

**City Council Building  
Chattanooga, Tennessee  
June 21, 2005  
6:00 p.m.**

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

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Hakeem gave invocation.

#### **MINUTE APPROVAL**

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

#### **REZONING**

##### **2005-033: Chattanooga Neighborhood Enterprise**

No opposition was in attendance.

Councilman Pierce stated that the applicant for this request has asked that it be tabled until July 12.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1902, 1904 AND 1910 ROSSVILLE AVENUE, FROM R-  
3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3  
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled until July 12 at the request of the applicant.

REZONING

**2005-048: DeFoor Brothers Development, LLC**

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 TRACTS OF  
LAND LOCATED IN THE 2400 BLOCK OF ELAM LANE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

REZONING

**2005-055: Orville Payne**

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 360 AND 364 BROWN'S FERRY ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-  
3MD MODERATE DENSITY ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

REZONING

**2005-067: Hamilton County Partners, II, L.P.**

On motion of Councilwoman Rutherford, 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 200 EAST 37<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND M-1  
MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO  
CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2005-070: Mike Blanchard, River Street Architecture**

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 940 SISKIN DRIVE, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND M-1  
MANUFACTURING ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed second and final reading and was signed in open meeting.

**REZONING**

**2005-069: Lyle Finley Trust**

Mr. Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that the Clerk of the Council received a call from the owner of the property who asked that this request be withdrawn from consideration.

On motion of Councilman Franklin, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 4413 OAKWOOD DRIVE AND PART OF 4411  
OAKWOOD DRIVE, MORE PARTICULARLY DESCRIBED HERIEN, FROM R-  
4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT  
TO CERTAIN CONDITIONS**

was withdrawn at the request of the property owner.

**REZONING**

**2005-082: Michael A. Dowlen**

Mr. Pace stated that this request is for rezoning from R-5 to R-1 and is part of the planned unit development (PUD) Resolution that is to be considered later in the meeting. He stated the request is recommended for approval from Planning and Staff.

Councilman Hakeem asked if this is the item in Councilman Page's district, wanting to know if there is an understanding between the applicant and the community.

## REZONING (Continued)

Mr. Pace stated that representatives from the community, the applicant and Councilman Page met this afternoon and there is an agreement. He stated the additional changes are for incorporation into the PUD Resolution.

Councilman Benson stated that he has been "with this" since it came to Planning and asked if all of it is being zoned R-1. Mr. Pace confirmed that all of it would be rezoned R-1.

Councilman Benson asked if the PUD is not applied would the rezoning lack the ability to have qualifying conditions. He stated that he met with the group today and did not know if there were any objections, whether it was resolved.

Mr. Pace stated that the matter was resolved; that additional conditions will be added to the PUD.

Councilman Benson stated that the residents are really in a "Catch 22"; that to go with the PUD it comes down to whether they can make certain it would be built to certain specifications. He stated if there are no objections he plans to make the motion to approve on first reading.

City Attorney Nelson asked if the conditions have been included in the Resolution. Mr. Pace responded "no", they have not.

City Attorney Nelson stated that they probably need to be included before the Resolution is adopted.

Mr. Pace stated when the Resolution is before the Council the conditions will be presented; that this particular request is for rezoning to R-1 (not the PUD).

Councilman Benson asked if the Council would still have an opportunity to deny at a later date.

Mr. Pace stated this matter will be before the Council on second reading next week, clarifying that the Resolution only requires one reading tonight. He stated the conditions are to be attached to the PUD (not the rezoning).

Chairman Robinson stated that the residents are present and asked those in support of the change to raise their hands in this request for rezoning from R-5 to R-1. Those in attendance from the community slowly raised their hands in support.

Councilman Benson stated that the residents are not ecstatic about any of this.

**REZONING (Continued)**

After the vote was taken, Councilman Benson stated that he has been working with Councilman Page and RPA and noted that the preference is to have the property remain in its natural state. He commended the developer and residents for working together and not having any conflict.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5506 CASSANDRA SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**PRELIMINARY PUD**

**2005-077: Michael A. Dowlen**

Mr. Pace stated in addition to the conditions already listed in this Resolution that the development be detached, single family residential and limited to 110 units, the conditions agreed upon today will be included.

City Attorney Nelson read the additional conditions as agreed upon by the developer and the residents: *(1) Along Cassandra Smith Road a landscaped berm; (2) Along the north and east property line of the Turner Smith Farm, Tract 2, as shown on the site plan, planted with Hollies 9 foot on center; (3) The four large lots to the rear (16 acres) along Big Ridge to be consolidated into one community lot with one 25 foot access point; (4) Units to have a minimum of 1400 square feet; and (5) All units will have a minimum of 3 sides being bricked.*

Mr. Pace explained that what is requested for approval is the preliminary PUD and the applicant would have to come back for the final PUD. He stated Mr. Dowlen will have to meet all the conditions before the final plan and the residents will have another "shot" at looking at it to make sure this is exactly what he has agreed to. He stated landscaping and sidewalks will be on the final plan.

**PRELIMINARY PUD**

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,  
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS THE AMBERBROOK GARDENS PLANNED UNIT DEVELOPMENT, ON PART OF A TRACT OF LAND LOCATED AT 5506 CASSANDRA SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted with the added conditions read by City Attorney Nelson.

**FINAL PUD**

**2005-013: Harvest Active Adult Communities, LLC**

Mr. Pace stated that is the final plan and meets all the requirements. He stated it is recommended for approval from Staff.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,  
**A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE VILLAGE AT GREENWAY PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED AT 1134 MOUNTAIN CREEK 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.

**SIGNATURE AUTHORIZATION**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING DONALD LEE NORRIS, DEPUTY ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS, TO SIGN VOUCHERS, REQUISITIONS AND OTHER NECESSARY DOCUMENTS FOR AND ON BEHALF OF THE PUBLIC WORKS DEPARTMENT**

was adopted.

### TEMPORARY EMPLOYMENT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO TEMPORARILY EMPLOY DARRELL MCDONALD RELATIVE TO MONTAGUE PARK AND OTHER PROJECTS FOR A PERIOD OF SIX (6) MONTHS AND FOR AN AMOUNT NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00) PER MONTH**  
was adopted.

### NEIGHBORHOOD GRANTS ALLOCATION

On motion of Councilman Rico, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ALLOCATE ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR THE AWARD OF 2005-2006 NEIGHBORHOOD GRANTS**  
was adopted.

### OVERTIME

Overtime for the week ending June 17, 2005 totaled \$16,389.30.

### PERSONNEL

The following personnel matters were reported for the various departments:

#### PUBLIC WORKS DEPARTMENT:

- **EUSI V. HAMILTON** – Promotion, Equipment Operator, Citywide Services, Pay Grade 6/Step 3, \$22,421.00 annually, effective June 15, 2005.

#### MAYOR'S OFFICE:

- **PAUL PAGE** – Hire, Director of Asset Management, Pay Grade 38/Step 8, \$80,159.00 annually, effective June 10, 2005.

## PERSONNEL (Continued)

### NEIGHBORHOOD SERVICES DEPARTMENT:

- **TONY SMITH** – Resignation, Lead Code Inspector, effective June 15, 2005.

### CHATTANOOGA POLICE DEPARTMENT:

- **ERIC JONES** – Return from Military Duty, effective June 24, 2005.

### PARKS, RECREATION, ARTS, CULTURE AND EDUCATION DEPARTMENT:

- **DANIEL KRAL** – Hire, Director of Parks, \$95,000.00 annually, effective May 27, 2005.

### CHATTANOOGA FIRE DEPARTMENT:

- **GREGORY L. BIBBS, MARK A. BROWN, JERRY A. COPENY, CHRISTOPHER B. CORDES, KYLE J.A. DUGGAN, FRED M. EDGEMON, MICHAEL K. ERVIN, CARL A. HARTUNG, III, AMANDA B. HORNER, ROBERT A. KIRBY, TERRY W. KNOWLES, CHRISTOPHER I. LAFERRY, MATTHEW M. LONG, KENNETH E. MILLER, JR., TROY H. MILLSAPS, DEMETRIC L. OWENS, WILLIAM PATTON PHILLIPS, BRADFORD L. RANSOM, CHAD A. ROGERS, EVAN M. ROSE, RICHARD A. YARBER** – New Hire, Firefighter, Pay Grade F1/Step 1, \$27,057.00 annually, effective June 17, 2005.
- **KELLY M. LILES, THOMAS A. SMITH** – Transfer/Promotion, Firefighter, Pay Grade F1/Step 1, \$27,057.00 annually, effective June 17, 2005.
- **KEITH L. ROZZELL** – Promotion, Firefighter, Pay Grade F1/Step 3, \$29,708.00 annually, effective June 17, 2005.
- **GARY T. SPANGLER** – Promotion, Firefighter, Pay Grade F1/Step 1, \$27,057.00 annually, effective June 17, 2005.

**PURCHASE**

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

**ENNIS PAINT, INC. (Lowest and best bid)**  
**R0082817/B0002378**

Waterborne Traffic Paint

\$26,217.30

**REJECT ALL BIDS**

On motion of Councilman Hakeem, seconded by Councilman Franklin, the bid for three sports utility vehicles for the Public Works Department, R007660/B00026060, approved by the City Council on May 3, 2005 in the amount of \$58,776.00 to Marshall Mize Ford was duly rejected.

**EMERGENCY PURCHASE**

The emergency purchase/rental of a track hoe for the Public Works Department in the amount of \$12,842 to REMCO was duly reported and signed in open meeting.

**HOTEL PERMIT**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following hotel permit was approved:

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

**PURCHASE**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Finance and Administration Department:

**CUMMINS SOUTH (Best bid)**  
**R0082736/B0002375**

**PURCHASE (Continued)**

Natural Propane Gas Fuel Generator (Electronics Shop) *(Energy System submitted a lower bid; however, the generator they bid would prohibit our ability to standardize equipment; this generator will be used at a public safety communications site and it is extremely important to have local service available.*

\$11,412.00

**ARMSTRONG RELOCATION (Only bid received)**  
**B000900**

City Hall Renovation Moving Services (Building Maintenance) *Renovation work is scheduled to begin in August and "time is of the essence"; the relocation moving service will begin the first of July and will be completed by month's end to avoid delay of start-up of renovation.*

\$58,820.00

**COMMUNICATIONS RESOURCES, INC. (Lowest and best bid)**  
**R0083199/B002404**

PBX Equipment (Information Services)

\$42,240.00

**IN CIRCLE FLIGHT DESIGN (Lowest and best bid)**  
**R0081045**

Designing and Printing of CAFR and CABR (Finance)

\$18,948.00

**HEARING: PATRICK WELLES**

City Attorney Nelson reminded Council members of the hearing for Patrick Welles scheduled for Monday, June 27 beginning at 9 a.m. with Councilmen Rico, Page and Pierce serving as the panel; Councilman Hakeem is the alternate.

## COMMITTEES

Councilwoman Bennett scheduled a meeting of the **Economic Development Committee for Tuesday, June 28**, noting that the meeting would be held jointly with the Legal and Legislative Committee beginning at 3 p.m.

Councilman Franklin reminded Council members of the regularly scheduled meeting of **Parks and Recreation Committee scheduled for Tuesday, June 28 at 4 p.m.**

Councilman Hakeem stated that the **Public Works Committee would meet on Tuesday, July 5 at 4 p.m.**

Councilwoman Rutherford scheduled a **Safety Committee meeting for Tuesday, July 5 immediately following the Legal and Legislative Committee (3:30 p.m.)**. She stated that the meeting is being held in conjunction with the comments Councilman Hakeem made last week.

Councilman Hakeem explained that a group of citizens met with members of the police department to solidify concerns and interests that citizens have. He stated the group was made up of several groups – the African American Summit, Operation PUSH and others. He stated this would not be a session for debate, only a presentation of findings of this group in the hope it would lead to better relations between the police department, Council and community as a whole.

## COUNCILMAN FRANKLIN, TML PRESIDENT

Chairman Robinson congratulated Councilman Franklin upon his recent election as TML President. She stated that Councilman Franklin has been involved with TML for a long time, noting that his election as President puts the spotlight on Chattanooga.

## DISTRICT 5 MEETING

Councilman Franklin announced that there would be a District 5 meeting sponsored by Chattanooga Neighborhood Enterprise to inform residents of housing issues. He stated the meeting is scheduled to take place on Thursday, June 23 at 6 p.m. at New Covenant Fellowship Church.

**REGGIE MCKENZIE FOOTBALL CAMP**

Councilman Franklin announced that the Reggie McKenzie football camp will be held at the newly renovated Washington Hills Recreation Center.

**ANNUAL TML CONVENTION**

Councilwoman Bennett stated that she attended the TML Convention and was glad to see fellow Councilperson Franklin elected as President. She expressed appreciation for the opportunity to attend the Elected Officials Academy held in conjunction with the Convention.

**COUNCIL AGENDA: JUNE 28, 2005**

City Attorney Nelson stated that most of the ordinances on first reading relating to the *Mechanical Code* and various other codes will be deferred a couple more weeks and probably will not be on the agenda for next Tuesday.

**ADJOURNMENT**

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, June 28, 2005 at 6:00p.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)**