.

ST. ELMO COMMUNITY PLAN (Continued)

Mrs. Stoogenke continued by stating that RPA drafted the plan along with public review; that the plan was approved at the Planning Commission meeting and is now before the Council. She stated implementation of the plan sets the framework on how the neighborhood sees how monies could potentially be implemented. She stated existing conditions consist of an historic district of several years; that housing is mainly single family residential with a percentage of marginal business in the district. She stated the land use plan is not much different from the current plan of development presently there with mixed use of residential and a small pocket of R-3-MD. She stated a zoning change would not be created immediately; that there is a M-1 zone presently that is heavy industrial that is not currently being used. She stated one suggestion is that the heavy industrial zone be brought down to a lighter zone, again stating this would not happen immediately. She made reference to a conservation area, which would not have direct impact on development; that people who want to develop realize there are deep slope issues in addition to a flood area.

Mrs. Stoogenke stated physical changes within the area include the safe walk guild trail, pedestrian and bike connections and the Hawkins Ridge Footpath. She stated proposed are streetscaping within the historic downtown area. She indicated that many are concerned about the "X" intersection at St. Elmo and Tennessee Avenue and displayed an idea as to how the intersection would be crafted into two "T" intersections. She also displayed a rendering of what the proposed revised/new business district would be like. She concluded her remarks by stating that the neighborhood has worked hard with traffic engineering to slow down traffic in an interesting way and indicated that the neighborhood association has done a lot for this plan. She stated ten committees were formed as a result of this project in regard to implementation. She stressed that the plan is really about partnership with government, business and citizens in having this work as one unit.

Chairman Hakeem asked for a copy of the booklet (plan).

Jerry Pace, also of the Planning Agency, stated that he wanted to make sure the Council understood no funding is associated with this plan; that it is merely a roadmap to the future with no expenditures required.

ST. ELMO COMMUNITY PLAN (Continued)

Councilman Taylor expressed thanks to Mrs. Stoogenke for her hard work, as well as John Bridger and the community for their hard work and participation. He stated this has been a total community support driven project with everyone giving their input; that they are truly excited and looking forward to great things. **At this point he made the motion to adopt the plan with Councilman Littlefield seconding the motion.**

Chairman Hakeem inquired as to the historic zoning within the area and whether it would be inaccurate to say with this plan it would become more restrictive?

Mrs. Stoogenke responded "no"; that the historic zoning was adopted several years ago and is in place; that this plan has nothing to do with historic zoning. She stated this is a land use policy and guide and the two do not interact, yet, complement each other.

Chairman Hakeem stated that he thought he heard it said fifteen percent of the properties were marginal. He asked if there is any provision for residents who are in their senior years who are not in a position to make improvements; whether there is an effort to run them out of the neighborhood, so to speak?

Mrs. Stoogenke stated that was not their intent; that they wanted to do the plan as accurately as possible. She stated a building conditions survey was conducted before starting the plan to know what the neighborhood would look like; that it was used more as a guide regarding the existing conditions of the neighborhood and not by any means an effort to try to run anyone out or discourage anyone from living in St. Elmo.

Councilman Littlefield asked if he was correct that this plan did not involve consultants; that it involved Mrs. Stoogenke, the Staff and residents of the neighborhood? Mrs. Stoogenke responded "yes" and credited Greg Haynes of the Planning office for the beautiful artistic renderings.

Councilman Littlefield complimented Ms. Stoogenke and the residents for the good work involved stating that he remembered working on a similar plan in 1975 with Jerry Pace. He stated the plan shows great solutions, particularly to the "X" intersection problem; that the "T" intersection would be a great improvement and the renderings are exciting.

ST. ELMO COMMUNITY PLAN (Continued)

Chairman Hakeem inquired about the Mountain View Courts area behind the Bi-Lo on Broad Street. Mrs. Stoogenke responded that that area is not a part of the study area as it is on the northern boundary off Cummings.

Chairman Hakeem stated that particular area in the past has been considered as part of St. Elmo. He asked if a line is being drawn leaving that community in "no man's land"?

Mrs. Stoogenke stated that the determined boundaries were drawn after looking at the Alton Park plan adopted in August, clarifying that that area was covered in the Alton Park Plan. She stated they looked at the map and that is how they drew the St. Elmo study area.

Councilman Taylor stated a major redevelopment has taken place there; that where there were duplexes, have now been transformed into single-family homes. He stated at the time all of them are homeowners except one family and they are working on that. He stated development is taking place in that area, as well.

Chairman Hakeem stated his question was in regard to the Mountain View Courts; that it "blows his mind" that it is in the Alton Park Neighborhood Plan.

Mr. Pace stated several years ago the Southside Area Plan was adopted from the freeway to the Georgia state line, including Alton Park and St. Elmo -- the whole area. He stated out of that came a plan which included Alton Park from McCallie Homes southward; that this area was not left out; that it is still included in the Southside Plan for the protection of the Mountain View Courts area.

Councilman Pierce asked if we now have two Southside plans? Mr. Pace stated, "we did"; that this is an update of a certain area out of that. He stated this is similar to East Brainerd, having a smaller area plan inside the area; that it is not unusual to have a plan within a plan. He reiterated that this is an update of what Planning did in 1985 or 1986.

Councilman Franklin indicated that it would seem to him that the Mountain View Area from a geographical scenario would be included in the St. Elmo Plan as opposed to the Alton Park Plan.

ST. ELMO COMMUNITY PLAN (Continued)

Mrs. Stoogenke indicated that she did not have a good answer for the Council; that the matter can be looked into.

Councilman Taylor stated in looking at it, he is not sure; that quite a bit of planning in the area has been done as far as that section is concerned. He made reference to the Tarlton and DeLong areas as having boundaries set; that each community is aggressively moving in their own plans and making progress in their neighborhoods.

Councilman Littlefield stated that it sounds like the areas are predominantly single family, anyway. Councilman Taylor stated the Mountain View area consists of single-family housing.

Chairman Hakeem stated that he did not know of plans for Tarlton and Mountain View Courts as indicated by Councilman Taylor.

Councilman Taylor stated those areas fall under the South Chattanooga Plan, which is a larger based plan; that they are looking at developing a HOPE IV plan which would be integrated out of that area and cover a larger geographical area; that those areas are definitely not left out.

Councilman Littlefield asked if the areas could be graphically included in this plan; that he knows this plan is in draft, asking again if it could be amended graphically to include this area?

Mr. Pace stated it would be very difficult to include the Mountain View Court as it is just about the only residential area in that whole industrial area.

Chairman Hakeem stated it is like leaving them out in "no man's land".

Mr. Pace stated the St. Elmo plan is generated from the St. Elmo Neighborhood Association, which draws their own boundaries and Planning does not. He stated that area is not part of the St. Elmo neighborhood community.

Chairman Hakeem stated he heard what Mr. Pace stated; that he is disappointed that the Mountain View Courts area could not be included in this.

ST. ELMO COMMUNITY PLAN (Continued)

Mr. Pace stated that it is up to the Council to recommend that. He stated it is the Council's discretion to make the request.

At this point, Mrs. Stoogenke indicated that John Bridger had left the meeting to get the map of the Alton Park Plan in the hope it would provide clarification.

Chairman Hakeem stated when we speak about Alton Park and the alignment of this neighborhood, this neighborhood has nothing to do with Alton Park.

Councilman Taylor stated that is the wrong intention; that this community is not being left out.

Chairman Hakeem stated he does not see Alton Park in relation to Mountain View Courts; that it is being said to keep Mountain View Courts out and for it not to be a part of St. Elmo is his interpretation.

Councilman Taylor stated "that is the wrong interpretation". He stated he wanted to be on record that this plan and zoning was from the community; that there were quite a bit of other things left out, but not intentionally or purposefully. He stated great movement and mobility is going on in Alton Park and on Delong and they have their own plan.

Councilman Benson stated that he understands Chairman Hakeem's disappointment; that this matter should be taken as an opportunity. He stated this is a people-generated plan that came from the community and they should be praised for generating it and getting involved. He stated the plan should be used as a stimulation to get people to generate a plan for the other areas, as well.

After Mr. Bridger returned, Mrs. Stoogenke displayed a map of the Alton Park Master Plan, the Baker Plan, which showed the area Chairman Hakeem inquired about as being included. He stated the boundaries for the St. Elmo Plan were determined by the Alton Park Plan, which was just adopted when Planning was asked to come on (and do the St. Elmo Plan). She stated they did not want to overlap what the consultants had just done.

In a question of clarification, Chairman Hakeem asked if Mountain View Courts is part of the Southside Plan?

ST. ELMO COMMUNITY PLAN (Continued)

Mrs. Stoogenke stated the Alton Park Plan was just adopted in August of last year; that they had a consultant (Baker) to come in and do this. She stated the St. Elmo Master Plan request came about in September, reiterating that they did not want to do anything that had already been done, which was how they drew their boundaries.

Chairman Hakeem indicated that he heard what Mrs. Stoogenke stated; that he is very pleased with the effort of the community. He stated that he knows this is a group of people in "no man's land" who have been left out over the years. He stated once again, it appears we are tying them into a community they are not geographically a part of. He stated he does not want to imply he is dissatisfied with the work done by the people in St. Elmo; that this group of people, in his opinion, has been overlooked.

At this point Councilman Page called for the question.

After the vote, Chairman Hakeem thanked persons in attendance present for this issue.

On motion of Councilman Taylor, seconded by Councilman Littlefield,

A RESOLUTION TO ADOPT THE ST. ELMO COMMUNITY PLAN
was adopted.

REZONING

2001-044: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone a tract of land located at 1000 East 30th Street came on to be heard.

There was no opposition in attendance.

(The Clerk of the Council clarified that the alternate version was read.)

REZONING (Continued)

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1000 EAST 30TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-2 RESIDENTIAL ZONE TO A-1 URBAN AGRICULTURAL ZONE

passed first reading.

REZONING

2001-049: Tony Cramer, Wayne Cramer and Brenda Flynn

Pursuant to notice of public hearing, the request of Tony Cramer, Wayne Cramer and Brenda Flynn to rezone a tract of land located at 6028 Pinehurst Avenue came on to be heard.

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

Mr. Pace stated this request is located in the airport area along Pinehurst and Airport Road; that a couple weeks ago there was a request for rezoning of property in the front along Airport Road for C-2. He stated the applicant came in to make a request for property directly behind the previous request for M-2. He stated there are mixed uses of residential on the east and south and industrial toward the airport, with C-2 across Pinehurst. He stated the Planning Commission and Staff made the recommendation to deny the M-2 because of the Airport Zoning Policy calling for R-4 in this area.

Councilman Franklin stated if he remembered correctly there was a similar zoning a few weeks back wherein the applicant wanted C2. He stated in keeping with the character of the neighborhood and not wanting to set a precedent, he made the motion to approve the R-4 zone.

Mr. Pace indicated he would notify the applicant to be present for second and third readings in the event there are questions.

REZONING (Continued)

On motion of Councilman Franklin, 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 6028 PINEHURST AVENUE MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE**
passed first reading.

**LIFT CONDITIONS IMPOSED IN ORDINANCE NO.
9975**

2001-053: Ken Millican

Pursuant to notice of public hearing, the request of Ken Millican to lift conditions in Ordinance No. 9975 on a tract of land located at 7444 Min-Tom Drive came on to be heard.

The applicant was present; there was no opposition.

Councilman Benson stated that the community met and expressed agreement with this petition to lift conditions imposed in the Ordinance.

On motion of Councilman Benson, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
IMPOSED IN ORDINANCE NO. 9975 ON PROPERTY LOCATED AT 7444
MIN-TOM DRIVE, BEING MORE PARTICULARLY DESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2001-054: Ken Millican

Pursuant to notice of public hearing, the request of Ken Millican to rezone a tract of land located at 652 West View Road came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition.

Mr. Pace stated this request is for R-TZ; that there is an R-TZ zone to the south of the applicant's property and single family across West View Drive and the Montclair Golf course. He stated the Planning Commission and Staff recommend approval.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 652 WEST VIEW ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE

passed first reading.

REZONING

2001-055: Robert E. Johnson

Pursuant to notice of public hearing, the request of Robert E. Johnson to rezone a tract of land located at 5607 Highway 153 came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is along 153 north of Hixson Pike and the Northgate Shopping Center. He stated the area to the north and west is all zoned R-2, with single family on Sutton Drive and Winding Lane. He stated there is a large undeveloped C-2 zoning tract with C-2 across the street from the requested site; that the recommendation is to deny the C-2 and approve R-4. He stated that there is a 153 Policy in effect for this area, which calls for mixed-use zoning and several C-2 areas presently unused. He stated that a new Wal-Mart Center will be located to the northeast of this site in the C-2 zone and indicated that a similar use was requested in 1999 with the Staff and Planning recommending denial. He reiterated that the Staff recommends denial of C-2 and approval of R-4.

REZONING (Continued)

Ed Fisher with Realty Center Commercial Realtor stated that a colored layout of the property was delivered to each Council member three weeks ago and is hopeful that each studied it carefully. He distributed copies of the map for the site and stated his job tonight is to convince Council members of what the right thing is and not the popular thing. Property owners, Bob and Carolyn Johnson, were present, also. He stated nearly two years ago there was a request for rezoning of Mr. Johnson's entire property of 3.8 acres; that a Rex Electronics store was to be placed as a retail store at the corner of 153 and Sutton Drive, yet, the application was denied. He stated presently a Dollar Tree is planned for the site at the same corner; that he had a meeting with a Planning Commission Staff member and came up with a plan that was thought the Staff would approve and he hoped they would. He stated the plan includes a large 56 foot buffer behind the Dollar Tree, which would be heavily wooded; that the side of the property on Sutton Drive would also be heavily wooded, and the required setback would be retained or platted to the City's landscaping requirements so that the three Sutton Drive houses facing it would have a minimal vision of the building.

Mr. Fisher continued by stating that at the rear of the property is only one house which would face the buffer. He stated 153 is a heavily traveled highway; that TDOT showed 42,020 cars currently travel the area, and this is before the new WalMart opens. He stated this property is surrounded by commercial properties; that from the way it was described it "sounds" like it is surrounded by residential, however, the map shows a better picture of what really surrounds it. He stated the Planning Commission Staff recommends R-4 and there is little to no demand for high-density apartments or offices in that area; that there are others near the site zoned R-4 that have been vacant for many years. He stated the demand is for retail, fast foods or something similar and it is believed a quiet retail store with the suggested buffers would be the best for the neighborhood. He stated the right thing was done in rezoning additional land near the WalMart; he begged the Council to do the right thing for a little man surrounded by commercial.

Sharon Goforth of 906 Sutton Drive spoke on behalf of those in opposition. She asked those in opposition to stand and indicated that there are 53 families in this area. She stated that she differs with what Mr. Fisher had stated about doing the right thing; she stated the right thing is to deny this petition.

REZONING (Continued)

Mrs. Goforth stated that it is interesting Mr. Fisher has managed to share the plan with the Council members because he has yet to share anything with any of the residents in the neighborhood. She stated that she turned around and received a copy of the map that was distributed this evening to make sure no one had seen it and nobody had. She stated no one from Mr. Fisher's office ever tried to have a meeting with any of the residents; that he has met with several of the Council members and she wanted to set the record straight that that has never happened. She stated their reasons for denial has to do with there being school-aged children in the neighborhood; that there are school buses in and out twice a day. She stated the annual daily average of 42,000+ cars will only get worse with a retail store at the bottom of the hill; that it will just compound the problem.

Mrs. Goforth stated right now the neighborhood is quiet and they cannot imagine what it will be with a retail business at the bottom of the hill. She stated there is commercial all around them and they do not want it to continue. She made reference to several studies that have been done for the area and asked that the commercial be kept at major intersections to relieve potential traffic problems. She stated this is a one way in-and-out of their neighborhood which is a dead end street; that if there was a problem at the bottom of the hill or an emergency it would take awhile for the emergency vehicles to get to them, which presents a big problem; that they want to keep traffic to a minimum. She asked the Council to deny the request.

Mr. Fisher stated that Mr. Johnson indicated that he had met with Mrs. Goforth and requested a meeting. Mrs. Goforth quickly injected that Mr. Johnson met with four residents in a front yard who showed up on a Saturday morning. Mr. Fisher then indicated that he had been trying to get a meeting.

Councilman Benson asked if the applicant has any support from the neighborhood for his request? Mr. Fisher responded "no"; that they have no residents behind this property that is supporting them. Mrs. Goforth indicated that she has a petition signed by the residents in opposition to the request.

Mr. Fisher stated that he has not gone in and solicited as the residents have with their signs; that it is useless to solicit support in the neighborhood.

REZONING (Continued)

Councilman Littlefield expressed concern by the statements from both parties in that there has been no apparent effective communication. He stated his heart tends to go as he thinks most elected representatives would, which would be with the residents when a situation like this occurs. He stated unfortunately he would not be around long enough to know when there is property sitting like this as something is going to happen to it eventually; that he also knows of uses in R-4 that can be more disruptive than C-2. He stated it comes down to a point that it is a good idea for residents and owners of property to get together and negotiate and then come up with something somewhat more acceptable to both parties; that many neighborhoods will be glad to swap apartments for many types of commercial uses.

Councilman Littlefield continued by stating that he has visited this site many times over the last few days and received and acknowledged the petition from the residents; that he has also met and received information from Mr. Fisher. He stated he drove through the WalMart development and if anyone looks at what will happen once all that takes place it is much like a gigantic shopping mall; that traffic will grow tremendously one way or the other. He **made the motion for postponement for thirty days** for the two parties to get together with more than four people meeting in a front yard; that he knows this is a well-organized neighborhood. **Councilman Benson seconded the motion.**

Chairman Hakeem asked for clarification as to whether this site is within the study area of the Hixson Study that is being proposed? Mr. Pace responded "yes"; that Planning is getting started on a study for this whole area of 153 and Northgate and the Council might want to consider postponing it until this is complete.

Councilman Littlefield inquired as to the time frame. Mr. Pace responded "six months" and that is a long time to hold this application, however it is a study that is being done similarly in the East Brained area.

Councilman Littlefield stated rather than deny and make them hold up a year, he would like to see that as the second option; that it is a good idea to get together to resolve this issue in thirty days.

REZONING (Continued)

Chairman Hakeem asked if that would include the Planning Staff being involved or just the two parties? Councilman Littlefield stated he would like to commit the Staff but did not want to take that upon himself. He stated this is a serious matter and if Planning were willing to make themselves a third party it would be helpful. Mr. Pace indicated that the Planning Staff would be pleased to meet with them and would offer their office.

Councilman Page spoke against Councilman Littlefield's motion to table the matter thirty days stating that it will be quite sometime before the plan is completed for this area; that this neighborhood could be destroyed with this zoning. He stated Sutton Drive is a nice residential area and he cannot visualize a commercial zoning harboring the entrance. He stated that it is his thinking that the Council needs to look at this plan, reiterating his opposition to the motion.

Councilman Lively stated as it was indicated earlier this was denied in 1999 and recalled that he voted against it then and (he) told Mr. Fisher he could not support it this time as nothing has changed. He stated that he was going to make a motion for denial, yet respects Councilman Littlefield's thinking there are some questions and time is needed. He stated maybe there is the possibility they can get together; that he supports postponing it thirty days or six months, however long it takes to do the study.

Mr. Pace indicated there are two different issues, one for thirty days and another for six months. Councilman Lively stated that he had in mind delaying the matter until the end of the study, because all thirty days will do is come back with the same thing and none on the Council will have changed their minds.

Chairman Hakeem asked Councilman Littlefield if he wanted to amend his motion?

Councilman Littlefield stated with all things considered, apparently Councilmen Page and Lively represent more of this district than he does and would defer to their wishes. He stated if it is the will of the Council to wait for the study to be completed he would go along with that rather than create a situation where property cannot come up for another year. He stated he would think it would be a good idea to give the applicant the opportunity to withdraw and wait until the plan is finalized or have the understanding they could come back consistent with the plan and have it zoned as opposed to waiting an additional six months.

REZONING (Continued)

Councilmen Littlefield and Benson withdrew their motion and second at this point.

Councilman Pierce asked the applicant if he would like to withdraw? Mr. Johnson responded "yes".

Mr. Pace then indicated that the applicant should not withdraw but defer until the plan is completed.

Councilman Lively made the motion to defer the matter until after the Hixson Study has been completed; Councilman Pierce seconded the motion.

Councilman Taylor asked if this would provide opportunity for contact with the community? Mr. Pace stated Planning would be having public hearings and everyone is welcome to come with their input. He stated there might be something that would come out of the policy that would make the Council's decision much easier to approve or deny.

Chairman Hakeem clarified to those in attendance that the matter will not come back to the Council for six months, after which time the Hixson Study would be completed.

Mr. Pace indicated that the matter would not be for six months after but right after the study is completed; that the study would be complete within six months.

Councilman Lively asked Mr. Pace to get the telephone number of someone in the neighborhood association so they could be notified when the meetings are to be held and when the study is complete. Mr. Pace indicated that the residents would certainly be notified.

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 5607 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred until the Hixson Study is finalized.

REZONING

2001-056: Hixson Family Partners, LP

Pursuant to notice of public hearing, the request of Hixson Family Partners, LP to rezone a tract of land located at 5434 Hixson Pike came on to be heard.

The applicant was present; there was no opposition.

(The Clerk of the Council clarified that the Planning Commission version was read.)

Mr. Pace stated that the surrounding uses are C-2, R-4 and C-5; that the recommendation from Staff was for denial of the C-2 and approval of R-4 which would be in keeping with the R-4 uses to the north along Hixson Pike. He stated the Planning Commission recommended approval of the C-2 zone.

Councilman Lively stated even though some houses are left, the area is surrounded by C-2 and the applicant did indicate the R-4 zone would be acceptable. **At this point he made the motion to approve the C-2 zone.**

Councilman Page expressed support for Councilman Lively's motion to approve the C-2 zone by stating that this area is very compatible with what the applicant is seeking. He stated there has been a cleanup of the area and the proposed zoning will enhance the Hixson area.

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 5434 HIXSON PIKE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**

passed first reading.

EVERETT FAIRCHILD

Chairman Hakeem recognized the presence of School Board representative, Everett Fairchild.

REZONING

2001-057: Jack and Tina Johnson and Irene Walters

Pursuant to notice of public hearing, the request of Jack and Tina Johnson and Irene Walters to rezone a tract of land located at 1606 and 1608 Gunbarrel Road came on to be heard.

The applicant was present; there was opposition present.

Mr. Pace stated this request is located in the East Brainerd area near Ziegler and North Joiner. He stated the request is for R-4, which is a zone in keeping with the policy in effect south of Igou Gap adopted several years ago. He stated the only big difference in the recommendation from Staff is that the zoning should be limited to within 200 feet of Ziegler and Joiner Roads in keeping with the R-4 zoning facing Gunbarrel to the south and some areas to the north of Ziegler. He stated there are only two residential structures along the south side of Igou Gap between Igou Gap and East Brainerd Road. He stated there is an O-1 zone to the north of Ziegler, which is the Combustion Credit Union, R-4 across the street and the Applegate subdivision. He stated it is difficult for two cars to pass on Ziegler and North Joiner due to the narrowness of the roads; that R-1 uses can be found on the north and east, as well as mixed uses of R-4 and O-1 along Gunbarrel.

Jack Johnson, applicant, asked if the matter could possibly be deferred; that it is his understanding that the study would begin the first of June and be completed in October.

Councilman Benson stated that he has worked with Jack and Tina Johnson, as well as the Combustion Federal Credit Union person; that it is his thinking it is wise to defer this matter until October, at which time the study would be complete.

Johnny Phillips, representing the Combustion Federal Credit Union, stated that he has no problem with deferring the matter; that his opposition to the request was that the plan should be complete prior to consideration.

REZONING (Continued)

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1606 AND 1608 GUNBARREL ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
was tabled until October (after the East Brainerd Study is completed).

REZONING

2001-058: C. Maurice Layne

Pursuant to notice of public hearing, the request of C. Maurice Layne to rezone tracts of land located in the 700 block of Gadd Road came on to be heard.

The applicant was present; there was no opposition.

(The Planning Commission's version was read.)

Mr. Pace explained that this request is located at the other end of Winding Lane for an R-2 zone for duplexes. He stated there was no opposition at the Planning Commission meeting and indicated that the property is divided into two parcels. He stated the applicant has agreed to limit the request for R-2 on the front side and leave the rear as R-1; that both the Planning Commission and Staff recommend approval.

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 TRACTS OF
LAND LOCATED IN THE 700 BLOCK OF GADD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

PROPERTY ACQUISITION

Admin. Traugher stated that his property is located a block away from the proposed Frederick Street development area in Alton Park. He stated the property became available on the market and will fit nicely into the proposed development. He indicated that the property was appraised at \$8,400.00 and the purchase price is \$7,000.00; that it will be purchased with Community Development funds.

On motion of Councilman Taylor, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED AT THE CORNER OF PIROLA AND WEST 37TH STREETS, TAX MAP NO. 155N-A-002, FROM MICHELE P. VAN CLEAVE FOR A CONSIDERATION OF SEVEN THOUSAND DOLLARS (\$7,000.00), PLUS REASONABLE TRANSFER FEES

was adopted.

PERSONAL SERVICES CONTRACT: WILLIE COOPER

City Attorney Nelson stated that Administration has requested that Resolutions (c) and (d) be removed from tonight's agenda.

Admin. Traugher stated that these items will be submitted for bid as it is felt a better price can be reached; that the amounts reflected in the two Resolutions are fairly substantial for yard service contracts.

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF GENERAL SERVICES TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH WILLIE COOPER FOR BIWEEKLY LANDSCAPING AND LAWN MAINTENANCE SERVICES ON PROPERTY LOCATED AT 815 N. HICKORY STREET AND CITICO AVENUE FOR A TERM BEGINNING APRIL, 2001 AND ENDING MARCH 31, 2001, FOR A CONTRACT TOTAL OF ELEVEN THOUSAND, THREE HUNDRED FORTY DOLLARS (\$11,340.00)

was removed from the agenda.

PERSONAL SERVICES CONTRACT: DENNIS SMITH

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF GENERAL SERVICES TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH DENNIS SMITH FOR BIWEEKLY LANDSCAPING AND LAWN MAINTENANCE SERVICES ON PROPERTY LOCATED AT TALLADEGA DRIVE (SURPLUS PARK SITE) AND 37TH, 38TH AND FREDERICK STREETS FOR A TERM BEGINNING APRIL, 2001 AND ENDING MARCH 31, 2001, FOR A CONTRACT TOTAL OF TEN THOUSAND, SEVEN HUNDRED THIRTEEN AND 56/100 DOLLARS (\$10,713.56)

was removed from the agenda.

CHANGE ORDER

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONSTRUCTION OF THE SOUTH CHATTANOOGA RECREATION COMPLEX, WITH SOLOFF BUILDERS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTEEN THOUSAND, TWO HUNDRED FIFTY-THREE AND 34/100 (\$13,253.34), FOR A REVISED CONTRACT PRICE OF THREE MILLION, THREE HUNDRED TWENTY-ONE THOUSAND, EIGHT HUNDRED EIGHTEEN AND 30/100 DOLLARS (\$3,321, 818.30), AND INCREASES THE CONTRACT TIME BY TWENTY (20) DAYS

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO RENOVATIONS TO THE EAST CHATTANOOGA RECREATION CENTER, WITH TOWER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND, NINETY-SEVEN DOLLARS (\$3,097.00), FOR A REVISED CONTRACT PRICE OF SIX HUNDRED SIXTY-SIX THOUSAND, ONE HUNDRED TEN AND 10/1000 DOLLARS (\$666,110.10)

was adopted.

CONTRACT: LAWGIBB GROUP

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ACCEPT A PROPOSAL FROM AND ENTER INTO A CONTRACT WITH LAWGIBB GROUP, RELATIVE TO ENVIRONMENTAL ENGINEERING AT THE CHARLES A. BELL SITE, FOR AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND, EIGHT HUNDRED FIFTY DOLLARS (\$18,850.00)
was adopted.

CONTRACT: INFILCO DEGREMONT INC.

Councilman Franklin stated Resolutions (h), (i) and (j) were discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 28K(EP3), ANAEROBIC DIGESTER EQUIPMENT PROCUREMENT, TO INFILCO DEGREMONT INC. FOR THEIR LOW BID IN THE AMOUNT OF THREE MILLION, TWO HUNDRED ELEVEN THOUSAND, NINE HUNDRED FIFTY DOLLARS (\$3,211,950.00)
was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING PAYMENT FOR INVOICE NO. 3329 TO THE ELECTRIC POWER BOARD FOR WORK ON WILLIAMS STREET BETWEEN 14TH STREET AND MAIN STREET IN THE AMOUNT OF SIXTEEN THOUSAND, ONE HUNDRED NINETEEN AND 30/100 DOLLARS (\$16,119.30)
was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. SWM-7-98, MCCUTCHEON ROAD DETENTION AREA AND DRAINAGE IMPROVEMENTS, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWENTY-ONE THOUSAND, SEVEN HUNDRED EIGHTY-SEVEN AND 95/100 DOLLARS (\$21,787.95) FOR A REVISED TOTAL CONTRACT AMOUNT OF SIX HUNDRED FOURTEEN THOUSAND, TWO HUNDRED NINETY-FIVE AND 05/100 DOLLARS (\$614,295.05), AND WHICH INCREASES THE CONTRACT TIME BY TWO HUNDRED SEVENTY-FOUR (274) CALENDAR DAYS
was adopted.

STUDY FOR THE GLENWOOD NEIGHBORHOOD AREA

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
A RESOLUTION REQUESTING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO DETERMINE A SCOPE OF STUDY FOR THE GLENWOOD NEIGHBORHOOD AREA
was adopted.

ENDORSEMENT OF HAMILTON COUNTY SCHOOLS' "DRIVE FOR EXCELLENCE"

On motion of Councilman Benson, seconded by Councilman Littlefield,
A RESOLUTION JOINING WITH HAMILTON COUNTY GOVERNMENT IN ENDORSING THE HAMILTON COUNTY SCHOOLS "DRIVE FOR EXCELLENCE" AND REQUESTING THE STATE AND FEDERAL GOVERNMENTS TO FUND THIS PLAN AS AN EDUCATIONAL MODEL FOR THE NATION TO PROVIDE QUALITY EDUCATION FOR ALL STUDENTS
was adopted.

OVERTIME

Overtime for the week ending May 4, 2001 totaled \$84,812.25.

Due to questions regarding the overtime amount, Chairman Hakeem indicated that the question of overtime would be discussed in (the Mayor's) staff meeting and information would be forthcoming.

PERSONNEL

The following personnel matters were reported for the Public Works Department:

ROBIN MATTHEWS – Family Medical Leave, Crew Supervisor, Waste Resources, effective March 28 – June 20, 2001.

ROGER HAMRICK – Resignation, Crew Worker Senior, Waste Resources, effective April 25, 2001.

JOE POSLEY –Resignation, Crew Worker Senior, Citywide Services, effective April 5, 2001.

RAY E. FORTNER – Family Medical Leave, Equipment Operator Senior, Citywide Services, effective April 9, 2001.

GARY BRIDGES -- Family Medical Leave, Light Equipment Operator, Citywide Services, effective April 11 – July 4, 2001.

RICKEY L. BEAMON – Family Medical Leave, Sanitation Worker, Citywide Services, effective April 18 – May 16, 2001.

ROBERT W. BAINE – Promotion, Sanitation Worker, Citywide Services, Pay Grade 3/Step 1, \$22,280.00 annually, effective April 11, 2001.

CHRISTOPHER T. DOSSETT – Lateral Transfer, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 5, \$21,370.00 annually, effective April 25, 2001.

SHELA BEMBRY – Employment, Office Assistant, Administration, Pay Grade 3/Step 2, \$16,312.00 annually, effective May 18, 2001.

BERNARD E. SCHULTZ – Suspension (5 days without pay), Crew Supervisor Senior, Citywide Services, effective May 7 –14, 2001.

PURCHASES

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Department:

PREBUL JEEP OF CHATTANOOGA (Single source)
Requisition R0044002

Two Jeep Cherokee Sport Utility Vehicles per TCA 6-56-301

\$40,782.00

MOUNTAIN VIEW FORD (Best bid)
Requisition R054912/B0000564

One-Ton Pick-Up Truck

\$30,109.20

WEST VIRGINIA SIGNAL AND LIGHT, INC. (Single Source)
Requisition R0049012

LED Pedestrian Fixtures per TCA 6-56-301

\$10,727.40

TEMPLE, INC. (Single source)
Requisition R0049011

Cluster Signal per TCA 6-56-301

\$23,850.00

HEARING: OFFICER JEFF GANNAWAY

City Attorney Nelson stated the request for a hearing for Officer Jeff Gannaway for a three-day suspension has been received. **The hearing for Officer Gannaway was scheduled for Monday, June 4 beginning at 2 p.m. with Councilmen Franklin (Chair), Robinson and Page; Councilmen Littlefield and Lively will serve as alternates.**

CANCELLATION OF JUNE 12 COUNCIL MEETING

City Attorney Nelson indicated that six members of the Council would be in attendance at the Tennessee Municipal League (TML) annual meeting June 10-13 in Nashville and there would not be a quorum for the Council meeting of June 12, the second Tuesday of the month usually slated to hear rezonings. He stated in light of there not being a quorum, the June 12 meeting would need to be cancelled and rezonings rescheduled for the Council meeting scheduled for June 19.

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the June 12 Council meeting was cancelled, and first readings for rezonings would be scheduled for Tuesday, June 19.

BOARD APPOINTMENT

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

BOARD OF SIGN APPEALS:

- ✍ The appointment of **STEVE H. PETTY**, representing District 3, for a term expiring July, 2004.

JOHN MCCULLOUGH

John McCullough stated that he was present at last week's Council meeting and the City Attorney was asked to respond and provide data to Barry Bennett and Phillip Lynn regarding his comments. He stated seven days have passed and he has not heard a word from anyone.

JOHN MCCULLOUGH (Continued)

Barry Bennett, Executive Director of the Planning Agency, stated Mr. McCullough's request has been referred to Building Inspection and it takes some time for them to follow up (on the request). He stated he has asked Don Young to respond to him (Bennett) once a determination is made; that he would be glad to get back with Mr. McCullough once that has been done.

Chairman Hakeem asked if there is a tentative time frame? Mr. Bennett stated that he has heard nothing from the Building Inspector at this point.

Chairman Hakeem asked that Mr. Bennett communicate with the Council in writing once a response is received. Mr. Bennett acknowledged that he would.

Councilman Littlefield stated this matter was discussed with the Mayor the other day. Councilman Benson asked if there is a tentative time frame so Mr. McCullough will not feel left out and forgotten?

Mr. Bennett responded that he would contact the Building Inspector tomorrow and, hopefully, within the next week there would be an answer.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, May 15, 2001 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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