

**City Council Building
Chattanooga, Tennessee
June 12, 2007
6:00 p.m.**

Vice Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Gaines, Pierce, Rico, Robinson and Rutherford present; Chairman Page was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

BOY SCOUT TROOP NO. 23

Vice Chairman Bennett recognized the presence of Boy Scout Troop No. 23,

Harry Ray, Scout Leader, introduced the group as Boy Scout Troop No. 23 from the Church of Jesus Christ of Latter Day Saints. He stated they were present in the interest of meeting requirements for the Community and Citizenship merit badges.

REZONING

2007-083: Long Street, LLC/Manko, LLC

Councilman Rico made the motion to move Ordinance (h) forward on the agenda; Councilman Franklin seconded the motion; the motion carried.

REZONING (Continued)

Pursuant to notice of public hearing, the request of Long Street, LLC/Manko, LLC to rezone tracts of land located in the 2900 block of Long Street and 3015 West Avenue came on to be heard.

The applicant was present; there was no opposition in attendance.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this request is for the FedEx distribution center and Planning recommends approval.

On motion of Councilman Rico, 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 IN THE 2900 BLOCK OF LONG STREET AND 3015 WEST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

Councilman Benson made the motion to deny this request and stated a resolution will be presented to give a temporary closing rather than permanent (closing). **Councilwoman Rutherford seconded the motion.**

Councilman Pierce made the motion to table the matter one week and noted that this is something that has been voted on three times in the past and did not get enough votes and no one present tonight is changing their vote. He asked that the matter be passed until a full Council is present next week. **Councilman Franklin seconded the motion.**

On roll call vote of Councilman Pierce and Franklin’s motion and second to table the matter two weeks:

Benson	“No”
Franklin	“Yes”
Gaines	“Yes”
Pierce	“Yes”
Rico	“No”
Robinson	“No”
Rutherford	“No”
Bennett	“Yes”

The motion failed with a 4-4 vote.

CLOSE AND ABANDON (Continued)

The motion and second by Councilmen Benson and Rutherford for denial was then "on the floor" for vote; on roll call vote:

Benson	"Yes"
Franklin	"No"
Gaines	"No"
Pierce	"No"
Rico	"Yes"
Robinson	"Yes"
Rutherford	"Yes"
Bennett	"No"

The motion failed with a 4-4 vote.

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE 1500 BLOCK OF CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
will appear on next week's agenda for consideration.

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTION 26-24, ESTABLISHING THE EVENT FEES FOR USAGE OF THE WATERFRONT AREA

passed first reading.

AMEND ZONING ORDINANCE

Mr. Haynes stated that this is an amendment to the zoning regulations to address infill development.

Councilwoman Rutherford made the motion to approve the ordinance on first reading; Councilman Rico seconded the motion.

City Attorney Nelson stated that an amendment has been proposed for this ordinance.

AMEND ZONING ORDINANCE (Continued)

Mr. Haynes stated that he was not exactly clear on the text and has given City Attorney Nelson language that would help clarify the intent. The amendment would read “...*The infill lot setback is not required to exceed fifty (50) feet, but shall not be less than the twenty-five (25) foot minimum front yard...*”

City Attorney Nelson stated that an alternate ordinance has been prepared to effectuate that language and noted that a motion to substitute is needed to effectuate the language that was just read which is preferred than that of the original language.

At this point Councilmen Rutherford and Rico withdrew their motion and second to approve the ordinance in its original version.

Councilmen Rico and Rutherford made the motion and second to substitute the amendment to this ordinance; the motion carried.

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 104 AND ARTICLE II OF THE CITY OF CHATTANOOGA
ZONING REGULATIONS TO DEFINE AND PROVIDE SETBACK
REQUIREMENTS FOR INFILL LOTS**

passed first reading.

After the ordinance was passed on first reading, **Gary Baumgardner** addressed the Council stating that the RPA Task Force was formed to set guidelines and achieve a reasonable compromise. He noted that this ordinance is not everything he had hoped for and the interests of the developer, landowner and neighborhood have been fairly balanced, as well as the compatibility of surrounding neighborhood. He expressed thanks to the Task Force for their efforts and named each who served noting that all the men on the Task Force were respected in their fields and highly qualified. He stated that he has concerns regarding implementation and other ordinances executed by representatives of the body. He stated a proposal was submitted for a seven lot subdivision which was denied by RPA, even though RPA, the Chattanooga Homebuilders, Public Works and the Planning Commission agreed the plat met all the requirements. He stated in the new ordinance City Attorney Noblett advised if it met the regulations it must be passed; that Councilman Benson said he (Benson) was “operating on a higher level than legal”. He asked what message does this send; that we have laws so all could be treated fairly and asked how a leader feels he can be above the law.

AMEND ZONING ORDINANCE (Continued)

Mr. Baumgardner stated if the ordinance passes, the Council should send a representative to Planning that feels it is their duty to enforce the laws as written as the laws and ordinances protect everyone. He expressed thanks for allowing him to speak at this time.

REZONING

2007-037: Southeast U. S. Retail Fund

Pursuant to notice of public hearing, the request of Southeast U. S. Retail Fund to rezone tracts of land located in the 5900-6000 blocks of Snow Hill Road and the 6000 block of Mountain View Road came on to be heard.

A representative for the applicant was present; there was no opposition in attendance.

Councilman Benson stated that he wanted the record to reflect that he would leave this assembly at this point during the discussion of this issue and would recuse himself in order to remove himself from the appearance of a conflict of interest.

Mr. Haynes stated that the request is for commercial zoning for a grocery store and shopping center. He stated that an updated site plan has been submitted and displayed by PowerPoint surrounding properties with commercial, office and residential zoning. He stated Planning and Staff both recommend approval subject to several conditions.

On motion of Councilwoman Rutherford, 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 IN THE 5900-6000 BLOCKS OF SNOW HILL ROAD AND
THE 6000 BLOCK OF MOUNTAIN VIEW ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND M-2 LIGHT
INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2007-059: Ken DeFoor

The applicant was present; there was no opposition in attendance.

REZONING (Continued)

Councilman stated Mr. Defoor is present and has met with the community. He stated the request is to defer the matter one more week. He stated everything is going well; that there are a few details to work out.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1207, 2319, 2323, 2327, 2331 AND 2335 GUNBARREL ROAD AND 7340 MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDNETIAL ZONE AND O-1 OFFICE ZONE TO MXU MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred one week (June 19, 2007).

REZONING

2007-072: David Gordon

Pursuant to notice of public hearing, the request of David Gordon to rezone a tract of land located at 2201 East Main Street came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Haynes stated this request is for the new UGC zone for residential use and outdoor storage. A copy of the site plan was displayed showing the actual property and surrounding properties. He stated Staff and Planning recommend approval subject to the site plan submitted.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2201 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2007-073: Kappa Delta Sorority

Pursuant to notice of public hearing the request of Kappa Delta Sorority to rezone a tract of land located at 1034 East 8th Street came on to be heard.

REZONING (Continued)

A representative for the applicant was present; opposition was in attendance.

Mr. Haynes stated this request is for rezoning for use of the property as a sorority house. He stated if the zone is changed, there would still be the need for a special use permit for sorority use; that adjacent properties are residential with a park at the corner. He stated the Staff recommended approval subject to sorority house use only and at the Planning hearing, after presentation by the applicant, the applicant submitted a list of ten-to-eleven conditions, some of which were enforceable by the city and others would have to be worked out. He stated Planning recommended approval subject to the conditions listed and noted one of the conditions indicated if the property ceased as sorority house use, it would revert to R-1, yet this can not be done; that the new owner would have to apply for the R-1 use.

Lisa Moore was present representing Kappa Delta Sorority and stated that the Sorority was given approval by the M. L. King Homeowners Association and the Planning Commission. She stated during the meeting at Planning there was mention of concern regarding spot zoning; that they understand that the M. L. King area is unique and undergoing renovation and revitalization and expressed hope that Kappa Delta could become a part as this would be positive for the community. She stated there are many reasons to approve as this is supported by the Homeowners Association and Planning. She stated by law they must request R-4 even though they are not running a commercial business; that this would allow collegiate women to become their best and they strongly feel the M. L. King area is a great place to do this. She stated that the organization is an entity of UTC and UTC has played a major role in the revitalization of this community.

Ms. Moore stated that they have worked one-on-one with members of the Association and in order to come to an agreement they went above and beyond the national organization's expectations to establish a Memorandum of Understanding. She stated the document indicates if the property were ever sold it would revert to R-1 which is not possible, however, should Kappa Delta sell the property it would retain the R-4 designation but only allow a single family dwelling. She stated whether she is there or not, those living in the house will abide by the house rules; that during their Monday meetings they would use the parking lot of a local business, car pool or walk from school. She stated they would blend into the neighborhood as a single family dwelling, which is their goal, and do not plan to change anything about the home. She referenced other conditions contained within the Memorandum. (A copy of the Memorandum of Understanding is filed with minute material of this date.)

REZONING (Continued)

Ms. Moore stated it is important to note that as of November 21, 2006 property close to this was unanimously voted to spot zone from R-1 to C-3; that she assumes the property was given special permission or was seen as a special case and they are asking for that same equal opportunity. She made reference to a conversation with Elijah Cameron and Dr. Barbara Medley and noted their vision of the community. She asked the Council for their support and consideration.

Dr. Anita Polk Conley stated that she is a resident and member of the M. L. King Neighborhood Association. She stated Ms. Moore made a wonderful presentation and was frank in admitting that she and others within the Association would really like for the Kappa Delta Sorority to be a part of the M. L. King neighborhood, but not in the R-1 zone because that is spot zoning; that it is her understanding the City Council was not supportive of spot zoning. She mentioned that the property is bordered only by R-1. She stated that the key here is that this would be spot zoning but the biggest thing many from the Neighborhood Association really felt supportive of Kappa Delta with the understanding this can automatically go back to R-1 and that is not going to happen. She stated they would not know what will happen if they are no longer there; that just because they can apply does not mean it will change to R-1 automatically. She stated these are their biggest issues for not supporting the change; that Kappa Delta is a wonderful organization and from all they learned it is an organization they could support in the neighborhood, but not in the R-1 zone. She stated just in the last few years the zoning in the area was changed to support the R-1 zoning and that is why they are present. She asked those who actually live in the M. L. King neighborhood to stand at this time.

Louise Patterson spoke next and stated that she lives at 1102 East Eighth Street and has for the past ten years. She stated that she is an employed of the Election Commission office and served as the registration coordinator for the past twenty-four years. She stated other concerns about the Sorority is that parking would be an issue in that area; that she understands they would car pool and they know that 90 percent of the students attend UTC and can not pay their own insurance and they are asking students to put other students' lives in their hands and she does not believe this is a great idea as accidents do happen. She stated that Ms. Moore stated there would have to be more than five girls in the house to actually have a house mom present and that may be a problem – to have girls without supervision will be another problem.

REZONING (Continued)

Ms. Patterson stated Ms. Moore presented a petition at the Planning Commission stated and indicated it was signed by homeowners in the community; that several were contacted and stated that they did not live in the community and were not homeowners in the M. L. King community. She stated most of all one of the main concerns involves their investment in the community; that their homes are their investment and asked the Council to help them protect their investment. She stated if this is allowed there would be a "roller coaster" effect of spot zoning and more people will ask for spot zoning.

Councilman Benson stated when this first came to Planning he listened to the presentation and was quite impressed and noted that he really wanted to see this work; that it is his thought in some ways this would be good for the neighborhood if it did not have the deteriorating effect of spot zoning. He stated that he and this Council have religiously tried to stay away from any kind of spot zoning or speculative zoning; that he would have Councilman Pierce explain the issue of the previous spot zoning case as there is some dispute. He stated that he would really like to see Kappa Delta find some place noting that condition five is not as restrictive as it appears. He stated that they can not operate a sorority house if it is like when he was Lambda Chi; that they can operate a sorority house without having banners, homecoming floats, rush signs and other things. He stated that this would have to be made into a place for nuns-to-be! He stated he would continue to listen and unless someone makes him believe this is not spot zoning he can not vote for it for that reason.

Ms. Moore stated that she has a question about spot zoning; that they did verify with RPA that there is no official definition of spot zoning and referenced the C-3 property nearby.

City Attorney Nelson stated if all adjacent property are touching the same zone a different zone can not be placed there; that there is no official definition.

Ms. Moore stated that they deserve a fair chance; that the petition was signed by members of the homeowners association as well as people that live in the surrounding community and there was no lie about that! She stated that they want a fair chance as they have been trying for eight years to get a house. At this point Ms. Moore became somewhat emotional and noted that getting a house is not about putting up a banner or whatever else; that it is about having a place for all of them to get together and learn from each other as well as impact the community.

REZONING (Continued)

Mr. Haynes stated that Ms. Moore is correct that there is no official definition for spot zoning and it is not defined in the zoning regulations. He stated spot zoning is something they know when they see it; that it is an obvious, isolated zone. He stated spot zoning is not illegal; that often times it is not a good practice to do; that care and caution has to be used when there is spot zoning. He stated "yes", this is a spot zoning and as for a definition it is one of the things that is known when it is seen. He stated no state law prohibits it or makes it illegal; that it is one of the things we have to be careful about as to where and when it is used.

Councilman Pierce questioned whether spot zoning is not illegal.

City Attorney Nelson responded "it is".

Councilman Pierce stated that he did not know where Mr. Haynes got the information that it is not illegal. He stated that the zoning of C-3 back in October of last year was a block away and he was opposed to it, however, once it was called to his attention that all the property in the back facing McCallie was also zoned C-3 that touched the property gave the Council, in his estimation, the right to zone the property C-3 and under those conditions he recommended the Council zone it C-3. He stated as he looks at this and the adjoining property it does look like spot zoning; that the first time he ever heard spot zoning he did not have a definition and never thought about asking why and this is how it has been for the last fifteen years on the Council.

Councilwoman Rutherford stated that this has been a very difficult decision for her; that when she was in college she was Greek; that people she call friends own this house and she would like very much to help them out. She stated that the fact is that Brainerd was downzoned years ago and not one piece has been rezoned; that R-1 is "holy" to the neighborhood. She stated if there was no opposition she would consider voting for this, but she can not go against neighborhoods when they have worked hard to get their property downzoned to R-1; that the Council does not do that easily and she wants so much to help them but can not and felt she owed them an explanation.

Councilman Rico stated that he keeps hearing about what was done, that things change and situations change! He stated that we sometimes need to take off our "blindens" and say this will help the neighborhood; that it would make it better, not worse. He stated that it is his thought we can not make a blank statement and say something is all wrong; that we have to stop and take a look and say "maybe this could be different".

REZONING (Continued)

At this point Councilman Pierce made the motion to deny the request; Councilwoman Rutherford seconded the motion.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1034 EAST 8TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
was denied; Councilman Rico voted "no".

REZONING

2007-078: Calvin Ball, Tower Construction

Pursuant to notice of public hearing the request of Calvin Ball, Tower Construction to rezone tracts of land located at 2012 and 2016 Chamberlain Avenue came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Haynes stated that this request is for the UGC zone on two properties that are currently zoned C-2 and R-1. Surrounding property was displayed by PowerPoint and he noted that conditions were worked out between the applicant and residents; that Planning and Staff recommend approval subject to conditions.

Councilwoman Rutherford inquired if Mr. Ball is in agreement with the conditions and having one employee.

Calvin Ball stated that he discussed the conditions with RPA and noted there would be five residential owners for residences that would appeal more to a lawyer or architect.

Councilwoman Rutherford asked if a lawyer lives there could he have a secretary.

Mr. Haynes responded that if a lawyer lives there it would be a home occupation then one employee could be hired.

REZONING (Continued)

Councilman Pierce stated that he has looked at the property and from what he has been hearing is that these will be condominiums and he does not have any problem with that whatsoever however he expressed great concern about outside storage. He stated he is looking seriously at this; that this zone is vague and does not give room for but one employee to be on the property. He stated that this looks speculative as to what Mr. Ball wants to do; that the lot is on the corner of Chamberlain and Bailey and is very visible, again expressing concern about the outdoor storage.

Mr. Ball stated that he knows the new zoning has not been "handled" much; that he has torn down a horribly dilapidated building and plans to put \$1.5 million into this site. He stated there would be five condominiums with parking and between each building he plans to build a parking pad; that there would be no outside storage unless there is a plan to build a garage.

City Attorney Nelson stated even if one employee is on the premises that will have an effect on the value of the property if it resells.

Mr. Ball stated that the condominiums would be no more than 1,500 square feet.

Councilman Franklin stated that we are talking about work space and inquired as to where the lawyers would be.

City Attorney Nelson stated if this is limited to one employee that is going to have an effect on resale value for the whole property that would probably not be good for Mr. Ball; that he wants him (Ball) to be aware up front and understand that just because this is rezoned UGC it might not be an easy one the next time.

Mr. Ball stated that he understood; that he thought through this and said that he wanted to have a little more appeal to a professional if it is something they desired; that as a developer he is willing to "go down that road".

Councilman Benson questioned the outdoor storage, noting there is outdoor storage next door.

Councilwoman Robinson stated that her question has to do with design and where the cars are to be parked. She asked if there is a provision that the condominium owner build a garage if they choose.

Mr. Ball responded "yes".

REZONING (Continued)

Councilwoman Robinson asked what the conditions are on garages concerning a second floor occupancy, if there are restrictions on the ceiling height that would prohibit the condominium owners from building a garage apartment.

Mr. Haynes stated there are no conditions on this request; that as far as the standard only the dwelling would be allowed as the main building and there can not be an accessory; that there is a limit on height or any construction minimum and there is some flexibility there.

Councilwoman Robinson wanted to make sure Mr. Haynes understood her question and asked if there could be an in-law suite.

Mr. Haynes responded "no"; that the zone does not permit that.

Councilwoman Rutherford stated that she wanted to go back to the one employee issue and asked if that is in the conditions and how it came about.

Gary Ball stated that they met twice with the Highland Park Neighborhood Association and development people and throughout the discussion their total apprehension was about the word "business", so in all their conversations they came up with this as something more identifiable with work and living. He stated that they went back to the development people and said it seemed foolish to get zoning and then leave it as residential and asked if they could do something on a limited scale so if one of five bought condominiums they want it to be an architect for use as an office. He stated they do not want to be oppressive and leave the "door wide open" for some type of telecommunications operation. He stated that this is "kind of" an agreement with the community and through Mr. Haynes this has been toned down. He stated they accept it and still think probably no one will run their business out of these.

Councilwoman Gaines asked for clarification that the Highland Park Neighborhood Association is familiar with the conditions.

Gary Ball responded "yes"; that everyone met at the site and they presented it; that for three months they have been working along with them to get this to fruition.

REZONING (Continued)

On motion of Councilwoman Gaines, 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 2012 AND 2016 CHAMBERLAIN AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND
C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2007-084: Rachel Conn

Pursuant to notice of public hearing, the request of Rachel Conn to rezone tracts of land located at 513 and 517 East Main Street and 1434 Adams Street came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Haynes stated that this request allows for property to be subdivided without having to get the necessary variances to do so; that each would be subdivided and put into individual lots. He stated the Staff and Planning Commission recommend approval subject to the typical C-3 conditions.

Councilwoman Robinson inquired as to what will be done with the property.

Mr. Haynes stated the property would be subdivided; that the C-3 zone allows that without having to get a variance for the setbacks.

Councilwoman Robinson asked if the structures will be taken out.

Mr. Haynes responded that each will be on individual lots.

Rachel Conn stated that she wants each lot to have their own yard and they have been surveyed; that she plans to lease one house and live in the other and plans to stay there and has another house in the area. She stated that she wants to make it better and be able to have each one individually. She stated that she purchased the whole lot and it has not been surveyed since the late 1800's; that the last plat she could find was in 1890-something; that the houses were built before zoning regulations came about. Ms. Conn stated that she wants to put them back into residential mixed use and use one as a studio.

REZONING (Continued)

Councilman Pierce asked if the property is right in back of other C-3 buildings on Adams.

Ms. Conn responded "yes".

Councilman Pierce stated that he would like to talk to the developers prior to passing and suggested that the matter be tabled one week.

City Attorney Nelson stated that it could be passed on first reading and reviewed during the week.

Councilman Pierce stated the matter would be reviewed during the week and asked Ms. Conn to be present at next week's Council meeting.

On motion of Councilwoman Rutherford, 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 513 AND 517 EAST MAIN STREET AND 1434 ADAMS
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3
WAREHOUSE AND WHOLESALE ZONE TO C-3 CENTRAL BUSINESS ZONE,
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2007-086: Jay W. Bell

Pursuant to notice of public hearing, the request of Jay W. Bell to rezone tracts of land located at 7726 and 7730 Standifer Gap Road came on to be heard.

The applicant was present; there was no opposition in attendance.

On motion of Councilwoman Rutherford, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 7726 AND 7730 STANDIFER GAP ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO
RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading.

REZONING

2007-087: Billy J. Woodall

Pursuant to notice of public hearing the request of Billy J. Woodall to rezone tracts of land located at 1478 Market Street and 25, 29 and 31 East Main Street came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Haynes stated that there are two buildings and that a site plan has been submitted for mixed use; that one of the buildings will be torn down for parking purposes. He stated Staff and Planning recommend approval subject to the usual C-3 conditions.

On motion of Councilwoman Rutherford, 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 1478 MARKET STREET AND 25, 29 AND 31 EAST
MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE**

passed first reading.

ADOPTION OF WOLFTEVER CREEK AREA PLAN

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION ADOPTING THE WOLFTEVER CREEK AREA PLAN, IN
SUBSTANTIALLY THE FORM ATTACHED HERETO**

was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA,
DEPARTMENT OF PUBLIC WORKS, TO EXECUTE A CONTRACT WITH
ORANGE GROVE CENTER, INC. FOR RECYCLING AND OTHER SOLID
WASTE SERVICES**

was adopted.

REMOVAL OF DEED RESTRICTION

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE GENERAL SERVICES DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE REMOVAL OF THE DEED RESTRICTION THAT CONSTRUCTION BY RENAISSANCE VENTURES, LLC MUST COMMENCE WITHIN TWELVE (12) MONTHS FROM DATE OF DEED AND BE COMPLETED WITHIN THIRTY-SIX (36) MONTHS FOR PROPERTY LOCATED IN THE 500 BLOCK OF EAST M. L. KING BOULEVARD, MORE PARTICULARLY DESCRIBED EHREIN AND AS SHOWN ON THE MAP, DRAWINGS AND DEED ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CIVIC ENGINEERING FOR IMPLEMENTATION OF AZTECA CITY WORKS AT THE WASTE WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED TWENTY-NINE THOUSAND EIGHT HUNDRED SEVENTY DOLLARS (\$29,870.00)
was adopted.

OVERTIME

Overtime for the week ending June 8, 2007 totaled \$71,260.07.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **HAROLD W. HARDEN** – Return from Family Medical Leave, Equipment Operator, City Wide Services, effective June 4, 2007.
- **WILLARD G. TROTTER** – Suspension (3 days without pay), Automated Garbage Collection Equipment Operator, City Wide Services, effective May 25, 28, 29, 2007.

PERSONNEL (Continued)

- **GENEAL LEWIS** – Suspension (3 days without pay), Equipment Operator, Sr., City Wide Services, effective May 29, 30, 31, 2007.

CHATTANOOGA FIRE DEPARTMENT:

- **JOEL R. NIX** – Military Leave (not to exceed 400 days), Firefighter, effective June 12, 2007.
- **CHARLES WADDELL, PERRY STEPHENS** – Military Leave (not to exceed 400 days), Senior Firefighter, effective June 12, 2007.
- **JAMES ASHLEY** – Termination, Cadet, effective June 11, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **TROY V. CANNON, LEROY W. WRIGHT, JR.** – Military Leave (not to exceed 400 days), Police Officer, effective June 4, 2007.

PERSONNEL DEPARTMENT:

- **CAROL DEEMER** – Hire, Personnel Assistant, Pay Grade 7/Step 1, \$22,274.00 annually, effective May 25, 2007.

PURCHASES

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

KUT KWICK CORP. (Only bidder)
R0098065/B0004074

Commercial Slope Mower (*The price offered appears to be fair and reasonable. City Ordinance 10913 permits the award of a contract based upon the receipt of only “one” bid after the requirement has been re-bid.*)

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

PURCHASES (Continued)

SHERMAN-DIXIE CONCRETE (Lower and better bid)
R0095862/B0004156

Concrete Pipe

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

EMERGENCY

The emergency purchase for rental of three vans from Thrifty Car Rental for the Public Works Department, R0099533 in the amount of \$12,000.00 was duly reported and signed in open meeting.

PURCHASE

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Personnel Department:

MOORE MEDICAL SUPPLY and GARRETT MEDICAL SUPPLY, INC. (Lowest and best incomplete bids meeting specifications)

R0098660/B000

4139

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

PURCHASE

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Mayor's Office, General Services Division:

OCE IMAGISTICS, INC. (Single source)

R0099051

City-Wide Copier Services per TCA 6-56-304.6

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

EXPRESSION OF APPRECIATION

Councilman Pierce expressed appreciation to Paul Page for what he does in the community and providing the Council with information regarding property on one of tonight's Resolutions. He stated that he appreciates the "numbers" being provided as to what amount was paid for the property.

HEALTH, EDUCATION AND FACILITIES BOARD

City Attorney Nelson stated that Chairman Page asked that the name of Larry Rooks, CPA, be placed nomination as a member of the Health, Education and Facilities Board. He stated Mr. Rooks would be replacing Jerry Konohia who has moved to Washington.

Councilwoman Robinson placed the name of Larry Rooks in nomination for membership on the Health, Education and Facilities Board; Councilwoman Gaines seconded; the motion carried confirming Mr. Rooks.

COMMITTEES

Councilman Pierce stated after the committee was appointed to look at the homeless situation, the committee went to great lengths to have meetings for sixteen weeks; that all had an opportunity to visit the Community Kitchen on occasion. He asked the City Attorney to draw up a resolution to the extent whether this Council accepts or rejects the report of the committee and noted that Council persons may still have questions and (he) would like to have them answered. He stated this is not on a fast track to go back to the Health, Human Services and Housing Opportunities Committee to iron out some of the questions in the back of some Council persons' minds; that he would like for the Resolution to appear on the agenda within the next two-to-three weeks.

Councilwoman Rutherford stated if she remembers from the presentation there were several steps to go through and then there was to be another update.

Councilman Pierce stated the updated report was placed in Council member's mailboxes last week.

Vice Chairman Bennett stated that the expectation is for more interaction and there was no opportunity during the presentation.

Councilwoman Rutherford stated that it was her thought a report was due in September from an update of the Blueprint or whatever.

COMMITTEES (Continued)

Vice Chairman Bennett stated that was one of the steps recommended by the committee.

Councilwoman Rutherford stated that she would like for that to happen before we accept or reject; that she would like to wait to take any official action until we get the Blueprint update.

Vice Chairman Bennett stated that the recommendation of the report was to take those steps; that in order for the steps to be taken this Council needs to recommend that they be taken.

Councilwoman Rutherford stated that she was happy to do that.

Vice Chairman Bennett stated if anyone has questions about the report, they may want to ask those and be clear and then move forward.

Councilman Benson stated that he does not know what he may be familiar with and expressed his thought that this is an inappropriate place to discuss it; that it would take too long and would be better under the Housing Committee.

Councilwoman Robinson stated that she would schedule a meeting; that from what she is hearing it would be good for the Council to have a session in Committee.

Vice Chairman Bennett encouraged Council members to read and study the report and discuss among themselves.

Councilwoman Robinson stated that the Council should take a couple weeks to study the document and a Committee meeting would be scheduled.

Councilman Benson stated that he has the Committee's report; that the Committee was present during the presentation and we had a chance to ask questions at that time.

Councilman Pierce immediately interjected, "but you didn't".

Councilman Benson reminded the Council that the ethics document should be read and ready for discussion at length in the **Legal and Legislative Committee meeting on next Tuesday, June 19 at 3 p.m.**; that the document is "telling" things that might "shake you up"!

COMMITTEES (Continued)

Councilwoman Gaines scheduled a meeting of the **Public Safety Committee for Tuesday, June 26, immediately following the Health, Human Services and Housing Opportunities Committee**; that the subject matter involves a homeland security update as requested by Chief Rowe.

Councilwoman Robinson scheduled a meeting of the **Health, Human Services and Housing Opportunities Committee for Tuesday, June 26 immediately following the Public Works Committee**.

TML APPOINTMENT

Councilman Franklin stated during the TML district meeting on yesterday, Councilwoman Linda Bennett was elected District 3 Director and will serve on the Board of Directors of TML. He commended her for her attitude about learning everything about municipal government and coming back and sharing information with others on the Council who cannot attend. He stated the position is well deserved!

AMY BALL

Amy Ball stated that she wanted to ask two questions in regard to the Kappa Delta issue. She stated that she respects the vote but the issue is not clear regarding the official legal definition of spot zoning.

City Attorney Nelson stated that it is when one zone attempts to disrupt another into it, then that is spot zoning.

Ms. Ball asked where she could find this information.

City Attorney Nelson stated that he would have to look through the case books of a Tennessee Court case.

Mr. Haynes stated that he would like to have a copy of the case law when it is located so that he would know in the future what the reference is.

Ms. Ball stated that her next question was for Councilman Pierce since the rezoning request was located in his district. She stated that she would like to know if the issue is the sorority or strictly zoning.

AMY BALL (Continued)

Councilman Pierce responded "zoning"; that he has dealt with the sororities since he has been on the Council and thinks the responsibility goes back to the University. He stated that it is his thought the University should provide the facility and at one time UTC had earmarked a location for Greeks; that with the master plan for the M. L. King area, the sororities and fraternities should have been included. He stated his decision is nothing personal.

ADJOURNMENT

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, June 19, 2007 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)**