

**City Council Building
Chattanooga, Tennessee
January 15, 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 by Chairman Hakeem, City Attorney Nelson gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

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

CLOSE AND ABANDON

MR-2001-041: Parkridge Hospital

On motion of Councilman Page, seconded by Councilman Pierce,

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

CLOSE AND ABANDON

MR-2001-041: Oak Park Town Center

On motion of Councilman Page, seconded by Councilman Lively,

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

CLOSE AND ABANDON

MR-2001-137: Henry Luken, III

On motion of Councilman Franklin, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY NORTHWEST FROM THE 1300 BLOCK FO CENTRAL AVENUE, 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 Franklin, seconded by Councilman Benson, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2001-147: Intech Properties, LLC

On motion of Councilman Lively, seconded by Councilman Page,

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, TENNESSEE TO RETAIN THEIR RESPECTIVE EASEMENTS

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

CHANGE RIGHT-OF-WAY NAME

2001-192: City of Chattanooga

On motion of Councilman Franklin, seconded by Councilman Page,

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

REZONING

2001-201: Pro Properties, GP

Councilmen Lively and Benson made the motion and second to substitute the amendment to this Ordinance; the motion carried.

REZONING (CONTINUED)

On motion of Councilman Lively, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1346 HICKORY VALLEY ROAD MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

LIFT CONDITION NO. 1 IMPOSED IN ORDINANCE NO. 10546

2001-202: Pro Properties, GP

Councilmen Lively and Page made the motion and second to substitute the amendment to this Ordinance; the motion carried.

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

REZONING

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

Councilmen Franklin and Robinson made the motion and second to substitute the amendment to this Ordinance; the motion carried.

REZONING (CONTINUED)

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

REZONING

2001-108: Jeff Carmack & Ed Smith, J & E Holdings

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

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

REZONING

2001-213: City of Chattanooga

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

ADOPT NEW CODE

City Attorney Nelson stated that a copy of the new Code is in the Clerk of the Council's Office. He indicated that one change will be made prior to next week involving completion of the index, adding a few more pages and then it will be ready.

On motion of Councilman Littlefield, seconded by Councilman Lively,
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
 passed first reading.

ADOPTION OF UPDATED CODIFIED VERSION OF THE ZONING ORDINANCE

City Attorney Nelson indicated that a copy of the new version is in the Clerk of the Council's Office.

On motion of Councilman Benson, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, RELATED 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 DECEMBER 31, 2001, AND APPROVING OTHER CHANGES NECESSARY FOR CLARIFICATION OF CERTAIN STANDARDS AND TERMS, AS SHOWN ON THE RE-CODIFIED ZONING ORDINANCE, DATED DECEMBER 31, 2001
 passed first reading.

REZONING

2001-205: Arthur Yother

The applicant was present; there was no opposition.

REZONING (CONTINUED)

Jerry Pace, Director of Operations with the Regional Planning Agency, stated that this request was deferred from last week for an opportunity to look at the history of the property. He stated the property was zoned commercial when it was a part of the county and when it was annexed into the City there was a temporary and permanent zoning for R-1 single family. He stated the reason for the R-1 zoning is that there is a creek that runs through the area and the area above the creek was also zoned C-2, where the City cut off the recommendation for commercial zoning. He stated this was a vacant piece of property with a billboard located on it and the recommendation was that the property be left in the R-1 zone to be contiguous with the R-1 to the south of Boy Scout Road. He stated the Staff made the recommendation to defer this case until the study was complete for this area; however, when the Staff was asked to look at the site again, it was determined that the area is isolated from the other area of the study and it was the opinion that it more than likely should be zoned commercial. He stated the property is virtually unusable for a lot of uses because of the sewer line and low drainage in the area. He stated the Staff is comfortable in making the recommendation for commercial at this time.

On motion of Councilman Benson, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO 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**

passed first reading.

REZONING

2001-211: Mike Price

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the East Brainerd area within the newly adopted plan for the Hamilton Place community. He stated the Plan indicates that this area is more suited for an office-type park if the property could be developed in that manner. He stated this case is one of the first and has gone through the process at Planning wherein the whole street is being rezoned to O-1 with several conditions attached to that subdivision. He stated the request comes to the Council with the recommendation to approve the O-1.

REZONING (CONTINUED)

Councilman Benson stated everyone in the community met on Friday and Sunday of last week and harmoniously worked out the conditions.

Mr. Pace indicated that the conditions agreed upon by the neighborhood would be added prior to second and third reading; that the conditions attached are somewhat different.

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**

passed first reading.

HIGH-SPEED RAIL CORRIDOR

Councilwoman Robinson stated Resolutions 7(a) and (b) were discussed in today's Parks and Recreation Committee wherein unanimous approval was given.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**A RESOLUTION AUTHORIZING THE MAYOR TO JOIN OTHER STATE AND
 LOCAL GOVERNMENTS OF THE MID-SOUTH REGION IN FUNDING A
 STUDY CULMINATING IN AN APPLICATION TO THE FEDERAL RAILROAD
 ADMINISTRATION FOR DESIGNATION AS A HIGH-SPEED RAIL
 CORRIDOR**

was adopted.

CONTRACT: RIVERCITY COMPANY

On motion of Councilman Lively, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS,
 RECREATION, ARTS & CULTURE TO EXECUTE A CONTRACT, JOINING
 WITH RIVER CITY COMPANY, WITH HARGRAVES & ASSOCIATES FOR
 ARCHITECTURAL AND PLANNING SERVICES ON A CONCEPTUAL
 MASTER PLAN FOR THE ROSS'S LANDING RIVERFRONT AREA, AT A
 COST TO THE CITY NOT TO EXCEED ONE HUNDRED TWENTY-FIVE
 THOUSAND AND 00/100 DOLLARS (\$125,000.00)**

was adopted.

MORATORIUM ON CERTAIN REZONING AND BUILDING PERMITS

Councilman Littlefield stated this matter was discussed at some length in today's Parks and Recreation Committee with attorneys and Staff of Planning present and was unanimously approved.

On motion of Councilman Littlefield, seconded by Councilman Benson,
A RESOLUTION DECLARING A MORATORIUM ON CERTAIN BUILDING PERMITS UNTIL MARCH 13, 2002, SO AS TO PERMIT RE-EXAMINATION AND POTENTIAL AMENDMENTS TO THE ZONING ORDINANCE RELATIVE TO THE LOCATION OF COMMUNICATION TOWERS IN COMMERCIAL AND INDUSTRIAL ZONES

was adopted.

OVERTIME

Overtime for the week ending January 11, 2002 totaled \$106,753.24.

PERSONNEL

The following matters were reported for the Chattanooga Human Services Department:

PAUL GEARINGER – Retirement (30+ years of service), Director of Social Services, Social Services Division, effective December 31, 2001.

JOANN SHROPSHIRE – Retirement (30+ years of service), Senior Accounting Clerk, Fiscal Division, effective December 31, 2001.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Lively, the following purchase was approved for use by the Chattanooga Human Services Department:

KAPLAN COMPANIES, INC. (Best bid)
Requisition R0058165/B0000648

Educational Books, Games, Toys (Head Start Division)

\$17,372.53

PERSONNEL

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

RUBY FARMER – Return from Family Medical Leave, Office Assistant, Citywide Services, effective January 2, 2002.

ROBERT SAYLORS – Suspension (3 days without pay), Citywide Services, effective January 22, 23, 24, 2002.

EUGENE B. JACKSON – Retirement, Crew Worker Senior, Traffic Operations, effective January 31, 2002.

ROBERT HARALSON, JR. – Voluntary Demotion/Transfer, Light Equipment Operator, Citywide Services, Pay Grade 5/Step 8, \$25,394.00 annually, effective January 30, 2002.

PERSONNEL

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

MICHAEL L. REED – Retirement (25+ years of commendable service), Resource Chief, effective December 28, 2001.

FRANK L. RAYMORE – Retirement (25+ years of commendable service), Commander, effective January 28, 2001.

WENDELL ROWE, RONALD GRIFFITH – Retirement (both with 25+ years of commendable service), Captain, effective December 28, 2001.

JOHN B. GROSS – Retirement (25+ years of commendable service), Senior Firefighter, effective December 28, 2001.

HOTEL PERMIT

On motion of Councilman Franklin, seconded by Councilwoman Robinson, the following hotel permit was approved:

ADAMS HILBORNE MANSION INN – 801 Vine Street, Chattanooga, TN

PERSONNEL

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

SABRINA HERNDON – Resignation, Network Technician, effective January 18, 2002.

REFUNDS

On motion of Councilman Pierce, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds for stormwater fees:

DONALD GRACE – Map No. 101G-B-053, \$2,235.61

KENNETH FORREST – Map No. 108D-B-003.49, \$1,209.71

CAROLINE ELIAS – Map No. 118N-D-003, \$2,117.36

WILLIAM LUSK – Map No. 136H-L-010, \$1,526.73

TIMOTHY BRACEGIRDLE – Map No. 149A-C-007.03, \$1,036.96

JOHN LANDERS – Map No. 149A-C-007.49, \$1,065.62

GREG NEWSOM – Map No. 149O-D-025, \$1,400.93

BRENT WALKER – Map No. 159F-A-030.01, \$1,055.06

MARK WERNER – map No. 159J-E-025.37, \$1,566.36

MARK HITE – Map No. 159J-E-042, \$1,679.58

PAMELA THOMAS – Map No. 159N-C-005.16, \$1,014.72

STEVE WORLEY – Map No. 109M-J-002, \$1,029.82

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following purchase was approved for use by the Department of Finance, Purchasing Division:

EAST RIDGE PRINTING (Lowest and best bid)
Requisition R0056110/P0016988

City-wide Printing Services

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

BOARD APPOINTMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin, the following board appointment was approved:

BEER BOARD:

--Appointment of **S. FORD IRWIN**, representing District 6, for a term expiring January, 2005.

PERSONNEL

The following personnel matters were reported for the Personnel Department:

JUDY MCDOWELL – Retirement, Benefits Coordinator, effective December 31, 2001.

GAYLE SIMPKINS – Retirement, Personnel Assistant, effective December 31, 2001.

PURCHASE

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

UNUMPROVIDENT (Lowest and best bid)
Requisition R0060101

Long Term Disability Insurance Coverage

\$0.375 per \$100 (50% paid by Pension System)

INSURANCE RENEWAL

On motion of Councilman Franklin, seconded by Councilman Lively, the Personnel Department was authorized to renew the City-wide Property Insurance:

ALLIANZ INSURANCE COMPANY **THROUGH THE CITY'S BROKER, A.J. GALLAGHER**

The premium will be \$137,388.00 with property being insured at \$294,942,370.00. The term of the renewal will be January 13, 2002 – January 13, 2003

COMMITTEES

Councilman Littlefield stated a meeting of the **Legal and Legislative Committee will be held on Tuesday, January 22 at 3 p.m. in the City Council Assembly Room** to allow representatives of the neighborhood and cellular industry to have an initial hearing on this matter.

Councilman Franklin reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, January 22 at 4 p.m.**

DISTRICT 9 COMMUNITY WALK

Michael Lofton of the Tennessee-American Water Company stated that he and Councilman Taylor have been working together on this Saturday's walk in District 7 representing the schools within that district. He stated part of the walk is to go from door-to-door talking with people in the neighborhood to encourage greater parental involvement in schools. He stated most educators and Council members will agree that parental involvement is vital to good performance by students and schools; that the whole point is to get more parents and people who may not have children in schools but interested in the future of children to volunteer and help however they can. He stated that Council members are welcome to attend and participate.

Councilman Taylor interjected that the walk is scheduled to begin at 11 a.m., leaving from the Piney Woods Resource Center (701 Hooker Road).

COUNTY COMMISSIONER WILLIAM COTTON

The presence of County Commissioner William Cotton was acknowledged at this time, along with his staff assistant. Councilman Taylor asked if the Commissioner plans to join the Walk on Saturday, to which he responded "yes".

ANN WADLEY-ASBERRY

Councilman Pierce acknowledged the presence of Ann Wadley-Asberry of the Chattanooga Housing Authority Board.

TAX EQUITY BLUE RIBBON COMMITTEE

Councilman Page stated the Tax Equity Blue Ribbon Committee met this past week and are well on their way studying the issue regarding tax equity.

HIXSON PLAN

Councilman Page stated that the Hixson plan is under way and indicated that a Charrette is planned for the first part of February.

RAYMOND HASSLER

Raymond Hassler stated back in December he had a zoning matter requesting a change on Highway 153 that was postponed due to the proposed Hixson Plan. He stated last week a request was rezoned from C-2 to C-1 for a hotel and another site for commercial that is located a mile down the road from his property was approved tonight. He stated that he really needs his property rezoned and does not understand why he has to wait. He asked the Council to explain.

Chairman Hakeem explained to Mr. Hassler that his property is located in the middle of the area that is under study.

Mr. Hassler stated that he is in the middle of the zoning approved on Northpoint Boulevard and the one tonight near Boy Scout Road.

Chairman Hakeem stated that the matter would not be debated tonight and asked Mr. Pace to respond to Mr. Hassler; that the zoning approved tonight was not in the same area.

RAYMOND HASSLER (CONTINUED)

Mr. Hassler continued by stating that "both are"; that they are inbetween Grubb Road and Boy Scout Road on 153 like his property.

Councilman Lively stated as a matter of explanation every situation is different. He stated he and Councilman Page met with the planners today who are involved in the Hixson Plan that will come before the Council with their recommendations of those that will fall into the correct zoning in an effort to keep people from having to wait until the entire plan is through. He stated they are trying to follow a plan of approach and be fair to everyone, reiterating that every situation is different.

Councilman Page stated that this is not the same situation as the zoning previously. He reiterated Chairman Hakeem's appeal that the matter not be debated and allow Mr. Pace to communicate with Mr. Hassler. Councilman Page indicated that he would also be happy to respond.

Mr. Hassler continued an attempt to speak; at this point Chairman Hakeem informed him that Mr. Pace should be given an opportunity to discuss the matter with him (Hassler) and explain. He asked Mr. Pace to provide an explanation to Council persons in the affected area to see if we are being consistent, reiterating that the matter would not be debated tonight.

At this point, Mr. Hassler expressed thanks to the Council.

Councilman Benson asked if the property zoned tonight was originally C-2 and the request was to go back to the zone? He stated the property had been down zoned and it is his opinion the reason for the down zone was due to property management. Mr. Pace responded "correct".

Councilman Benson stated that the other request was commercial and somewhere was "flipped" to R-1. Mr. Pace corrected Councilman Benson by indicated that the other was C-2, also.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, January 22, 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)**