

**City Council Building
Chattanooga, Tennessee
January 8, 2002
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, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Pastor Toney 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.

SPECIAL PRESENTATION TO CARL LEVI

Mayor Corker stated that it was a pleasure to be present to honor Carl Levi, the City's Treasurer, upon his retirement as of December 31. He stated Mr. Levi has been Treasurer for many years and was the longest serving City employee with 44 years of service! He stated during his employment with the City he served as Deputy Court Clerk for four years, Assistant Treasurer for 17 years and City Treasurer for 23 years. He stated Mr. Levi has certainly served the City well, and served under eight Mayors and many (City) Commissions and (City) Councils and is very proud of what he has done. He stated Mr. Levi is also a Retired Brigadier General of the U. S. Army, has a vast knowledge of Veteran's affairs across the state and country and has represented the City on the National Treasurers Board, serving as Chairman last year. He stated he (Levi) has done a great deal for the City and County and is proud to work with him and wishes him well. He mentioned that Mr. Levi was editorialized in the newspaper.

SPECIAL PRESENTATION TO CARL LEVI

At this point, Mayor Corker presented Mr. Levi with a Certificate of Appreciation, thanking him for his many years of service. He stated many serve very short periods of time in government – especially those who are elected! He stated people who commit their lives 44 years to one place serving the way he has with great representation should be thanked and congratulated, indicating that he (Levi) is moving on to bigger and better things.

Carl Levi stated his initial employment with the City was to have lasted for only six weeks; that someone took pity and let him “hang around”! He expressed appreciation to the Mayor for recommending him for the Treasurer’s position and the Council for their positive response. He stated that he does not plan to give up public service and is looking for another job. He stated that his father’s tenure with the City totaled 49 years, which beats his record, and that his mother was employed 56 years. He expressed appreciation for his employment with the City, stating that it was like being with family. He commended the Treasurer Office staff by stating that the office comprises the best employees of the City; that it has been wonderful for him to have been here and expressed his thanks with no goodbyes.

At this point, Mayor Corker introduced Daisy Madison as the new City Treasurer, indicating that she has worked well with everyone.

Mrs. Madison stated as Mr. Levi was speaking the only thing she could think of to say was that she has no intention of beating his record! She expressed thanks to Mr. Levi for the wonderful job he has done, also indicating that he has a wonderful staff, noting that the staff would not be as good as it is without the leadership he has provided over the years. She expressed that she is lucky to be following in his footsteps.

Councilman Lively stated that he had the privilege of serving with Mr. Levi in the military and has always found him to be a truthful man and that he hates to see him go.

Chairman Hakeem expressed appreciation for the service Mr. Levi has rendered to this community and welcomed the incoming Treasurer.

REZONING

2001-113: George B. Harless, Jr.

Councilman Littlefield stated this matter came before the Council for first reading and it was passed with the understanding of exactly what might transpire in the future. He stated that there is a plan underway that might relate to future use of this property and, even so, the motion was made to approve the matter on first reading. He stated that he is prepared to move on second reading tonight and want to make it understood to anyone from the neighborhood that the zoning goes both ways. He stated his understanding from hearing testimony from the neighborhood and talking with Mr. Pace about the meeting with the neighborhood is that they had no objection to the existing use continuing for the time being. He stated it was suggested by one representative that we just allow it to go on without changing the law; that for that reason he wants it understood that in rezoning with limitations, there might be in the future a plan that calls for something else that might change the zoning, just as was done in the Hamilton Place area. He stated there is another rezoning tonight for down zoning a significant part of a neighborhood from commercial or higher density to lower density development.

At this point Councilmen Littlefield and Lively made the motion to substitute the amendment to this Ordinance; the motion carried with **Councilman Pierce voting "no"**.

Chairman Hakeem asked for clarification in addition to Councilman Littlefield's comments that what is being done in regard to zoning is dealing with property that is already being used for a flea market and that additional property on the outer areas have been taken out?

Jerry Pace, Director of Operations with the Regional Planning Agency, responded "correct" to both questions.

Chairman Hakeem stated that the permit that is being sought for the existing property that is being used for a flea market goes before the Board of Zoning and Appeals on Wednesday morning. He inquired as to whether the correct terminology is "flea market".

Mr. Pace stated that the term used is "open air market"; and the way the Zoning Ordinance is written a special permit is required for an open air market.

REZONING (CONTINUED)

Chairman Hakeem clarified that only the properties that have been used previously for a flea market is what will be acted upon on tomorrow. Again, Mr. Pace responded "correct"; that it involves only the property the Council is rezoning tonight.

Councilman Benson stated that it is his understanding that the RPA Staff is recommending approval, now. Mr. Pace stated that last week the recommendation was for denial; that approval is recommended now with the substitution of use "as a flea market only".

On motion of Councilman Littlefield, 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 1900 BLOCK OF KELLY STREET AND THE 2200
 BLOCK OF EAST 21ST STREET, MORE PARTICULARLY DESCRIBED HEREIN,
 FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL
 ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second reading with **Councilman Pierce voting "no"**. On motion of Councilman Taylor, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting; **Councilman Pierce voted "no"**.

REZONING

At this point Councilman Pierce asked that Ordinance 6(o) and Resolutions 7(r), (s) and (t) be moved forward on the agenda; Councilman Franklin seconded the motion; the motion carried.

2001-213: City of Chattanooga

Pursuant to notice of public hearing the request of the City of Chattanooga to rezone an area within the Bushtown neighborhood came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated that the East Chattanooga Plan was brought before the Council during the summer of 2000 and the recommendation at that time was for an extensive study for certain areas to be designated as single family, low density residential. He stated most of the area is zoned R-3, R-4, C-2 and C-5; that the majority is R-3.

REZONING (CONTINUED)

Mr. Pace stated the request is for down zoning to R-1 and came to Planning at the request of the neighborhood; that both Planning and Staff recommend approval.

Peggy Kilpatrick, President of the Bushtown Community Association, stated that the proposal is in accordance with the neighborhood master plan that was prepared by Urban Collage with collaboration from the residents in Bushtown. She stated they are working toward revitalization and redevelopment of their neighborhood; that there are housing conditions involving several multi-family units and the desire is for home ownership. She stated they are trying to promote home ownership as people are more interested in upkeep of their surroundings when they are owners of something; that more home ownership is needed to stabilize the neighborhood. She stated it is felt this is the first major step in order to accommodate the wishes and desires of residents of the Bushtown community.

Coleman Hochman stated that he owns property in two areas proposed for rezoning; that the first time he noticed the rezoning notice was when it was posted on a telephone pole near his property. He stated his property was built with the idea of having some modest priced town homes to sell fifteen years ago; that after putting them on the market for sale around \$25,000 each there were no takers at all. He stated the town homes are located at the corner of Citico and Holtzclaw and worked with Jack Marcellis 15 years ago to make safe access to them. He stated that the reason he would like for this area to be denied rezoning is because he does not know what the future holds and see no reason why his property should be rezoned and take away a portion of its value. He stated he maintains his property far better than most homeowners; that he painted them within the last two-or-three years, has the grass cut biweekly or more often and the property is in good repair. He stated he has very nice tenants who have lived there as long as 10 years or more and again stated there is not reason for the property to be rezoned and diminish its value.

Chairman Hakeem asked what type of effort is made to notify homeowners or get participation from owners?

Mr. Pace stated there was extensive neighborhood participation in the Plan and notices went out to all homeowners in the area when the process got underway. He stated it was advertised in the newspaper; that he was not involved directly with the neighborhood plan but knows the property owners were notified to the best of RPA's ability.

REZONING (CONTINUED)

Mr. Pace stated as far as the question of use of the property, the uses would be grandfathered-in and Mr. Henschman would be able to continue the present use. He stated if the property is destroyed it could be rebuilt and used within the same manner, however, if the units were abandoned or not occupied for 100 days the use would change. He clarified that the property would be allowed for the same use until such time as they were abandoned.

Mr. Hochman stated that he intends to maintain the property in its present condition for a long period of time; that he is still very much opposed to rezoning on general principles. He stated that he gets his tax statement every year, but did not get any notice regarding this rezoning or the plan to redevelop Bushtown. He stated that he would prefer the zoning stay as it is.

Councilman Littlefield stated that Mr. Henschman has indicated that he did not receive notice by mail and knows that the same list was used when sending out tax notices. He stated sometimes these things happen which is why the large yellow signs are posted and he (Littlefield) is glad Mr. Hochman saw it. He asked Mr. Hochman if he attended the Planning Commission meeting when the matter was heard?

Mr. Hochman stated that he attended the meeting and got there five minutes after the matter was discussed. He stated it was listed as number "20" on the agenda but was moved up and he missed the reading and didn't realize it until the meeting was over.

Councilman Littlefield stated that Mr. Hochman's point was well taken; that he (Littlefield) lives in a neighborhood that was downzoned and at that time every property owner signed the application in order to rezone the neighborhood; however, it is not that restrictive today. He stated when his neighborhood was downzoned 20 years ago there were duplexes, triplexes and quadraplexes; that they are still there and it is still a good neighborhood; that it is his thought that it helps protect your investment.

Councilman Taylor made reference to the apartments (Citico Apartments) in the area that are abandoned; that he knows the neighborhood is trying to revitalize.

Mr. Pace stated the Citico Apartments are not in this area to be downzoned; that they were outside the boundary.

REZONING (CONTINUED)

Councilman Pierce stated that the issue of the Citico Apartments will be coming back at some point before the Council; that at the present time that particular property is not included in this. At this point he “called for the question”.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE AN AREA
 WITHIN THE BUSHTOWN NEIGHBORHOOD, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE,
 C-2 CONVENIENCE COMMERCIAL ZONE AND C-5 NEIGHBORHOOD
 COMMERCIAL ZONE TO R-1 RESIDENTIAL ZONE**
 passed first reading.

**TEMPORARY USE: BUSHTOWN NEIGHBORHOOD
 ASSOCIATION**

Councilman Franklin stated Resolutions 7(r), (s) and (t) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE BUSHTOWN NEIGHBORHOOD
 ASSOCIATION TO USE TEMPORARILY THE CITY’S RIGHT-OF-WAY AT THE
 INTERSECTION OF ORCHARD KNOB AVENUE AND CLEVELAND STREET
 TO ERECT A NEIGHBORHOOD GATEWAY SIGN, SUBJECT TO CERTAIN
 CONDITIONS**
 was adopted.

**TEMPORARY USE: BUSHTOWN NEIGHBORHOOD
 ASSOCIATION**

On motion of Councilman Franklin, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE BUSHTOWN NEIGHBORHOOD
 ASSOCIATION TO USE TEMPORARILY THE CITY’S RIGHT-OF-WAY AT THE
 INTERSECTION OF CITICO AVENUE AND HOLTZCLAW AVENUE TO
 ERECT A NEIGHBORHOOD GATEWAY SIGN, SUBJECT TO CERTAIN
 CONDITIONS**
 was adopted.

TEMPORARY USE: BUSHTOWN NEIGHBORHOOD ASSOCIATION

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE BUSHTOWN NEIGHBORHOOD ASSOCIATION TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON CITICO AVENUE BETWEEN ORCHARD KNOB AVENUE AND HOLTZCLAW AVENUE TO ERECT A NEIGHBORHOOD SIGN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AMEND CITY CODE

Councilman Littlefield stated this mater was thoroughly discussed in Legal and Legislative Committee and approval is recommended.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTION 5-83 RELATIVE TO EMPLOYEES AT ESTABLISHMENTS THAT SERVE BEER FOR CONSUMPTION ON THE PREMISES

passed first reading.

ADOPTION OF NEW CITY CODE

On motion of Councilman Lively, seconded by Councilman Littlefield,
AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CHATTANOOGA, TENNESSEE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

was tabled one week.

CLOSE AND ABANDON

MR-2001-040: Parkridge Hospital

Councilman Franklin stated Ordinances 6(c) – (g) were discussed in Public Works Committee and approval is recommended.

CLOSE AND ABANDON (CONTINUED)

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING SANITARY SEWER EASEMENTS AND LINES LOCATED IN THE RIGHTS-OF-WAY AND DRIVEWAYS FRONTING, RUNNING THROUGH AND ON THE PROPERTY OF PARKRIDGE HOSPITAL, WHICH GENERALLY FRONTS ON MCCALLIE AVENUE, LYERLY STREET PLAZA ONE AND PARKRIDGE HOSPITAL PROPERTY, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON**MR-2001-041: Oak Park Town Center**

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING A SANITARY SEWER LINE AND ASSOCIATED EASEMENT LOCATED ACROSS THE OAK PARK TOWN CENTER ON HIGHWAY 153 AT GRUBB ROAD, AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

CLOSE AND ABANDON**MR-2001-137: Henry Luken, III**

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY NORTHWEST FROM THE 1300 BLOCK OF CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

CLOSE AND ABANDON

MR-2001-147: Intech Properties, LLC (Close and Abandon)

On motion of Councilman Franklin, seconded by Councilman Pierce,
AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 1100-1300 BLOCKS OF CUSHMAN STREET AND THE 2800 BLOCK OF OHIO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AND PERMITTING COMCAST CABLE COMMUNICATIONS, INC. AND THE CITY OF CHATTANOOGA TO RETAIN THEIR RESPECTIVE EASEMENTS

passed first reading.

RIGHT-OF-WAY NAME CHANGE

2001-192: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to change the right-of-way name from the 900-1100 block of Central Avenue to Arcadia Avenue, came on to be heard.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 900-1100 BLOCK OF CENTRAL AVENUE TO ARCADIA AVENUE, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

passed first reading.

REZONING

2001-201: Pro Properties, GP

Pursuant to notice of public hearing, the request of Pro Properties, GP to rezone a tract of land located at 1346 Hickory Valley Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this property is located in the East Brainerd area; that the request is for C-2 for climate controlled storage buildings. He stated this will not be the typical long linear buildings with rollup doors; that there will be inside access to the climate controlled storage area with low intensive use.

REZONING (CONTINUED)

Mr. Pace stated in discussing the project, its location and low intensity use, it is as less intensive as office use. He stated after the Staff looked at this, the recommendation for approval was made subject to conditions and a condition regarding split block facing that has been deleted. He stated the recommendation from the Planning Commission is to approve subject to conditions.

Councilman Littlefield stated this matter was discussed in detail in today's Legal and Legislative Committee meeting and indicated that another conditions dealt with there being no off-premise signs nor alternate billboard uses.

Mr. Pace stated that the next case also involves this applicant.

On motion of Councilman Littlefield, 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 1346 HICKORY VALLEY ROAD MORE
 PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2
 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
 CONDITIONS**

passed first reading.

LIFT CONDITION

2001-202: Pro Properties, GP

Pursuant to notice of public hearing, the request of Pro Properties, GP to lift Condition No. 1 imposed in Ordinance No. 10546 on property located at 1346 Hickory Valley Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace Stated this request is connected to the previous project; that all conditions are the same except the first building off Hickory Valley Road would have decorative masonry facing and metal sheathing on the west side along the Hickory Valley Road side. He stated an added condition will be that there will be no off-premise signs or billboard uses. He stated the Staff and Planning Commission recommend approval.

REZONING (CONTINUED)

On motion of Councilman Littlefield, seconded by Councilwoman Robinson.

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1, IMPOSED IN ORDINANCE NO. 10546, ON PROPERTY LOCATED AT 1346 HICKORY VALLEY ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2001-205: Arthur Yother

Pursuant to notice of public hearing the request of Arthur Yother to rezone a tract of land located at 7001 Dayton Pike came on to be heard.

The applicant was present; there was no opposition.

Councilman Lively and Littlefield made the initial motion and second to approve this Ordinance on first reading.

Mr. Pace stated this request is located between Dayton Pike and Boy Scout Road at the interchange near Corridor J; that the parcel of land is presently zoned R-1 and the request is for C-2. He stated there is presently a billboard constructed on the site, the property across the street is zoned C-2 and looking west along Boy Scout Road is a rural area. He stated the Staff made the recommendation to defer this request until the planning process was complete for the proposed plan for this area, but the Planning Commission made the recommendation to accept the request for C-2 zoning since there is existing C-2 in the rear, across the street and to the north.

Councilman Lively stated that the Council has been deferring cases that have come before us that fall into the area identified for the Hixson Study; that this property falls into a different category. He stated this is one of the pieces the City annexed sometime ago which came from the county and was zoned commercial. He stated the county downgraded the property when it was taken into the City; that it is his thought that this falls into a different category than the others. **At this point, he made the motion to approve; Councilman Littlefield seconded the motion.**

REZONING (CONTINUED)

A spokesperson for the applicant stated that the sign presently on the property has been maintained and indicated there is no other use possible for the property. He stated that property on three sides of the site is C-2 and a power station is on the fourth side; that it is not likely a house would be built at this location.

Councilman Taylor asked if the applicant needs the C-2 zoning to update the sign? The spokesman for the applicant stated that the applicant needs the rezoning for the sign for any potential further use of the property.

Councilman Benson stated that the property will be zoned commercial in the long run; that he thinks it is a matter of principal to let the plan be developed without an on-rush of attempts to rezone while the matter is in the planning process. He expressed agreement that the property would be C-2 in the final analysis, yet he has to be consistent and will vote against approval at this time until the plan comes in.

Councilman Littlefield stated this matter was considered in the Legal and Legislative Committee meeting today and the conclusion by Committee is that the matter should be deferred until the plan is complete so that it can be considered along with the other properties along the area, otherwise he is not sure Mr. Yother would have the required votes for passage. He stated many people are concerned about the Council being consistent; that there are a lot of properties on 153 that have come in and all have been deferred. He advised the applicant that it would be his thought that the matter be deferred if he has no immediate plans or needs a permit.

Arthur Yother stated that he owns the property and other properties farther down the street. He stated when the City rezoned this property it was already C-2 and across the street was C-2, as well; that the City down zoned his property without notifying him. He stated that he would like for the property to go back to C-2 so that he can use it for income; that it was an injustice to him to disgrace him by rezoning it R-1 when he bought it as C-2 property. He stated he cannot rent the sign in an R-1 zone.

Councilman Littlefield asked for clarification that Mr. Yother cannot rent the sign. Mr. Yother stated that he cannot rent it in R-1, reiterating that the City did not notify him that the zone had changed. He stated he paid a big price for the property because it was C-2; that the City put a sewer through it at no charge and then downgraded his property to R-1 when he had C-2 zoning. He stated he cannot do anything with the property.

REZONING (CONTINUED)

Councilman Littlefield assured Mr. Yother that the sign is grandfathered-in and he should be allowed to continue renting the sign. Mr. Yother stated that he cannot build anything on the property as long as it is R-1.

Chairman Hakeem asked Mr. Yother who told him he could not build another sign on the property as long as it is R-1? Mr. Yother's spokesperson responded that it is his guess Mr. Yother received that information from TDOT as he has requested a State building permit.

Mr. Yother stated that he would like to have his property back like it was, reiterating that he was not notified that the zoning had changed.

Councilman Taylor asked for clarification that Mr. Yother cannot rent his sign presently? Mr. Yother's spokesperson stated he could possibly rent it, however as far as reconstructing it he cannot get a permit from TDOT without proper zoning; that the sign presently there is an old one.

Councilman Taylor asked if Mr. Yother is ready to build another sign, now? Mr. Yother responded that he would like to.

Councilman Benson stated that he does not want to impose a hardship; that it appears Mr. Yother is in a "Catch 22" position and would like to help get him out. He asked that Mr. Pace have a week to look into all of this to see if Planning can come back with another recommendation one way or the other.

At this point Councilmen Lively and Littlefield withdrew their motion and second to approve this request.

Councilman Benson made the motion to defer the matter one week; Councilman Taylor seconded the motion.

In making the motion to defer, Councilman Benson asked the applicant if he was agreeable with the motion to defer?

Mr. Yother responded that he did not think it was right for him to have to wait. Chairman Hakeem advised Mr. Yother that it was in his best interest to accept the motion for deferral.

REZONING (Continued)

On motion of Councilman Benson, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 7001 DAYTON PIKE, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
 CONVENIENCE COMMERCIAL ZONE**
 was tabled one week.

AMEND CERTAIN CONDITIONS

2001-207: Southeast U. S. Retail Fund, LP

Pursuant to notice of public hearing, the request of Southeast U. S. Retail Fund, LP to amend certain conditions imposed in Ordinance No. 10028 on property located at 8644 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace explained that this request is located in the East Brainerd area in Hurricane Creek. He stated the request is to lift conditions which prevent an entrance way off East Brainerd Road directly into the Winn-Dixie Food store area. He stated the property is surrounded by commercial use along East Brainerd Road and the recommendation from Staff was to deny lifting the condition as it is felt the area between Norris Lane and Hurricane Creek is too close for in-and-out access to the complex. He stated the Planning Commission made the recommendation to approve the request subject to review and approval by the City's Traffic Engineer. He stated the first response from the Traffic Engineer was to deny the request to lift the condition. He continued by stating since that time the Traffic Engineer met with some of the area residents, looked at the situation and has made the recommendation that there be a single right turn entrance only at the location and no exit onto East Brainerd Road.

Councilman Littlefield stated that this matter was also discussed in today's Legal and Legislative Committee and approval is recommended.

On motion of Councilman Littlefield, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
 CONDITIONS IMPOSED IN ORDINANCE NO. 10028, ON PROPERTY
 LOCATED AT 8644 EAST BRAINERD ROAD, BEING MORE PARTICULARLY
 DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
 passed first reading.

REZONING

2001-208: Jeff Carmack & Ed Smith, J & E Holdings

Pursuant to notice of public hearing, the request of Jeff Carmack and Ed Smith, J & E Holdings to rezone a tract of land located at 1949 Northpoint Boulevard came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Hixson area along Northpoint Boulevard near Home Depot and Lowe's and is completely surrounded with commercial zoning. He explained that the request is for C-2 for an Extended Stay Hotel. He stated that this property is within the study area of the Hixson Plan and it is felt this is a different, unique situation than the others along 153. He stated this request is in a commercial zone and is zoned commercial; that the zoning is being changed to permit use of an Extended Stay Hotel in this area. He stated both the Planning Commission and Staff recommend approval of the request.

Councilman Page made the motion to approve the request and asked for clarification regarding the issue, whether the applicant is requesting to go from C-2 to C-1.

Mr. Pace responded "yes"; that the Staff is presently looking at eliminating the C-2 zoning and just combine them all in to a C-1 zone, anyway.

Councilman Littlefield stated that the C-1 and C-2 zones have been the same zone over the years and the distinction is more of a convenience than a real difference. At this point he **seconded the motion**.

Councilman Lively stated that it is his thought the request discussed earlier tonight is just as unique as this one and he, too, has the commercial zoning. He suggested that the Council is doing "strange things".

Councilman Page stated that the difference is that this property is zoned commercial in a commercial area and the other had a residential zone and was asking that it be changed to commercial.

Councilman Lively stated that it is his feeling that the last one was just as viable as this one.

REZONING (CONTINUED)

On motion of Councilman Page, 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 1949 NORTHPOINT BOULEVARD, MORE
 PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE
 COMMERCIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE**
 passed first reading.

REZONING

2001-209: Alta Kilgore

Pursuant to notice of public hearing, the request of Alta Kilgore to rezone a tract of land located at 1515 North Joiner Road came on to be heard.

The applicant was not present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 1515 NORTH JOINER ROAD, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
 ZONE**
 was denied.

REZONING

2001-211: Mike Price

Pursuant to notice of public hearing, the request of Mike Price to rezone a tract of land located at 7380 Applegate Lane came on to be heard.

Mr. Pace stated the request is to defer this matter one week.

On motion of Councilman Benson, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 7380 APPLGATE LANE, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE
 ZONE, SUBJECT TO CERTAIN CONDITIONS**
 was tabled one week.

FINAL CHANGE ORDER

Councilman Franklin stated Resolution 7(a) and others involving Public Works were discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE EXECUTION OF FINAL CHANGE ORDER NO. 1, RELATIVE TO THE 19TH STREET CSO CONTROL FACILITY, CONTRACT NO. CSO-4b-00, WITH 3D ENTERPRISES CONTRACTING CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWENTY-FOUR THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS (\$24,748.00), FOR A REVISED CONTRACT PRICE OF THREE MILLION FOURTEEN THOUSAND SEVEN HUNDRED FORTY-EIGHT DOLLARS (\$3,014,748.00) AND INCREASING THE CONTRACT TIME BY TWENTY-ONE (21) CALENDAR DAYS

was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO ENGINEERING SERVICES FOR THE PHASE I AND II LFG/LEACHATE EXTRACTION SYSTEM IMPROVEMENTS AT THE CITY LANDFILL ON BIRCHWOOD PIKE, CTI PROJECT NO. CP1067, FOR A TOTAL FEE NOT TO EXCEED FIFTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$53,400.00)

was adopted.

PERSONAL SERVICES CONTRACT: CITYSCAPE DEVELOPMENT SERVICES

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH CITYSCAPE DEVELOPMENT SERVICES TO PERFORM SERVICES AS A CONSULTANT FOR THE CITY AND COUNTY IN THEIR DEVELOPMENT PLANNING ACTIVITIES AT THE VOLUNTEER ARMY AMMUNITION PLANT (VAAP)

was adopted.

AD VALOREM TAXES, ET. AL. FOR DOWNTOWN INITIATIVES

Councilman Benson stated this matter was discussed in today's Health, Education, Human Services and Housing Opportunities Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE GRANTING OF INCENTIVES TO DEVELOP HOUSING IN DOWNTOWN CHATTANOOGA; TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, THE HEALTH, EDUCATIONAL AND FACILITY BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE, AND THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE (THE "BOND BOARDS"); TO ADOPT A PROGRAM FOR DOWNTOWN HOUSING DEVELOPMENT; TO AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO AGREEMENTS FOR PAYMENTS IN LIEU OF AD VALOREM TAXES MEETING THE CRITERIA OF SAID PROGRAM AND TO PROVIDE FOR A TERMINATION OF THIS INCENTIVE PROGRAM IN TEN (10) YEARS

was adopted.

AMEND RESOLUTION 22872

City Attorney Nelson stated that he had received notification from the Planning Agency that this Resolution is not necessary and should be removed from tonight's agenda as the legal description is correct.

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 removed from the agenda.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM SILVERDALE CUMBERLAND PRESBYTERIAN CHURCH, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(105)5, TRACT NO. 1, FOR A TOTAL CONSIDERATION OF ONE THOUSAND TWO HUNDRED FORTY-EIGHT DOLLARS (\$1,248.00)

was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT
FROM MARCUS V. HIGGINS, RELATIVE TO CONTRACT NO. 55A-3,
SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF
TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(105)5,
TRACT NO. 6, FOR A TOTAL CONSIDERATION OF ONE THOUSAND ONE
HUNDRED THIRTY-FIVE DOLLARS (\$1,135.00)**
was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT
FROM DRW PARTNERSHIP, LLP, RELATIVE TO CONTRACT NO. 55A-3,
SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF
TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(105)5,
TRACT NO. 15, FOR A TOTAL CONSIDERATION OF EIGHT THOUSAND
SIX HUNDRED DOLLARS (\$8,600.00)**
was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT
FROM DEVGURU INVESTMENTS, INC., RELATIVE TO CONTRACT NO.
55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT
OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(102)5,
TRACT NO. 4, FOR A TOTAL CONSIDERATION OF NINE HUNDRED
EIGHTY-FOUR DOLLARS (\$984.00)**
was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Page, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM CURTIS G. GOINS AND BARBARA GOINS, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(102)5, TRACT NO. 5, FOR A TOTAL CONSIDERATION OF THREE HUNDRED SEVENTY-FIVE DOLLARS (\$375.00)
was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM GUY NELSON PADGETT AND JEANNE L. PADGETT, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(102)5, TRACT NO. 7, FOR A TOTAL CONSIDERATION OF TWO THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS (\$2,365.00)
was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM VANESSA A. HARRIS, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(102)5, TRACT NO. 8, FOR A TOTAL CONSIDERATION OF ONE THOUSAND ONE HUNDRED SIXTY-SEVEN DOLLARS (\$1,167.00)
was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM SISKA INVESTMENTS, INC., RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(102)5, TRACT NO. 9, FOR A TOTAL CONSIDERATION OF FOUR THOUSAND NINETY DOLLARS (\$4,090.00)

was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM OWEN S. JONES, JR. AND PEARLINE Y. JONES, RELATIVE TO CONTRACT NO. 55A-3, SANITARY SEWER RELOCATION FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. 33005-2163-44, NH-I-75-(102)5, TRACT NO. 19, FOR A TOTAL CONSIDERATION OF TWO THOUSAND DOLLARS (\$2,000.00)

was adopted.

PURCHASE OF SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM VAN ALLEN BANKS, RELATIVE TO CONTRACT NO. 55F, THIRD STREET SEWER RELOCATION, TRACT NO. 6, FOR A TOTAL CONSIDERATION OF FOUR HUDNRED SIXTY-SEVEN AND 50/100 DOLLARS (\$467.50)

was adopted.

TEMPORARY USE: PAPA PROPERTIES, LLC

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING PAPA PROPERTIES, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF RIVERSIDE DRIVE BETWEEN THE RIVER WALK PARKING AND THE VFW POST 4848, WHICH WAS THE SITE OF "THE SANDBAR RESTAURANT", TO PROVIDE CURB CUTS FOR ENTRY TO A NEWLY PROPOSED RESTAURANT, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: REMEDIAL SOLUTIONS, INC.

On motion of Councilman Taylor, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING REMEDIAL SOLUTIONS, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF ADAMS STREET AND JEFFERSON STREET TO PROVIDE A TRENCH 12" WIDE BY 18" DEEP TO MONITOR AND TREAT THE UNDERGROUND WATER, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the weeks ending December 21, 2001 (\$16,532.53), December 28, 2001 (\$70,256.95), and January 4, 2002 (\$31,925.08) totaled \$118,713.56.

PERSONNEL

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

RONNIE JOHNSON, DONALD L. SHOEMAKE – Promotion, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 1, \$24,474.00 annually, effective December 12, 2001.

JAMES J. SWILLEY, KENNETH ANDERSON – Employment, Concrete Worker, Citywide Services, Pay Grade 6/Step 1, \$19,834.00 annually, effective December 26, 2001.

ANTHONY D. SPEARS – Suspension (2 days without pay), Crew Worker, Citywide Services, effective November 20-21, 2001.

DAVID A. MORGAN – Resignation, Traffic Electrician, Traffic Operations, effective December 14, 2001.

FRANKLIN BONNER, ALLEN JONES – Retirement, Crew Worker, Waste Resources, effective December 31, 2001.

CHARLES HOGAN – Retirement, Plant Maintenance Mechanic, Waste Resources, effective December 31, 2001.

PERSONNEL (CONTINUED)

BYRON STRICKLAND – Retirement, Monitoring Technician, Waste Resources, effective December 31, 2001.

JAY B. HORST – Employment, Concrete Worker, Citywide Services, Pay Grade 6/Step 1, \$19,834.00 annually, effective December 31, 2001.

LONNIE JEFFERS – Retirement, Superintendent, Citywide Services, effective December 31, 2001.

RUBY FARMER – Compulsory Medical Leave, Office Assistant, Citywide Services, effective December 19-31, 2001.

ARTHUR SANDS – Family Medical Leave, Equipment Operator, Citywide Services, effective December 5, 2001 – February 27, 2002.

PURCHASES

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

BAKER HUGHES OF SCOTT DEPOT, WEST VIRGINIA (Single Source)
Requisition R0057569/P0016799

Repair of Surplus Centrifuge

\$75,000.00

STERLING TRUCKS OF CHATTANOOGA (Best bid)
Requisition R0060883/B0000619

Automated Garbage Trucks

\$803,970.00

Councilman Taylor inquired as to whether the approval of the automated garbage trucks indicates that the total City is moving toward automation? Admin. McDonald responded that there are some small areas the department cannot get into with this; that for every area that can be serviced the automated truck will be used within the next four-and-a-half months.

PERSONNEL

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

STACY T. LIVELY – Military Leave, Police Officer, effective January 9, 2002.

GEORGE "PERRY" WALDEN – Resignation, Police Officer, effective December 28, 2001.

JIMMY WAYNE DICKEY – Adjust Retirement Date, Police Captain, effective December 30, 2001.

J. V. AARON – Retirement (17years of service), Building Maintenance Mechanic, effective December 31, 2001.

FREEMAN COOPER, MIKE WILLIAMS – Promotion, Police Captain, Pay Grade P4/Step 5, \$51,939.00 annually, effective January 11, 2002.

JEFF FRANCIS – Promotion, Police Captain, Pay Grade P4/Step 4, \$49,796.00 annually, effective January 11, 2002.

JOHN STEURMER – Promotion, Police Captain, Pay Grade P4/Step 6, \$54,081.00 annually, effective January 11, 2002.

TRACY ARNOLD, JEANNIE SNYDER – Promotion, Police Lieutenant, Pay Grade P3/Step 4, \$44,271.00 annually, effective January 11, 2002.

BOBBY DODD – Promotion, Police Lieutenant, Pay Grade P3/Step 3, \$42,368.00 annually, effective January 11, 2002.

TARA PEDIGO – Promotion, Police Lieutenant, Pay Grade P3/Step 7, \$49,979.00 annually, effective January 11, 2002.

LARRY SCHROYER – Promotion, Police Lieutenant, Pay Grade P3/Step 6, \$48,076.00 annually, effective January 11, 2002.

PERSONNEL (CONTINUED)

WILMA BROOKS, BARRY BURNS, SAMUEL CHAMBERLAIN, SHAWN HICKEY, JAMES HOGWOOD, ZACHARY MCCULLOUGH – Promotion, Police Sergeant, Pay Grade P2/Step 1, \$33,756.00 annually, effective January 11, 2002.

CHERILYN BRYANT, GERRY DAVIS, SCOTT FULGHAM, EDWARD JACKSON, LEIGHTAYLOR NOORBERGEN, JON CHAD SULLIVAN – Promotion, Police Sergeant, Pay Grade P2/Step 3, \$37,080.00, effective January 11, 2002.

JOHN CARTER – Promotion, Police Sergeant, Pay Grade P2/Step 5, \$40,404.00 annually, effective January 11, 2002.

MALCOLM KENNEMORE – Promotion, Police Sergeant, Pay Grade P2/Step 4, \$38,743.00 annually, effective January 11, 2002.

VINCENT WATKINS – Suspension (without pay), Police Officer, effective January 4–30, 2002.

PERSONNEL

The following personnel matters were reported for the Department of Finance and Administration:

MICHAEL ROSE – New Hire, Network Technician, Information Services Division, Pay Grade 9/Step 2, \$24,453.00 annually, effective January 4, 2002.

CARL LEVI – Retirement, Treasurer, Treasurer's Office, effective January 31, 2001.

JEAN MANNING – Retirement, Purchasing Technician, Purchasing Division, effective January 31, 2001.

SYLVIA G. PHILLIPS – Retirement, Assistant Director, Information Services Division, effective December 31, 2001.

RAYMOND S. SMITH – Retirement, Programmer Analyst, Information Services Division, effective December 31, 2001.

MADELENE OOTEN – Transfer/Promotion, Secretary, Finance Division, Pay Grade 6/Step 10, \$29,306.00 annually, effective January 11, 2002.

GEORGE A. DOTSON – Retirement, Deputy City Court Clerk, City Court Division, effective January 27, 2001.

REFUNDS

On motion of Councilman Page, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds:

HARON PARTNERS, ET. AL. -- Stormwater overpayment for tax year 1999, No. 129H-J-001, \$1,291.97.

WILART & COMPANY -- Stormwater overpayment for tax year 2000, No. 129H-J-001, \$1,291.97.

WILLIAM FOSTER – Map No. 091M-B-074, Property Tax/Stormwater Refund for tax year 2001, \$1,077.62.

BRYAN LANE – Map No. 101G-A-015, Property Tax/Stormwater Refund, \$1,587.11.

ROGER HARVEY – Map No. 127A-E-009, Property Tax/Stormwater Refund for tax year 2001, \$1,286.45.

DONALD JACKSON – Map No. 129B-B-003.09, Property Tax/Stormwater Refund for tax year 2001, \$1,618.76.

LARRY BEASLEY – Map No. 159C-H-004, Property Tax/Stormwater Refund for tax year 2001, \$1,154.36.

BOB E. SMITH – Map No. 100C-A-033, Property Tax/Stormwater Refund for tax year 2001, \$1,473.89.

PAUL WALTERS – Map No. 111A-D-013, Property Tax/Stormwater Refund for tax year 2001, \$1,062.53.

TIMOTHY KELLY – Map No. 127I-D-003, Property Tax/Stormwater Refund for tax year 2001, \$1,255.00

WILLIAM BUTTRAM – Map No. 1270-B-004, Property Tax/Stormwater Refund for tax year 2001, \$3,185.40.

THOMAS DODSON – Map No. 153E-G-010, Property Tax/Stormwater Refund for tax year 2001, \$1,757.57.

REFUNDS (CONTINUED)

BRIAN KNIEGGE – Map No. 159G-E-032, Property Tax/Stormwater Refund for tax year 2001, \$1,000.26.

CASEY BUMGARNER – Map No. 171H-K-006, Property Tax/Stormwater Refund for tax year 2001, \$1,538.05.

OSCAR'S SANDWICH SHOP – Per 1016292, Property Tax/Stormwater Refund for tax year 2001, \$1,381.69.

PERSONNEL

The following personnel matter was reported for the Neighborhood Services Department:

E. EDWINA KOLB – Resignation, Special Projects Coordinator, effective December 27, 2001.

BETTER HOUSING APPEAL

City Attorney Nelson stated a request to appeal a Better Housing Commission decision has been received for property located at 1007 West Elmwood Drive. meeting. **A hearing date of January 22 was scheduled immediately following Council meeting.**

HEARING: OFFICER FAVORS

City Attorney Nelson stated Councilwoman Robinson has indicated that she will not be able to participate as a member of the panel hearing the Favors case scheduled for Monday, January 28 at 3 p.m. Councilman Taylor volunteered to complete the panel comprised of Councilmen Lively (Chair) and Benson.

NOTE OF APPRECIATION

Councilman Benson expressed appreciation to the staff of the Regional Planning Agency in regard to the Hamilton Place Plan. He stated those in the area are beginning to see the “fruits of their labor”; that it is a good Plan that everyone worked on. He stated within the past week he learned that a large residential development is to be added that is going into an area that has been “held in limbo” for years.

NOTE OF APPRECIATION (CONTINUED)

He stated because of the Plan residents of the community and the Gunbarrel Merchants Association are working well. He stated the YMCA is now in the process of expanding their recreational facilities for the community through the Turner Club, again expressing thanks to the Council and persons who supported the Plan.

EXPRESSION OF WELCOME

Councilman Taylor welcomed the attendance of local Pastors Overstreet and Battle.

JANUARY 19 EDUCATIONAL WALK

Councilman Taylor reminded everyone of the Educational Walk within the Alton Park community scheduled for Saturday, January 19 beginning at 11 a.m. He stated several of the schools "on notice" from the State are located within District 7, again requesting citywide participation of the event.

JANUARY 15 MEETING WITH ASTEC

Councilman Taylor offered a special request to department heads to attend the January 15 meeting with Astec and other major companies for a more in-depth understanding of Hope VI and the Master Plan.

WALTER WALDEN

Walter Walden, a resident of the Alton Park community, stated that his presence before the Council is a "last resort" effort indicating that this past Saturday, January 5, was the last day of operation of the Alton Park Recreation Center. He stated the reason for the closure is due to the new center that was built and scheduled to open the end of February; that his concern involves the two months the children of the area will not have any place to go. He asked what could be done for the two-month period so the children would have a place to play after school, and asked if there is any possibility the Center could stay open longer? He stated Alton Park is not the best neighborhood and the children in the area are at risk. He again asked what could be done to keep the Center open until the new one is ready for business?

WALTER WALDEN (CONTINUED)

Councilman Taylor informed Mr. Walden that he (Taylor) made an effort to return his call and left a message for him (Walden) today. He stated that he spoke with the Administrator of the Department of Parks and Recreation as it relates to this matter and was informed the Center would remain open until the transfer to the new building. Mr. Walden expressed grateful appreciation for the information and effort.

Councilman Taylor stated Alton Park is a great place to live and that great things are expected to happen through the Hope VI process. He stated an announcement regarding the grand opening of the new recreation/aquatic center on the south side would be forthcoming.

Councilman Hakeem expressed appreciation to Mr. Walden for having an interest in the matter and coming forth to address the issue; that he has a genuine interest in his community.

Councilman Taylor assured Mr. Walden that the children of Alton Park are not at risk; that they have the greatest opportunities of all!

LOUISE HAMMONDS

Louise Hammonds, of the Oak Grove community, stated that she and others in her community tried to stop the approval of the rezoning before it "went through" and (she) is disappointed that it was approved. She stated residents of the area asked for a land use plan several months ago and it is felt the matter was held off because Mr. Harless was getting his land rezoned. She stated that her presence this evening is to try to have some idea as to when the process is to get started.

Mr. Pace stated that the message has been conveyed to the Executive Director of the Planning Agency, as well as Mr. Bridger, Director of Comprehensive Planning. He stated that he is not personally involved in scheduling of such items; that he has conveyed to them that the Council and neighborhood are concerned with getting the process underway as soon as possible. He stated that he is not in a position to indicate how long it will be before it is scheduled and will impress upon them the concern of the neighborhood as to when the process will begin.

LOUISE HAMMONDS (CONTINUED)

Chairman Hakeem asked that he and Mrs. Hammonds be notified as to the start of the process so that the community is aware.

Mrs. Hammonds asked that the community be notified of anything when this property comes up and invited Councilman Littlefield and Mr. Pace to visit the area on any Saturday or Sunday to see what the flea market consists of; that she lives there and knows what it is.

Chairman Hakeem asked that Mrs. Hammonds give consideration to inviting the entire Council. Mrs. Hammonds stated that all Council members are invited; that what is going on is not really a flea market, anymore.

Councilman Page made comment in defense of the Regional Planning Agency (RPA) and stated that it takes time to do a thorough job; that he knows he had to wait a while for the 58 and Hixson Land Use Plan and had to "stand in line". He stated that the RPA has a limited staff of persons who do a super job. He stated that he is certain they will get to her and to expect good results.

Councilman Littlefield stated as a note to Mrs. Hammonds and others the Council did downzone property in another neighborhood that had structures sitting on property; that it is not something that cannot be done. He stated all that the Council has done with this action as far as commercial zoning or property was concerned is what we understood the neighborhood would permit. He stated the rezoning might be short lived and might be commercial for a limited time for a flea market and rezoned again; that it is something the Council can do. He stated as a matter of previous discussion this was not the final say on that zoning; that it is an effort to simply try to allow an existing use to continue until the plan is completed. He stated he wrestled with this when he was a staff member of Planning; that he tried to contain the development and hoped it would develop into something more permanent and acceptable to the neighborhood. He stated he would be the first to make the motion to change the zoning again if the plan recommends something more acceptable.

GARY BALL

Gary Ball asked Councilman Littlefield if he was as happy with the view of the cell tower when he comes through the Brainerd Tunnel every morning as the rest of the Ridgedale property owners are?

GARY BALL (CONTINUED)

Mr. Ball stated the reason he wanted to bring that up is that he is part of one of the community groups who consider themselves as the "have nots"; that they have a real problem with interaction between the different agencies of this City. He stated the Mayor came in to his new office with a mandate to have the different agencies of the City interact with the community and its leaders in an effort to involve them in planning and quality of life issues. He stated when you have people coming to Mr. Pace and Public Works with no mandate to interact with community leadership, we will continue to have situations like the cell towers. At this point he quoted a portion of the Cell Tower Ordinance which references "**. . . towers bordering residential homes cannot be closer than the tower plus ten feet . . .**"; that in this instance all the homes have been torn down behind the tower and it is his guess that this means if there is no house with residents it does not matter. He stated it is his guess that no one could build a house on the property behind the tower now since a home cannot be within 180 feet. He stated the point is that this comes through the various agencies of the City and there are people in the community who would like to help and bring issues to a focal point.

Mr. Ball stated that it does not make anyone look good to have the *News-Free Press* put this on the front page as it makes all look as if we do not know what is going on in our community, and even worse that no one cares. He indicated that the Packard property was a "rat pack" and is now all nice and neat and would probably be zoned commercial at some point. He challenged everyone to go to the agencies and asked Mr. Pace why the communities are not notified about "this" or "that"? He stated RPA does not have the names and addresses and does not know how to "get hold" of community leadership.

Chairman Hakeem stated that the tower does not belong to Councilman Littlefield or anyone on this Council; that it falls within federal, state and local guidelines. He stated cell tower owners are very upset with the City because of the effort put forth in trying to limit the number of owners altogether. He stated the City has some of the most strict guidelines of any city in the south and none on the Council like that view coming into town; that if it meets federal and state guidelines, he does not know what the local community can expect or ask of the Council to do when they meet the guidelines. He expressed surprise in regard to the expressed feeling of the various departments' not cooperating with neighborhoods. He stated that he is of the opinion that there is an effort on the part of Neighborhood Services, the RPA and others to work with neighborhoods; that it might not involve the individual they might want to work with, but it is his thinking there is a concentrated effort.

GARY BALL (CONTINUED)

Chairman Hakeem stated this Council and Mayor are very interested in neighborhoods, which is visible by the monies and manpower invested in the redevelopment of neighborhoods.

Mr. Ball stated that he was not saying they are not working with the neighborhoods or attempting to do so; that there is a serious breakdown in coordination between one agency to another agency in bringing items of concern to the proper agency, and then having that agency interact with the community; that that is the point he wished to make and was not saying they do not do anything to cooperate. He made reference to their non-involvement on the matter approved this evening because RPA never sent any information to the organization what Mr. Harless was going to do. He stated that someone has to step forward and send information and the only way is to spend time on it as opposed to looking at fine print in the newspaper. He stated that is the only thing he was implying; that if you want interaction between leadership and agencies there must be a way to hone through this data. He stated that he does not want to go away with the Council thinking he was saying what Chairman Hakeem spoke, as he was not.

Mrs. Hammonds stated that Admin. Curry and Chief Dotson have worked in a "super" capacity within the community.

Councilman Littlefield stated that he does not want to belabor the matter and expressed appreciation for Mr. Ball's concern about the neighborhood and stated that his answer as to whether he likes his view is "no". He asked Mr. Ball if he was still a resident of Dade County, Georgia? Mr. Ball responded "yes".

Councilman Littlefield stated he drives in every day from Brainerd and sees the tower; that he felt it was an abomination then and now. He stated that he was a member of the first regulations board of cell towers; that he wrote and proposed adoption of the first regulations on cell towers. He stated up until then we were erroneously told federal law protected cell towers; they do have certain protection but not absolute protection. He stated when he was in Walker County, Georgia, the attorney was asked to research and include the setback provisions to indicate that the setback was not only from structures and houses, but also from adjacent property owners and dealt with the same attorneys and lawyers down there. He stated if it were right to erect a tower, which could fall on someone else's property, they would have to acquire an easement and get the adjacent property owner to sign off.

GARY BALL (CONTINUED)

Councilman Littlefield stated that he would like to see if that could be done in Chattanooga when cell towers are erected. He stated at one time the matters came to the Council and that has been changed, as it is an administrative matter handled without the Council's knowledge or necessary approval. He stated he would have voted against both (towers), as he does not like the one on Brainerd Road.

Mr. Pace stated there is language being drafted to do what Councilman Littlefield suggested about setback requirements on cell towers, which should be before the Planning Commission on next Monday and before the Council next month. He stated there is some protection on the setback requirements; that right now the only time it goes before the Board of Appeals is if it is on residential property; that if it is commercial it goes to the Staff for approval by the building department. He stated there is an effort to "tighten up" regulations; that they are trying to encourage use of tall structured buildings.

Councilman Taylor stated another issue Mr. Ball raised was in regard to mailings to residents.

Mr. Pace stated that RPA definitely tries to mail out to neighborhood associations; that they cannot guarantee that the neighborhood will be notified, however they do try to keep in touch with Neighborhood Services regarding an area to have the name and address of the neighborhood association. He stated there are some 120+ neighborhood associations in Chattanooga and there are only 20 staff persons to deal with this at the RPA. He stated they are stretched very thinly and try to attend the different neighborhood functions and provide the best service they can. He made reference to the long workdays that sometime begin at 7 a.m. and end around 8:30 p.m. that occur two-or-three times a week. He reiterated that the staff tries to attend as much as they can and sometimes they miss an activity; that the overall effort is to do their very best.

Councilwoman Robinson stated that she would like to make sure all permits that are issued for towers include a provision that when the tower is not in use they are to remove it. City Attorney Nelson stated that that provision is in the Ordinance, now.

PASTOR OVERSTREET

Pastor Overstreet stated that the City is operating under the best Mayor he knows and expressed thanks to the Council for openly welcoming him and Pastor Battle. He announced that on the first Saturday in September an event would take place at the Memorial Auditorium that he and his wife host each year. He stated at that time they will donate \$100,000 to assist needy children in Chattanooga with their education in their pursuit of academics, regardless of race. He extended an open invitation to all City officials and stated that he and Mrs. Overstreet plan to use the lottery system until the \$100,000 is exhausted.

Chairman Hakeem commended Rev. Overstreet for hosting such a noble cause.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, January 15, 2002 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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