

**City Council Building
Chattanooga, Tennessee
February 26, 2002**

Vice Chairman Littlefield called the meeting of the Chattanooga City Council to order with Councilmen Benson, Franklin, Lively, Page, Pierce, Robinson, and Taylor present. Chairman Hakeem was absent due to another commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Vice Chairman Littlefield gave the 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.

CLOSE AND ABANDON

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING PLATTED
ROADS AND ALLEYS LOCATED NORTHEAST OF THE
4800 BLOCK OF EAST 49TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND 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 Lively, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2002-16 (Martin Redish)

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 TRACTS OF LAND LOCATED AT 420 AND 430 THOMPSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2002-17 (Thomas A. Austin)

Mr. Pace of the Planning Staff stated that he and Councilwoman Robinson had had a meeting with Mr. Austin, and he had stated that he would like to have this case withdrawn. He was asked to send a letter to that effect, which has not been done; however Mr. Pace stated that Mr. Austin's absence at the meeting tonight shows that he wishes to continue with the withdrawal.

Councilwoman Robinson added that she did receive a message from Mr. Austin that he was working on one last attempt to resolve this. She, too, felt that his absence tonight signifies his wish to withdraw.

On motion of Councilwoman Robinson, seconded by Councilman Page,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 910 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

was withdrawn.

CLOSE & ABANDON

MR-2001-200 (Riverbluff, LLC)

Councilman Franklin stated that this came before the Public Works Committee meeting with recommendation for approval.

On motion of Councilman Franklin, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING THE 700
BLOCK OF MARIETTA STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2002-007 (Melvin Sutton for Thelma Renner)

Pursuant to notice of public hearing, the request of Melvin Sutton for Thelma Renner to rezone a tract of land located at 4261 Shallowford Road came on to be heard.

Attorney Flossie Weill was present representing the Estate of Thelma Renner. There was no opposition present.

Ms. Weill stated that she represented the Estate of Thelma Renner, who was deceased. On behalf of the estate, she was asking that the Council approve this Ordinance.

Councilman Benson stated that this property should very likely be C-2 Zoning, but specifically there was no land site plan and there seemed to be nothing in mind, and they were asking for the rezoning first.

Ms. Weill responded that this property had been on the market for three years and interest had been shown by certain entities such as a church and a warehouse structure, and this would be suitable for either of these uses.

Councilman Benson still maintained that this was speculative at this point; that it was standard procedure before a developer makes an offer contiguous on rezoning that we have a site plan.

REZONING (CONT'D)

Ms. Weill responded that this was an alternative method and that it was up to the Council.

Councilman Benson still maintained that it was the Council's policy to not act on anything of a speculative nature.

Mr. Pace pointed out that a warehouse would not be permitted in this zone; that a church could locate under any zone but not a warehouse.

Councilman Benson verified that a Site Plan was required for the property across the street.

Councilman Pierce asked to address the Site Plan issue, stating that he knew we asked for Site Plans on various cases; however, adding, that he did not know if this was mandatory; that if we ask for one in some cases that we need to ask for one in all cases; that if we want to make this a policy that he is not against this.

Vice Chairman Littlefield stated that Mr. Pace could speak to this; that Councilman Benson was on the Planning Commission and also the City Attorney might wish to address this.

Mr. Pace stated that there was no written policy requiring a Site Plan; that since this Council came into being, it had been more appropriate to require a Site Plan; that Planning did like to have a Site Plan because they felt it certainly helped the Zoning case; however there was no written policy requiring one.

Councilman Benson stated that he saw a problem with this; that if rezoning is accomplished before a Site Plan is in place, then the Council has no opportunity to impose any conditions such as buffers; that this opens up exposure to adjacent lands and a "pig in a poke" can be harmful to the surrounding area.

Mr. Pace agreed that in this case the residential area behind could be affected and that we have no mechanism for imposing conditions without a Plan.

REZONING (CONT'D.)

Councilman Franklin stated that this was in his district, and he had had conversations with the new property owners shortly after our last meeting. He mentioned a scenario right across the street where there is a large parcel of land, and the Council has been consistent in asking for some sort of idea as to what property would be used for. He stated that he knew if this was zoned commercial that it would make it more saleable, but we still need a Site Plan to make sure that the use does not conflict with the character of the neighborhood, and this was the way that we had governed ourselves up to this point, and he hoped we would stay in tune with this; that when the area takes shape, it needs to be advantageous to the whole community, and the neighbors want to have some idea and to play a part.

Councilman Franklin went on to say that he would love to have something nice to go in this spot and to get it sold, but there are some estate matters that need to be resolved. He explained to Ms. Weill that it did not look like she would get a favorable vote tonight and that he could not in good conscience vote tonight without neighborhood input, and he urged her at this particular time to withdraw, reiterating that he did not think she would get a favorable result tonight, and if it were turned down, she would have to wait another nine months. He added that if she withdrew, she might be able to solicit a serious buyer for something that would be good for the area. He urged her not to put a hardship on the owner by not getting a favorable vote tonight, adding that there were things that this Council did not have a grasp of. He again asked her to withdraw and bring it back within a few weeks.

Councilman Taylor echoed what Councilman Franklin had said and recommended that this be withdrawn; that if the Council rezones property to improve the chances of a sale, then we will have set a precedent in this manner, and it would have to be continued; that everyone would want to change their zoning to get more money.

Councilman Pierce stated that he did not want the Council to think that he was opposed to asking for land plans; that we just need a policy in place to eliminate this kind of discussion; that we can give the Planning Staff and Commission the opportunity to inform applicants that we need a land plan, and this will save our citizens money. He stated that this was the reason that he raised the issue.

REZONING (CONT'D.)

Councilman Franklin suggested that this be looked at in a Legal and Legislative Committee meeting.

Councilman Benson suggested that when people apply for rezoning that they be advised to do this properly; that we need a Plan to know what kind of conditions need to be placed on property.

Councilman Pace stated that they were working on an amendment to the Ordinance that would require a Site Plan before it comes before the Council. He went on to say that they do advise applicants and give professional advice on how property should be developed; however, he stated, they can't prevent applicants from asking for a zoning change; that they can give them good advice, but they have to accept their applications.

Vice Chairman Littlefield acknowledged that he knew Ms. Weill understood zoning because he had worked with her on cases in 1974. He stated that he was not prepared to make a decision and did not feel inclined to approve this without a Site Plan. He explained to her that this could be withdrawn, tabled a week, or denied tonight.

Ms. Weill asked that they be allowed to withdraw and to bring this back.

Councilman Taylor asked in regards to Site Plans if we had anything in place to prevent someone from bringing in a "dummy" or fake plan. Vice Chairman Littlefield stated that the Council would review the Plan. Councilman Pierce noted that Councilman Taylor was talking about if we did not know that it was fake. Vice Chairman Littlefield stated that in this case a person would have other issues to deal with.

Attorney Nelson stated that if the Council puts conditions on cases, we have a mechanism; that if we adopt without conditions, there is nothing to hold an applicant to his story; that with a Site Plan, zoning can be Conditional Zoning, which is a good thing; that Contract Zoning is illegal and bad.

REZONING (CONT'D.)

On motion of Councilman Lively, seconded by Councilman Page,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4261 SHALLOWFORD ROAD MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was withdrawn.

DEED(ENGEL STADIUM TO UTC)

Councilwoman Robinson noted that this matter came before the Parks and Recreation Committee earlier in the day and at this time recognized the presence in the audience of Vice Chancellor Richard Brown of the University. She stated that this was a good conveyance and would assure the preservation of this historic structure.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO EXECUTE A DEED CONVEYING THE ENGEL STADIUM COMPLEX, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA, AND AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO SIGN ALL NECESSARY DOCUMENTS TO FACILITATE THIS CONVEYANCE
was adopted.

It was noted that Resolutions (b), (c), (d) and (f) came before the Public Works Committee with a recommendation for approval.

NAME CHANGE RESO.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**A RESOLUTION AMENDING RESOLUTION NO. 23124,
ADOPTED SEPTEMBER 18, 2001, BY DELETING THE
NAME "DAVID F. MOORE" AND SUBSTITUTING IN LIEU
THEREOF THE NAME "MAURA PHILLIPS"**
was adopted.

CONTRACT CHANGE

On motion of Councilman Franklin, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE EXECUTION OF
CHANGE ORDER NO. 1, RELATIVE TO THE MARKET
STREET AND 13TH STREET STREETScape PROJECT,
CONTRACT NO. SS-3-01, WITH RAINES BROTHERS,
INC., WHICH CHANGE ORDER INCREASES THE
CONTRACT AMOUNT BY SIX THOUSAND NINE
HUNDRED SIXTY-EIGHT AND 13/100 DOLLARS
(\$6,968.13), FOR A REVISED CONTRACT PRICE OF ONE
MILLION THREE HUNDRED SIXTEEN THOUSAND FIVE
HUNDRED NINETY-FOUR AND 60/100 DOLLARS
(\$1,316,594.60)**
was adopted.

TEMP. ROW USE

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING JIM CHAPIN TO USE
TEMPORARILY THE CITY'S RIGHT-OF-WAY BETWEEN
CUMMINGS COVE AND OUTLOOK LANE TO INSTALL A
STURCTURE TO HOUSE A SECURITY CAMERA,
SUBJECT TO CERTAIN CONDITIONS**
was adopted.

CONTRACT AMENDMENT

On motion of Councilman Taylor, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF COMMUNITY SERVICES TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH THOMAS E. SMITH OF MCKOON, BILLINGS & GOLD, RELATIVE TO CONSULTING SERVICES AND THE PREPARATION OF A TAX UTILIZATION PLAN FOR THE RENEWAL COMMUNITIES, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00) WITH SAID FUNDS TO COME FROM THE COMMUNITY DEVELOPMENT FUND

was adopted.

PROPERTY PURCHASE
338 MARKET STREET

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 338 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM MIRIAM T. WISE, RELATIVE TO ADDITIONAL RIGHTS-OF-WAY FOR THE FOURTH STREET BOULEVARD PROJECT, PROJECT NO. RW-1-01, FOR A TOTAL CONSIDERATION OF FOUR HUDNRED, NINETY-FIVE THOUSAND DOLLARS (\$495,000.00), PLUS AN ADDITIONAL AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00) FOR ATTORNEY FEES AND CLOSING COSTS

was adopted.

OVERTIME

Overtime for the week ending February 22, 2002, totaled \$100,452.75.

PERSONNEL

The following personnel matter was reported for the Public Works Department:

JO ANN STEVENSON—Return from Compulsory Leave of Crew Worker, effective 2/20/02.

PURCHASES

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

FLASHER & BARRICADE SERVICE (Lowest and best bid)
Requisition No. R0053298/P0017047

Requirements Contract

\$.27/Day

ADS ENVIRONMENTAL SERVICES (Single Source Supplemental Purchase)
Requisition No. R0059559/P0017076

Flow Meter

\$18,250.00

S.O.S INC. (Single Source Purchase)
Requisition No. R0059700

Chlorination Equipment Replacement Parts

\$26,450.00

LORD AND COMPANY (Only bidder meeting specs.)
Requisition No. R0059572/P0017084

Onsite Maintenance and Repair of Motorola MOSCAD System at Wastewater Treatment Facility

\$60,400.00

REFUNDS

On motion of Councilman Franklin, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refunds for Stormwater Overpayment for tax year 2000:

REED ENTERPRISES—Bill No. 47571, \$1,680.80

AMERICAN MATERIALS TECHNOLOGIES—Bill No. 923, \$5,581.60

COMMITTEES

Attorney Nelson noted that there is a Legal and Legislative Committee scheduled for next week and stated that there should be meetings on a weekly basis at 3:00 P.M. until the Charter issue is resolved. Vice Chairman Littlefield asked that these meetings be placed on the Committee Agenda.

Councilman Franklin reminded everyone of the **Public Works Committee** scheduled at **4:00 P.M. on Tuesday, March 5th**.

Councilwoman Robinson stated that she would like to report on Mayor Corker's attendance at the **Parks, Recreation, Arts and Culture Committee meeting** held earlier in the day. She stated that he gave an update on several items, including a hotel-motel tax, which is levied in other cities. Hamilton County already has this tax, and it is in the early stages of discussion. The second item was the Airport Authority, and the plans to streamline that organization by reducing the number of members from 11 to 9 with three-year appointments, creating a rotating board. The third item focused around a situation that UTC is facing with students who reside in bordering counties; they are out of state and in some instances not able to attend the University. Northwest Georgia students will be permitted to attend the University as in-state students, which will boost the enrollment and revenue for the University and discussions are ensuing.

ADJOURNMENT

Vice Chairman Littlefield adjourned the meeting of the Chattanooga City Council until Tuesday, March 5th at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

