

**City Council Building
Chattanooga, Tennessee
December 11, 2001
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2001-028: City of Chattanooga

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING SEWER LINES LOCATED
IN THE ALREADY ABANDONED SEWER EASEMENTS IN THE 1500 BLOCK
OF MARKET STREET, THE FORMER 16TH STREET BETWEEN LONG STREET
AND MARKET STREET AND A FORMER ALLEYWAY BETWEEN LONG
STREET AND MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN
AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE**

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

AMEND BUDGET ORDINANCE

Councilman Taylor stated this matter was discussed in today's Budget and Finance Committee and approval is recommended.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 11175, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2002, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b); ADD SECTION 6(c); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM
 passed first reading.

AMEND CITY CODE RELATIVE TO SEWER SERVICE CHARGES AND FEES

Councilman Franklin stated this matter was discussed in last week's Public Works Committee and approval is recommended.

Councilman Pierce asked if there would be an increase in sewer charges and fees? Deputy Finance Admin. Madison responded "no"; that there are no plans for an increase.

Councilman Littlefield stated there is a slight increase in the regional rate. Admin. McDonald clarified that the slight regional rate increase is directly tied to the actual budget. He stated expenses of the operation does not increase and there is no increase in the actual rate for the citizens and commercial and industrial businesses.

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

RE-CODIFICATION OF ZONING ORDINANCE

Councilman Littlefield stated this Ordinance updates the zoning ordinance and integrates amendments made in recent years; that it was discussed in last week's Legal and Legislative Committee and approval is recommended. He stated it is necessary to have a public hearing because it is a zoning matter and at the conclusion of last week's Committee meeting, it was requested that the matter be approved on first reading and then referred to the City Attorney to await re-codification of the rest of the Code and come back for second and third reading at that time.

At this point, Chairman Hakeem declared a public hearing in progress for persons "for" or "against" this Ordinance; being none, the hearing was duly closed.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, RELATIVE TO THE ADOPTION OF AN UPDATED CODIFIED VERSION OF THE ZONING ORDINANCE CONTAINING ALL ZONING AMENDMENTS APPROVED BY THE CHATTANOOGA CITY COUNCIL FROM MARCH 25, 1995 THROUGH NOVEMBER 12, 2001, AND APPROVING OTHER CHANGES NECESSARY FOR CLARIFICATION OF CERTAIN STANDARDS AND TERMS, AS SHOWN ON THE RE-CODIFIED ZONING ORDINANCE, DATED NOVEMBER 12, 2001, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

REZONING

2001-084: Raymond L. Hassler

Pursuant to notice of public hearing the request of Raymond L. Hassler to rezone a tract of land located in the 5800 block of Highway 153 came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Robinson stated that she was curious about this request; that she and Councilman Page met earlier in the day with a large group of people from Districts 1, 2 and 3. She stated that it is her thought this request falls within the footprint of the area that will be considered for the new land use plan.

REZONING (Continued)

Councilman Lively stated that his first indication was the same as Councilwoman Robinson's; that this area falls within the plan and should probably be tabled until the plan is complete. He stated that he has visited the site and there is already an operation in existence and because of some rental equipment outside it is not in the correct zone.

Jerry Pace, Executive Director of Operations with the Planning Agency, explained that there is not an existing building there; that it is on the lot next door and there are some cars and equipment parked temporarily. He stated that the Staff made the recommendation to deny; that it is important to the corridor of 153 and should be studied carefully before allowing any more commercial. He stated the Planning Commission saw fit to send the request with the recommendation for approval.

Councilman Page stated that the 153 corridor is very important to Chattanooga, which is presently under a land use study. He stated a group met this morning and formed the leadership committee for the plan; that there are other C-2 properties available on 153 close to this area. He stated the C-2 zoning that is being asked for is close to a residential area and he knows there are some zoning issues and potential problems on 153. At this point he **made the motion to defer of the request until the land use study is complete**, probably toward the middle of next year; **Councilman Benson seconded the motion.**

Councilman Benson stated this matter came before Planning and the Staff is still recommending deferral until the plan comes in. He recalled that there was a split vote at the Planning Commission meeting.

Raymond Hassler, applicant, stated that he applied for the zoning in May and was told a traffic study would be done for whatever reason and was told the same in October and November; that he is now hearing that it will not be complete until January. He stated that he is purchasing the property next to property he presently owns that is already zoned C-2 and would not increase any traffic; that he just needs the building to house and protect equipment. He stated there are two entrances to his business and that a lot of landscapers use his equipment and trailers and it is hard for them to turn around; use of the other property would make it easier and safer to get in-and-out. He stated he cannot afford to continue to pay for the land and this issue is continuously "put off". He stated that he indicated at the Planning Commission meeting that he should have been involved in the traffic study discussion with WalMart. He stated there was no opposition at the Planning Commission meeting and he does not know if he can continue to pay on the property and "drag this out" for an undetermined period of time.

REZONING (Continued)

Chairman Hakeem asked Mr. Hassler if he is presently using the property in the manner he intends to use it for? Mr. Hassler responded "no". Chairman Hakeem then asked if he was paying for the use? Mr. Hassler responded "yes"; that he has paid a great deal of money and is not able to use the property.

Chairman Hakeem stated mention was made of trucks coming in-and-out, and asked if that is the case, now? Mr. Hassler stated that he chose not to do that because the property is presently in the R-4 zone.

Chairman Hakeem asked Mr. Hassler whether he is renting or purchasing the property? Mr. Hassler stated that he is purchasing the property; that he owns the lot where the building is now. He stated he has done nothing but help the community and has donated equipment to schools in the area to help keep costs down. He stated that he cannot afford to continue "dragging this out". He stated the Planning Commission saw fit to approve and was told by Mr. Page that he (Page) would not go against the Planning Commission. *(It was noted that Mr. Page's comments were given months prior to his election to the Council.)* He stated that there is no other use for the land and it is not good for residential; that he would like to get the property zoned to construct a building this winter to house equipment.

At this point, Councilman Pierce "called for the question" as a motion to defer was "on the floor", which takes precedence over discussion. Chairman Hakeem stated other Council members want to be heard and that the motion was not "to table" but "to defer". Councilman Pierce indicated that there is no difference in the terms "table" and "defer".

Councilman Franklin inquired as to when the land use study would begin? Mr. Pace stated that the process began today with the formulation of the leadership committee; that the results should be complete by mid-year, around June or in that time frame. He stated it is scheduled to come before Planning at the May meeting and before the Council in June.

Councilman Littlefield stated a few weeks ago a case was deferred that was located on the other side of the road for a company to develop commercial. He stated the Council does not treat everyone differently; that they have "held the line" and in this case the applicant is in a fairly safe situation as he is located next door. He stated that he would foresee things going the applicant's way eventually, but does not see how the Council could give it special attention without going back to the others (that have been deferred).

REZONING (Continued)

Councilman Lively stated that was the point he was going to make; that when it comes down to the road, unless he sees something he did not see, he plans to vote approval; however, as Councilman Littlefield stated, while the study is going on, the idea would be to hold the same line on others until the plan is complete. He expressed support for the motion to defer.

Mr. Hassler stated that he has been paying the owner of the property until he could get the zoning and would then go to the bank for refinancing for the building and land. He stated the only financing has been with the owner.

Councilman Taylor asked if the applicant has rights to the land until June? Mr. Hassler stated that he is trying to "grow" the business he has had for nearly two years. He stated the owner had the land sold previously and former Councilman Crockett told him that he did not want to zone the property because WalMart was coming in and there would be too much traffic. He stated the owner lost the sale of the land at that time; that the owner's wife was very ill, he (Hassler) stepped in and at that point started paying for the land.

Councilman Benson stated that Mr. Hassler presented his case well at Planning and generates a lot of empathy. He stated that the problem is that he (Benson) is sympathetic; that a land use plan was just completed for his area and history has shown that Planning is besieged with a lot of people coming in to rezone before the plan is fruitful and complete. He stated there is a need to have the best plan for the general good of the community and it is possible the matter will come out the way the applicant wants. He stated that he seconded the motion to make sure the plan was not rushed so that the opportunity for objectivity would not be preempted.

Mr. Hassler stated before WalMart was ever permitted or anything approved, the owner tried to get the property rezoned and at the time it was speculated that a "big name" was coming in. He stated he is trying to help the owner and cannot wait until June while continuing to pay. He stated he has sacrificed a lot and does not want sympathy as he stands to lose a great deal of money.

Emery Farnsworth stated that he owns the property and lives across the road. He stated that he knows most of the neighbors and knows of no one who has any objections. He stated that it seems Mr. Hassler has a good business; that this is a little lot and (he) cannot understand why it is turned down time-and-time again; that it does not seem fair.

REZONING (Continued)

Mr. Hassler stated that this has been going on for quite awhile and (he) would like to be treated fairly. He stated that the property he had rezoned prior to this was not a problem; that the property in question is not good for anything else and feels he is being mistreated.

Chairman Hakeem stated that the effort is not for Mr. Hassler to feel he is being mistreated; that he does not know how the Council members will vote, now; however, they are only looking out for the best interest not only of the individual, but the community, as a whole. He stated the manner in which we try to do that is to plan, study and investigate. He asked that the applicant understand that so that we can move forward. He stated what he is hearing is that there is a very good possibility that the applicant will get the zoning that is requested, but it has to be done in the proper setting after the formal planned process.

Mr. Hassler expressed that he understood; that it is his wish that the Council would vote on it now and just vote him "up or down"; that the Planning Commission approved it for whatever reason.

Chairman Hakeem stated that the Council has the final decision and would move forward on this motion. He asked Mr. Hassler to communicate with Planning for a time line.

Mr. Farnsworth stated that the block north of him was turned down, as well as the lot next to him; that there is C-2 one block up from him that is "doing nothing".

Councilman Page expressed thanks to the owner of the property and stated there has been a lot of spot zoning in the area and what is needed in that corridor in Hixson is planned growth, which is what the study is about. He stated it is hoped there will be a fruitful study; that everyone will not be happy, however, it is important to get a handle on growth now rather than later.

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 IN THE 5800 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was deferred until the Highway 153 Study is complete.

RIGHT-OF-WAY NAME CHANGE

MR-2001-187: City Of Chattanooga

Pursuant to public hearing, the request of the City of Chattanooga to change the right-of-way name of Modern Industries Boulevard and Tradeway Drive to Modern Industries Parkway came on to be heard.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF MODERN INDUSTRIES BOULEVARD AND TRADEWAY DRIVE TO MODERN INDUSTRIES PARKWAY, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

passed first reading.

REZONING

2001-189: Genesis Barbara Wilson

Pursuant to notice of public hearing, the request of Genesis Barbara Wilson to rezone a tract of land located at 5710 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located between Lee Highway, East Brainerd Road and Chickamauga Road; that the requested site is tucked behind C-2 facing Lee Highway, as well as C-1 and R-1. He stated the applicant requested the zoning for new office space and the recommendation at Planning was to deny C-2 and approve R-4 for offices that would allow the use. He stated since the Planning meeting, discussion has been held with the applicant and they have come with a request to rezone a portion back to C-2 which is offset in the C-2 area to bring that portion in line up to 100 feet, leaving the R-4 buffer next to residential along Chickamauga Avenue. He stated the matter was discussed with Councilman Littlefield and the Staff has no objection to the rezoning back to the 100 foot strip with commercial and leaving the remainder R-4; that a revised site plan would be attached prior to second and third reading.

Councilman Littlefield asked to hear from the applicant as to what they plan to do with the property and the mobile units.

REZONING (Continued)

Donald Morris, of Remax Action Realtors, represented Ms. Wilson, also in attendance, and expressed appreciation for the addition of the 100 feet on the north side, which would allow them to put the entire building proposed in C-2. He stated that this meets their basic requirement and would have the R-4 zone as a buffer for future expansion.

Councilman Littlefield again inquired as to the removal of all of the mobile units? Mr. Morris responded "yes" (they would be removed) and stated that the proposed building would comprise 10,000 square feet of office space with 5,000 feet for warehouse space. He stated it would primarily be used for office and a home care/cancer support business, explaining that Ms. Wilson has the Hummingbird Shop at Erlanger and that most of the business is based on a home care, health-type business. He stated it would help them tremendously to allow this because the entire building would be one zone.

Councilman Littlefield stated that the intention is to do that and made reference to the serious flood problem. Mr. Morris acknowledged there is a flooding problem and that they plan to have the property engineered and the building built above the flood plain.

Councilman Pierce inquired about changing the zoning to C-2, as that was not what was recommended? City Attorney Nelson stated that the original application was for C-2; that Planning acted on it and decided to recommend R-4 and the matter does not have to be sent back because the C-2 was initially before them. He asked for clarification that the request is to rezone to C-2 and R-4? Mr. Pace responded "yes"; that it would only come back an additional 100 feet from C-2 along the line and then the remainder between C-2 and R-1 would be R-4 office as a buffer zone for an office use.

City Attorney Nelson stated what needed is to pass the ordinance to change the property from R-3 to R-4 special zone and C-2 commercial, and then provide a new description between now and next week.

Councilman Pierce asked what would be wrong with rezoning the whole thing C-2 at present; that there will now be a strip of adjoining property that would probably be requested for rezoning at a later date? Councilman Littlefield stated that he knows the neighborhood is pretty sensitive as to what it would back up to because it has been controversial in the past. He stated what is being proposed is acceptable as long as it is R-4.

REZONING (Continued)

Councilman Taylor inquired about accessibility to the property and asked whether Lee Highway would be utilized?

Mr. Morris responded "yes"; that most of the property is C-2 and the request is a short extension of the property line that would not encroach on the neighbors to the north and would allow a full office building into one zone at one time.

On motion of Councilman Littlefield, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4710 LEE HIGHWAY, MOVE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE AND C-2 COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

FINAL PUD

1996-170: Old Stage Run

Steve Petty, President of the homeowners' association in the Old Stage Run subdivision, stated that he was not present in opposition to the request and indicated that he was looking forward to the additional 16 houses. He expressed that the concern residents of the area had with regard to their strong recommendation for complete landscaping, explaining that the problem in Phase I was with the builders leaving and the property not being landscaped in the back, which caused erosion problems. He stated they are trying to prevent this from happening in Phase II to have a smoother transition. He stated another concern was that there be provision for proper drainage for stormwater, another problem in Phase I that was not addressed. He stated they would also like reassurance that there would be sidewalks on both sides of the street and streetlights. He reiterated that he would like for the record to reflect that he is not in opposition, but just wanted to highlight items that need to be addressed.

Mr. Pace stated all of the issues addressed by Mr. Petty should have come before the House Subdivision Review process. He stated the first phase did have sidewalks in the development and he is sure it will continue on the other phase, even though sidewalks are not a part of the subdivision process for approval as part of our review.

FINAL PUD (Continued)

Aaron Smith, Developer, stated that the sidewalks and lights are part of the subdivision package and expressed uncertainty regarding the landscaping in the backyards. He stated as far as the package to landscape the backyards that is not part of the developer's as much as it is the builder's problem.

Chairman Hakeem stated the question is whether the developer or the individual builders are responsible? Mr. Pace stated whomever the permit was approved for is responsible for doing landscaping of the property, whether builder or developer.

Councilman Page stated that the complaint is also in regard to mud; that people could not walk down the street during the building of homes. He stated that he would like for the record to reflect that there have been problems here and the residents are concerned about it; that they would like for it to be monitored and some cooperation in helping to make that a good place to live during the building of Phase II.

Councilman Littlefield stated much of what is being asked would be up to the inspection division and comes as enforcement as the development takes place. He stated Councilman Benson had similar situations in subdivisions in his area and assurance has been given by the Public Works Administrator that the matter is being addressed. He stated that he is confident that what is being requested by the residents in the area will be accommodated.

Councilman Lively made the motion that the matter be deferred one week until the applicant, homeowners' association and Planning get together to come up with something that would ensure these things are being done; **Councilman Page seconded the motion.**

Mr. Petty clarified that what the association means by landscaping is for the back yard; that some still have stumps and concrete that has not been removed. He stated the developers have stated it is the problem of the builder that bought the lot that did not complete it. He stated the front is fine, however, the rear of the lot is the problem.

Chairman Hakeem stated that the sentiment of the Council is to defer the matter one week. He asked that the City Attorney and Planning bring clarification regarding who is responsible in regard to the shrubbery in the back.

Mr. Pace stated Phase I included this and it is his assumption since the development has started it will be included in the other phase.

FINAL PUD (Continued)

Chairman Hakeem stated that he would like to have clarification and not assumptions on who is responsible and times lines by next week's meeting.

At this point, Councilman Benson "called for the question" on the motion to defer.

On motion of Councilman Lively, seconded by Councilman Page,

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT FOR LOTS 24-44, 55-71, 89, 90 AND 94-97 OF OLD STAGE RUN PLANNED UNIT DEVELOPMENT AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS was deferred one week.

AMEND RESOLUTION NO. 22872

Councilmen Lively and Franklin made the initial motion to adopt this Resolution.

Councilman Pierce asked for an explanation of this Resolution.

Mr. Pace stated that this zone was expanded several months ago during this administration; that the map showed access across the north side of the River to the north shore and the boundary was brought back to the south side at the time because former Councilwoman Hurley stated that it was not necessary to have the boundary extend to the north shore. He stated the initial description that was shown as "exhibit 3" should not have been there and this Resolution clarifies the right exhibit number in accordance with the Ordinance. He stated they did extend the boundary further to the east along M. L. King to the railroad to include the new school under construction, and that is all that was expanded at this time.

Councilman Littlefield inquired as to the practical effect of this expansion and what is being included and excluded?

Mr. Pace stated that the Resolution does not deal with parking in the Central Business Development zone (CBD) as there are no parking requirements and there are no rezoning cases that would have a need to go through the Board of Appeals for setbacks and parking issues. Councilman Littlefield indicated that this is similar to the old C-3 zone.

AMEND RESOLUTION NO. 22872 (Continued)

Councilwoman Robinson stated that it is her belief extending the boundary down and including M. L. King is an excellent, good addition to our footprint. She stated that the only question she has about stopping at the riverfront and not across the Tennessee River is in reference to the financing that is in place for The Chattanooga and the Trade Center expansion deal that the City has with the State regarding collection of all new taxes that are paid within one mile of that. She stated we would be giving up some of the revenue generated if we are one mile outside the footprint.

Mr. Pace stated that we are close to the one-mile footprint; that he is not sure if crossing the River would benefit. He stated the only thing we get is the C-7 special zone for the north shore and C-3 for the Central Business District. City Attorney Nelson stated that the north side is outside the one-mile radius.

Councilman Pierce stated that he is leery about this Resolution because there has been a request for a zoning study for the M. L. King area and (he) does not know how this will “play into” what the residents in that area have requested and that he was not aware of this Resolution coming forth.

Mr. Pace stated that he is not sure whether the residents requested this; that during the construction of the new elementary school some of the issues included the setbacks and parking for the area; that the request has been to adjust the boundary to incorporate the railroad track that goes north and south.

Chairman Hakeem clarified that the issue is “who requested” this? Mr. Pace responded “the Design Center, with the request coming from the School Board”.

At this point Councilman Pierce made the motion to defer the matter one week for an opportunity to confer with the neighborhood association and the Community Impact Fund representatives to see if this is something they want; **Councilwoman Robinson seconded the motion.**

Mr. Pace stated that this is something that has already been voted upon and adopted by the Council, explaining that when the matter came through initially the wrong exhibit number made reference to “exhibit 3” and it should have read “exhibit 2”. He stated this Resolution legally cleans up the legal boundary of the description on the map.

AMEND RESOLUTION NO. 22872 (Continued)

Councilman Pierce stated that the Resolution makes reference to extending the boundary to the east. Mr. Pace responded that it is extending to the east to the railroad track.

At this point, Councilmen Lively and Franklin withdrew his motion and second to adopt this Resolution.

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
**A RESOLUTION TO AMEND RESOLUTION NO. 22872, AS ADOPTED ON
MARCH 13, 2001, ALTERING THE CENTRAL BUSINESS ZONE AREA TO
INCORPORATE A NEW AREA ON THE EAST SIDE, AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was tabled one week.**

**LEASE AGREEMENT: NATIONAL MEDAL OF HONOR
MUSEUM OF MILITARY HISTORY FOUNDATION**

Deputy Finance Admin. Madison stated that Admin. Boney mentioned that the Mayor has concerns about the lease agreement and inquired as to whether the concern has been settled?

City Attorney Nelson stated this Resolution authorizes the Mayor to execute a lease agreement and does not specify what the terms have to be so that the Mayor could negotiate a change in what the present instrument is.

Chairman Hakeem stated Council members expressed concern regarding the length of time Museum personnel would have to move out of the building.

City Attorney Nelson stated that the present lease calls for a sixty-day period to give notice and then six months after to vacate. He stated the Mayor expressed concern about the length of time and that is not incorporated in the Resolution before the Council tonight; that the Mayor can negotiate that.

Lynn Carr, Executive Curator of the Museum, stated that the Resolution the Hamilton County Commission adopted initially asked for a six month period of time if needed to vacate and it was changed, with our approval and Hamilton County's, to 120 days, a four month time period. He stated it was changed in this way in the event there was a company that wanted to come into Chattanooga and locate in that building permanently, which would allow them to do so with four months notification.

**LEASE AGREEMENT: NATIONAL MEDAL OF HONOR
MUSEUM OF MILITARY HISTORY FOUNDATION
(Continued)**

Chairman Hakeem clarified that this Resolution authorizes the Mayor to take that under consideration.

On motion of Councilman Lively, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LEASE AGREEMENT BETWEEN HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, AS LESSORS, WITH THE NATIONAL MEDAL OF HONOR MUSEUM OF MILITARY HISTORY FOUNDATION, RELATIVE TO CERTAIN PROPERTY LOCATED AT 1301 RIVERFRONT PARKWAY, COMMONLY REFERRED TO AS THE "ABB BUILDING", MORE PARTICULARLY DESCRIBED HEREIN, IN THE AMOUNT OF ONE DOLLAR (\$1.00) ANNUALLY, PAYABLE TO HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, FOR AN INITIAL TERM OF FIVE (5) YEARS

was adopted.

AGREEMENT: TDOT

Councilman Franklin stated Resolutions 7(d) – (k) were discussed in last week's Public Works Committee and approval is recommended.

Councilman Benson inquired as to the time frame for this project in transferring \$10,000.00 to the State for design? Admin. McDonald responded, "Yes, that is correct"; that he does not have the schedule from the Tennessee Department of Transportation (TDOT) and will try to secure it as soon as it is officially done.

Councilman Benson asked if the project would last two years, one year, six months or what? He asked if an estimate of the project's completion could be given? Admin. McDonald responded that he could not give an estimate of time until he receives the forms, which would indicate how long it would take. He stated that it is his thinking that the project is not two years down the road; that it is his hope that it could be bid in the summer.

Councilman Benson asked for clarification that Admin. McDonald did not think the project would continue for two years? Admin. McDonald stated that he did not think it would be more than a year after the engineering is complete; that he would need to confirm that with TDOT.

AGREEMENT: TDOT (Continued)

Councilman Littlefield stated that he knows money has been taken from the other end of Shallowford going from five lanes to three. He inquired as to the time line on that section? Admin. McDonald stated that the section between Gunbarrel out to Jenkins will be taken up at the MPO meeting and once that is done a schedule will be established.

On motion of Councilman Benson, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO ENGINEERING THE REPLACEMENT OF THE BRIDGE ON SHALLOWFORD ROAD OVER FRIARS BRANCH, PROJECT NO. LP#3269, STP-M-9202(79), AND TO TRANSFER TEN THOUSAND DOLLARS (\$10,000.00) FROM THE CITY OF CHATTANOOGA CAPITAL PROJECTS BRIDGE REPAIR AND REPLACEMENT FUND TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION

was adopted.

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

SEWER EASEMENT: ALTON/ELVIRA CHAPMAN

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM ALTON M. CHAPMAN AND ELVIRA W. CHAPMAN, RELATIVE TO CONTRACT NO. 55F, THIRD STREET SEWER RELOCATION, TRACT NO. 1, FOR A TOTAL CONSIDERATION OF THREE HUNDRED EIGHTY DOLLARS (\$380.00)

was adopted.

SEWER EASEMENT: GETHSEMANE MISSIONARY BAPTIST CHURCH

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM GETHSEMANE MISSIONARY BAPTIST CHURCH, RELATIVE TO CONTRACT NO. 55F, THIRD STREET SEWER RELOCATION, TRACT NO. 2, FOR A TOTAL CONSIDERATION OF FOUR HUNDRED SIXTY-SEVEN AND 50/100 DOLLARS (\$467.50)

was adopted.

SEWER EASEMENT: EDDIE JONES

On motion of Councilman Littlefield, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM EDDIE JONES, RELATIVE TO CONTRACT NO. 55F, THIRD STREET SEWER RELOCATION, TRACT NO. 5, FOR A TOTAL CONSIDERATION OF THREE HUNDRED FORTY-FIVE DOLLARS (\$345.00)

was adopted.

SEWER EASEMENT: ROY/VIVIAN THOMAS

On motion of Councilman Benson, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM ROY THOMAS AND VIVIAN THOMAS, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR THE TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-1(102)5, TRACT NO. 2, FOR A TOTAL CONSIDERATION OF TWO THOUSAND FIVE HUNDRED SEVENTY-EIGHT DOLLARS (\$2,578.00)

was adopted.

SEWER EASEMENT: SARAH ANN GLASS

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM SARAH ANN GLASS, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR THE TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-1(102), TRACT NO. 3, FOR A TOTAL CONSIDERATION OF ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00)

was adopted.

TEMPORARY USE: CBL & ASSOCIATES PROPERTIES, INC.

Councilman Benson asked if the conditions for approval of this temporary use include a fence at the corner? Admin. McDonald responded that he spoke with representatives of CBL about this and they are willing to install the fence and it does complete the site line.

Councilman Benson stated that the fence is necessary because it is dangerous without it.

TEMPORARY USE: CBL & ASSOCIATES PROPERTIES, INC. (Continued)

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING CBL & ASSOCIATES PROPERTIES, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF SKYLINE DRIVE AND JARNIGAN ROAD TO ERECT A FOUR FOOT (4') FENCE AND LANDSCAPING, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AGREEMENT: SANTEK ENVIRONMENTAL, INC.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH SANTEK ENVIRONMENTAL, INC., RELATIVE TO LANDFILL DISPOSAL OF BIOSOLIDS AT A PRICE OF NINE AND 94/100 DOLLARS (\$9.94) PER WET TON FOR A TERM OF TWO (2) YEARS WITH AN ANNUAL MAXIMUM OF ONE HUNDRED FIFTY THOUSAND (150,000) WET TONS

was adopted.

MUTUAL AID AND INTERLOCAL COOPERATION AGREEMENT

On motion of Councilman Page, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUTUAL AID AND INTERLOCAL COOPERATION AGREEMENT WITH HAMILTON COUNTY AND OTHER CITIES WITHIN HAMILTON COUNTY, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending December 7, 2001 totaled \$33,258.51.

PERSONNEL

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

RUFUS JONES – Suspension (3 days without pay), Crew Worker, Citywide Services, effective December 3, 4, 5, 2001.

PERSONNEL (Continued)

FRANK REED – Retirement, Property Acquisition Coordinator, Engineering Division, effective January 31, 2001.

CLARICE HENDRICKSON – Retirement, Administrative Secretary, Engineering Division, effective December 31, 2001.

CHARLES HARRIS – Retirement, Engineering Project Coordinator, Engineering Division, effective December 31, 2001.

PAT JANARDANAN – Retirement, Assistant City Engineer, Engineering Division, effective December 31, 2001.

Councilman Littlefield expressed commendations to the four individuals retiring, stating that he is sorry to see them go.

PURCHASE

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

VULCAN MATERIALS COMPANY (Lower and better bid)
Requisition R0053234/P0016890

Concrete

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

PURCHASE

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

INDUSTRIAL RUBBER & SAFETY (lower and better bid)
Requisition R0058311/B0000646

Fire Hose

\$10,724.82

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

HOLLY DANKOWSKI – Promotion, Lead Police Record Clerk, Pay Grade 9/Step 1, \$23,313.00 annually, effective December 14, 2001.

SHIRLEY VARNER – Promotion, Lead Police Record Clerk, Pay Grade 9/Step 7, \$30,382.00, effective December 14, 2001.

KEVIN L. SMITH – Resignation, Police Officer, effective December 13, 2001.

PERSONNEL

The following personnel matter was reported for the Department of Finance, Division of Purchasing:

PRINCESS S. HUDSON – Resignation, Office Assistant, effective December 28, 2001.

REFUND

On motion of Councilman Littlefield, seconded by Councilman Page, the Administrator of Finance was authorized to issue the following refund:

LANDHAM & NORMAN, INC. -- Map No. 108L-A-001, Overpayment of Stormwater Fee and Taxes, \$1,144.78

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Taylor, the following purchase was approved for use by the Department of Finance, Division of Information Services:

SPRINT (Lowest and best bid)
Requisition R0049149/P0016764

Internet Service Provider

\$1,796.80 per month

COMMITTEES

Councilman Taylor stated a meeting of the Budget and Finance Committee was held earlier in the day to discuss concerns of the Fire Department relating to promotions and evaluations that will be forthcoming to the Council.

THANK YOU!

Councilman Taylor expressed thanks to departments heads, Council members and others for participating in the District 7 Christmas gathering on Monday evening.

LAND USE PLAN

Councilwoman Robinson stated Districts 1, 2, and 3 are partnering in the land use plan; that they had a kickoff meeting earlier in the day and the public meetings are scheduled to begin in January. She stated the public meetings would include neighborhood associations, churches, the Chamber of Commerce and Northgate Mall. She stated they are really counting on a big turnout similar to the numbers attending the Highway 58 Land Use and Hamilton Place Plans.

Councilman Page echoed Councilwoman Robinson and Lively's enthusiasm and anticipation of the plan and stated Everett Fairchild has agreed to chair the land use committee; that many other distinguished people and good servants of the community are participating.

SISTER BEY

Sister Bey asked for a better understanding of Resolution 7(b) on tonight's agenda regarding the Central Business Zone.

Chairman Hakeem explained that the downtown zone is a zone designated for new business, and in regard to the east side portion of the Resolution, the east line of the downtown zone is being expanded to the railroad on M.L. King Boulevard. He stated this does not affect anything out on East Third Street or the area of Highland Park. He reiterated that the east line of the downtown district is being moved to the railroad track on M. L. King and that is all that this Resolution is concerned about.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, December 18, 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)**