

**City Council Building
Chattanooga, Tennessee
October 8, 2002
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTIONS 24-111 THROUGH 24-116, RELATIVE TO THE
TRAFFIC UNIT OF THE CHATTANOOGA POLICE DEPARTMENT**
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.

CLOSE AND ABANDON

MR-2002-016: City of Chattanooga

On motion of Councilman Lively, seconded by Councilman Hakeem,
AN ORDINANCE CLOSING AND ABANDONING SANITARY SEWER AND SEWER EASEMENTS ON ALL LOTS FROM GULF STREET TO HOLTZCLAW AVENUE BETWEEN MAIN STREET AND 14TH STREET, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed second reading. On motion of Councilman Benson, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE NO. 11285 AND SET FORTH INTERCEPTOR SEWER SYSTEM BUDGET

Councilman Hakeem stated the request has been made to defer Ordinances 6(a) and (b) one week.

Admin. McDonald stated that the Chattanooga Manufacturer's Association has requested that the matters be delayed one week.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 11285, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, AND ENDING JUNE 30, 2003, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b); ADD SECTION 6(c); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM
was tabled one week.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-41 AND 31-43, RELATIVE TO SEWER SERVICE CHARGES AND FEES
was tabled one week.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 3, ARTICLE X, SECTION 3-102(b), RELATIVE TO SIGNS**
passed first reading.

AMEND CITY CODE

On motion of Councilman Page, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 10, ARTICLE II, SECTION 10-23, RELATIVE TO ENGINEERING
PLANS REVIEW AND FEES**
passed first reading.

AMEND CITY CODE

There was no one present in opposition to this amendment.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 18, ARTICLE III, SECTION 18-49, RELATIVE TO GARBAGE
SERVICE FEES FOR VETERINARY CLINICS**
passed first reading.

AMEND CITY CODE

There was no one present in opposition to this amendment.

On motion of Councilman Benson, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 32, ARTICLE III, SECTION 32-64, RELATIVE TO EXCAVATIONS
AND RESTORATION OF PAVING**
passed first reading.

CLOSE AND ABANDON

MR-2002-134A: Chris Farris – Parkridge Hospital

There was no one present in opposition.

CLOSE AND ABANDON (Continued)

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED,
UNOPENED ALLEY LOCATED BETWEEN THE 200 BLOCKS OF WATKINS
STREET AND DERBY STREET, 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-2002-134B: Chris Farris – Parkridge Hospital

There was no one present in opposition.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED,
UNOPENED ALLEY LOCATED ON THE SOUTHWEST LINE OF THE 100
BLOCK OF NORTH KELLEY STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE**
passed first reading.

LIFT CONDITIONS

2002-151: Temple Baptist Church

Pursuant to notice of public hearing, the request of Temple Baptist Church to lift conditions imposed in Ordinance No. 8841 on property located at 3204 Clio Avenue came on to be heard.

There was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, SO
AS TO LIFT CONDITIONS IMPOSED IN ORDINANCE NO. 8841 ON
PROPERTY LOCATED AT 3204 CLIO AVENUE, BEING MORE
PARTICULARLY DESCRIBED HEREIN**
passed first reading.

REZONING

2002-152: Waymon Oliver

Pursuant to notice of public hearing, the request of Waymon Oliver to rezone a tract of land located at 104 East 38th Street came on to be heard.

The applicant was present; there was no opposition.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this request is located in the Alton Park community along 38th Street. He stated the request is for an office and equipment storage and the applicant is remodeling an existing home. He stated there is residential zoning around the area with some C-5 and industrial zoning along Doris and Central Avenue on the south side of 38th Street; that the remainder is R-2 duplex zoning. He stated the Staff recommended denial of the request as it was felt this is not an appropriate use within this residential area even though there is M-1 and C-5 nearby. He stated the Planning Commission recommended approval subject to conditions.

Waymon Oliver stated that he has four trucks and the change is being made so that he could enter from the alley; that he wants to improve the looks of the existing structure.

Councilman Taylor stated that he has concerns regarding this; that he did see the site and the zoning change request sign. He asked if he is presently parking the trucks at this site.

Mr. Oliver stated that he has four trucks in the rear, three pick-ups and one half-ton truck.

Councilman Taylor stated that the community is working through revitalization and he has major concerns regarding this. He apologized to Mr. Oliver for not conversing with him prior to this evening.

Councilman Benson asked Mr. Pace to read the conditions and noted that the Staff recommended denial.

Mr. Pace stated that the conditions reflect that the site is to be used for the proposed use as an office and equipment storage only and that all easements are retained. He stated this request is not in compliance with the Alton Park Plan.

REZONING (Continued)

Councilman Benson stated that was the problem; that it is his belief the matter was hotly debated with regard to violating the Plan. He stated people in the community were involved in the development of the Plan and Councilman Taylor realizes the seriousness when a plan is breached and what it does in "tipping" over other violations.

Councilman Pace stated that there was a presentation in Committee today of the HOPE VI plan that would support denying this because of the development of residential along this area.

Councilman Benson stated as a member of the Planning Commission he dissented from the vote.

Councilman Taylor stated there is a plan in place and the Alton Park community is going through revitalization. He stated it is very imperative that we adhere to the plan in order to make this project feasible and viable. At this point he **made the motion to deny the request; Councilman Benson seconded the motion.**

Councilman Franklin asked if the applicant is already operating at this location. Mr. Oliver responded "yes"; that he has been there for the past fifteen years.

Councilman Franklin asked if he was operating the same type business all that time. Mr. Oliver responded "yes".

Councilman Franklin then asked Mr. Oliver if he was involved in the planning process for the Alton Park plan. Mr. Oliver responded "no"; that he did not know anything about it. He stated he wanted to make the change to commercial and that is when he found out about the zoning. He stated he was told he had the wrong plan and was told to request M-1 and that is all he knows. He stated there is only one house next to him and a club on the other side that is already commercial.

Councilman Franklin asked Mr. Oliver if he understands that the M-1 zone is for a manufacturing-type zone.

Mr. Oliver responded that he might have the wrong zoning; that he was told at Planning that this is what he should have.

REZONING (Continued)

On motion of Councilman Taylor, 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 104 EAST 38TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT
INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
was denied.

REZONING

2002-158: Jack and Tina Johnson

Pursuant to notice of public hearing, the request of Jack and Tina Johnson to rezone a tract of land located in the 1600 block of North Joiner Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Hamilton Mall community and is part of the recently adopted plan. He stated the request is to rezone the property from R-1 to R-4 to join with the R-4 part of the property facing Gunbarrel to complete the development. He stated the remainder would be left R-1 since this property does not go from Gunbarrel to Joiner; that it was felt leaving the R-1 buffer along Joiner Road with no access to North Joiner still meets the spirit of the plan to keep this as a residential street. He stated there are thirteen conditions and the applicant has met with the community and Councilman Benson. He stated the applicant and the community have agreed upon the conditions and approval is recommended.

Councilman Benson stated this applicant met with the entire community in a church on Joiner Road. He stated the community has no objections to this change as it is felt it is better than the original plan.

Chairman Littlefield stated this is similar to the solution in Councilman Hakeem's district.

Councilwoman Robinson inquired as to which version Mr. Pace is referencing. Mr. Pace responded "Version C".

REZONING (Continued)

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 1600 BLOCK OF NORTH JOINER ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE AND R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**
passed first reading.

REZONING

2002-161: Robert Humble

Pursuant to notice of public hearing, the request of Robert Humble to rezone a tract of land located at 2307 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this requested is located on Gunbarrel Road and complies with the Hamilton Plan. He stated this is located on the north side of Shallowford with O-1 zoning at the intersection of Shallowford and Gunbarrel. He stated the plan calls for an office zone in this area and the Planning Commission and Staff recommend approval of O-1 to comply with the adopted plan.

Councilman Lively stated the applicant originally applied for R-4 and that he has known him for many years. He stated the applicant tells the truth about anything he does. He stated that he wanted the option to live on the property, which has been his home for 34 years. He inquired as to the reason for the R-4.

Councilman Benson stated that he (Humble) did want R-4 but it was in violation of the plan; that the applicant has agreed with the O-1 zone. At this point he **made the motion to approve O-1; Councilman Lively seconded the motion.**

The applicant, Robert Humble, responded affirmatively that he is in agreement with the O-1 zone. He stated that he originally wanted the R-4 and the reason was for the possibility of making a combination residence and office space. He stated for some reason this was not included as part of the original plan.

Councilman Benson stated that he told Mr. Humble that he would work with him. He stated this property is located in the triangle that created a lot of problems, which was part of his coming on the Council.

REZONING (Continued)

Councilman Benson stated people were skittish out there and there was too much anxiety over changes from the plan of "any iota" in this triangle and it was worked out. At this point he "called for the question".

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 2307 GUNBARREL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2002-162: James K. Glenn

Pursuant to notice of public hearing, the request of James K. Glenn to rezone a tract of land located at 1918 Rossville Avenue came on to be heard.

Mr. Pace stated this request is located in the Shepherd Heights community near Rossville Avenue, north of the interstate and Central Avenue area. He stated the request is for M-1 and the Staff made the recommendation to defer the request due to the downtown plan process, which should be completed within the next couple months. He expressed that he is not sure exactly what the recommendation will be, however, it is felt as in other areas of the community when plans are underway, it is better to defer to give the plan a chance. He reiterated that Staff made the recommendation to defer this case until the downtown plan is complete.

James Glenn stated that this request is just a clean up of the tip that is almost falling in the street. He stated he has the "blessing" of the community and does not know what would be accomplished by deferring the matter. He stated the property is not large enough to build on as it is only 40 X 120; that the retaining wall to the left side and back is already zoned M-1.

Mr. Pace stated the photos of this property are not available and suggested that the matter be deferred one week so that the photos could be presented. He stated the request is located in Councilman Pierce's district; that Planning made the recommendation to approve so that it could be sent on to the Council.

REZONING (Continued)

Councilman Pierce inquired as to whether Mr. Glenn has any plans for the property.

Mr. Glenn stated that he is working with CNE to do a joint-type venture; that Bob McNutt is working with him and he (Glenn) is in touch with the community. He stated that he would not be in town the next two weeks, reiterating that this property has no value except the front part; that it is the wish and desire of the community and CNE that the property be commercial. He stated the backside is already M-1 and this property is not that valuable to anyone. He again stated that no one could walk on the sidewalk because the stone wall has fallen into the street. He stated he has been maintaining the property for fifteen years and he has owned it for the past three-to-four years.

Chairman Littlefield asked what CNE plans to do in the M-1 zoning. Mr. Glenn stated they are working with him to see if they should explore the opportunity of doing some business/residential development. He stated there are four acres in this property and he maintains and cuts the alleys.

Chairman Littlefield stated the only reason he asked is that the property is obviously surrounded by M-1 and the only thing CNE cannot do in M-1 is housing and that is what CNE does.

Mr. Glenn stated that he probably should not have brought that up; that the perfect description of this property is that it is a "sliver". He stated he does not mind coming back but hates to revisit something not worth revisiting.

Councilman Pierce stated the Council tried a couple-three years ago for tax credit housing in this area and the neighborhood opposed clustered housing. He expressed appreciation in knowing CNE wants to work something out, but questioned the M-1 zoning. He stated that he does not see where Mr. Glenn would actually have any problem if CNE has some real plan for the property without coming here and speculatively saying CNE is "trying".

Mr. Glenn stated that he has had conversations with CNE; that this is just a "sliver" and nothing is there. He stated this is a clean up effort to get everything in that partial completely consistent and that is it.

Councilman Pierce made reference to the sidewalk and the fallen wall and stated when Mrs. Murphy owned the property there was a complaint about the wall falling. He stated the property is now in Mr. Glenn's possession and asked why the wall has not been cleaned up; that it is dangerous if people cannot get by the sidewalk.

REZONING (Continued)

Mr. Glenn stated he has done a lot over the last fifteen years and has put money and resources into the property. He stated he has an excellent corporate neighbor sponsoring his tournaments and he is the only one that does that. Councilman Pierce expressed appreciation for Mr. Glenn's efforts!

Councilman Taylor stated Mr. Glenn has indicated CNE is involved and that he is trying to clean up the property and clarified there are no immediate plans for the property at this time. Mr. Glenn responded, "That is true".

Councilman Taylor asked if deferral until the master plan is completed would help. Mr. Glenn stated as far as he was concerned the property can stay R-3; that whatever he does and builds could be put in commercial and can go right up to it.

Councilman Taylor asked Mr. Glenn if he plans to build on the site. Mr. Glenn stated he is trying to bring in a company that is in warehousing distribution that is out-of-town and hopes to have them move across the street on this property. He stated they are in the community now and have twenty-eight locations including one in Hawaii. He stated the company likes quiet neighborhoods and everything is done between 8 a.m. – 5 p.m. He stated they are going to move somewhere in Chattanooga and if he cannot accommodate them he would like to get a remnant in there on the front and leave the back alone for possibilities later for maybe housing.

Councilman Taylor stated he is now hearing warehousing and some housing. Mr. Glenn stated at some later date he would possibly request approval by the Design Center to do something of a business nature and housing opportunity to coexist in that area.

Councilman Taylor stated that Mr. Glenn should wait to make sure he gets the proper zoning.

Mr. Glenn stated that he would just have to make another trip downtown to pay more money if it is held up.

Mr. Pace stated from what he has heard from the applicant, it appears C-3 zoning would accommodate more of what he wants to do on the property. He stated the Southside plan has been adopted and at one time had a housing proposal from the Design Center for housing that would face the park just across the street to the north of this property.

REZONING (Continued)

Mr. Pace stated that there are mixed uses proposed for the area along Rossville Avenue and once the plan is final a better idea of what can be accommodated on the property to make it more lucrative for development would be available.

Chairman Littlefield inquired as to the timeframe for the completion of the downtown plan.

Mr. Pace stated sometime in December or January is the timeframe, now.

Councilman Lively stated that it is his thought that this discussion is making a "mountain out of a molehill". He stated that he looked at this and the request is to zone the property like everything else that surrounds it. He **made the motion to approve the request, however, the motion failed for lack of a second.**

At this point, Councilman Pierce made the motion to defer the matter sixty days until the downtown plan is complete; Councilman Taylor seconded the motion.

On motion of Councilman Pierce, 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 1918 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE

was deferred 60 days (December 5); Councilman Lively abstained.

REZONING

2002-163: Charles E. Lawson

Pursuant to notice of public hearing, the request of Charles E. Lawson to rezone a tract of land located at 5404 Longview Drive came on to be heard.

The applicant was not present; there was no opposition.

Mr. Pace stated there is a large M-2 zone to the south of the property and an O-1 zone to the west, with the remainder along Longview zoned R-5. He stated it was felt this is an area in transition and does meet the recommendations of the adopted Hixson Plan for mixed use in the area for the R-4 zone. He stated the Staff and Planning Commission made the recommendation to approve subject to conditions of single family and/or office use only.

REZONING (Continued)

Mr. Pace stated the conditions also include that the residence retain its residential character, that there be no parking in the front yard as it is to remain grassy and have the "feel" of a residential neighborhood. He stated R-4 is recommended for approval with conditions.

Councilman Taylor stated that the request is for a change to be able to sell the property as commercial for a mother and grandmother to locate and there is no plan proposed; that the only plan is for resale value.

Mr. Pace responded that is "correct"; that in the plan adopted for this area those uses are permitted, which is why approval is recommended.

Councilman Taylor asked for clarification that in this case the request is to change the zoning to improve someone's resale value. Again, Mr. Pace responded "correct". He stated conditions reflected to retain the existing structure and the condition for parking in maintaining the residential character of the street is in compliance with the North River-Hixson Plan. He stated the applicant has no immediate plans for use of the property other than for resale value.

Councilman Taylor stated if someone wants to receive the highest cost for property they can ask to rezone. He inquired as to what our stance is on that. Mr. Pace responded that is true. Chairman Littlefield stated that the request has to meet the Plan first of all.

Mr. Pace stated their recommendation is that it meets the Plan as far as the request is concerned. Councilman Lively interjected this is known as "the American way"!

Councilman Page stated that the plan we have calls for this type zoning and he has no problem with the mixed corridor development. He stated that the perturbing thing that concerns him is that of the absence of the applicant. He asked if there is any reason the applicant could not be present.

Mr. Pace stated that he did not know; that he can contact the applicant to be present next week if the matter is deferred.

Councilman Page stated that he does not know if the applicant wants the zoning or not and the matter is perplexing. At this point, he **made the motion to deny the request; Councilman Pierce seconded the motion.**

REZONING (Continued)

Councilman Lively suggested that the applicant be notified within the next week so that he could present at next week's Council meeting and **made the motion to table the matter one week; Councilman Page seconded the motion.**

Councilman Franklin stated that the only comment he would make is along the lines of where Councilman Taylor was "going". He stated from the inception it appears to be speculative and when we think about the zonings we have had over the past couple years, we have asked for a site plan from everyone else. He stated that it is his feeling Councilman Taylor is leaning toward consistency and not setting a precedent. He expressed his support of the motion to defer one week for an opportunity to find out what is going on.

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 5404 LONGVIEW DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-5 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
was tabled one week.

REZONING

2002-168: Glasscock Developments, Inc.

Pursuant to notice of public hearing, the request of Glasscock Developments, Inc. to rezone a tract of land located at 3624 Mountain Creek Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Mountain Creek area; that the requested site is R-4 in the front and R-1 in the rear along the southern property line and the remainder is presently zoned RT-1. He stated there is a variety of different R-3 PUD's and RT-1 development in the area; that Planning and Staff recommend approval.

Councilman Lively stated this is located in his district and that he has seen the plans, which are excellent. He stated there is no opposition.

Mr. Glasscock expressed thanks to the Council.

REZONING (Continued)

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3625 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE

passed first reading.

CLOSE AND ABANDON

MR-2002-172: Camco Properties

The applicant was present; there was no opposition.

Mr. Pace stated this request involves the closure of an unopened right-of-way on Caine Lane. He stated approval is recommended per discussion in Committee today.

Councilman Franklin asked if there are any plans for the property and how many acres are involved.

Bill Robertson, Architect for the property, stated there are four acres and that the area is 400 x 400 that "runs" on both sides of the right-of-way. He stated the request surrounds the need to have drainage placed as a way to get water back to the drainage ditch without going across private property and the City would have an easement. He introduced Charlie Ayers as the developer of the property and owner of Camco.

Councilman Taylor asked if some type of buffer has been considered as he noticed there is residential property adjacent to this.

Mr. Pace stated there is M-2 on either side of the right-of-way and the area cannot be conditioned. He stated there is no need for a condition for the area that was zoned M-2 several months ago. He stated there would be landscaping against the R-1.

CLOSE AND ABANDON (Continued)

On motion of Councilman Franklin, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED RIGHT-OF-WAY LOCATED AT 4100 CAINE LANE, MORE PARTICULARLY DESCRIBED HEREIN, AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

REZONING

2002-173: Phillip Barry Robertson

Pursuant to notice of public hearing, the request of Phillip Barry Robertson to rezone a tract of land located at West Main Street came on to be heard.

The applicant was not present; there was no opposition.

Mr. Pace stated this request is located in the south side near the new elementary school. He stated with all properties in this area there are standard conditions when redeveloped for C-2 in the central business zone; that approval from Staff and Planning is recommended.

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 A TRACT OF LAND LOCATED AT WEST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled one week.

PRELIMINARY PUD

2002-170: Christopher A. Amos

The applicant was present; there was no opposition.

Mr. Pace stated this request is for a residential R-1 PUD in the Hamilton Place community along Shallowford Road. He stated the matter has gone through preliminary review and is recommended for approval from Planning.

PRELIMINARY PUD (Continued)

Councilman Benson stated this is a good textbook example of how the process should “flow” when bringing new development into the community. He stated Mr. Amos is from Nashville and went into the community and discussed the proposal before he did work on it or requested the zoning change. He stated Mr. Amos listened to the community association and worked with them well, made adjustments and as far as he could tell there is no objection from the community. He commended Mr. Amos for the great job in working with the people of the district. He asked Mr. Pace to indicate the conditions for the request.

Mr. Pace stated that he did not have the information with him; that the matter has to go through subdivision review and apologized for not having the information readily available.

Chris Amos of Nashville stated that he did not have what Councilman Benson requested, either. He stated the development would involve eighty-four attached homes/condominiums with a clubhouse and pool. He stated they would sell to the 55-and-older market place and clarified they would follow all the landscape regulations Chattanooga requires. He stated the development will be a private community and indicated that he has a similar development in Atlanta and is presently looking for land in Nashville.

Mr. Pace indicated that the conditions reference that there would be eighty-four units, that the applicant would have to comply with the City’s landscape ordinance and the R-1 PUD regulations. He stated the development would “back up” to the Ashwood subdivision and would be near the Drake Forest subdivision. He stated the request is in compliance with the Hamilton Community plan and is recommended for approval.

Councilwoman Robinson inquired as to the size of the tract and whether the entrance and exit would be on Shallowford.

Mr. Amos stated that there are 26.6 acres; that there are two tracts that come together. He stated the entrance and exit would not be Shallowford.

Councilman Benson inquired as to the selling price, roads and sidewalks.

Mr. Amos stated there are four floor plans ranging from 1,200 – 1,860 square feet and will sell for \$135,000 - \$170,000. He stated they would put in the roads and sidewalks. He expressed thanks to Councilman Benson, the Planning Staff and every department, stating that they were extremely helpful to him. He stated there has been great representation from the City.

PRELIMINARY PUD (Continued)

On motion of Councilman Benson, seconded by Councilman Lively,

A RESOLUTION APPROVING AN R-1 RESIDENTIAL ZONE PRELIMINARY PLANNED UNIT DEVELOPMENT FOR A PROPOSED R-1 RESIDENTIAL ZONE PLANNED UNIT DEVELOPMENT KNOWN AS THE BUTLER AMOS SHALLOWFORD ROAD PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 7707 AND 7711 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TRANSFER OF DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT: HAMILTON COUNTY GOVERNMENT

Councilman Hakeem stated Resolutions 7(b) – (f) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT TO HAMILTON COUNTY GOVERNMENT, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION PROJECT, TAX MAP NO. 135E-N-023, TRACT NO. 800E

was adopted.

TEMPORARY EASEMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION GRANTING A TEMPORARY EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE EASEMENT DOCUMENT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO HAMILTON COUNTY GOVERNMENT ON TAX MAP NO 136P-A-002, TRACT 900E, TO CARRY OUT THE TENNESSEE RIVER BASIN HAMILTON COUNTY BANK STABILIZATION PROJECT

was adopted.

**CONTRACT: OOLTEWAH NURSERY AND
LANDSCAPE COMPANY, INC.**

On motion of Councilman Franklin, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT SS-6-00,
MARKET STREET LANDSCAPE PROJECT, TO COLTEWAH NURSERY AND
LANDSCAPE COMPANY, INC. FOR THEIR LOW BID IN THE AMOUNT OF
TWO HUNDRED TWENTY-EIGHT THOUSAND NINE HUNDRED TWENTY-
FIVE DOLLARS (\$228,925.00)**
was adopted.

CONTRACT: HIGHWAYS, INC.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT E-2-001,
BITUMINOUS PAVEMENT RESURFACING, TO HIGHWAYS, INC. FOR
THEIR LOW BID IN THE AMOUNT OF ONE MILLION FOUR HUNDRED
THOUSAND DOLLARS (\$1,400,000.00)**
was adopted.

ALLOCATION

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**A RESOLUTION ALLOCATING THE SUM OF FIVE HUNDRED THOUSAND
DOLLARS (\$500,000.00) OF COMMUNITY DEVELOPMENT PROGRAM
INCOME TO VARIOUS ROAD ENHANCEMENT PROJECTS WITHIN
ELIGIBLE AREAS**
was adopted.

**CONTRACT: 28TH COMMUNITY DEVELOPMENT
CORP.**

On motion of Councilman Page, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH THE 28TH COMMUNITY DEVELOPMENT CORP FOR
PLANNING VARIOUS NEIGHBORHOOD ENHANCEMENT PROJECTS IN
AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)
WITH FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK
FUNDS**
was adopted.

CONTRACT: JDH COMPANY

On motion of Councilman Benson, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR
REMOVAL AND REPLACEMENT OF THE ROOF AT FIRE STATION #20, TO
JDH COMPANY FOR THEIR LOW BID IN THE AMOUNT OF THIRTY-SIX
THOUSAND TWENTY-EIGHT DOLLARS (\$36,028.00)**
was adopted.

RESOLUTION OF SUPPORT

On motion of Councilman Benson, seconded by Councilman Franklin,
**A RESOLUTION RECOMMENDING SUPPORT OF THE PASSAGE OF THE
PROPOSED AMENDMENT TO ARTICLE 6, SECTION 14 OF THE STATE OF
TENNESSEE CONSTITUTION, ALSO KNOWN AS "QUESTION 2", RELATIVE
TO THE ASSESSMENT OF MUNICIPAL FINES**
was adopted.

DECLARE SURPLUS

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION DECLARING A CITY TRUCK AS SURPLUS PROPERTY AND
AUTHORIZING THE PURCHASING AGENT TO SELL SAID TRUCK TO
HAMILTON COUNTY, TENNESSEE EMERGENCY MEDICAL SERVICES FOR
A CONSIDERATION OF ONE DOLLARS (\$1.00)**
was adopted.

OVERTIME

Overtime for the week ending October 4, 2002 totaled \$85,410.80.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **SHELLY SHELNUTT** – Hire, Office Assistant, Senior, Engineering, Pay Grade 5/Step 3, \$20,491.00 annually, effective October 4, 2002.

PERSONNEL (Continued)

- ✍ **YURY KULAKEVICH** – Hire, Crew Worker, Senior, Citywide Services, Pay Grade 5/Step 1, \$18,674.00 annually, effective September 30, 2002.
- ✍ **EUSI HAMILTON** – Promotion, Crew Worker, Senior, Citywide Services, Pay Grade 5/Step 3, \$20,491.00 annually, effective October 1, 2002.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **CHARLES FINNEY** – Voluntary Demotion, Police Fleet Specialist, Pay Grade 9/Step 5, \$18,875.00 annually, effective October 14, 2002.
- ✍ **AMY MARIE EVERETT, JULIA ANN KNOTT** – Hire, Police Service Technician, Pay Grade 3/Step 1, \$18,100.00 annually, effective October 4, 2002.
- ✍ **GEORGE PERRY WALDEN** – Reinstatement, Police Officer, Pay Grade 1/Step 6, \$35,589.00 annually, effective October 4, 2002.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **LAVONNE GRIFFIN** – Return from Family Medical Leave, Teacher, Child Care, effective October 5, 2002.

NEIGHBORHOOD SERVICES DEPARTMENT:

- ✍ **MATTHEW R. SIGLER, TIMMY J. BELCHER** – Hire, Code Enforcement Inspector, Pay Grade 11/Step 1, \$25,633.00 annually, effective October 4, 2002.

PURCHASE

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

3M COMPANY (Best bid)
R0055091/B0000722

Traffic Tape for Bike Routes

\$41,126.85

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Department:

LEE SMITH, INC. (Lower and better bid)
RFP/R0054732

Fuel Tanker Cab, Chassis & Body

\$85,845.00

HOTEL PERMIT

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

COMFORT SUITES – 2431 Williams Street, Chattanooga, Tennessee

PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin, the following purchase was approved for use by the Finance Department, Radio and Electronics Shop Division:

MOTOROLA (Single source, per TCA 6-56-304.6)
R0028448/P0018316

Motorola Monitor and Accessories per State Contract SWC 420

\$23,790.00

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Page, the following purchase was approved for use for the Finance Department, Building Maintenance Division:

RELIABLE BUILDING SOLUTIONS, INC. (Lowest and best bid)
R006576/P0018252

Carpet Cleaning Requirements Contract

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

PURCHASE

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

ORACLE (Sole source purchase per TCA 6-56-304.6)
R0049253

Annual Software Maintenance and Support Renewal

\$37,261.31

PURCHASE

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

C. J. ENTERPRISES, INC. (Best proposal)
R0049256

Web Design Services Requirements Contract

Maximum Contract Price of \$45,000.00

RECESSED MEETING

City Attorney Nelson stated there would be an additional item for consideration at Thursday's recessed meeting.

Admin. Boney reminded Council members of the need to reconvene on Thursday, October 10 at noon regarding the bond issue. He stated as an update, he does not know what the stock market did on the interest rate today; that it continues to be affordable. He stated there are at least four potential bidders; that there will be an Internet auction in the Council Assembly Room on Thursday, beginning at 9:30 a.m. and invited Council members to come by to see the results of the auction. He stated after completing the numbers and "filling in all the blocks" on the Resolution, the Council is scheduled to meet at noon to deliberate on the matter.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, October 15 at 3 p.m.**

Councilman Hakeem reminded everyone of the meeting of the **Public Works Committee scheduled for Tuesday, October 15 at 4 p.m.**

PARKING TICKETS INQUIRY

Councilman Lively stated that it is his understanding that parking meters are being ticketed on the weekend, now.

Admin. Boney stated that persons are being ticketed for illegal parking. He stated if they are in a loading zone or blocking an alley, on the curb or in a bus zone persons are being ticketed.

Councilman Lively stated that he remembers one other time the Council passed a Resolution that no parking tickets would be issued after 4:30. Admin. Boney indicated that that rule is "still in place".

Councilman Lively then inquired as to the computerized meters, stating that there were nine minutes left on a meter and he put a quarter in the slot and only got thirty minutes as opposed to thirty-nine minutes! He stated the meter is short-changing people!

City Attorney Nelson cautioned Councilman Lively that persons are not supposed to "feed" the meter!

REZONING INQUIRY

Councilman Benson spoke in reference to Ordinance 6(m) for James K. Glenn, indicating that he felt Mr. Glenn had been done an injustice. He stated when the matter came before Planning the Commission decided to recommend approval on the condition that if Mr. Glenn tried to change his business or go out of business it would revert back to the original zoning. He stated that condition was not read and Mr. Pace was not present at the Planning meeting that day.

Mr. Pace stated there is no reversionary clause in the Ordinance; that Mr. Glenn cannot do that.

REZONING INQUIRY (Continued)

Councilman Benson then asked why Planning could make the recommendation for approval; that he believed this was the situation.

Mr. Pace stated there was some discussion; however, he could not recall the discussion exactly.

Councilman Benson asked if that condition could not be placed on this request. Mr. Pace responded "no". Councilman Benson stated that he felt he had to bring the matter to the Council's attention.

Chairman Littlefield stated that it is his thinking the gentleman will have greater benefit by what the Council did tonight.

SISTER BEY

Sister Bey asked for a better understanding of Resolution 7(g), stating that she lives in District 28 and would like to know what is meant by "Block Grant funds". She stated she is tired of "her people" being "used" because of someone else's ignorance and stupidity; that she has been around a long time and knows the tricks and deception that is used. She stated the God she serves does not condone tricks and deception!

Chairman Littlefield stated that he is certain Admin. Traughber would be glad to give her the information she needs regarding the grant. He reminded her that the 28th Community Development District is the organization formed by Rep. Tommie Brown.

JOHN HOLMES

Chairman Littlefield acknowledged the passing of John Holmes who was something of a regular of City government and served on many boards and functions until his untimely death as no one expected him to "go" at this time. He expressed that everyone will miss him as he came to the Council regularly when representing Mercury Cab and served many years on the Beer Board and others. He stated it is always a sad thing to see regulars pass on.

MEETING RECESS

Chairman Littlefield recessed the meeting until Thursday, October 10, 2002 at noon.

CHAIRMAN

CLERK OF COUNCIL

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

**City Council Building
Chattanooga, Tennessee
October 10, 2002
12:00 p.m. Recessed Meeting**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, Page, Pierce, Robinson and Taylor present; Councilman Lively was absent due to personal commitment. City Attorney Randall Nelson and Council Clerk Carol O'Neal, CMC, were also present.

BOND AWARD

Admin. Boney stated the Council previously adopted the initial and authorizing Resolutions dealing with the 21st Century plan which authorized up to \$55 million for that purpose. He stated today beginning at 9:30 a.m. began a very successful sale via Internet with seven bidders. At this point he acknowledged the presence of the City Attorney Nelson, Deputy Administrator Daisy Madison, two representatives from Pillsbury-Winthrop in New York, Craig Scully and Tax Attorney Ed Rojas, in addition to Financial Advisor Kevin Thompson and Fredia Kitchen.

Admin. Boney reiterated that there were seven bidders and that the low bidder was the Banc of America, which was a non-conforming bid. He stated notice of sale was published a week ago; that in the view of the Attorney and Financial Advisor their bid was not a minor irregularity, it was in non-conformance to the notice of sale and influenced the interest rate, thus the bid had to be rejected. He stated the winning bid was awarded to UBS Paine Webber, Inc. with 4.58974 percent; that this is the correct and winning bid in all the advisors' view.

Admin. Boney continued by stating that the total amount available for the project is what they are primarily interested in. He stated this bond transaction would yield \$48,137,341.00 to the capital projects fund and during the life of the construction phase it is expected to earn \$890,000 in interest on that money for a total available for the project of over \$49 million dollars. He stated the low interest rates in the progressive bid helped tremendously and the major first step toward the Waterfront plan. He stated during the next three years, we expect to collect \$7 million in hotel-motel tax approved a few weeks ago, which will go directly into this fund and will bring the total available to \$56 million dollars. He stated this was a very successful morning for the City and us!

BOND AWARD (Continued)

Councilman Benson stated that he received two calls concerning this matter objecting to another controversial issue. He stated the caller indicated as a codicil to his argument that this administration has issued more bonds and doubled the amount of bonding indebtedness in this City. He asked Admin. Boney to let the Council know officially, as far as bonding indebtedness, where we were before this administration.

Admin. Boney stated this is the first new indebtedness this new administration has issued for \$55 million and clearly has not doubled anything in terms of this administration. He stated in fact, there are three deals the new administration has done this year, with the first two refunds of fire debt and as a result had a savings on those to issue of over \$5.4 million dollars. He reiterated that this administration certainly has not doubled or added dramatically to the bond indebtedness. He stated this issue is similar to the south side issue two years ago and is supported by the hotel-motel tax, which means it is not a direct property tax burden on the taxpayers.

Councilman Page stated that his question is in reference to the bond amount being \$54 million as opposed to the actual \$48 million.

Admin. Boney stated this is structured using the capitalized interest approach for the first three years to allow the hotel-motel tax to grow over that period, which is why we passed the ordinance a few weeks ago pledging the proceeds of the bonds; that the revenue collected will go to the capital projects fund.

Councilman Page stated basically the revenue and bonds would go into the capital fund. Admin. Boney responded "yes".

Councilman Page then asked for clarification that the taxpayer in no way has any obligation.

Admin. Boney stated that this is a general obligation issue and that all should understand that general obligation means we have to pledge the tax authority of the City. He stated we have been quite conservative in our approach to estimate revenues from the hotel-motel tax and feel it will be sufficient.

Councilman Page asked if any time over the last two years there would have been a better market for this financing. Admin. Boney responded that all diagrams showing are rates going down. Councilman Page indicated this was excellent timing.

BOND AWARD (Continued)

Councilman Franklin inquired as to what effect this has on the City's bond rating. Admin. Boney stated that the City's bond rating has been confirmed at AA, which has been our rating for the last couple years. He confirmed this has no effect on the City's rating.

On motion of Councilman Franklin, seconded by Councilman Page,

A RESOLUTION AWARDDING FIFTY-FOUR MILLION, NIN EHUNDRED NINETY THOUSAND DOLLARS (\$54,990,000.00) CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION BONDS, SERIES 2002 (HOTEL-MOTEL TAX REVENUE PLEDGE) (21ST CENTURY WATERFRONT IMPROVEMENT PLAN)

was adopted on roll call vote:

Benson	"Yes"
Franklin	"Yes"
Hakeem	"Yes"
Page	"Yes"
Pierce	"No"
Robinson	"Yes"
Taylor	"Yes"
Littlefield	"Yes"

ALLOCATION OF FUNDS

Councilman Taylor and Franklin made the motion and second to adopt this Resolution.

Councilman Page stated that he understands this was in the budget approved a few months ago and this Resolution appropriates the money. He stated that he wanted to understand this is not a "tag along" to the original budget appropriation and that all this does is appropriate the money.

Admin. Boney stated that not all the money would be spent in the first year of the capital process or the HOPE VI process. He stated this was addressed in the three-year capital improvement plan passed this summer, as well as the first portion of the capital budget.

Councilman Page then indicated his support for the motion to adopt.

ALLOCATION OF FUNDS (Continued)

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR (1) TO ALLOCATED ANTICIPATED COMMUNITY DEVELOPMENT PROGRAM INCOME TO FUND VARIOUS CAPITAL IMPROVEMENT PROJECTS IN SUPPORT OF THE HOPE VI REDEVELOPMENT EFFORTS; (2) TO ENTER INTO A LOAN AGREEMENT WITH FANNIE MAE FOR AN AMOUNT NOT TO EXCEED FIVE MILLION DOLLARS (\$5,000,000.00); AND (3) TO AUTHORIZE CHATTANOOGA NEIGHBORHOOD ENTERPRISE (“CNE”) TO SELL ON THE SECONDARY MARKET A PORTION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT BASED LOAN PORTFOLIO NECESSARY TO GENERATE AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000.00)

was adopted.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, October 15, 2002 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)**