

**City Council Building  
Chattanooga, Tennessee  
July 27, 2004  
6:00 p.m.**

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

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Littlefield gave invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: EIGHTIETH CELEBRATION  
OF NORTHSIDE NEIGHBORHOOD HOUSE**

Councilwoman Robinson invited Carolyn Payne, Board Member of the Northside Neighborhood House, and others with her to come forward.

Carolyn Payne introduced others present with her: Ansel Peak, Director, and Lucy Brooks and Bonnie Cummings, active members of the Board, as well as Larry Cummings, husband of Bonnie.

Councilwoman Robinson read from a Proclamation signed by Mayor Corker and Council Chairman Benson designating the first week of August as "***NORTHSIDE NEIGHBORHOOD HOUSE WEEK***". She asked that Ms. Payne and others with her accept the Proclamation and expressed great appreciation for all they do.

**SPECIAL PRESENTATION: EIGHTIETH CELEBRATION  
OF NORTHSIDE NEIGHBORHOOD HOUSE  
(Continued)**

Ms. Payne thanked the Mayor and Council and expressed on behalf of Northside Neighborhood House their appreciation for the support of government of this city. She invited everyone to come by and visit to see in action the services that are for the young, middle-aged and elderly. She invited them, also to clean out their garages and drop items off at the thrift shop, as this is one of the major sources of income that goes for running the House and gives citizens an opportunity to buy what they need at a price they can afford!

Chairman Benson thanked them for volunteering and expressed thanks for what they are doing for the community.

**CLOSE AND ABANDON**

**MR-2004-011: City of Chattanooga**

On motion of Councilman Lively, seconded by Councilman Taylor,

**AN ORDINANCE CLOSING AND ABANDONING AN EXISTING  
SANITARY SEWER EASEMENT, LINE AND MANHOLES 436 AND 437  
LOCATED IN THE CENTER LINE OF THE 3400 BLOCK OF PLUMWOOD  
ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

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

**REZONING**

**2004-052: Joseph Ryan Cooke**

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

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the initial rezoning request involved two tracts; that the front was rezoned from M-2 to C-2 at the intersection of Dodson and Wilcox; that the other portion along Newton to the rear of the railroad was deferred to be heard later after the applicant and his attorney had an opportunity for discussion with the railroad to have it abandoned to use with the entire lot. He stated Arvin Reingold, attorney for the applicant, has an agreement with the railroad for the second lot off Newton Street for rezoning to C-2.

**REZONING (Continued)**

Mr. Pace stated this area is part of the Avondale Plan area recently adopted and the Plan does support the request for the parcel's rezoning to C-2. He stated there might be a question about the zoning line as far as the abandonment of roads necessary in that area is concerned. A map was displayed showing the parcel requested for rezoning reflecting the railroad right-of-way going from Wilcox, around to Dodson and back toward Wilcox. At the end it squares off and goes over to an unopened right-of-way to the west. He stated the City's zoning lines typically follow the centerline of roads or any boundary that separates parcels, and in this case it is a railroad. He stated research would have to be done prior to second and third reading to assure where the boundary divides, as there might still be a "sliver" of R-2 that would belong to Mr. Cooke. He stated approval is recommended for first reading.

Atty. Reingold stated that the railroad responded that they did not know they owned it as the tracks were removed several years ago and they no longer claim any interest in the property.

Councilman Littlefield asked if Mr. Pace has a description of the property to the right of the centerline of the right-of-way. Mr. Pace responded that that is the railroad's right-of-way.

Councilman Littlefield clarified that he was referencing the unopened right-of-way. Mr. Pace stated a closer look at the map shows that the right-of-way is extended down to Wilcox and is unopened on the west side of the R-2, which still leaves a triangle. He suggested that the request be approved on first reading and further clarification prior to second and third.

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 TRACT OF  
LAND LOCATED AT 2108 NEWTON STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE**  
passed first reading.

## AMEND CONDITIONS

### **2004-094: Gregory Shawn Petree**

The applicant was present.

Mr. Pace stated the applicant has been working with the Design Studio in reference to the site plan and has a copy tonight; that Councilman Littlefield has had an opportunity to view the plan. He stated the request is to lift two conditions with another condition added with the wording that it be “*subject to the location of the building and parking as shown on the attached site plan*”. He stated the Traffic Engineer has been working on the entrance and exit on Bailey for the site; that the request should be conditioned to the proposed site plan that has been drawn up.

Councilman Littlefield stated this request has been held at his request and made the motion a couple weeks ago to table this until he had an opportunity to gain advice from the Traffic Engineer. He stated that he spoke with the John VanWinkle and his (Littlefield’s) question was really having access into Bailey rather than Duncan. He stated after Mr. VanWinkle’s explanation, because of the configuration of the traffic island at Duncan, a person would not have had due access. He stated he did not feel there was a problem with the site lines or anything of that nature and has come up with a resolution that works.

Gregory Petree stated that he wanted to make sure the Traffic Engineer did notice one adjustment regarding the two handicap spaces in the front of the building. He stated there is no way for them to turn around and back out and he might have to remove one of them. He stated he wanted to make sure that he would not have to go back through the whole process if he has to remove one.

Mr. Pace stated that the condition is that Mr. Petree is to meet with the Traffic Engineer and the issue of the handicapped spaces is not tied to this.

Councilman Littlefield stated Mr. VanWinkle certainly could handle that additional requirement as it is already noted in the permitting process. He stated that he trusts his (VanWinkle’s) judgment.

Councilman Franklin inquired as to the type business Mr. Petree is planning. Mr. Petree responded that the development would be mostly medical with a small part for computers.

AMEND CONDITIONS (Continued)

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 11475 ON PROPERTY LOCATED AT 2510 DUNCAN AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

AMEND CHARTER

Councilman Littlefield stated that Ordinances (c) – (e) were discussed in Legal and Legislative Committee for proposed amendments to the Charter. He stated once the ordinance is approved it would then be placed on the ballot for consideration by the voting public in November. He stated the Committee recommends approval.

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO AMEND PROVISIONS OF THE CHARTER TO REQUIRE CERTAIN INFORMATION TO BE A PART OF THE ANNUAL CITY BUDGET**  
passed first reading.

AMEND CHARTER

On motion of Councilman Lively, seconded by Councilman Page,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO AMEND PROVISIONS OF THE CHARTER REQUIRING ORDINANCES TO BE READ THREE (3) TIMES, SO AS TO PROVIDE FOR TWO (2) READINGS INSTEAD OF THREE (3)**  
passed first reading.

**AMEND CHARTER**

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO AMEND PROVISIONS OF THE CHARTER AS TO WHEN ORDINANCES OF THE CHARTER TAKE EFFECT SO AS TO PROVIDE THAT THEY GO INTO EFFECT UPON BECOMING LAW OR AT SUCH SUBSEQUENT TIME AS THE COUNCIL MAY DESIGNATE**  
passed first reading.

**AGREEMENT: QORE PROPERTY SCIENCE**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH QORE PROPERTY SCIENCE, RELATIVE TO CONTRACT NO. E-04-001-100 FOR THE DEVELOPMENT OF PAVEMENT CONDITION DATA AND MANAGEMENT, FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUDNRED FIFTY THOUSAND DOLLARS (\$150,000.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. GRW-1-02, NORTH AND SOUTH CHICKAMAUGA CREEKS GREENWAY PROJECTS WITH YERBEY CONCRETE CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND SEVENTY-ONE DOLLARS (\$1,071.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-EIGHT THOUSAND TWO HUNDRED EIGHTEEN DOLLARS (\$178,218.00)**  
was adopted.

### TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING MARK THOMPSON TO USE TEMPORARILY  
THE CITY'S RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF BONNY  
OAKS DRIVE AND JERSEY PIKE TO INSTALL A MONITORING WELL, AS  
SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

### OVERTIME

Overtime for the week ending July 23, 2004 totaled \$122,258.96.

### PERSONNEL

The following personnel matters were reported for the various departments:

#### PUBLIC WORKS DEPARTMENT:

- **NAVEED A. MINHAS** – Promotion, City Engineer, Engineering, Pay Grade 41/Step 8, \$85,066.00 annually, effective July 9, 2004.
- **DEVIN A. COTTON** – Promotion, Crew Supervisor Senior, Waste, Pay Grade 12/Step 1, \$27,596.00 annually, effective July 14, 2004.
- **MARSHA L. FETHEROLF** – Promotion, Secretary, Traffic, Pay Grade 6/Step 5, \$24,412.00 ANNUALLY, EFFECTIVE July 23, 2004.
- **JENNA SELLS** – Hire, Soil Engineering Specialist, Engineering, Pay Grade 16/Step 2, \$33,966.00 annually, effective July 23, 2004.
- **JASON CRASS** – Hire, GIS Specialist, Engineering, Pay Grade 11/Step 2, \$27,695.00 annually, effective July 23, 2004.

#### CHATTANOOGA FIRE DEPARTMENT:

- **LISA ROBERSON** – Family Medical Leave, Captain, effective July 26 – October 18, 2004.
- **SPENCER JONES** – Retirement, Firefighter, effective August 6, 2004.

**PERSONNEL (Continued)**

Chief Coppinger acknowledged the retirement of Spencer Jones after 27 years of outstanding service.

**PURCHASE**

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Parks, Recreation, Arts and Culture Department:

**GA TURF & TRACTOR (Sole bidder)**  
**R0076274/B000162**

Lease/Purchase, Lawn Equipment

\$32,066.88

**HOTEL PERMITS**

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

**HOME AWAY EXTENDED STAY** – 1949 North Point Boulevard, Chattanooga, TN

**SKY HARBOR BAVARIAN INN** – 2159 Old Wauhatchie Pike, Chattanooga, TN

**GLENDALE COURTS** – 930 Signal Mountain Road, Chattanooga, TN

**BUDGET MOTEL** – 3535 Cummings Highway, Chattanooga, TN

**MOTEL 6 DOWNTOWN** – 2440 Williams Street, Chattanooga, TN

**ALPINE LODGE** – 4328 Cummings Highway, Chattanooga, TN

**REFUND**

On motion of Councilman Pierce, seconded by Councilman Taylor, the Administrator of Finance was authorized to issue the following refunds per assessor's report received June 2003 for tax year 2003:

**MITCHELL INDUSTRIAL TIRE CO. -- \$6,473.84**

**PURCHASE**

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

**TFE TECHNOLOGY (Best proposal meeting city specifications)**  
**R0069668**

Twelve Months Requirements Contract for Computer Hardware Maintenance Services

**(Price information available and filed with minute material)**

**ANIMAL CARE TRUST (ACT) AND ADVISORY BOARD**

Admin. Eichenthal stated that the Mayor officially appointed members to the Animal Care Trust (ACT) Board and the ACT Advisory Board earlier today during the meeting of the Legal and Legislative Committee.

**On motion of Councilman Littlefield, seconded by Councilman Taylor the following persons were appointed to the ACT Board and the ACT Advisory Board:**

**ANIMAL CARE TRUST (ACT) BOARD:**

- Julie Baumgardner, Douglas Brown, Cindy Condon, Dr. Barbara Craig, Ray Deering, Bob Doak, Moses Freeman, Marion Griscom, Willeata Kendrick, Candy Kruesi, Robert Lawson, Carolyn Mitchell, Cathy Sims, Karla McKamey Valadez, Donna Knowles Whitten, Sonia Young, Georgina Yurjevic, Barby Wilson (Acting Chair) and Ann Shaffer (Legal Counsel to Boards).

**ANIMAL CARE TRUST (ACT) ADVISORY BOARD:**

- Don Alderman, Sylvia Bennett, Betsy Bramlett, Sara Caperton, Donna DeWeese, Mary Dube', Melissa Heape, Robin Keef (Acting Chair), Anita Kupcho, Bruce Martin, Lou McKenzie, Brenda Owens, Kelly Poulk, Jennifer Weathers and Pat Woodley.

## COMMITTEES

Councilman Taylor stated the Health, Education, Human Services and Housing Opportunities Committee met today to discuss the parking situation. He stated there was good discussion and a motion was made to suspend the ordinance indefinitely from the Committee.

Councilman Pierce inquired as to whether this means the issue could not come back up for a year.

Chairman Benson stated the motion referenced "indefinitely". Councilman Taylor indicated that the matter could come back up at any time.

Councilman Pierce stated that was in Committee and asked how the motion could be changed.

Councilman Littlefield stated that the Council does not usually "kill" things and will continue to study it. He stated several people came to the meeting and had issues they thought were important; that an ordinance from Memphis was presented as a model.

Councilman Pierce asked how the matter would continue to be studied. Councilman Littlefield responded, "Just like we study everything".

Councilman Taylor stated the neighborhood associations would be gathering more information; that what was distributed today would be perused more thoroughly and move on from there.

Councilman Lively stated the **Safety Committee would meet jointly with the Legal and Legislative Committee on Tuesday, August 3 at 3 p.m.** for a presentation on the taser guns the Police Department will be using.

Councilman Littlefield stated that the **Legal and Legislative Committee** met today and discussed the issue of the animal shelter and Animal Care Trust (ACT). He stated a report was received on the proposed tree ordinance and Councilman Page made the motion to ask Public Works to work with the City Engineer and the City Attorney to draft an ordinance for some time in the near future.

Councilman Littlefield stated there are other items that are scheduled to come before the Committee, such as an amendment to the sign ordinance that needs to come soon to deal with changes in signs at mostly fast food restaurants. He scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 3 at 3 p.m.**

## COMMITTEES (Continued)

Councilman Hakeem reminded Council members of the meeting of the **Public Works Committee on Tuesday, August 3 at 4 p.m.**

### SISTER BEY

Sister Bey stated that she had read the information on the agenda with regard to amending the Charter referencing Home Rule. She stated that she wrote to the State of Tennessee regarding this and that the purpose for amending the Charter is to continue seizing "her peoples'" property; that her cars were taken and there was the idea that she did not own her own property. She stated the property next door to her had been torn down and asked that the Council "lay off" the Charter because they had nothing to do with it, nor do they know anything about it. She stated that she knows about the Charter and has proof; that senior Senator Gore wrote the Charter and legalized it. She stated that she is sick and tired of this and has a letter from Atty. Wolfe which indicated that the City has to put her son's Pontiac back in her yard and it will not cost him a penny and that the City is liable to her for two Cadillacs, however she would settle for one big Cadillac and nothing less! She stated if she has to go to court the County Commission would go with her as the City had no right to remove them and it was illegal to do so; that her gates were knocked down to gain entry to the back yard to get the Pontiac. She stated that she wrote to the President and talked to Senator Frist about the taxes that are being wasted and Home Rule is illegal. She again asked the Council to "lay off" that Charter!

### DANIEL LEE

Daniel Lee of 7266 Lee Highway expressed his happiness that the Council has put off making a decision regarding parking and gave Councilman Taylor a copy of his notes. He stated that he researched the Internet and found that Columbia, South Carolina enacted a similar ordinance a few years ago and there might be other cities the Council might want to check for feedback. He stated one of the interesting things that happened in Columbia is that after the ordinance was enacted complaints increased 620 percent and the zoning board has gone to the City Council to hire three more people to enforce parking regulations. He stated with Chattanooga's tight budget he knows this is something the Council would not want to have to do.

### **DANIEL LEE (Continued)**

Mr. Lee advised the Council to continue with caution and recommended that the matter go back to the neighborhood associations and let them establish some type of restrictive covenant agreement within their neighborhoods which would indicate those who do not want to subscribe are free to live in neighborhoods that do not have them and those who want to subscribe can move in neighborhoods that do. He stated this is a non-aggressive way for neighborhood associations to enforce their covenants and the courts have upheld the agreements and there is no tax money spent on it. He stated while the Council is trying to decide how they want to proceed it is good to stop; that one Council member stated that they want to watch out for other people's property rights.

Chairman Benson thanked Mr. Lee for his positive remarks and constructive thoughts; that the reason the Council has delayed any consideration is that they want to look deeper into it and raise the level of consciousness of community.

### **GREG LUTHER**

Greg Luther stated that he lives in St. Elmo and when he bought his house on Tennessee Avenue the entire front yard was gravel where people had previously parked. He stated the first thing he did was to remove the gravel and brought in dirt, bushes, flowers and grass; that he has a small parking driveway and ended up having to purchase the side lot to put in a driveway and if he had not done that he would not have had a place to park his vehicle; that as a carpenter with a van he would have had to have a spot to park. He stated in his neighborhood there is no way to access the back from the front, nor any access from the back due to the culvert in the rear; that a multi-thousand dollar bridge would have to be constructed to go over the culvert. He stated he has not heard whether backyards would be included in what is being proposed. He stated there are neighborhoods that do not have the luxury of parking areas other than the street; that it is interesting that Tennessee Avenue's 4200 block on one side is nicely manicured with residents who take good care of their yards and there is a sidewalk, however on the other side the City recently installed "no parking" signs all down that side. He stated the other side where there are no sidewalks is severely overgrown with bushes that project into the street. He stated that he tried to report the overgrown bushes to Neighborhood Services and not much has been done and it is difficult to get in-and-out due to the shrubbery.

**GREG LUTHER (Continued)**

Mr. Luther advised the Council that they should proceed with caution as most people try to be appreciative of their neighborhoods, yet, at the same time there does seem to be odd timing after "no parking" signs have been installed up and down the street. He stated on Dudley there is nowhere to park but the street and if the ordinance does as it reads, a moratorium or fee on installing a street cut might need to be suggested to help offset the cost after property is purchased.

Chairman Benson stated that Mr. Luther's suggestion is a good thought. He asked Admin. Curry to speak with Mr. Luther following the meeting since he has attempted to reach Neighborhood Services to no avail.

Admin. Curry indicated that Mr. Luther's concern is not a Neighborhood Services issue and would talk with him following the meeting.

Chairman Benson asked Admin. Curry to direct Mr. Luther to the appropriate department.

**ADJOURNMENT**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson, the meeting of the Chattanooga Council was adjourned until Tuesday, August 3, 2004 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)**