

**City Council Building  
Chattanooga, Tennessee  
August 12, 2003**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce and Robinson present. Councilman Taylor was absent due to personal commitment. 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 Littlefield gave invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: PROCLAMATION**

Paul Miller, Director of Animal Services, stated August 16 has been declared "National Homeless Animal Day" and in recognition of this observance, the Mayor signed a proclamation declaring observance of the day in Chattanooga. He stated that he asked and the Humane Education Society's new Director agreed to hang the proclamation in the lobby so the public could see it because it is important for the public to know the City recognizes this day. At this point he introduced Donna Daweese, President of the Board of a group that he works with, Friends of Chattanooga Animal Services (FOCAS), a non-profit organization that raises money.

Donna Daweese expressed thanks on behalf of the FOCAS Board for issuing the proclamation. She stated to further address the problem, FOCAS received a grant from the State for a spay and neuter program service to dogs and cats in Chattanooga that will assist with 200 surgeries, with the overall goal of keeping animals from unnecessarily being put to death.

**SPECIAL PRESENTATION: PROCLAMATION**  
**(Continued)**

At this point, Mr. Miller asked for a moment of silence from those in attendance for the animals that have been euthanized and in recognition of "National Homeless Animal Day".

**SPECIAL PRESENTATION: CONVENTION AND VISITORS BUREAU**

At this point, a humorous film was presented to those in attendance that was moderated by Bob Doak of the Convention and Visitors Bureau.

Councilman Littlefield stated the Convention and Visitors Bureau had an annual meeting recently and the film was presented; that some there thought it would be something for the Council members who could not be there to see. He stated the film does a good job of making the point that Chattanooga might not be Disney World; that it is one of the top destinations in the southeastern United States with a lot of resources and is becoming recognized more and more across the County. He stated the Convention Bureau does a good job of selling the City and should be commended!

**AMEND CITY CODE**

On motion of Councilman Hakeem, seconded by Councilman Page,

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 14, ARTICLE II, SECTION 14-78, RELATIVE TO AN INCREASE IN  
EXAMINATION COSTS FOR ELECTRICIANS**

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

**REZONING**

Councilman Benson asked that Ordinance 6(i) and Resolution 7(a) be moved forward on the agenda; Councilman Page seconded the motion; the motion carried.

## REZONING (Continued)

### **2003-116: Franklin Anderson**

Pursuant to notice of public hearing, the request of Franklin Anderson to rezone a tract of land located at 6800 Longview Drive came on to be heard.

The applicant was present; no opposition was in attendance.

Jerry Pace, Director of Operations for the Regional Planning Agency (RPA), stated this request is located on Longview Drive at Hickory Valley. He stated there is C-2 on the north area, which is the CVS store, R-1 to the south and east and C-2 along Lee Highway. Photos of the site showed a residential structure on the property and other vacant and R-1 properties. In showing the photos, he indicated that CVS' lighting problems have been addressed in an attempt to minimize the light overflow with shields on the fixtures on the parking lot and on the side of the building. He stated the area is on the edge of transition of commercial and residential; that the Staff and Planning Commission recommend denial as it is thought this would be the beginning of intrusion along Hickory Valley and Longview. He stated the plan for the area does not call for the continuation of commercial along the streets that are primarily residential.

Councilman Benson stated this is one of the most difficult cases ever before him in his district, but really the way it has been handled sets as an example for other land use plans involving commercial intrusion. He asked the applicant to come forward to say what they have done in the community.

David Eversly, Vice President of Memorial Hospital's Credit Union, deferred to the project's architect, Mr. Anderson.

Mr. Anderson expressed appreciation for the opportunity to discuss the project. He stated there is an existing residence bordering on a highly commercial area of Lee Highway and what they are interested in doing is having a low scale office use for a credit union to be put in the residence in the R-4 zone. He stated the prospective owner does not intent to revise the facility and as now the R-1 is at the intersection of a very commercial location and is not appropriate for single-family use, but the prospective owners offer the opportunity to provide a transition for the tranquil area. He stated in this process they have approached neighbors and talked with people in the neighborhood and presented the plan to help serve the purpose of buffering. He stated there was a good bit of resistance primarily because of the results of CVS and once folks recognized this was not a CVS development but low scale they welcomed it as an opportunity to see how their community could be spared from this highly commercialized district on Lee Highway.

### REZONING (Continued)

Mr. Anderson continued by stating that they propose to use the access from Longview for access and egress only from Hickory Valley; that traffic on Hickory Valley is such that the traffic people feel this is the most appropriate use. He stated as it is now the facility does not have more than 20 visits a day from their members and from talking with the prospective owner, that level of usage will change since it is a closed group of Memorial Hospital employees. He stated the plan shows as many as ten parking spaces and the building would remain as it is now and there would be no need for more spaces. He stated they propose to incorporate a buffer of trees in line with the current landscaping ordinance to serve as screening between residential on the south and east to provide buffering from traffic noise and parking lights. He stated lighting on this facility will be minimal and the service itself is from 8 a.m. – 4 p.m.

Mr. Anderson stated their approach was to go to a pre-submittal review with the building inspector, present the plans and talk with representatives of city government and receive their input; that everyone indicated that they could support this plan. He stated the next step was that they met with the neighborhood group last and presented the plan and visited up-and-down Longview and Hickory Valley to request those interested for input to attend. He stated the meeting was well attended and received input with the result being a letter to Councilman Benson indicating conditions that the owner would be willing to make on the property, including traffic lighting and a landscape buffer. He stated it is felt this is an appropriate buffered use and the neighbors have voiced an opinion and agree.

Councilman Benson inquired about the buffer on the east near Mrs. Scruggs property.

Mr. Anderson stated the property now consists of two lots; that the prospective owner has proposed in one of the conditions that they actually buy two lots so that 100 feet would be incorporated into the property and dissolve the property line, then, according to conditions, would not be built upon.

Councilman Benson inquired about the property to the south.

Mr. Anderson stated on the south side the owner proposes to provide the screening and landscaping in accordance with the landscaping ordinance.

Councilman Benson stated the community is not present and the matter was originally turned down at Planning. He stated that he told Mr. Anderson when this started there was a chance it would not go through because it is contrary to the land use plan.

## REZONING (Continued)

Councilman Benson stated the land use plan is a concept and the concept can still be carried out the way they have agreed to condition this development; that it will be R-4 but will be in the same design as a house.

Mr. Anderson stated the owner made the request; that there is a porch and the intent is to enclose that.

**Councilman Benson** stated there is no opposition and more than a hundred had been opposed; that there was a lot of acrimony in the beginning. He stated everyone worked together; that this is a textbook example of compromise and harmony with the community even in violation of the plan; that the community has asked for approval on the condition that it is maintained as a house. He stated with the southern "domino theory" he asks only that the Council vote for it if we "hold the line" here with this house, that it will remain the same architectural structure. He stated it is better this way that the neighborhood has asked for approval and is in line with what is underway; that the land use plan is not sacrosanct but can be tweaked. He stated this is positive tweaking and a better development rather than having a half-empty house. At this point, he **made the motion to approve on first reading; Councilman Hakeem seconded the motion.**

Mr. Pace stated the conditions could be cleared up before second and third reading. He stated that he jotted down that there would be access from Hickory Valley Road only and would have to make sure and check with the Traffic Engineer that this is okay. He stated another condition is that the existing building would be retained with some modifications, indicating that he would work on the language prior to next week.

City Attorney Nelson stated that the caption should be amended to say, ". . . *from R-4 Special Zone, subject to certain conditions*" He stated we do not have any conditions tonight and if the conditions are added the caption needs to be amended. Mr. Pace stated he can do that and would have the conditions tomorrow.

**Councilmen Benson and Hakeem amended their motion to add, "...subject to conditions" in the caption of the Ordinance.**

Councilman Pierce stated that he was surprised to see the Council come to this point of going back and "messaging with" the land use program; that the Council has stuck to that so faithfully over the period of adoption.

## REZONING (Continued)

Councilman Pierce stated in looking at the property a couple doors down, what he sees is spot zoning; that the Council is agreeing tonight to do this and there is another property 100 feet down that is on hold and is sure they are probably looking at this to see what happens. He stated the Council would be confronted with the same thing in another few weeks and how soon would it be that the whole area is taken up with spot zoning.

Councilman Benson stated that they talked that over; that they have tweaked this land use plan in Applegate and other places where it can be even better. He stated it is thought things can be better this way by keeping the same residential context with an office open five days a week. He stated on down south worries him, that is true, which is why the Council does not need to approve this unless they are willing to say stop right here and no consideration further south into the neighborhood. He stated this is not spot zoning right across from CVS; that he would prefer if Councilman Pierce feels this will make him vote to go down the row, vote to "kill it" also; but if it stops here, approval is recommended.

Councilman Pierce stated that he did not feel it would be fair to the other properties within that given area to say to do one piece and that is it. He stated that he is being honest; that the next applicant that comes along may be able to sell and commit in the same way.

Councilman Benson expressed that he has the same feeling that the next applicant has to be told to keep it like a house and a five-day a week office. He stated he would vote along with Councilman Pierce if he thinks he would be . . .

Councilman Pierce immediately interjected that this is Councilman Benson's district and he respects him for representing his district; that he feels the same about his. He stated that he has feelings about this issue that may be personal to him.

Councilman Hakeem expressed appreciation for Councilman Pierce's comments stating that he would not want to hold this property hostage because of what we might or might not do on the other pieces. He stated if he is correct, along Longview there are only three other pieces of property that is residential. *(At this time, indication was given to Councilman Hakeem that he was looking at the wrong map.)* He then stated that the Council should make a decision on this property and not on what we might or might not do.

### REZONING (Continued)

Councilwoman Robinson expressed that she has misgivings about this, as well; that it looks like this is really a very vulnerable block. She stated it has been residential and the solid core of a beautiful area and the "pressure point" for the rezoning is obviously the CVS; that it is her thought that that is what is "driving" this whole thing. She stated that having on hold an applicant's request two doors down for rezoning worries her, remembering how much went into the development of the plan. She stated it is her feeling if we change this it is inevitable there will be a "domino effect" and does not see how to stop it. She stated if we do this then the house next door is sitting there which is a big question mark for the future, and then the office request that is on hold is waiting to see how this corner piece is done. She stated this troubles her.

Mr. Anderson stated that the house to the south is rental property, now, and the lot has been on hold. He stated the "guy" approached him a long time ago and he (Anderson) does not think he will be in a hurry as he has a business already. He stated he is not sure what is on his mind, as he has not contacted him in over a year. He stated CVS opened a curb cut in front of his house and it hurt the value of his home; that this will help recoup some of it. He stated Memorial would be an excellent neighbor.

Councilman Page spoke for Councilman Benson's motion to approve primarily for the reason there is an ability here that tweaks the plan positively with commercial across the street. He stated secondly and most of all, the people came together and developed it and that is what plans are all about. He stated that he plans to support the motion.

Councilman Littlefield expressed support for Councilman Benson's motion, as well, stating that he was thinking about some of the old planning principles and the City Attorney could discuss many items regarding the background of zoning based on a Supreme Court Case, Euclid vs. Amber Realty Co., which dealt with separation of land uses. He stated Amber challenged them and Euclid ultimately won the case and proceeded to establish the basis for zoning for many decades. He stated a few years ago he visited Euclid, Ohio and what they did brought a better community; that he would shudder to think what it would look like if it had gone the other way. He stated what has arisen in Planning is the idea of mixing uses and doing what the residents and others have done, giving their own ideas to provide buffers and constructing ways to allow usages to coexist. He stated in this case this would be an employment type center that would not employ many and the neighbors negotiated well.

**REZONING (Continued)**

Councilman Littlefield stated it is his thought we would be on solid ground to say a very careful negotiation process was followed in establishing how this rezoning was to go in with the clear understanding this was the end of it and not go further down Hickory Valley and (he) has no problem being successfully challenged in court. He again expressed support for Councilman Benson's motion to approve.

Councilman Benson stated CVS is across the street with noise and lights that were zoned commercial way back when there was nicer commercial. He stated what we are doing with this motion puts conditions that keep it in the structure, style and design of a home. He expressed either way it goes it is his feeling there are at least five votes to approve and keeps any "domino effect" from falling on down the road in any form or fashion. He stated this is agreeable with the community with regard to design controls and buffers. He expressed appreciation to the Council for being so willing to approve; that he was totally against this until he saw the whole community turn it around. He expressed thanks to Memorial, the developer and realtor, indicating that all did a great job. He stated the community came to him and asked for approval because at the time he was the only one against it!

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 6800 LONGVIEW DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading; **Councilmen Pierce and Robinson voted "no"**.

**PUD SPECIAL EXCEPTIONS PERMIT**

**2003-094: RSF Investments, LLC**

The applicant was present; considerable opposition was in attendance.

Mr. Pace stated this request is located in the Hixson community along Lower Mill and Mill Road where there is R-1 single family residential and some R-2 near the railroad track to the east. He displayed the site plan submitted for development from Mill Road back to the first part of the property with all being detached single family residential; that in the rear is the development with townhouses.

**PUD SPECIAL EXCEPTIONS PERMIT (Continued)**

Mr. Pace stated the density of the development overall is somewhat lower than single family R-1 even with townhouses. He stated the Hixson-North River Plan calls for low-density single family residential for this area, but the density developed is lower than that typically of a detached single-family residential subdivision. After displaying an aerial view of the proposal he stated Planning and Staff recommend approval with certain conditions.

Mike Price with MAP Engineers was present representing Mr. & Mrs. Fowler, applicants for the property. He distributed information regarding the conditions that were discussed at the Planning meeting and stated the plan has the Staff and Planning's approval, but more importantly, meets the land use plan adopted for this area, which is an important aspect to be remembered, that it meets the land use plan. He stated that it is important to point out that the development goes with the contours of the land and allows opportunity to maintain the natural area and tree canopies and not "rape and pillage" the land. He stated the plan is presented on twenty-six acres that will have a pond with a fountain, other amenities and walking trails as part of the community lots to allow people to walk in-and-out of the community.

Mr. Price continued by stating that they came forward with the PUD as it is more restrictive but allows a place for townhouse units in the back; that all property to the east bounded by the railroad falls within the flood plain and the possibility for development is very unlikely at best. He stated to the north there is a large amount of woods that exists that is offsite and would not be impacted by the development; that to the south would be a landscape buffer and there would be no impact from a visual standpoint. He stated in addition to the conditions placed on the homes they will have cemetious siding to meet with what is now in the neighborhood; that there would be no vinyl or cheap material. He stated they met with the neighborhood and described to them that they are looking at selling the homes within \$140,000 - \$160,000 with 1,600 square feet and the town homes would range from \$126,000 - \$140,000 with 1,400 square feet. He stated there was not a single home he could find that sells anywhere less than \$90,000 - \$100,000 that was built with this square footage in 2000.

Mr. Price stated the argument has been that this would destroy property value. He stated PUD's have sidewalks, which is not typical of many subdivisions in the area. He stated as far as traffic, the townhouses would generate for a typical occupant six trips per day. He stated the subdivision would be R-1 and would generate 1,000 cars per day, a one-third decrease.

**PUD SPECIAL EXCEPTIONS PERMIT (Continuous)**

Mr. Price stated in conclusion, he tried to meet with the neighborhood, tried to bridge the gap between what we presented and what their ideas were, but was unable to bridge the gap. He stated "at the end of the day" the proposal meets the land use plan requirements and this is a good plan. He stated as an engineer he has designed many subdivisions and care was given to make sure and maintain the natural beauty of the property and leave as much of the area as natural as possible. He stated there is a twenty-five percent set aside for community lots; that this is not a cheap, low scale development that will harm this area. At this point photos were displayed of what the project would look like. He asked the Council to approve the proposal, as it is an added asset to the area and the Chattanooga community at-large.

Bill Hawkins stated that he has lived on Old Mill for three years and it is a unique community, which includes Timberwyck, Frost Meade, Ashley Forest, Kings Ridge and others; that it is a neighborhood that has grown and lived together. He stated they taught each other's kids in school and coached them; that they go to church, weddings and funerals together; that it is a very unique neighborhood. He stated they are very concerned about this project and it has been said this project is similar to what is out there and it is not at all. He stated they are proposing a development of 1,200 – 1,600 square feet on six-foot lots in the middle of a neighborhood where the average square footage is from 2,200 – 4,000 square feet. He stated the houses will look nice when they are first put up, but five-to-ten years down the road the next person who buys is going to go from there to rental and then they will deteriorate; that everything around it will deteriorate and will depreciate property values. He stated this is of great concern to them because they know this type of building is not going to stand up; that they have kept their homes well, added to them and know they have an investment that will go downhill. He stated he is not saying the Lawsons do not keep their property well because he has the right to build and they, as residents, have the right not to have their property depreciate as such. He stated there is no harmony in this project; that the road will not handle this development -- not even close! He referenced pages 22 and 51 of the vision plan for detached single-family dwellings, noting that the townhouses are detached single-family dwellings. He stated it is time to stand up and be counted; that they stood up and voted for the Council members and the Council must now decide what to do on this. He asked Council members if they would want this next to them sitting in their back yard; that they do not want it.

Steve Wortham of 720 Timberwyck Drive in Hixson stated that he was present representing several neighborhoods. He stated the whole community would be adversely affected by this development and presented a petition of more than 300 people that are opposed.

**PUD SPECIAL EXCEPTIONS PERMIT (Continued)**

Mr. Wortham stated they are not against developments, but they are against this one. He stated they met with Glenn Osborne to discuss their concerns and when they asked about the project Mr. Osborne would only state he built other developments but did not discuss them. He stated Mr. Osborne indicated he would get with the community later but did not; that tonight is the first time they saw photos of the project. He stated when they called this group about inconsistencies of the development it was denied they made earlier statements. He stated Councilman Page suggested several comments in meetings on July 8 in an effort to present concerns of the neighbors and their principal comments were turned down and questions were not answered; that Mr. Osborne chose not to attend. He stated the developer's response was that they could abandon the PUD concept and build as many as they can jam on the property without any planned development at all. He stated the developer told them that they were fortunate to have such a development and that it would increase property values. He stated they tried to contact the proposed buyers for answers since they chose not to attend the meeting but did not get a return call; that at that point they did not know what the developer proposed to build and they are not sure the developer knows! He stated it is expected if the development moves forward it would be a cheaply built, poorly maintained housing area. He asked the Council to deny the request; that they do not understand what the developer's plans would be and it would be a terrible injustice.

Richard Dube, a resident of 6018 Mill Road in Hixson, echoed the sentiments of his neighbors who spoke previously. He stated the proposed development does not reflect density or diversity of architecture. He questioned the motivation since there is no consistent information and they have not negotiated with the neighbors in good faith. He stated it is likely the townhouses would become rental units; that their concerns are from the negative impact on aesthetics and appraised values of the community. He stated they are very concerned about the addition of 200 additional drivers, stating that he lives on Mill Road and can testify how extremely difficult and dangerous it is to negotiate a left turn onto Lower Mill. He stated the traffic volume is high and speed can cause long delays. He stated a survey conducted reflected 369 vehicles pass by Mill Road between 6:30 - 8:30 a.m. and will increase well beyond this when school begins. He stated with the addition of 200 drivers it will create a neighborhood traffic jam and will quadruple the size of the neighborhood. He referenced the Hixson Plan and pages 50 and 51 which indicate low-density residential detached homes should be one-to-four units per acre. He stated page 22 of the document references the principles for infrastructure; that the infrastructure should lead the development and not vice versa. He urged the Council to consider the consequence of allowing a development of this size to occur.

**PUD SPECIAL EXCEPTIONS PERMIT (Continued)**

Mike Price stated they were asked as a design team to bring to the neighborhood a plan that would show R-2 development; that they did and then were accused of threatening the neighborhood by showing it. He stated it is hoped the development could occur and will occur. He stated the Fowlers are very private people; that they hired the team to come up with a plan to proceed with. He stated any comments as far as the Fowlers being nebulous or uncaring developers is not the case; that they have hired their team and we are the "point people" to respond. He stated this is simply not a development that is being thrust upon a community; that the Traffic Engineer looked at this and understands the issue with respect to traffic, especially Grubb Road and Lower Mill. He stated they looked at it and presented a packet by paying \$20,000 to upgrade the intersection; that it would not contribute 20% of traffic. He stated "at the end of the day" the Fowlers are looking at putting a community development plan together that goes with the "lay of the land" to try to keep as much of the property in the beautiful state it is. He stated this meets the land use plan and the Staff indicated that and that is what they are asking for approval today.

**Councilman Page** stated this is a perfect example of a community development project and how not to do one. He stated he has been at many meetings with the neighborhood, met with the developer and has been able to get to a zero point impasse point with regard to what can be done here. He stated the problems are humongous in the communication end and tremendous with regard to what the residents of Mill Road can expect to be developed. He stated that he heard so many things and his "heart bleeds" for them. He stated with due respect to Mike Price, he is a fine engineer; that the project is certainly something that cannot be developed without good faith. He stated he is not denying the use of the land or a good use for a developer to develop an R-2 type of development. With due respect to the people involved, **he made the motion to deny the request; Councilman Benson seconded the motion.**

Councilman Lively stated he would go along with the recommendation, however, it was his thought that a mistake is probably being made. He stated what has been said is true, that they can develop with no guidance at all the way it is, however a PUD has more restrictions. He stated the rezoning listed as 6(h) on the agenda is for Cummings Cove, which is a request for town homes; that people went out right away to purchase the town homes at the entrance to a development of homes that run from a quarter of a million dollars to half a million dollars each.

**PUD SPECIAL EXCEPTIONS PERMIT (Continued)**

Councilman Lively stated that it is his wish that everyone could get together to realize there are so many more controls on somebody when they go through PUD; that they have to come up with sidewalks and restrictions are placed on them (developers). He stated as a community he would stop and ask that it be put off thirty days and talk to people like Barry Bennett and Jerry Pace; that the restrictions and guidelines people have to go through to apply for a PUD are many and it can work in the community's favor.

Councilman Page stated the neighborhood association did meet with Barry, Don Moon and the builder and could not resolve it. He expressed appreciation for Councilman Lively's comments and "called for the question" on the motion to deny.

On motion of Councilman Page, seconded by Councilman Benson,

**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS MILL ROAD PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 6138 MILL 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 denied on roll call vote:

Benson	"Yes"
Hakeem	"Yes"
Littlefield	"Yes"
Lively	"Yes"
Page	"Yes"
Pierce	"Yes"
Robinson	"Yes"
Franklin	"Yes"

**REZONING**

**2003-111: David Davis and Linda Sims**

Pursuant to notice of public hearing, the request of David Davis and Linda Sims to rezone tracts of land located at 4220 and 4256 Shallowford Road came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition.

**Councilman Littlefield made the motion to move Ordinance 6(f) forward on the agenda; Councilman Hakeem, seconded the motion; the motion carried.**

Mr. Pace stated this request is located in District 5 along Shallowford Road next to the levee; that it is a large tract of land that has been known as a boarding farm for many horses and is across from the golf course. He stated it is primarily commercial along that stretch and the site plan shows a proposal for warehousing and an office building. He stated the recommendation from Planning and Staff is for approval with conditions.

Chairman Franklin stated all concerns regarding this request have been met. He commended the applicant for his willingness to work with the neighborhood; that all minds worked together for the good of the area.

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACT OF  
LAND LOCATED AT 4220 AND 4256 SHALLOWFORD ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO  
M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

AMEND ZONING ORDINANCE

Jerry Pace requested that this matter be deferred until September 9.

There was no opposition in attendance.

Mr. Pace stated a Resolution would be coming forward that involves a boundary that will be overlooked. He asked that the matter be deferred until September 9 to bring both matters forward at the same time.

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE IV,  
GENERAL REGULATIONS, ARTICLE V, ZONE REGULATIONS, AND  
ADDING A NEW SECTION 1700, TO INCORPORATE LANGUAGE  
RELATIVE TO OFFSTREET PARKING, SHARED PARKING AND REDUCED  
PARKING STANDARDS**  
was deferred until September 9, 2003.

## REZONING

### **2003-057: CHARLES R. MILLER, JR.**

The applicant was not present; opposition was in attendance.

Mr. Pace stated that the applicant was present earlier and there are concerns about this request that comes with a recommendation for approval from the Planning Commission with conditions for landscaping for a private drive, which would come across private property. He stated the applicant could build a street dedicated to City standards and access the property. He stated there is opposition from the community present, reiterating that the applicant was present earlier and asked that the matter be deferred one week for an opportunity to discuss the options he has to make sure it is acceptable or not to the neighborhood.

Callie Stewart of 6121 Vance Circle represented the neighborhood association and stated the association is opposed to this request due to the increase in traffic flow. She stated the area is in the 100-year flood zone and is currently experiencing additional flooding due to an area that was developed on Airpark Boulevard that is located behind the neighborhood. She stated those in opposition include the Shepherd Community Council, as well; that this is an area that has been there more than thirty years and a majority of the residents are opposed to the development of this property.

Chairman Franklin stated that he understands the problem with the flooding situation and indicated Mr. Miller has requested that the matter be deferred one week.

Mr. Pace stated there is a portion that comes down from C-2 to Vance Road and Mr. Miller owns most of the property and can build a street there to City standards, dedicate it to the City and it would be a public street. He stated Mr. Miller does not have to get rezoning to do that and it is more expensive to do than a private street. He stated the property would have to be rezoned for a private drive and with landscaping, reiterating that he can build a public street without rezoning. He stated Mr. Miller asked for rezoning to see what options are available to him.

Chairman Franklin asked Ms. Stewart if she understood that the community would have an opportunity to discuss the matter with Mr. Miller. Ms. Stewart responded "yes".

**REZONING (Continued)**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PART OF A  
TRACT OF LAND LOCATED IN THE 6100 BLOCK OF VANCE ROAD,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL  
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO  
CERTAIN CONDITIONS**  
was deferred one week.

**REZONING**

**2003-083: JDH Company**

Pursuant to notice of public hearing, the request of JDH Company to rezone tracts of land located at 1122 and 1124 East 14<sup>th</sup> Street, more particularly described herein, from R-3 residential zone to M-1 manufacturing zone came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this M-1 request involves three tracts of land. He stated there is a lot of M-1 in the area as well as single family residential and R-3; that it is an area that has been neglected over the years as being between high density industrial and a cemetery. He stated the Staff recommends denial of the M-1 and approval of R-4 for an office and Planning recommends approval of the M-1.

Councilman Pierce stated he has had no input from the neighborhood or anyone else; that he is more inclined to pass the request on the Staff's recommendation for R-4. He agreed that it is a blighted area, but in recent months there have been new residential structures build, yet he did not see any photos displayed of the new residences. He stated there are a couple new houses and there is quite a bit of manufacturing that is really taking over the whole area and he hates to see that. He stated it is his feeling that offices would be more in line at present with no manufacturing; that a lot of property is being acquired at a discounted price and the owners are having it rezoned. He stated there is no opposition present to this request and asked the applicant if he accepts the Staff's recommendation.

A representative for the applicant stated warehouse space is what they need; that they do not need any office space. He stated right now their materials are kept covered with a tarp and they need a building to store material.

### REZONING (Continued)

Councilman Pierce stated that the Planning Staff makes recommendations to the Council as well as the Planning Commission. He stated the Staff was looking at what is best for the neighborhood, itself, and based on their recommendation the applicant has indicated the space is what is needed. He stated because space may be needed does not mean the Council would be willing to change the rules of the game. He stated the decision is up to the Council and no one has lobbied him for or against; that it is up to the Council to decide.

The applicant's representative stated there is M-1 across the street and most of the houses are rental houses.

Councilman Pierce indicated there are two new houses down the street from this location.

Councilman Littlefield inquired as to whether there is a rendering of the proposed warehouse.

The applicant's representative indicated that the building would be like the metal building they are presently in.

Councilman Benson stated that they "battled" with this request at the Planning meeting. He stated the matter had to be deferred so that the applicant could research to see if he owned it. He stated the Planning Commission and Staff felt there was a problem about the transition and thought office and R-4 would be better than going stark M-1. He stated if he recalls correctly the two houses across the street were nice houses.

The applicant indicated that the houses are rental houses.

Councilman Benson stated rental or not, they are residential.

Mr. Pace stated there are two houses directly next door in the R-3 area and the other two houses Councilman Pierce referenced can barely be seen in the distance, according to the photos shown.

Councilman Lively asked whether it was determined that the applicant owns the lot. The applicant responded "yes".

Councilman Lively then asked if the R-3 is the applicant's. The applicant responded "yes".

**REZONING (Continued)**

On motion of Councilman Pierce, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1122 AND 1124 EAST 14<sup>TH</sup> STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO  
M-1 MANUFACTURING ZONE**  
was deferred two weeks.

**REZONING**

**2003-098: Fred Robinson**

Pursuant to notice of public hearing, the request of Fred Robinson to rezone a tract of land located at 4181 Hixson Pike came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated the applicant has requested a deferral of this request.

Councilwoman Robinson stated Mr. Robinson called her to request deferral of this request.

Robin Hutchison of 421 Highway Drive in the Highwood Estates made reference to the tract Mr. Robinson's company owns, stating that the hill comes off Hixson Pike where there is a brick planter divider at the entrance into the subdivision, and is the only entrance. She stated a walkway has been installed from the entrance of the subdivision across Hixson Pike to Dupont Elementary for the safety of the children. She stated if access from the property Mr. Robinson owns comes through there, it would dump a lot of traffic by that walkway that would endanger pedestrians wanting to use it. She stated the divider or planter is awkwardly placed and stated there is a petition with 110 names on it from the neighborhood indicating this is not desirable for the neighborhood because of the traffic. She stated it would interfere with the entrance because there is only one way in and one way out with no other access. She stated she has only been in the subdivision a year and the neighbors have been keeping the lot up. She stated they have not received any monetary compensation from Mr. Robinson who has owned the property for eight years, which was purchased through a back tax sale. She stated this would be detrimental to the neighborhood and is a blind entrance.

**REZONING (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 4181 HIXSON PIKE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE**  
was deferred until September 16, 2003 at the request of the applicant.

**REZONING**

**2003-106: Capital Toyota, Inc.**

Pursuant to notice of public hearing, the request of Capital Toyota, Inc. to rezone a tract of land located at 205 Chickamauga Road came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is located on Lee Highway in the area of Chickamauga Avenue. He stated the a few months ago a portion was rezoned C-2 for the expansion of the Lexus dealership and they are now requesting an additional lot to the north; that there are residential uses to the east. He stated the Staff recommended denial and Planning recommends approval subject with ten conditions.

Vance Travis representing TWH Architects, Capital Toyota and Lexus stated that he and Jeff McKamey were present regarding this request. He stated it is hoped the Council would look favorably upon the present proposal per Planning's approval for rezoning. He stated they came before the Council the first time and the Council allowed rezoning with conditions along Chickamauga Avenue and Lee Highway. He stated there is a 60 foot setback before getting to the building; that the conditions not only have a 35 foot buffer but an additional 30 feet of landscaping buffer between it and the proposed development. He stated because of the limited amount of property it was mandated that there be a two-story service department development, however, the property owner for this piece asked for consideration and asked for more flexibility with respect to the expansion. He stated the McKamey's were not required to have a service department because they were using the existing Toyota service station; that both Toyota and Lexus have grown and two years ago Lexus was told they would have to build an independent service and parts department.

## REZONING (Continued)

Mr. Travis stated the only way to do that was to acquire additional property; that what is different the service department will be inboard rather than outboard and the design of the exterior will be the same material used at Brainerd at Lee Highway. He acknowledged the conditions and indicated they would adhere to them.

Claude Lamb of 202 Chickamauga Road expressed opposition to the request, stating this has been an ongoing thing. He stated last year they went to the Variance Board and requested a permit for parking on the property at the corner of Aiken and Chickamauga that was postponed because of a lack of enough people to vote at that time. He stated when it was rescheduled, those in opposition returned and found the property is now up here for rezoning to C-2. He stated they did not know it and thought it was just for a parking lot. He stated at that time, Mr. McKamey told them the building would be on the west side of the existing property that Capital Motors owned before purchasing these two parcels, and now they find they want to rezone property at 205. He stated they thought it was supposed to be a parking area and if this is the way it will be he requested a deferral for sixty days to consult with legal counsel on what their property rights are.

Mr. Travis stated the previous expansion for the service department did not cross over that boundary; that they reorganized design drawing as a result of the requirements of Lexus that it had to go beyond the existing property line with the building expansion, in addition to the parking area behind it. He stated the continuous R-1 from Chickamauga Avenue into the property that will be fully landscaped requires 35 feet in widening, in addition the expansion will be set back another 30 feet or more for a total of 65 feet from Chickamauga Avenue.

Councilman Benson commented to Mr. Lamb that there are some situations where you cannot seem to totally win; that it is better to "take the winnings you can get".

Mr. Lamb stated 202 is directly across the Street.

Councilman Benson that you have to be pragmatic; that if Lexus moved out of there you would have an empty barn down there and for him (Lamb) to think about it. He stated he (Lamb) might need to "cut" the best buffer deal he can possibly get that would not intrude upon his privacy. He asked Mr. Lamb if that is a possibility. Mr. Lamb responded "yes, possibly".

## REZONING (Continued)

Councilman Benson indicated that the neighborhood has to realize what is going to happen; that Mr. Pace made reference to the conditions.

Mr. Lamb stated he has not seen the conditions.

Councilman Benson stated Mr. Lamb needs to see them as part of the approval of the Ordinance.

Chairman Franklin inquired as to whether Mr. Lamb's yard flooded recently.

Mr. Lamb responded "yes"; that it has flooded on three occasions. He stated there is a serious flooding situation because the storm drain will not carry anymore. He stated Councilman Littlefield is aware of it because he spoke with him about it. He asked if the matter could be deferred a few days to see if both sides can work this out.

**At this point, Councilman Hakeem made the motion to approve the matter on first reading and make other modifications prior to second and third; Councilman Lively seconded the motion.**

Councilman Benson stated this is not the final move on this; that conditions would be added prior to next week.

Mr. Lamb stated that he would need more than a week; that this is pushing the time a little bit. He suggested tabling the matter thirty days; that it would be helpful if Councilman Littlefield could come out and meet with the people to discuss it.

Councilman Littlefield clarified that he is unable to vote on this issue; that he is handling real estate that is involved in this transaction and will abstain from all discussion and voting.

Councilman Benson stated this would give seven days of good faith discussion for negotiations.

Councilwoman Robinson stated that she would like to address the flooding issue and asked if there would be an additional increase in flooding.

Mr. Travis stated that they would be enhancing the runoff from these properties as the result of this development; that this would actually improve the runoff from these parcels. He stated as far as the problem with the system in that area is another thing the City will continue to work on.

### REZONING (Continued)

Councilman Page inquired as to what the buffer and access is for 202 Chickamauga and what Mr. Lamb would be looking out and seeing.

Mr. Travis stated that the landscaping represents a buffer that they are now currently fine-tuning and they are identifying specific plantings for the area. He stated one of the requirements is for deciduous trees, however in the winter the leaves fall off and you can see through the trees. He stated one required landscape buffer are evergreens, which are always full and lush; that there will be a six-foot high vinyl fence that will always be behind the trees. He stated they have a full landscape plan.

Councilman Page asked if Mr. Lamb would be buffered. Mr. Travis responded "yes".

Mr. Lamb inquired how high the building would be.

Mr. Travis stated it would be one story high, about seventeen or eighteen feet high.

Mr. Lamb asked if the building would be seen from Chickamauga.

Mr. Travis stated until the landscaping grows there is no way to know; that there is less building with this design than the previous design.

Chairman Franklin indicated all information would be disseminated to all individuals with regard to the buffer and the conditions.

On motion of Councilman Hakeem, 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 205 CHICKAMAUGA ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 REIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading, **Councilman Littlefield abstained.**

**REZONING**

**2003-112: Hart Construction, G.P.**

Pursuant to notice of public hearing, the request of Hart Construction, G.P. to rezone a tract of land located in the 600 block of Narrows Way came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in Hixson near Ashland Terrace. Photos were shown of the area and of the homes under construction. He stated there was a setback problem and the zone is being changed to meet the setback for the new development; that the road has been built and the houses are under construction. He stated Planning and Staff recommend approval.

On motion of Councilman Littlefield, 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 IN THE 600 BLOCK OF NARROWS WAY, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM RZ-1 ZERO LOT LINE  
RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE  
ZONE**

passed first reading.

**REZONING**

**2003-115: Cummings Cove Highway**

Pursuant to notice of public hearing, the request of Cummings Cove Highway to rezone a tract of land located at 4000 Cummings Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request to rezone R-T/Z is for the expansion of patio town homes. He stated it was originally thought this was included in the area but was left out and this request completes it. He stated the request is for approval from both Planning and Staff.

**REZONING (Continued)**

On motion of Councilman Lively, 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 4000 CUMMINGS HIGHWAY, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM G-2 CONVENIENCE COMMERCIAL ZONE  
TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE**  
passed first reading.

**TEMPORARY USE: MICHAEL GOODMAN (HONEST  
CHARLEY SHOP)**

On motion of Councilman Page, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING MICHAEL GOODMAN (HONEST  
CHARLEY SHOP) TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY  
LOCATED AT 1317 CHESTNUT STREET TO INSTALL A SIGN, AS SHOWN  
ON THE DRAWING ATTACHED HERTO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AGREEMENT: GREER C. TIDWELL, P.E.**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A  
PROFESSIONAL SERVICES AGREEMENT WITH GREER C. TIDWELL, P.E. TO  
PROVIDE CONSULTING SERVICES WITH STATE AND FEDERAL  
REGULATORY AGENCIES RELATIVE TO ENTERPRISE SOUTH INDUSTRIAL  
PARK**  
was adopted.

**OVERTIME**

Overtime for the week ending August 8, 2003 totaled \$83,285.77.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PERSONNEL (Continued)**

**PUBLIC WORKS DEPARTMENT:**

- ? **DANIEL L. CHANDLER** – Transfer/Voluntary Demotion, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 11, \$38,783.00 annually, effective August 12, 2003.
- ? **CHARLES G. FULTS** – Resignation, Crew Worker, Citywide Services, effective July 31, 2003.
- ? **WESLEY L. BARNES** – Hire, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective August 4, 2003.
- ? **TYRONE LAMB, SR.** – Suspension, Equipment Operator, Sr., Citywide Services, effective July 23-28, 2003.
- ? **MICHAEL PATRICK** – Promotion, Waste Resources System Engineer, Waste Resources, Pay Grade 31/Step 1, \$50,290.00 annually, effective August 22, 2003.

**FINANCE AND ADMINISTRATION DEPARTMENT:**

- ? **RACHELLE THOMPSON SMITH** – Hire, Management and Budget Analyst, Pay Grade 17/Step 2, \$35,220.00 annually, effective August 8, 2003.

**CHATTANOOGA POLICE DEPARTMENT:**

- ? **LISA L. JONES** – Promotion, Administrative Secretary, Pay Grade 9/Step 7, \$31,293.00 annually, effective August 1, 2003.

**HOTEL PERMITS**

On motion of Councilman Lively, seconded by Councilman Littlefield, the following hotel permits were approved:

**KNIGHTS INN** – 2100 South Market Street, Chattanooga, Tennessee

**THE CHATTANOOGAN** – 1201 South Broad Street, Chattanooga, Tennessee

**PURCHASE**

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

**ABATIX CORP. (Lowest and best bid)**  
**R0054775/B0000888**

Chemical Detection and Monitoring Instrument, Domestic Preparedness Equipment Program

\$16,998.00

**REFUND**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund of gross receipts tax due to amended tax return July 1, 2003 – July 30, 2002:

**NEXTEL -- \$2,951.20**

**HEARING: GREGORY BALLARD**

City Attorney Nelson stated the hearing for Mr. Ballard was scheduled with the understanding it would have to be rescheduled. He stated Mr. Ballard would be unavailable through mid-September.

**Mr. Ballard's hearing was rescheduled for Monday, September 29 beginning at 3 p.m.** Panel members acknowledged their availability for the twenty-ninth.

**HEARING: ROY M. BARBER, SR.**

City Attorney Nelson stated a request for hearing has been received from Roy M. Barber, Sr. of the Chattanooga Fire Department regarding his six-day suspension.

**A hearing for Mr. Barber was scheduled for Monday, September 8 beginning at 3 p.m. with Councilmen Benson, Page and Littlefield serving as the panel hearing the request. Councilman Benson was designated as Chair of the panel.**

### COMMITTEES

Councilman Littlefield reminded Council members of the meeting of the joint **Legal and Legislative/Redistricting Committees scheduled for Tuesday, August 19 beginning at 3 p.m.**

Councilman Hakeem reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, August 19 beginning at 4 p.m.**

### CLARENCE DODDS

Clarence Dodds of Any Boy Can stated that he was present to reference two concerns. He stated with reference to the first, he lives in Mary Walker Towers across the street from Howard School. He stated he has called the traffic division and Mayor's office twice about the traffic coming through doing 80 - 90 miles per hour and something needs to be done. He stated he has called the City and can never get a chance to see the Mayor; that he went to the police department and traffic division and still no one has been sent out, indicating that it is a shame. He stated with all the students there, the cars are coming through and have no respect for the school or nothing! He stated the second thing is that his grandson was killed Saturday a week ago and was only seventeen years old. He asked who in the world is selling guns to kids in this City! He stated the person selling them weapons should be held accountable; that too many people in Chattanooga are being killed; that too many people are being shot in the head and robbing banks. He stated he pulled duty in World War II for two-and-a-half years as a Military Policeman and never pulled his gun. He stated there are eight different things a policeman can do, yet here in Chattanooga the first thing they do is reach for their gun. He stated a short time ago a man who did not have a record now has one only because a decent, respectable citizen had nothing in his car but a screwdriver. He related an incident where a small-framed person weighing only 150 pounds had seven policemen sit on him! He stated he is tired of "his people" being treated like that, whether white or black, something should be done. He stated why people vote for people like this he does not know; that it is his thought the City Council members have too many jobs and are on too many boards and these are things that need to be looked at. He stated he has been "down" but not out for seven years. He expressed appreciation to Councilmen Littlefield and Lively as "men from the heart" and indicated the others on the Council are not in the category of those two as far as thinking for rights. He stated the image of this City needs to be changed!

### **SISTER BEY**

Sister Bey displayed a copy of the Emancipation Proclamation ratifying the abolition of slavery. She stated the College Hill Courts are slated to be torn down and those people do not have anywhere to go; that she has been fighting Urban Renewal and the Mayor needs to be abolished; that all he has done in this City is keep up confusion! She stated that she is tired of "her people" being used as scapegoats; that Congressman Wamp told the City to fix the house next door to her and nothing has been done and that two cars were pulled out of her yard. She stated no one can get help from this government. She referenced the President's trip to Liberia stating that he flies around talking about peacekeeping; that she is sick of this as this is not a real world, it is a dream world! She stated if Dr. King were here he would tell everyone to come out of the dream. She stated she has always been against integration and was taught to "play in your own backyard".

### **MIKE MALONE**

Mike Malone of 608 Stonebrook Drive stated for the past twenty-five years he has been a businessman and developer in the Chattanooga area; that in early 1984 until the 1990's he assembled most of the land on the "south campus" along with his partner, Scotty Probasco, Sr. He stated that he has something to discuss with the Council and asked to be placed on next week's Council agenda.

Councilman Pierce inquired as to whether Mr. Malone's concern has to do with economic development and wondered if it would be better addressed in a committee meeting rather than the Council meeting.

Mr. Malone stated that his concern pertains to what he knows is happening on the "south campus"; that there is a pending lawsuit. He stated he is very proud of what has happened on the "south campus" and asked to be heard.

Councilman Littlefield indicated next week's Legal and Legislative Committee has a full schedule of discussion regarding redistricting, a report from the Animal Task Force and the Humane Society contract that they are trying to get resolved as quickly as possible because Paul Miller is leaving. He stated if this is an issue that relates to a lawsuit he is uncomfortable getting involved if it is something that might be related to court action. He stated he would like advanced information.

Chairman Franklin suggested that Mr. Malone's concern be addressed in Legal and Legislative Committee in two weeks (August 26).

**MIKE MALONE (Continued)**

Councilman Littlefield stated that he does not know what this is all about; that the City Attorney certainly would need to be present.

Mr. Malone indicated he would plan to be present at the Committee meeting in two weeks.

**J. B. GRIFFIN**

J. B. Griffin of 2207 Union Avenue stated that he was present to complain against the Neighborhood Services department and the Administrator, in particular. He stated he came home one day and found a note on the door that read, ***"Don't be a neighborhood problem"***. He went on to say that the card referenced that it was ***"illegal to store items on the front porch, have inoperative vehicles, overgrown grass over ten inches high and not have the house painted"***. He stated he was cited to court in the middle of all of this; that the card indicated ***"the enforcement team would come to meet with you on Code violations"***. He stated the card did not say anything about meeting anyone in court! He stated he received a letter indicating the violations the day they should be completed. He stated he painted the entire house, a large oak tree that had fallen down in the yard was completely removed, two out-building roofs were completely removed and all the junk in the back of the building was removed. He stated that he got all that done and went to court and his case was dismissed and he did not have to pay a fine. He stated there is no issue now between him and the City. He stated his neighbor is a disabled veteran and will not come to do talk to the Council because he is scared. He stated his neighbor's court case was heard before his; that his neighbor was cited for the garage in the rear of his property. He stated the Judge ordered demolition of this man's garage and said the City would tear it down and put a lien on the property. He stated he does not feel that is right; that he does not know how we have moved to an area when property values take precedence over property rights. He stated if a man wants a dilapidated building in his back yard and if his neighbor is not complaining he should be able to have it. He stated in his neighborhood on Union Avenue, which is not up in any fancy end in Ridgedale, they all have a common philosophy that they like it "kinda junky" and it keeps property values lower! He stated he was present on behalf of the whole neighborhood.

Chairman Franklin stated a complaint had been filed by someone in the neighborhood regarding the properties and the City is sensitive to individuals who may not take care of themselves.

**J. B. GRIFFIN (Continued)**

Chairman Franklin stated the City is trying to uphold and rebuild neighborhoods and encourage property owners to keep up their property whether in the Ridgedale, Avondale or whatever area.

Councilman Benson stated that he wanted to make it clear property ownership requires responsibility, the same responsibility required in having children and driving a car. He stated that Mr. Griffin "got to him" when he said everyone's yard was like "living in a pig sty". He stated Mr. Griffin should have given his comments more thought before jumping on Mr. Curry for doing his job. He indicated that the two could talk privately later if he (Griffin) wanted to.

Mr. Griffin immediately interjected that he did not say that ("living in a pig sty").

Councilman Pierce stated the ten-day time may be a little quick for a person to do what Mr. Griffin said about moving the tree that was down and other items. He stated basically he was in the process of trying to comply with the request of Neighborhood Services and was cited to court. He stated we might have the "grip a little too tight"; that ten days is the magic number and more flexibility should be given.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, August 19, 2003 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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