

City Council Building
Chattanooga, Tennessee
June 8, 2004
6:00 p.m.

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

MINUTE APPROVAL

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

REZONING

2002-221: Mike Price

Councilwoman Robinson made the motion to substitute the amendment to this Ordinance; Councilman Taylor seconded the motion; the motion carried.

On motion of Councilman Hakeem, 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 2869 HARRISON PIKE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-T/Z
RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

Councilman Taylor made the motion to move Ordinance 6(i) and Resolution 7(a) forward on the agenda; Councilman Hakeem, seconded the motion; the motion carried.

2004-097: Towne Center North, LLC

Pursuant to notice of public hearing, the request of Towne Center North, LLC to rezone tracts of land located in the 1000 block of Cowart Drive and John Mark Road together with part of 5810 Winding Lane came on to be heard.

The applicant was present; there was opposition in attendance.

Chairman Benson made reference to the new guidelines adopted in the Rules of Procedure of the Council with regard to the limitation of time for persons speaking "for" and "against" rezoning requests.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this request is for C-2 and that there is R-4 and R-1 in the area. He stated the property is presently vacant with commercial zoning along 153 to the north and south and apartments. He stated three conditions have been attached to this request with regard to lighting, landscaping and sewer easements; that the recommendation is to approve the request from both Planning and Staff.

James Buckner Wofford, of Wofford Development Inc. in Chattanooga, presented a PowerPoint presentation of Oak Park Town Center located down the street from this request and specifically referenced its development quality. He stated it is his hope the Council feels he has upheld his end of the bargain as far as the development of this center in 2002; that Oak Park created 712 jobs, created 362 new jobs and generated \$747,000 in annual property taxes; that the coffers have increased considerably generating \$138,140,000 in annual retail sales, \$9,669,800 in sales taxes in the state of Tennessee and \$3,108,150 in sales taxes annually to the City of Chattanooga. He stated WalMart doubled in size and displayed an aerial view of the proposed site, which is close in proximity to the Oak Park Center. He displayed another slide of the project showing the proposed Target store and other retailers that will be new to the market area. He referenced the Type B landscaping buffer as required by ordinance, indicating that there would be double landscaping in the area behind the Target store with Leyland Cypress, which is required to be five-to-six feet in height, however, he plans to install trees eight-to-ten feet in height in this area.

REZONING (Continued)

Mr. Wofford continued by stating that the berm areas would be twelve feet in height and the retaining wall would be sixteen feet in height from the top. He displayed various sections of the proposed development describing the buffer that would protect the residential areas and indicated that 400-500 construction jobs would be created. At this time he asked Mr. Everett Fairchild, former Chair of the community plan group for the North Hixson community to come forward.

Everett Fairchild stated that he did chair the Planning Growth and Leadership Committee and was present as an individual speaking in support of this project. He stated Councilman Page had managed to keep the Committee involved in projects coming into the community and expressed his appreciation as it has allowed the community to stay involved. He stated he had Mr. Wofford speak to the Committee and he (Wofford) answered questions satisfactorily; that it is felt this development does fit into the Plan on 153 and would not damage the integrity of the neighborhood around it. He stated that he is impressed with the work Mr. Wofford did with the prior project and feels this use will be an asset and make the 153 communities more attractive to business and economic development.

Jerry Pollard of 5605 Winding Lane, stated that at the Planning Commission hearing twenty people were there and tonight he is the only one present. At this point Chairman Benson asked if others were present in opposition and two other persons in attendance raised their hands.

Mr. Pollard continued by stating he is one of the residents on Winding Lane that would be basically in the back of this project and expressed appreciation to Mr. Wofford for making this presentation; that he did not want to look at the loading dock and see the dump trucks; that the Cypress trees will be of adequate height to provide screening, which makes him happy. He stated it is important to the residents living there that they do not hear a lot of noise and have a lot of light. He stated traffic is so bad and he has a concern about that; that the Gadd Road to Winding Lane connection to 153 does not presently have a bad traffic problem; that anyone traveling this area knows when a person pulls up to 153 and tries to get out it is extremely difficult. He stated once the red light goes in it will become a big shortcut and in order to avoid congestion their road will become a little highway for people. He asked if the City Traffic Engineer could consider something to slow people down. He expressed appreciation to the Council and stated if something had to be there he thinks what he has seen is adequate.

REZONING (Continued)

Councilman Hakeem stated that he looked at the quality of work done previously by the developer and that he and Councilman Page both thought the discussion and deliberation with the community by the developer was critical. He stated at the appropriate time he would second the motion to put this project forth.

Councilman Lively expressed support for this project and stated that he knows each time the Council approves a project it affects people, especially those adjoining it. He stated as he stated in budget meeting today he understands why progress has to keep happening; that we are going to pass another budget that is without a tax increase even though expenses increase. He stated the only reason we have been able to do that is because of commercial development in Chattanooga; that if we did not have that, everyone's property tax in Chattanooga would go up each year. He stated another reason is that Mr. Wofford does what he says he will do and that is quality work; that it is his thought the project on 153 is proof of that.

Councilman Page asked Admin. McDonald to come forward to address a concern the community has expressed. He expressed thanks to Admin. McDonald and Mr. Wofford for working through the residents' concerns and assured the community things have been taken care of having to do with traffic, lighting and stormwater.

Admin. McDonald stated in regard to the traffic issue that Mr. Wofford did not address is that a traffic signal will be located on 153 to allow traffic to enter and exit safely; that spacing between these lights and others work good and there should be good traffic movement and control of the speed of traffic in this area. He stated secondly, the other has to do with stormwater; that they have reviewed the plans on that and do have a retention pond to handle all the water coming off their site and have done a good job of directing water and controlling runoff. He stated they would be improving the existing drainage across Winding Lane that goes across 153 and improving drainage on both sides of 153, which will help the neighborhoods in that area. He stated in regard to an unrelated project the City has across Winding Lane involving four-to-five houses having stormwater problems, we do have a project to improve the drainage along Winding Lane and the culvert across Winding Lane. He stated the other question had to do with lights; that the lighting proposed on the back of the center will be shielded so that the foot candles at the end of the property will be no more than one foot candle and will be directed so as not to shine toward houses.

REZONING (Continued)

Councilman Page stated that was exactly what he wanted to know; that Mr. Wofford also agreed there would be no garbage pickup at night and no noise in back around Winding Lane. He asked that that be included in the minutes of this meeting and Mr. Wofford is to write a letter to that effect.

Mr. Wofford stated that he is willing to do that and agrees wholeheartedly. He stated he is now aware of the problem existing at the other Target that was indicated by Councilman Benson. He stated he was not aware of that problem and surely does not want that occurring at his development and is glad to make that a condition of his development.

Councilman Page expressed thanks to Mr. Wofford for meeting with the neighborhood to resolve problems. He stated that he spent a lot of time alleviating fears; that homeownership is their greatest asset and again expressed appreciation for working things out prior to tonight. He thanked Mr. Fairchild and the Leadership Council, indicating that the community plan did come before the Council and they wanted assurance this project follows the plan. He stated the Leadership Council heard the presentation and endorsed the project. At this point he **made the motion to approve the request; Councilman Hakeem seconded the motion.**

Councilman Lively stated that he left out that this Council has a history of putting conditions and requirements on developments to protect neighborhoods and that Mr. Wofford is a perfect example of what can be done with commercial and residential in the same area with both living up to conditions.

On motion of Councilman Page, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 1000 BLOCK OF COWART DRIVE AND JOHN
MARK ROAD TOGETHER WITH PART OF 5810 WINDING LANE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND
R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

(Councilman Hakeem excused himself from the meeting at this point.)

PUD SPECIAL EXCEPTIONS PERMIT

2004-090: Wise Properties – TN, LLC

The applicant was present; several persons in opposition were present.

Councilwoman Robinson stated that she and Councilman Lively met with a large group regarding this request. She asked those in attendance regarding this matter to stand and several persons stood. She stated that she is aware of one meeting that has been held in the neighborhood that she and Councilman Lively attended. She stated that she received a telephone call from many of those involved that hope to have dialogue, as there is wide diversity about this. She stated that she is aware that the Council Chair offers to hear cases due to the number of persons who have come tonight, even though they may be deferred. She stated in light of the controversy, the developer and neighborhood might need to get together and it might be a good idea to let those that are here tonight speak who cannot come back when it is deferred with the hope of an agreement.

Councilman Lively stated that he understands when they met with the individuals that there seemed to be some confusion and doubt about the development; that there seemed to be more doubt about what a PUD is and if the developer would do what he says he would do. He stated it was suggested at the meeting that a thirty-day delay would be requested to see if the developer and residents on Forest Avenue could come together. He stated that he talked with the developer and he also favors that. At this point made the motion to delay the matter until the next rezoning meeting in July.

City Attorney Nelson clarified that the date would be July 6 or 13. It was agreed that July 13 would be the date the matter would come back before the Council. Councilman Lively stated someone has to “take the bull by the horns” and call a meeting. A gentleman from the audience indicated that he and John Wise would set up a meeting.

On motion of Councilman Lively, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNITED DEVELOPMENT KNOWN AS TOWNHOMES OVER CHATTANOOGA PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED IN THE 500 BLOCKS OF WOODLAND AND FOREST AVENUES, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred until July 13.

REZONING

2004-060: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone a tract of land located in the 6900 blocks of Robinson Drive and Park Drive came on to be heard.

There was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 6900 BLOCKS OF ROBINSON DRIVE AND PARK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

(Councilman Pierce excused himself from the meeting at this point. Chairman Benson indicated that five members of the Council remain and all five votes would be required for passage of items on tonight's remaining agenda.)

REZONING

2004-075: Mike Wall

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is located in the Mountain Creek area where there is commercial retail on the front near Mountain Creek Road. He stated single family is located in the rear and the Four Squares Office Park is located to the south. A site plan of the proposed office building was displayed with landscaping along the rear and parking in front. He stated approval is recommended from Staff subject to conditions and Planning recommends denial. He stated Mr. Price has attempted to meet with the neighborhood and they have come up with other conditions. He stated there are other conditions the developer is proposing that can be incorporated if that is the desire of the Council for second and third reading.

REZONING (Continued)

Councilman Lively stated that it was suggested last month that the matter be deferred thirty days for the neighborhood and applicant to get together to work out the differences. He asked if the meeting took place.

Mike Price of MAP Engineers stated that he spoke with Ms. Hixson and their "wires got crossed" in terms of a meeting last Wednesday night that he was not aware of. He stated they talked four-or-five minutes and does not know if he could get people to come to a meeting of the minds or not. He stated the proposed rezoning is at the entrance of the intersection of Valley Trail and Mountain Creek for rezoning to office with a number of conditions. He stated that he met with the neighborhood once and talked with Mrs. Hixson several times in an effort to come up with conditions that will allow for office development, downzone and still provide the same amount of landscaping and buffering requirements in a commercial zone. He stated there would be the same amount of landscaping provided if it were left commercial today. He stated that they talked with respect to security and he is willing to provide chain link fencing in the back of the property, with lighting directed away from the residents; that at the end of the day what is being proposed is a down zoning and operation taking place from 9 a.m. until 5 p.m. as most office uses are. He stated commercial can be a twenty-four-hour-a-day operation and there are no restrictions on the property presently.

Mr. Price continued by stating in the interest of the neighborhood this is better for all parties and understands that people would rather it stay a vacant, grassy lot. He stated the only reason he is asking for one lot shown on the screen as R-1 is to allow the building to be pushed back slightly into the R-1 zone; that beyond that he has no plans to do any type of building and the set back would still be a setback off Valley Trail. He reiterated that this is in the best interest of the neighborhood and he is willing to defer the matter again if it is needed to meet with the neighborhood and, hopefully, know what the exact dates will be; that if he cannot change their minds, he would assume not to drag it out and take up their time.

Cindy Hixson stated she and Mr. Price have spoken and they did try to work through the opposition in the neighborhood; that she comes as the messenger representing the neighborhood. She stated there is still quite a bit of opposition and has a list of names of persons opposed. She stated they sent out fliers and had a lot of response from those opposed to the site being developed as an office complex; that it is felt by people beside and behind this will be a detriment to their property value and the entire neighborhood.

REZONING (Continued)

Ms. Hixson continued by stating that their homes are kept clean and in very good shape; that the reason for the opposition is traffic flow and property values; that there is quite a bit of empty office space next to this in Four Squares; that there is over 30,000 feet of empty space available. She stated it concerns them that this building will stay empty and not be rented and than who will maintain it. She stated there are several springs, creeks and ponds that are close to being polluted at this point; that they are on the verge of having real issues of runoff from the parking lot and where would it go! She stated they would love to see the lot becomes R-1 or have townhouses or something more cohesive to the neighborhood rather than an office complex.

Quinby Collier of 3526 Valley Trail stated that he passes this lot often and that would be the only commercial on their street. He stated in addition, for the past six years this lot has not been well maintained with high grass and he questioned how much better it would be taken care of after a building on it.

Mr. Price stated that he had a list of conditions that were agreed to that was distributed to the Council, which goes far and beyond what is associated with down zoning from C-2 to O-1. He stated the conditions could be subject to approval of the rezoning, as an O-1 zone can be used in a C-2 zone. He stated the residents are trying to say put in townhouses, which is simply not feasible from an economic standpoint; that if the Council decides not to approve, the plan presented will happen. He stated in the conditions they are asking to have the building moved forward toward Mountain Creek removed and he will move on; that the intent of the developer is to build this, reiterating that office use can be placed in commercial, as the Council is aware.

Councilman Taylor stated that he sees the C-2 zone and asked for clarification that he plans to proceed regardless of getting the additional piece of property.

Mr. Price stated he can build office use in the commercial zone; that the layout presented would "chop off a little wing" facing Mountain Creek Road; that it is essentially the same configuration. He responded "yes" he plans to proceed forward.

Councilman Lively stated that Mr. Price has good intentions, however, this lot is already C-2; that the lot behind it is R-1, which has to go deeper off Mountain Creek Road. At this point he **made the motion to deny the request.**

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 3503 VALLEY TRAIL AND 3508 MOUNTAIN CREEK
ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO
O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**
was denied.

CLOSE AND ABANDON

MR-2004-082: Kenny L. Sadler, P.E. for Hudson Companies

The applicant was present; there was no opposition.

Mr. Pace stated both Planning and Staff recommend this request for approval.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING A SANITARY SEWER
EASEMENT LOCATED PERPENDICULAR TO THE WEST LINE OF THE 1200
BLOCK OF NORTH HOLTZCLAW AVENUE BEING LOCATED ON
PROPERTY IN THE 1500 BLOCK OF WILCOX BOULEVARD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

REZONING

2004-083: Neeld J. Messler, II

Pursuant to notice of public hearing, the request of Neeld J. Messler, II to rezone a tract of land located at 67 East Main Street came on to be heard.

Mr. Pace stated this request is recommended for approval from both Staff and Planning.

Councilwoman Robinson stated there is no opposition to this request; that she is aware of the work of this developer in this area and commended him for the kind of development he has in bringing people back downtown.

REZONING (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 57 EAST MAIN STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2004-088: Delores N. Williams

Pursuant to notice of public hearing, the request of Delores N. Williams to rezone a tract of land located at 3030 Dodson Avenue came on to be heard.

Mr. Pace stated this request was rezoned in 2000 to R-2 and the request is to rezone to C-5 to have a concession stand trailer out of which to sell products. He stated this is located at an old commercial node in the East Chattanooga area and comes with the recommendation for approval from Planning and Staff. He stated the East Chattanooga Plan study is underway and Planning and Staff's opinion was that this would be a commercial area and approval is requested.

On motion of Councilman Taylor, 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 3030 DODSON AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE**
passed first reading.

REZONING

2004-092: ANT Group, LLC

Pursuant to notice of public hearing, the request of ANT Group, LLC to rezone tracts of land located at 7442, 7444 and 7446 Shallowford Road came on to be heard.

REZONING (Continued)

The applicant was present; persons with concerns regarding this Ordinance asked that the conditions be incorporated in the minutes of tonight's Council meeting.

Mr. Pace stated this request is located along Shallowford Road and has several conditions attached, which include *a density of 36,000 square feet for the buildings; construction of a private drive from the west portion of the property that connects to the Home Depot entrance road to the eastern portion of the property to have sidewalks along both sides of the road; sidewalks and crosswalk to be constructed according to the attached site plan; secure bond for construction along Shallowford Road and the property owner is to pay for that; sidewalks to be constructed at a minimum three feet in width; exterior finish of the structures to be brick; and all existing easements are retained.*

Chairman Benson stated the Friends of East Brainerd met to relay another condition that goes along with the condition regarding Home Depot. He stated they recommend that nice very ornate street lamps be installed that are very pleasant aesthetically. He stated that it is hoped there would be consideration given to have the same type of lamps that are presently inside the complex.

The applicant agreed, indicating that that would not be a problem.

Chairman Benson asked those in opposition if this added condition met with their approval. Dr. Carol Berz responded, "it is okay, as long as it is in the record."

On motion of Councilman Taylor, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 7442, 7444 AND 7446 SHALLOWFORD ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL
ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2004-093: Berry, Hunt & Yarbrough

Pursuant to notice of public hearing, the request of Berry, Hunt & Yarbrough to rezone a tract of land located at 2010 Godsey Drive came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

Mr. Pace stated there are three conditions associated with the request and the recommendation is for approval from both Staff and Planning.

Councilman Page stated that everyone has been working with this for quite awhile and expressed appreciation to Mr. Yarbrough for working with the road and indicated he will keep his fingers crossed that it will happen. He thanked him for his work and interest.

Mr. Yarbrough stated that it is his hope that this happens; that he did not want to be in a position to block it if it ever happened.

On motion of Councilman Taylor, 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 2010 GODSEY DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2004-095: Rhea Developments

Pursuant to notice of public hearing, the request of Rhea Developments to rezone a tract of land located at 5979 Highway 153 came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this parcel of land is now a fill area where trucks and vehicles park that was discussed in Committee along with the Target project. He stated that the recommendation is for approval from Staff and Planning.

Councilman Page expressed appreciation to the developer for working with the Leadership Council and keeping the development within the community plan.

On motion of Councilman Pierce, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 5979 HIGHWAY 153, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE**

passed first reading.

REZONING

2004-098: Chattanooga Funeral Home

Pursuant to notice of public hearing, the request of the Chattanooga Funeral Home to rezone tracts of land located at 8214 and 8225 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 8214 AND 8226 EAST BRAINERD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND
C-5 NEIGHBORHOOD COMMERCIAL ZONE TO R-4 SPECIAL ZONE**
passed first reading.

REZONING

2004-101: MK, LLC

Pursuant to notice of public hearing, the request of MK, LLC to rezone a tract of land located at 1419 Market Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated that the request is located downtown and has the same conditions placed on other C-3 properties. He stated the recommendation is for approval from Staff and Planning.

On motion of Councilman Taylor, 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 1419 MARKET STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2004-102: Bassam Adelnour

Pursuant to notice of public hearing, the request of Bassam Adelnour to rezone a tract of land located at 4410 Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this area still has a residential structure that is presently used for offices. He stated approval is recommended from Planning and Staff.

On motion of Councilwoman Robinson, 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 4410 BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO O-1 OFFICE ZONE

passed first reading.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Taylor
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, RELATIVE TO LITTER COLLECTION ALONG THE CITY RIGHT-OF-WAY, THROUGH THE COURTS COMMUNITY SERVICE PROGRAM, FOR A CONSIDERATION OF FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500.00) ANNUALLY

was adopted.

CHANGE ORDER

Chairman Benson indicated Resolutions (c), (d) and (e) were discussed in today's Public Works Committee meeting and are recommended for approval.

On motion of Councilman Lively, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. 73B-3 HIXSON MARINA ROAD COLLECTION SYSTEM, WITH CASH CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWO HUNDRED THIRTY THOUSAND FIVE HUNDRED TWENTY-FOUR AND 46/100 DOLLARS (\$230,524.46), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED SIXTY-NINE THOUSAND TWO HUNDRED SEVEN AND 24/100 DOLLARS (\$1,469,207.24)

was adopted.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING NICOLE BARCLAY TO USE TEMPORARILY
THE CITY'S RIGHT-OF-WAY LOCATED AT 334 MARKET STREET TO PLACE
WROUGHT IRON RAILS AROUND THE OUTSIDE SEATING TABLES AS
SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

TEMPORARY USE

On motion of Councilman Taylor, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING B. PAUL HATCHER TO USE TEMPORARILY
THE CITY'S RIGHT-OF-WAY LOCATED AT 1418 MCCALLIE AVENUE TO
INSTALL A SIGN AS SHOWN ON THE DRAWING ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

OVERTIME

Overtime for the week ending June 4, 2004 totaled \$17,792.30.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **LEE M. STARNES** – Hire, Design Review Engineer, Codes and Inspection, Pay Grade 25/Step 4, \$49,514.00 annually, effective May 28, 2004.
- **HOWARD L. HARVEY** – Retirement, Equipment Operator, Sr., effective June 10, 2004.
- **JERRY L. MAULDIN** – Hire, Forestry Supervisor, Citywide Services, Pay Grade 13/Step 1, \$28,791.00 annually, effective June 4, 2004.
- **ZACHARY S. ADAMS** – Resignation, Equipment Operator, Sr., Citywide Services, effective June 3, 2004.

PERSONNEL (Continued)

- **CATHY S. BARONAVSKI** – Resignation, Light Equipment Operator, Citywide Services, effective June 1, 2004.
- **HAROLD J. MURRAY, III** – Suspension (3 days without pay), Equipment Operator, Sr., Citywide Services, effective June 8 – 11, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **JULIAN C. BEAVERS** – Military Leave (Not to exceed 18 months), Police Officer, effective June 14, 2004.
- **JACOB TAN** – Resignation, Police Officer, effective June 3, 2004.
- **JAMES HOLLOWAY** – Military Leave Extension, Police Officer, effective June 7, 2004 – December 7, 2005
- **MARK SMELTZER** – Military Leave Extension, Police Officer, effective June 7, 2004 – December 7, 2005.
- **CLINTON MARK HALEY** – Resignation, Police Officer, effective June 6, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- **SCOTT AUBREY BALIFF, KENNETH EUGENE CAMPBELL, ROBERT SPENCER CAMPBELL, JASON DOUGLAS GREER, JAMES LAWRENCE HENEGAR, III, JULIUS ALEXANDER HUBBARD, LARRY KING, JR., MATTHEW MICHAEL MARTIN, MELISSA J. MILLER, CORY RASHAAD OWENS, CHARLES EUGENE PARKS, GEORGE BURTON RATLEDGE, JR., STEPHEN ALAN ROSE, II, NICHOLAS DUANE SEWELL, SHAUM MICHAEL STANDIFER, CHARLES EUGENE WADDELL** – New Hire, Firefighter, Pay Grade F1/Step 1, \$27,057.00 annually, effective June 11, 2004.

PARKS, RECREATION ARTS AND CULTURE DEPARTMENT:

- **KELLY M. LILES** – Hire, Recreation Specialist, Pay Grade 9/Step 1, \$24,013.00 annually, effective May 28, 2004.

PERSONNEL (Continued)

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **ANTONIO BONNER** – Resignation, Family Services Asst., Head Start, effective May 27, 2004.

PURCHASES

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

VULCAN ALUMINUM (Lowest and best bid)
R0069115/B0001503

Aluminum Sign Blanks

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

POWER EQUIPMENT (Lowest and best bid)
R0073271/B0001453

Loader/Backhoe

\$56,500.00 (with trade-in)

IN-SITU, INC. OF LENOIR CITY (Single source)
R0065499

Water quality Instrumentation

\$15,687.50

OLD DOMINION BRUSH COMPANY (Lower and better bid)
R0073328/B0001483

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

PURCHASES (Continued)

SELECT TREES OF ATHENS, GEORGIA (Single source)

R0073310

Willow Oak Trees per TCA 6-56-304.2

\$23,000.00

PURCHASE

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

CONNEY SAFETY PRODUCTS (Lowest and best bid meeting specifications)

R0073532/B0001492

Chemical Protective Suits *(Two lower bids were received from Dantack Corp. and Global Protection, however, these bids did not meet specifications.)*

\$46,913.00

REFUNDS

On motion of Councilman Lively, seconded by Councilwoman Robinson the Administrator of Finance was authorized to issue the following refunds for real and/or personal property taxes for tax year 2003 due to amended report from Tax Management Audit, real and/or personal property taxes for tax year 2003 due to assessment changes; stormwater fees and/or property taxes for tax year 2003 due to overpayments respectively:

WESTINGHOUSE ELECTRIC CO., LLC.	\$1,788.82
SHREE ASSOCIATES	\$1,746.85
MILLER ELECTRICAL CONTRACTORS	\$1,945.90
CHRISTINE LYNN CRUMLEY	\$1,074.42

(Councilman Taylor excused himself from the meeting at this point.)

COMMITTEES

In the absence of Councilman Pierce, Councilman Page announced that the **Budget and Finance Committee would meet jointly with the Legal and Legislative Committee on Tuesday June 15 and 22 beginning at 3 p.m.**

JERRY SHORT

Jerry Short, Track Coach for the Westside area, stated that his students would be participating in a track meet at Tyner on this Friday; that they will be transporting the group courtesy of the Parks and Recreation Department. He stated on last Thursday, three from his team won the track meet and received medals and other things. He expressed thanks Councilmen Taylor and Hakeem for inviting him to come before the Council to make everyone aware of this; that great things are going on in the Westside area.

STEVEN WEST

Steven West of 4501 Midland Pike stated that he is an employee of Public Works and indicated that he found out that the knuckleboom trucks had been approved, reminding them that the Council had indicated previously that nothing would be done within thirty days and thirty days are not up.

Chairman Benson corrected Mr. West by informing him that the Council has not approved the purchase of knuckleboom trucks.

Mr. West stated that he may be wrong and indicated that the matter would be included in the upcoming budget.

Chairman Benson indicated to Mr. West that the budget had been presented to the Council in Committee today; that they had just listened to the presentation.

Mr. West stated that is what is going around; that the way this is being handled will be in the budget. He stated that they might as well say they are approved if it is in the budget; that they are going to be bought, anyway.

Chairman Benson clarified that the budget would not be presented for approval for another two weeks.

STEVEN WEST (Continued)

Mr. West stated that he would be present with a lot of public support; that for the Council to say they are doing well in their jobs and staying on schedule and are now bringing in the trucks and eliminating jobs is wrong; that the Council is setting a double standard. He stated during the last storm the knucklebooms could not do much and asked why not have them (trucks) picking up a lot of the storm damage if they can do it faster. He stated they did a good job handling the situation; that the trucks could not have gotten in to pick up what they picked up. He stated Council members have been misinformed; that they want their jobs and would like for the Council to consider leaving the brush department as it is. He stated they do an efficient and better job than knucklebooms; that the knucklebooms cannot pick up small items; that they (workers) pick up the small items the knucklebooms cannot with the front-end loaders. He stated Councilman Franklin came down to ride with us for about thirty minutes but did not go through the whole process. He invited the Council members to come by and stay with them for at least an hour or two and learn their whole operation; to come and see what they do.

ADJOURNMENT

On motion of Councilman Page, seconded by Councilwoman Robinson, the meeting of the Chattanooga Council was adjourned until Tuesday, June 15, 2004 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)**