

City Council Building  
Chattanooga, Tennessee  
November 9, 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 Franklin gave invocation.

#### MINUTE APPROVAL

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

#### AMEND CITY CODE

**Councilman Littlefield** stated this ordinance has been much discussed, debated and rewritten two-or-three times. He stated the final tweaking has been done from the time it was read on first reading and thinks it is complete and satisfies everyone's concern. He stated at today's Legal and Legislative Committee meeting practically all Council members were present and the ordinance was reviewed with final wording. He stated the matter comes with a recommendation for approval on the final version. At this point, he **made the motion to substitute the amendments to the ordinance; Councilman Lively seconded the motion; the motion carried.**

City Attorney Nelson asked if this was with or without the word "*or*".

Councilman Littlefield responded that "*or*" would be left in and will see how that "flies"; that he understands that it makes a substantial difference and would see how it goes.

**AMEND CITY CODE (Continued)**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE AMENDING CITY CODE CHAPTER 31 BY ADDING THE  
FOLLOWING SECTIONS 31-325.1 THROUGH 31-325.9 KNOWN AS THE  
TIMBER REMOVAL ORDINANCE AND BY AMENDING SUBSECTIONS 31-  
321((b) and (c)**

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

**REZONING**

**Councilman Pierce made the motion to move Ordinance (k) forward on the agenda; Councilwoman Robinson seconded the motion; the motion carried.**

**2004-223: Kinsey Probasco & Associates**

Pursuant to notice of public hearing, the request of Kinsey Probasco & Associates to rezone tracts of land located at 1301 and 1311 Citico Avenue came on to be heard.

The applicant was present; there was no opposition.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the property for this request is the former Citico apartments. He stated the request for rezoning to O-1 is recommended for approval from Planning, Staff and the neighborhood association.

Councilman Pierce stated this request is located in Councilman Hakeem's district over which he presided a few months ago prior to reconfiguration of districts. He stated he has no problem supporting the matter but wanted to add one condition that approval would be based on completion of the sale of the property. He stated he would hate for the property to be rezoned and something go wrong in the sale.

City Attorney Nelson stated, generally, the conditions must be conditioned to go with the property and not dependent upon ownership.

Jon Kinsey expressed thanks for moving this matter forward on the agenda and stated that plans are for this to be a medical office complex with up to 90,000 square feet of office space on the site.

## REZONING (Continued)

Mr. Kinsey stated he anticipates doing 30,000 to 45,000 feet originally. He stated they have plans to close in the next week to ten days at the most. He stated they are awaiting approval of the U. S. Bankruptcy Court to finalize the sale and have been told by everyone that will happen; that ownership is involved in Federal Bankruptcy Court. He reiterated that it was his thought everything would happen in very short order, however a person never knows what happens in Bankruptcy Court; that all indications are it will be approved. He stated they are paying top dollar and cannot imagine it not being approved.

Councilman Pierce asked if Mr. Kinsey would have any problem passing the matter on first reading and holding second and third for two weeks due to the closure.

Mr. Kinsey stated that he would be nervous only because his lender is anxious to make sure we are going to get the rezoning. He stated Ken Jordan is present and can address the issue.

Ken Jordan was present representing the seller of the property. He stated it is their expectation to close within the next ten days to Kinsey and does not anticipate any problems. He stated if for some reason it does not close it will be a detriment to the current owner. He stated they anticipate selling within the next ten days and fully back the change in zoning to complete the sale.

Councilman Littlefield asked if the City still has liens against the property.

Mr. Jordan stated that it is his understanding the City does.

Councilman Pierce asked if a title could still be secured for that. Mr. Jordan responded "yes".

City Attorney Nelson asked if Mr. Jordan knows when the Bankruptcy Court will act.

Mr. Jordan stated he was not personally familiar with the individual person and their financial situation; that the property as he understands is owned by a corporation and there has been some discussion as to that issue. He stated that he fully anticipates everything will work out within the next day or two and the sale would be complete.

## REZONING (Continued)

**Councilman Hakeem** expressed appreciation for the interest in this property and stated that Mr. Kinsey and his organization have gone the extra mile in working with the neighborhood and community and all other entities involved. He stated that he sees the zoning change as one for the benefit of the community rather than having manufacturing and expressed hope that his colleagues would see fit to pass this because he does not want there to be any "hiccups" in regard to financing and getting anyone nervous! He stated this community is now in the position where major investments of this nature are coming in and something we have striven for. At this point he **made the motion to approve the matter on first reading; Councilman Taylor seconded the motion.**

City Attorney Nelson stated the matter could be passed on first reading and then, if necessary, second and third next week. He stated if things do not work out, the following week the Mayor could veto and return the document to the Council, indicating there is a mechanism where we can maintain control.

Councilman Littlefield stated that he is more concerned about leaving the property in the present zone than not being in the zone they are attempting to effect on the property; that the Council might think about that over the next couple weeks in agreeing to pass this on first reading.

Mr. Jordan stated that he heard the City Attorney indicate that the application could come in and be pulled and asked if the same condition is extended to the current owner in the event the sale does not go through.

Councilman Hakeem asked for clarification as to whether the seller applied.

Mr. Jordan stated that there is only one current owner of the property.

Councilman Hakeem asked who applied for the change of zone for the property. Mr. Kinsey responded that his company did; that they have a contract to purchase.

Chairman Benson indicated that only Mr. Kinsey's company can withdraw.

On motion of Councilman Hakeem, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1301 AND 1311 CITICO AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND  
M-1 MANUFACTURING ZONE TO O-1 OFFICE ZONE**  
passed first reading.

## LIFT CONDITIONS

### **2004-204: Arlington East Partnership**

Pursuant to notice of public hearing, the request of Arlington East Partnership to lift conditions imposed in Ordinance No. 8547, Section 2, relative to the west property line only, on property located at 7249 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located on East Brainerd Road and the request is to lift conditions imposed in 1985 for a site obscuring fence on the north and west sides, a 25 foot setback from the north property line and a 20 foot setback from the west property line. A photo was displayed by PowerPoint of the property showing the wall between the C-6 and R-1 properties, as well as the fencing on the abutting properties. He stated Staff and Planning recommend approval of lifting conditions on the west property line, but to leave in the condition along the rear or north property abutting the R-1 properties. He stated the applicant agreed at the Planning meeting that their intent is to leave the fence along the north property line.

Councilman Hakeem asked the applicant if the C-6 properties are part of his property.

Raymond Kirk, applicant, responded "no"; that it is owned by the florist shop.

Councilman Hakeem asked if the fencing between his property and the florist would be removed.

Mr. Kirk responded "actually, no"; that there is no fence there as it was never put up. He stated there should have been a fence constructed on the retaining wall but was never put up. He stated he recently became the owner of the property and his lender wanted him to construct a fence prior to closing; that he felt with the sight visibility and other greenery he would leave it as it is. He stated that he has a letter from the owner of the florist shop that indicates they would rather not be fenced and submitted it to Planning.

Chairman Benson stated Mr. Kirk has been very vigilant in working with the Concord residents and the florist; that C-6 was something that was grandfathered-in years ago.

**LIFT CONDITIONS (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 LIFT CONDITIONS  
IMPOSED IN ORDINANCE NO. 8547, SECTION 2, RELATIVE TO THE WEST  
PROPERTY LINE ONLY, ON PROPERTY LOCATED AT 7249 EAST  
BRAINERD ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN,  
SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2004-206: Tanner K. C. Espy**

Pursuant to notice of public hearing, the request of Tanner K. C. Espy to rezone at tract of land located at 8244 East Brainerd Road came on to be heard.

Mr. Pace stated a communication was faxed from the applicant requesting withdrawal of this proposed rezoning.

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 8244 EAST BRAINERD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL  
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**  
was withdrawn at the request of the applicant.

**CLOSE AND ABANDON**

**MR-2004-207: New Hope Church of God in Christ c/o Velicia Hambrick**

Councilman Hakeem stated Ordinances (c) and (i) were discussed in Public Works Committee today and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED PARALLEL TO THE 1700 BLOCKS OF STANFIEL STREET AND  
DODSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS  
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE**  
passed first reading.

## REZONING

### **2004-213: Hamilton County c/o Becky Browder**

Pursuant to notice of public hearing, the request of Hamilton County c/o Becky Browder to rezone a tract of land located at 3901 Jenkins Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Bonny Oaks area for rezoning to C-5 for a trucking company; that the property is located next to the interstate and a site plan was displayed. He stated that approval is recommended from Planning, Staff and Public Works.

Becky Browder was present representing Hamilton County government and stated that this is a great opportunity; that this property is part of the county's Silverdale Industrial Park and is across from the U. S. Xpress corporate headquarters. She stated in May the County and City Council approved the expansion of U. S. Xpress and another 1,000 will be hired to work there. At this point she introduced Kevin Schopf, a representative from U. S. Xpress.

Kevin Schopf expressed appreciation for the opportunity to continue to build their corporate headquarters by expanding and stated that they are proud to be part of this city and proud to add additional jobs. He stated that he looks forward to constructing the building; that he met with the architects and they are ready to move!

Councilwoman Robinson expressed a special thank you to Steve Leach and Becky Browder for the work they have done. She stated that she joins everyone in expressing the City's appreciation for continuing their investment; that this is a great example of how we can all work together for progress.

Councilman Littlefield acknowledged that U. S. Xpress has become part of the city when that area was annexed not too long ago and are good corporate citizens. He stated he has been watching this site for quite some time and wondered what ultimately might be done and this is the best we could have hoped for. He stated this is truly a win for a very important corporate citizen and community and a win for the community to have the expansion.

Councilman Page stated this is exciting and inquired as to the construction dates.

**REZONING (Continued)**

Mr. Schopf stated that they are looking to break ground sometime in March with the original goal of completing the first phase of a two story building by the end of December; that they are going to try to work it out.

Chairman Benson stated some time ago he called Ms. Browder and told her that a company wanted to come in for warehousing and she asked how many employees would be hired and he informed her there would be five, to which she replied "that is not enough"! He stated she indicated they were "hunting" for big employers.

Ms. Browder stated that they were saving it for a corporate headquarters and that is what they got.

Chairman Benson stated that she held firmly and it paid off!

Councilman Lively stated even though this company would be in competition, this would create "bookends" to the trucking industry on both sides of town; that on his side of town is Covenant Transport and both are doing great!

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 3901 JENKINS ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE AND R-4  
SPECIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE**  
passed first reading.

**REZONING**

**2004-214: DeFoor Brothers Development, LLC**

Pursuant to notice of public hearing, the request of DeFoor Brothers Development, LLC to rezone tracts of land located at 2317 and 2321 Timberlane Trail came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated that the next four cases are all part of the same request; that all are very similar in nature with residential zoning going to R-4. He stated overall there are four individual sites that are contiguous with the exception of two lots to the south along Timberlane Trail.

## REZONING (Continued)

Mr. Pace stated that each case should be voted on individually, beginning with this case, 2004-214, on Timberland Trail; 2004-215 along the interstate and Napier Drive; 2004-216, a larger piece in the middle which wraps around from McCutcheon Drive and a couple lots on Timberlane Trail and the last, 2004-217, facing McCutcheon on the north. He stated all are recommended for approval from Staff and Planning.

Chairman Benson stated all four are part of a total package.

Councilman Hakeem asked if the developer has been working with the neighborhood.

Chairman Benson responded "very much so".

Chairman Benson expressed thanks to Councilmen Hakeem, Franklin, Lively, Pierce and Taylor for holding onto this until everyone could see it through to its success and find a developer that would harmonize with the community in East Brainerd. He stated this area was known as the "Bermuda Triangle"; that everyone was so upset in October of 1999 when they thought it would have to go "hard" commercial. He stated the community is satisfied and from what he understands the developer paid prices that "hard" commercial wanted to pay and everyone is pretty happy!

Councilman Franklin added that all remember those tumultuous times dealing with traffic at that location. He expressed appreciation to Mr. DeFoor for his intuitiveness in bringing a compatible type development that would blend in with what exists already. He stated that it worked out well for everyone.

City Attorney Nelson inquired as to which versions the Clerk of Council would be reading. The Council Clerk indicated that Planning's versions would be read for all four cases.

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 TRACTS OF LAND LOCATED AT 2317 AND 2321 TIMBERLANE TRAIL, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

passed first reading.

## REZONING

### **2004-215: DeFoor Brothers Development, LLC**

Pursuant to notice of public hearing the request of DeFoor Brothers Development, LLC to rezone tracts of land located at 2313, 2317, 2319 and 2325 Napier Drive came on to be heard.

The applicant was present; there was no opposition.

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 REZONE TRACTS OF  
LAND LOCATED AT 2313, 2317, 2319 AND 2325 NAPIER DRIVE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2004-216: DeFoor Brothers Development, LLC**

Pursuant to notice of public hearing, the request of DeFoor Brothers Development, LLC to rezone tracts of land located at 2324 Napier Drive, 7315 and 7318 McCutcheon Road and 2329, 2333 and 2337 Timberlane Trail came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 2324 NAPIER DRIVE, 7315 AND 7318 MUTCHEON  
ROAD AND 2329, 2333 AND 2337 TIMBERLANE TRAIL, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
4 SPECIAL ZONE**  
passed first reading.

**REZONING**

**2004-217: DeFoor Brothers Development, LLC**

Pursuant to notice of public hearing, the request of DeFoor Brothers Development, LLC to rezone tracts of land located at 7301, 7307, 7313 and 7319 McCutcheon Road came on to be heard.

The applicant was present; there was no opposition.

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 TRACTS OF  
LAND LCOATED AT 7301, 7307, 7313 AND 7319 MCCUTCHEON ROAD,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL  
ZONE TO R-4 SPECIAL ZONE**

passed first reading.

**CLOSE AND ABANDON**

**MR-2004-221: Jeffrey M. Dalrymple**

Mr. Pace stated this request comes with the approval from Planning, Staff and Public Works.

On motion of Councilman Franklin, seconded by Councilman Taylor,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED ON THE SOUTH LINE OF THE 1800 BLOCK OF ELMENDORF  
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2004-222: RMP, LLC**

Pursuant to notice of public hearing, the request of RMP, LLC to rezone a tract of land located at 2909 Faxon Street came on to be heard.

There was no opposition in attendance.

### REZONING (Continued)

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 2909 FAXON STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1  
MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled six months (May 10, 2005).

### ADOPTION OF ROSSVILLE BOULEVARD COMMUNITY PLAN

Greg Haynes of RPA stated that the formal presentation of this plan was made in the Legal and Legislative Committee and that he and Melissa Dickinson could answer any questions the Council might have.

Councilman Littlefield stated that the matter was discussed in great detail in last week's Legal and Legislative Committee.

Councilman Taylor expressed personal thanks to Miss Dickinson and Mr. Haynes for their hard work in leading this charge. He thanked the entire RPA department for their dedication, as well as the cooperation of the community. He stated everyone has been very supportive.

Councilman Littlefield pointed out that this was one of the few plans, if not the only one, that actually involved people from another city and state; that the Rossville Boulevard area does border in seamless fashion. He stated Melissa and others from RPA met with the Mayor of Rossville and officials there.

Chairman Benson asked if this finishes up the entire city with land use plans.

Mr. Haynes stated that it is pretty close; that there are a few pockets here and there; that this pretty much takes care of it. He stated most neighborhoods are covered.

Chairman Benson expressed appreciation to RPA for everything they have done, stating that this was needed for a long time.

Councilman Taylor added that this will totally finish land use plans for District 7; that all plans are in place.

**ADOPTION OF ROSSVILLE BOULEVARD  
COMMUNITY PLAN (Continued)**

Mr. Haynes stated there is one small neighborhood left for next year; that the final plan is the Shepherd Community and they are working with Neighborhood Services on this one that will probably be done next year.

Chairman Benson stated this really gives the Council something to "hold onto" and the community knows how to plan for the future and not speculate.

On motion of Councilman Littlefield, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ADOPTION OF THE ROSSVILLE  
BOULEVARD COMMUNITY PLAN**  
was adopted.

**ADOPTION OF UPDATE TO HIXSON-NORTH RIVER  
COMMUNITY LAND USE PLAN**

Councilman Page stated that he and Councilmen Lively and Robinson had a series of community meeting regarding this matter and a lot of things have changed over the last two years since the initial plan was adopted. He asked Greg Haynes to explain the process.

Mr. Haynes stated that he and Karen Rennich presented the update at last week's Legal and Legislative Committee. He deferred to Ms. Rennich for highlights of the update.

Karen Rennich of RPA briefed the Council by stating that the plan was originally adopted in 2002 and since that time there have been a lot of changes and marginal developments including the project behind Northgate Mall, the Super Target that is underway along 153, the North River Civic Center and the various ball fields, all combined with the land use categories that were ambiguous and having problems and it was decided to approach an update of the plan. She stated for the past four months there have been several public meetings, as well as a meeting with the Hixson Leadership Committee which was formed during the original plan for guidance and land use planning concerns. She stated one of the main things out of this plan was the corridor mixed category along Hixson Pike and 153 which indicated there would be no more expansion of commercial; that it was found the area had several commercial properties that fronted the road and maybe one residence and then commercial, which seemed to put a particular burden on property and the loss of potentially good development due to this.

**ADOPTION OF UPDATE TO HIXSON-NORTH RIVER  
COMMUNITY LAND USE PLAN**

Ms. Rennich stated they did not want to update the visionary goals and principles since the plan was so recent and still valid as was verified in the public meetings; that they wanted to update the land use portion. She stated all public facilities are still shown on the plan and there was a category of middle or high density residential and it was felt this was the appropriate time to come up with a more specific recommendation. She stated there were three focus areas in the past two-or-three years or longer that generated a lot of discussion with developers. She stated one focus involved residential areas identified as the Bradington Park subdivision, Hamill Road was widened and the Godsey Lane development; that they wanted an opportunity to do something more with the plan's designation of subdivisions appropriate for medical office or commercial development if the property came in as a whole rather than piecemeal and each property owner from DuPont Parkway to Godsey were sent a letter of possible alternatives.

Ms. Rennich continued by stating that another focus area was north of the new oasis office park and the new Sports Barn where there were a couple residential streets surrounded by commercial development with increased traffic, noise and a cut-through for trucks. She indicated that the third focus area is the 153 and 27 interchange at Dayton Pike and Boy Scout Road; that there are a couple large parcels in the area. She stated the plan identified a portion for large scale commercial, higher intensity commercial development and it is a good road access to interchanges. She stated one recommendation for the area to the east is that it is appropriate for some sort of high residential density. She stated they really worked with the community's issues and approval is recommended by Planning.

Councilman Page expressed thanks to the community, Greg Haynes, Karen Rennich and the entire RPA staff for their valuable input.

On motion of Councilman Lively, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ADOPTION OF THE LAND USE PLAN  
UPDATES FOR THE HIXSON-NORTH RIVER COMMUNITY PLAN**  
was adopted.

## REQUEST RPA TO CONDUCT A ZONING STUDY

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**A RESOLUTION REQUESTING THE CHATTANOOGA-HAMILTON COUNTY  
REGIONAL PLANNING AGENCY TO CONDUCT A ZONING STUDY FOR  
CERTAIN PROPERTIES LOCATED IN THE ROSSVILLE BOULEVARD  
COMMUNITY AS SHOWN ON THE MAP ATTACHED HERETO AND MADE  
A PART HEREOF BY REFERENCE**  
was adopted.

## ADOPTION OF HAZARDS MITIGATION PLAN

Councilman Littlefield stated this matter was discussed in today's Legal and Legislative Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION APPROVING THE ADOPTION OF THE HAMILTON  
COUNTY NATURAL HAZARDS MITIGATION PLAN 2004**  
was adopted.

## FINAL PUD

### **2004-023: Iris Knoll Development Company**

There was no opposition in attendance.

Mr. Pace stated this is the final PUD which has gone through the review process and is recommended for approval. He stated this is a low density development for this area with 4.8 units per acres. He reiterated that approval is recommended from the Review Committee.

Councilman Page stated this is an excellent development for this area and there was discussion in the review process that residents on Esquire Lane had a concern regarding adequate buffering protection. He asked if a covenant of a Type C landscape buffer on that portion of this PUD would be an appropriate amendment recommendation.

**FINAL PUD (Continued)**

Mr. Pace stated that it could be added; that there is a requirement for a ten foot drainage easement along all the outer boundaries. He stated Type C landscaping would have to be inside the ten foot easement for the drainage. He stated if it is the Council's desire, it could be amended to state "*Type C landscaping to the interior of any required easements along the rear property line of lots in the Iris Knoll Subdivision abutting lots 13 through 20 fronting Esquire Lane of Esquire Estates*".

Councilman Page stated he would like for the condition to be added as part of this PUD development.

On motion of Councilman Page, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE IRIS KNOLL PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED IN THE 6600 BLOCK OF SANDSWITCH ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**FINAL PUD**

**2004-090: Wise Properties-TN, LLC**

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

Mr. Pace stated this request has received approval from the Review Committee.

Councilwoman Robinson stated a lot of thought and care went into the meeting with the neighborhood on this project; that it really started out a year-and-a-half ago and changed over time as the developer met with the neighborhood. She stated a lot of rapport was developed with the neighborhood and the developer, as well as confidence in regard to the growth potential of that area. She stated this ended up as a higher end development than originally planned.

Eric Lee, Architect for the project, stated that the only thing he could say is that anyone who thinks we do not have a progressive City Council and great RPA staff has not worked with them! He stated this has been a real pleasure and he has come away with a better project.

FINAL PUD (Continued)

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A  
PLANNED UNIT DEVELOPMENT KNOWN AS THE TOWNHOMES OVER  
CHATTANOOGA PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND  
LOCATED IN THE 500 BLOCKS OF WOODLAND AND FOREST AVENUE,  
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE  
FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND  
MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN  
CONDITIONS**

was adopted.

SPECIAL EXCEPTIONS PERMIT (PUD)

**2004-225: S. Reginald Ruff, III**

Councilman Taylor made the motion to defer the matter one week for an effort to connect with Reggie Ruff. He stated there are concerns from the community and he would like to make sure they have been addressed.

On motion of Councilman Taylor, seconded by Councilman Pierce,  
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT  
DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED  
ADDITION AND CHANGE OF BOUNDARY OF THE PLANNED UNIT  
DEVELOPMENT KNOWN AS THE SPENCER J. MCCALLIE HOMES  
PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN THE  
400 BLOCK OF WEST 35<sup>TH</sup> STREET, THE 600 BLOCK OF WEST 37<sup>TH</sup> STREET,  
THE 3700 BLOCK OF CHANDLER AVENUE, THE 300 AND 400 BLOCKS  
OF WATER STREET, AND THE 300 BLOCK OF WEST 38<sup>TH</sup> STREET, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO CERTAIN CONDITONS**

was tabled one week.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF  
PERFORMANCE REVIEW TO EXECUTE A CONTRACT WITH THE URBAN  
LEAGUE OF GREATER CHATTANOOGA RELATIVE TO THE EARNED  
INCOME TAX CREDITS CAMPAIGN, IN THE FORM ATTACHED HERETO  
AND IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS  
(\$30,000.00)**

was adopted.

## OVERTIME

Overtime for the week ending November 5, 2004 totaled \$16,787.36.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **PHILLIP LYNN** – Retirement, City Engineer, Engineering, effective October 1, 2004.
- **CLARENCE W. MCDOWELL** – Retirement, Crew Worker Sr., Citywide Services, effective October 28, 2004.
- **HEATHER M. HAMILTON** – Hire, GIS Specialist, Engineering, Pay Grade 11/Step 2, \$27,695.00 annually, effective October 22, 2004.
- **KADIR AMEEN** – Promotion, Engineering Project Coordinator, Engineering, Pay Grade 20/Step 4, \$42,645.00 annually, effective October 15, 2004.
- **ROGER KILGORE** – Promotion, GIS Specialist, Sr., Engineering, Pay Grade 15/Step 3, \$34,244.00 annually, effective October 15, 2004.
- **CEDRIC L. NEAL** – Hire, Equipment Operator, Sr., Citywide Services, Pay Grade 8/Step 1, \$22,818.00 annually, effective November 4, 2004.
- **CHARLES E. ASHLEY, III** – Hire, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 1, \$19,234.00 annually, effective November 3, 2004.

Councilman Pierce inquired as to the retirement notice reported for Phillip Lynn.

Admin. McDonald reported that the retirement agreement is one that was worked out between Mr. Lynn's attorney and the City attorney to allow him to retire.

### CHATTANOOGA FIRE DEPARTMENT:

- **CHARLES GASTON** – Family Medical Leave, Firefighter/Lieutenant, effective November 8, 2004 – January 31, 2005.

## PERSONNEL (Continued)

### CHATTANOOGA POLICE DEPARTMENT:

- **DEVORA GRISSOM** – Family Medical Leave, Police Records Analyst, effective November 10 – December 1, 2004.
- **LESLIE R. GILLIAM, JR., STEVE ANGEL** – Retirement, Lieutenant, effective November 8, 2004.
- **DAVID G. HAYS** – Resignation, Police Cadet, effective November 2, 2004.
- **CURTIS PENNEY** – Suspension (28 days without pay), Police Officer, effective November 7 – December 4, 2004.

Chief Cooper acknowledged the retirement of Lt. Steve Angel after thirty (30) years of service with the department with three years in patrol, two years in burglary and property and the last twenty-five in homicide. He stated his talents and expertise will be impossible to replace and he would be sorely missed. He also acknowledged the retirement of Lt. Gilliam who completed thirty (30) years of service upon his retirement on Monday. He stated he spent one year as a Jail Supervisor, one year in communications as a Communications Supervisor and twenty-eight (28) years on the street as Patrol Sergeant and Lieutenant. He stated both Lts. Angel and Gilliam have sixty (60) years service in law enforcement and would be sorely missed; that it would be impossible to replace them, however, wished them both luck. He expressed thanks to their families for their contribution and hoped that they would prosper well.

### FINANCE DEPARTMENT, CITY COURT DIVISION:

- **LANA D. HARRIS** – Resignation, Court Clerk, Sr., effective November 9, 2004.

#### PURCHASES

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

#### EAGLEBROOK, INC. (Lowest and best bid) R0077229/B0001898

Liquid Ferric Chloride (Contract not to exceed \$165,000 annually)

\$235.00/Dry Ton

**PURCHASES (Continued)**

**WALKER CHEVROLET (Lowest and best bid)**  
**R0079020/B0001943**

Four (4) Pick-Up Trucks

\$58,660.00

**SOUTHERN LIME CO. (Lowest and best bid)**  
**R0077238/B0001910**

Quick Pebble Lime (Contract not to exceed \$100,000 annually)

\$97.77/ton

**PURCHASE**

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

**EAST RIDGE UNIFORMS (Complete and best bid)**  
**R0071872/B0001890**

Fire Fighters Station and Dress Uniforms (NAFECO and Galls, Inc. submitted lower but incomplete bids)

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

**HEARING: JIM HOSTETTER**

City Attorney Nelson stated a request for hearing was received from Jim Hostetter regarding his twenty-eight (28) day suspension.

**A hearing was scheduled for Mr. Hostetter for Monday, December 13 beginning at 9 a.m. with Councilman Page, Franklin and Taylor serving as the panel hearing the request; Councilman Hakeem volunteered as alternate.**

### DOG BITE INVESTIGATION UPDATE

City Attorney Nelson stated that at last week's Council meeting there was discussion about the investigation regarding the dog bite situation. He stated he received word from the Police Department on Wednesday that Internal Affairs is still investigating and that the complainant has not cooperated in giving a follow-up interview. He stated when that is done they would come to a rapid conclusion.

Councilman Hakeem asked for clarification regarding the follow-up.

City Attorney Nelson indicated that a follow-up has been asked for and Internal Affairs has not received cooperation on that.

Councilman Hakeem stated he would follow up with them and see if that can get done.

### ENVIRONMENTAL CONCERNS MEETING

Councilman Taylor stated a meeting is currently being held in the Alton Park area regarding environmental concerns that he plans to attend immediately following tonight's Council meeting.

### COMMITTEES

Councilman Littlefield reported that the Legal and Legislative Committee met today and received a comprehensive report from Admin. Curry on the revisions and improvements in Animal Control, as well as embarking on an aggressive spay and neuter program. He stated there was an item changing the ordinance relating to animal control coming back to the Committee three weeks from tonight. He stated all will need to look at the document for discussion with their constituents. He scheduled a meeting of the **Legal and Legislative Committee for Tuesday, November 16 at 3 p.m.**

Chairman Benson thanked Admin. Curry and Councilman Littlefield for the progress made on the ordinance and indicated that the three weeks should finish it up.

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, November 23 at 4 p.m.**

Councilman Franklin reminded Council members of the meeting of the **Parks and Recreation Committee on Tuesday, November 16 at 4 p.m.**

**ADJOURNMENT**

On motion of Councilman Lively, seconded by Councilman Taylor, Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, November 16, 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)**