

City Council Building
Chattanooga, Tennessee
December 14, 2004
6:00 p.m.

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hakeem, 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, Councilwoman Robinson 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 Pierce, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, ARTICLES I, II, III, AND IV, SECTIONS 7-1 THROUGH 7-3, 7-
15, 7-20, 7-31 THROUGH 7-34, AND 7-41 THROUGH 7-50, RELATIVE TO
ANIMALS AND FOWL**
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

2004-175: William Ring d/b/a/ WHR Properties

Pursuant to notice of public hearing, the request of William Ring d/b/a/ WHR Properties to rezone tracts of land located in the 900 block of Lanoka Street and the 1000 block of Meroney Street came on to be heard.

The applicant was present; opposition was in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this request is located in the Hill City area and the applicant has been trying to work with the neighborhood. He stated Planning recommends denial, however the applicant has requested a deferral in an effort to work with the neighborhood. He stated the request is in an area that was downzoned to R-1 several years ago, indicating there is R-2 along Dallas Road. He stated the site plan shows duplexes that would be located on the property and a request for closure will come later to close the alleyway in the center of the site. He stated Planning and Staff recommend denial.

Councilman Lively stated Mr. Ring called him and asked for a 90 day deferral. At this point he **made the motion to defer 90 days; Councilman Page seconded the motion.**

Barbara Austin stated she was present representing her mother, Addie Little, and Annie Bennett. She stated if the alley is closed there would be no room possible for two cars to get on Lanoka. She stated a fire engine could not get up there and an ambulance has a hard time getting in-and-out. She stated the gentleman that wants to build duplexes wants to widen the area; however there is no space to widen it as it is just an alleyway. She stated that she presented to the County Commission a petition with other signatures from the neighborhood of those who are in protest of this. She stated Mr. Ring wants to put duplexes or single-family homes there and wants to have it available so Lanoka will be an in-or-out access.

Ms. Austin stated people on that street are old; that her mother, Addie Little, is 87 years old and Mrs. Bennett is elderly, also. She stated if anything should happen there would be a catastrophe up there. She stated usually when duplexes are put in the people in them are not always the same type people that they have been, which is they are courteous and keep their property clean. She stated she did not have an opportunity to question Mr. Ring; that she worked 30 years in the delinquent tax department for Chancery Court and is now retired. She stated she sold this property in the 70's to William Shadden.

REZONING (Continued)

Ms. Austin stated that she asked Mr. Shadden what he planned to do with it and he responded that he did not know and might build something. She stated that she asked him not to building anything because of the confusion it would cause the elderly neighbors and he granted her wish. She stated when a tree fell, her mother called Mrs. Shadden and it was then that she realized the property had been purchased by someone else; that it has been sold to Mr. Ring. She stated one question she wanted to ask is whether Mr. Ring has a guaranteed title as delinquent tax property is hard to guarantee. She stated she has worked with property and still remembers a few things about property and to put a duplex or family dwelling home in that area would not be good for the people that are living there. She stated there is already a duplex on Hamilton Avenue and the back of it looks like a junkyard.

Ms. Austin stated Mr. Ring did dig out a portion of the property so that one car could pull over and another come out, but to turn around is absolutely impossible, especially for an ambulance or fire truck. She stated equipment that size would have to back out all the way on Lanoka in order to get to Meroney. She stated the residents are definitely in protest of any building being put on that stretch of land.

Mr. Ring requested that the matter be deferred indefinitely to give time to do further research for his project to be of sound mind, body and purpose and to be a good neighbor to the neighborhood and support Chattanooga.

Councilman Lively stated a 90 day deferral is the motion. Mr. Ring stated that it was fine with him.

Councilman Taylor inquired as why Mr. Ring is not building single family.

Mr. Ring stated the reason for the duplexes over single family is because if he is going to make an investment for rental purposes, the cost of a single family dwelling against what can be received in affordable rent does not measure, so he ruled that out. He expressed that he did not think anything could be developed out there unless the process comes down considerably.

Councilman Franklin asked if the duplexes would be an upgrade to what appears to be surrounded by R-1.

REZONING (Continued)

Mr. Ring stated the type of duplexes he will build would be a marked improvement to whatever is there now, including the residents' houses. He stated across the street is a parcel of land that is now presently zoned R-3, at the end of the street is another R-3 parcel; that in one block to the right is R-2 and everything around is R-2 and R-3.

Councilman Franklin inquired as to the acreage of the parcel for the duplexes.

Mr. Ring expressed that it was his thought that it is 2.4 acres. Mr. Pace clarified that it involves 1.7 acres.

Councilman Franklin inquired as to the square footage of the duplexes. Mr. Ring stated each side would be 1,104 square feet.

Councilman Hakeem asked Mr. Ring why the deferral is desired.

Mr. Ring stated that he would do more research; that he bought the property and wants to research for adaptability to the neighborhood to make a really, really good decision to develop in this area.

Councilman Hakeem stated in Mr. Ring's response he did not hear him say anything to make him think he (Ring) would have a discussion with the neighborhood; that he would just do research.

Mr. Ring stated that he plans to talk with them; that he showed them a detailed sketch of what he plans to do, however, it is falling on deaf ears of one family and the other family has mixed emotions. He stated there are only two in the entire community that voiced any opposition whatsoever.

Councilman Pierce asked if the petition Ms. Austin spoke of could be kept for the record. Ms. Austin responded "yes".

Councilman Pierce asked for a specific date as to when the matter would be back in the 90 day time period.

City Attorney Nelson responded "March 22, 2005".

Mr. Ring stated that this is the first he has known about a petition.

Ms. Austin stated that she left copies at the County Commission meeting.

REZONING (Continued)

Mr. Pace stated that he did not have the information (petition) in the file with him; that it is in his office.

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 TRACTS OF
LAND LOCATED IN THE 900 BLOCK OF LANOKA STREET AND THE 1000
BLOCK OF MERONEY STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE
was deferred 90 days (March 22, 2005).**

REZONING

2004-227: Buck Schimpf

Pursuant to notice of public hearing, the request of Buck Schimpf to rezone a tract of land located at 2111 East Fourth Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Third Street area near Glenwood for a request for C-2 at the site of the old Pruett's Food Town. He stated everything in the area is zoned C-2 except this one lot where there is presently a house, which is to be demolished so the whole site can be developed. He stated a site plan was presented at planning and there will be access from Willow and Kelly and no access to Fourth Street as it is still a residential neighborhood. He stated Staff and Planning recommend approval.

Councilman Hakeem stated that this property is surrounded by the Bushtown, Churchville, Glenwood and Orchard Knob communities and has been in the process of trying to do the things necessary to create investment in the community. He stated Neighborhood Services has assisted in cleanup of the neighborhood and the Chattanooga Police Department has worked well with the neighborhood in dealing with crime. He stated that it is felt as a result of all the efforts of the people and entities involved, this community has been identified as a place to invest monies. He stated Mr. Schimpf has met with leaders from the neighborhood and sat down with them, indicating there is no dissent among them; that it is felt this would be an asset to the general community and would help in revitalizing the area, create jobs and continue the upswing of the community.

REZONING (Continued)

Mr. Schimpf stated he would start development on the doctors' office complex February 1 and would open in November. He stated the offices are all completely spoken for. He displayed a rendering of the development and indicated that he has met with department heads and the site plan has been approved.

Chairman Benson commended Mr. Schimpf for going into the community and working in all directions.

On motion of Councilman Hakeem, 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 2111 EAST FOURTH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
passed first reading.

CLOSE AND ABANDON

MR-2004-230: Earthworx, LLC/Mountain View Road

Mr. Pace stated that the request is for closure of an unopened right-of-way in the Southside area for expansion of the Ford dealership. He stated there has been discussion to alter the request to recommend abandonment of a portion of the property. He stated in doing research it was found there is one lot that is landlocked and the applicant is in negotiation to acquire the property and when that is accomplished the remainder would be closed. He stated this closure would only go Kerr Street, the lower portion and the portion to the west. He stated construction and grading is underway for the expansion and a portion will be left open for the time being. He stated the matter comes with a recommendation for approval from Public Works and the legal description will be altered prior to second and third reading scheduled for January 4, 2005.

Chairman Benson stated Planning and Staff recommend denial and Public Works recommends approval.

Mr. Pace stated the Planning Commission recommended a temporary use and the City Engineer recommends approval of a portion for closure. He stated Staff concurred with the recommendation to close a portion.

CLOSE AND ABANDON (Continued)

Councilman Littlefield stated this was discussed in Committee and it was thought it had passed on first reading; that he thought closing the entire parcel was discussed and asked if that has changed somewhat. Mr. Pace stated that the parcel was discussed in Committee, however, it was after the meeting that it was discovered there was one lot.

Councilman Littlefield inquired as to whether there is any hope of getting the other parcel, indicating that he has a personal memory of this area as action was brought against the property owner some years ago where cars were piling up. He stated he would like to see it closed and abandoned as soon as possible and hope they would know who the owner is.

On motion of Councilman Page, seconded by Councilman Taylor,

AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 300 BLOCK OF EAST 22ND STREET, AND THE UNOPENED 2200 BLOCK OF KERR STREET, AND A PORTION OF THE UNOPENED 300 BLOCK OF LEAVITT 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

2004-232: Faith Holding Company

Pursuant to public notice, the request of Faith Holding Company to rezone a tract of land located at 7518 Standifer Gap Road came on to be heard.

The applicant was not present; opposition was in attendance.

Mr. Pace stated this request is located along Standifer Gap Road. He stated the request for RT-1 is not in compliance with the Hamilton Place Plan that has been adopted; that a low density residential is recommended for this area. He stated Planning and Staff recommend denial.

On motion of Councilman Franklin, 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 7518 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE

was denied.

AMEND CONDITIONS

2004-234: James D. Lee

Pursuant to notice of public hearing, the request of James D. Lee to amend condition number one imposed in Ordinance No. 11179 on property located at 8207 and 8217 Patterson Road came on to be heard.

Mr. Pace stated that there was a condition for a landscape buffer to be placed between the RT-1 and R-1 properties as required by the landscape ordinance. He stated the applicant can get relief from the landscape ordinance; however, it has to go through the Board of Appeals to lift the condition and install a fence, which is what the neighborhood wants rather than landscaping. He stated Staff and Planning recommend approval.

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONTIDION
NO. 1 IMPOSED IN ORDINANCE NO. 11179 ON PROPERTY LOCATED AT
8207 AND 8217 PATTERSON ROAD, BEING MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2004-237: DeFoor Brothers Development, LLC

Pursuant to notice of public hearing, the request of DeFoor Brothers Development, LLC to rezone a tract of land located at 600 River Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the C-7 district boundary next to the Veterans Bridge; that the property is formerly known as the old Fehn's Restaurant. He stated the Staff and Planning Commission reviewed the recommendations and approve the change from C-7 to C-2 with conditions that the applicant is agreeable with. He stated the applicant is to work with the Urban Design Studio on the placement and design and will not have the height restriction as in the C-7 zone which will allow for the building to be higher than allowed in that zone. He stated approval is recommended from Planning and Staff to approve the rezoning with conditions.

REZONING (Continued)

On motion of Councilwoman Robinson, 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 600 RIVER STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE TO
C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

**(COUNCILWOMAN ROBINSON EXCUSED HERSELF FROM THE MEETING AT THIS
POINT.)**

TEMPORARY USE

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING RYAN W. MAY TO USE TEMPORARILY THE
UNOPENED ALLEY ON THE EAST SIDE OF 600, 604 AND 608 HAMILTON
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, TO INSTALL A DRIVEWAY TO GAIN ACCESS TO CERTAIN
PROPERTIES, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

INTERLOCAL AGREEMENT

Councilman Littlefield stated Resolutions (b) and (c) were discussed in great detail in today's Legal and Legislative Committee and is self-explanatory. He stated approval is recommended.

When the Clerk of Council initially read the Resolution, the amount of \$1,078,000.00 was incorporated in the caption and attached agreement.

Councilmen Littlefield and Franklin made the motion and second to adopt the Resolution.

Chief Coppinger stated in today's Committee meeting the amount was changed to reflect \$1,183,000.000. City Attorney Nelson amended the Resolution in open meeting to reflect the correct amount.

INTERLOCAL AGREEMENT (Continued)

Councilmen Littlefield and Lively amended their motion to include the correct amount.

On motion of Councilman Littlefield, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CITY OF CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO AN INTERLOCAL AGREEMENT, IN THE FORM ATTACHED HERETO, WITH HAMILTON COUNTY, TENNESSEE, FOR THE PURCHASE OF HOMELAND SECURITY EQUIPMENT IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED EIGHTY-THREE THOUSAND AND 00/100 DOLLARS (\$1,183,000.00), WITH HAMILTON COUNTY GOVERNMENT REIMBURSING THE CITY OF CHATTANOOGA FROM HOMELAND SECURITY GRANTS PREVIOUSLY PROVIDED TO HAMILTON COUNTY, TENNESSEE, BY THE UNITED STATES GOVERNMENT

was adopted.

AGREEMENT

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE FIRE CHIEF FOR THE CITY OF CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY (TVA) TO PROVIDE FIRE PREVENTION AND SUPPRESSION SERVICES AT THE CHICKAMAUGA HYDRO PLANT, AS SHOWN IN THE ATTACHED AGREEMENT

was adopted.

EXTEND MORATORIUM

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION DECLARING A MORATORIUM ON CONSTRUCTION OF NEW DUPLEXES IN AN AREA HEREINBELOW DESCRIBED UNTIL FEBRUARY 15, 2005

was adopted.

OVERTIME

Overtime for the week ending December 10, 2004 totaled \$100,354.21.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **ROGER STROMAN, JR.** – Family Medical Leave, Equipment Operator, Sr., Citywide Services, effective December 2, 2004 – February 24, 2005.
- **TINA M. SHRIVER** – Resignation, Safety & Training Coordinator Sr., Citywide Services, effective December 17, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **DEVORA C. GRISSOM** – Return from Family Medical Leave, Police Records Analyst, effective December 3, 2004.
- **JOHNNY SMITH** – Reinstatement, Police Officer, Pay Grade 1/Step 2, \$30,880.00 annually, effective December 10, 2004.
- **JOHN A. BRADFORD** – Retirement, Lieutenant, effective December 17, 2004.
- **JASON IRVIN** – Family Medical Leave, Police Officer, effective November 29, 2004 – February 21, 2005.

Chief Cooper acknowledge the retirement of Lieutenant John Bradford after 26 years of loyal service.

EMERGENCY PURCHASE

The emergency purchase of Transportation Services for the Chattanooga Human Services Department, Requisition R0079889 with Special Transit Services, Inc. was duly reported and signed in open meeting.

(It was noted that the former provider was disbarred by the State of Tennessee and had to be terminated. Contract with Special Transit Services, Inc. will be in place until a new invitation to bid can be processed.)

PURCHASE

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

SKIDRIL, INC. (Lowest and best bid)
R069138/B0001968

Hydraulic Rock Drills

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

JEN-HILL CONSTRUCTION MATERIALS (Lower and better bid)
R0078181/B0001953

Erosion Control Blankets

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

HOTEL PERMIT

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

ALPINE LODGE, 4328 Cummings Highway, Chattanooga, TN

PURCHASE

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

FISHER SAFETY (Best bid)
R0054851/B0001893

Decontamination System (*Contract is awarded for items one (1) and (3) as the best bid submitted. Major Incident Response and First Line Technology submitted lower bids, however, the items bid were not acceptable substitutes and prohibits our ability to standardize equipment. This award to Fisher Safety will allow for equipment standardization in the Fire Department and enhance the interoperability of equipment with other area agency hazardous materials teams. No award will be made for item two (2) at this time and will be revised and re-advertised at a later date.*)

\$30,164.44

PURCHASE

On motion of Councilman Lively, seconded by Councilman Littlefield, the following purchase was approved for use by the Chattanooga Police Department:

WOLF CAMERA (Best bid)
R0073525/B0001589

Twelve Months Requirements Contract with option to renew for an additional twelve months (Not to exceed \$25,000 annually).

\$25,000.00

REJECT ALL BIDS

On motion of Councilman Hakeem, seconded by Councilman Page, all proposals for the purchase of a Business License and Business Permit System for the Finance and Administration Department were rejected on R0071265/B0001819. Acceptable proposals received exceeded the budget requirements and did not provide for the necessary interface with the property tax system.

BOARD APPOINTMENT

On motion of Councilman Littlefield, seconded by Councilman Hakeem, the following Board appointment was approved:

HUMANE EDUCATIONAL SOCIETY BOARD:

- Appointment of ***DAN ALDERMAN*** to fill the unexpired term of Barby Wilson.

HEARING: JIM HOSTETTER

City Attorney Nelson announced that the hearing for Jim Hostetter needs to be deferred until a later date.

The hearing for Mr. Hostetter was rescheduled for January 31, 2005 beginning at 9 a.m. with Councilmen Page, Franklin and Taylor; Councilman Hakeem will serve as alternate, if needed.

NOTE OF THANKS

Councilman Taylor expressed thanks to everyone for attending the District 7 Christmas Party on Monday evening at Coolidge Park.

COMMITTEES

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 4, 2005 at 3 p.m.** He stated that the issues to be brought forth would be a discussion from a group of people protesting a problem with the on-premise sign ordinance relative to a sign on Fourth Street that is attached to a building that they feel is excessive. He indicated other items would be brought forth, as well.

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled at 4 p.m. on January 4.**

Councilman Franklin scheduled a meeting of the **Parks and Recreation Committee for Tuesday, January 11 at 4 p.m.**

SPECIAL COUNCIL MEETING

Chairman Benson reminded Council members of the special meeting of the Council scheduled for Thursday, December 23 beginning at 9:30 a.m. He stated one item is scheduled to be heard.

ADJOURNMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin, Chairman Benson adjourned the meeting of the Chattanooga Council until the special meeting scheduled for Thursday, December 23, 2004 at 9:30 a.m.

CHAIRMAN

CLERK OF COUNCIL

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