

**City Council Building
Chattanooga, Tennessee
November 8, 2005
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce, Rico and Rutherford. 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 Rico gave invocation.

MINUTE APPROVAL

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

FINAL PUD

2004-126: Michael A. Dowlen

Councilmen Benson and Franklin made the motion and second to move Resolution 7(c) forward on the agenda; the motion carried.

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

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that the preliminary PUD was approved sometime ago. He stated this request is located in the East Brainerd area off North Concord and adjacent to I-75. He stated the matter is recommended for approval from Staff after review; that it is in compliance with PUD regulations.

FINAL PUD (Continued)

Councilman Benson stated it is not recommended for approval from Planning.

Mr. Pace stated the one Councilman Benson is referring to is off Walker Road and is farther down on tonight's agenda. He stated this final PUD is located off the freeway, which is different. He reiterated that the matter is recommended for approval.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE PALMS PLANNED UNIT DEVELOPMENT (FORMERLY KNOWN AS THE DOWLEN AT CONCORD PLANNED UNIT DEVELOPMENT) ON TRACTS OF LAND LOCATED IN THE 6900 BLOCK OF DELBERT LANE, THE 1500 BLOCK OF NORTH CONCORD ROAD, AND THE 3800 BLOCK OF INTERSTATE 75, 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.

PRELIMINARY PUD

2005-182: Darren Kennedy, Rondon Development Corporation

Councilmen Franklin and Benson made the motion to move Resolution 7(e) forward on the agenda; the motion carried.

The applicant was not present; opposition was in attendance.

Mr. Pace stated this request is located along Kelly Road near Min Tom Drive; that the surrounding area includes R-1, R-2 and R-4 with a school directly to the west of Kelly Road. He stated the property is currently vacant and wooded. He stated residential uses to the north include The Trails and a townhouse development along Min Tom. He stated the request is recommended for denial from Planning; that Staff reviewed it and found that the density is appropriate for R-1 development with 4.9 units per acre. He stated Planning recommended denial of the request.

Councilman Benson stated at the Planning meeting, the developer was not present and the developer is not present this evening. He stated that he has a petition from homeowner associations from Columbine, Ashwood and The Trails and noted that the school has registered their concerns about the unknown.

PRELIMINARY PUD (Continued)

Councilman Benson stated the request is for R-1 PUD, which many times can be better than R-1, however no one has ever heard from the developer or talked with him. He stated that there was an effort to get information through the Better Business Bureau and a listing could not be found. At this point he asked those who were concerned and in opposition to stand; several within the audience stood. He noted again that the developer is not present to answer questions about what is planned.

Councilwoman Rutherford asked if the matter is deferred and it is found that the developer did not want to do anything, what does that do to his application. She asked if the matter is defeated, would he have to go through the whole process again. At this point, she **made the motion to defer the matter**.

Mr. Pace stated if it is defeated and were a zoning change there would be a nine month waiting period. He stated he is not sure what applies to the PUD; that the nine month waiting period applies to rezoning. It was then determined by a former employee (Steve Leach) of the RPA that the applicant would be able to apply at any time but would have to pay the fee for the application.

Councilman Benson stated that discussion was held at Planning and it was asked that the developer make an effort to come this evening. He asked Mr. Pace if RPA has been able to find out who he is. Mr. Pace responded "no".

Councilman Benson stated that he would like to hear from the community about deferring the matter because they have been "jerked around" and he is not sure how much longer they can tolerate it.

Tim Baltz a resident of Columbine Trail and Vice President of the Homeowners Association, stated the biggest concern about they project that they have is that they really do not know anything about it; that they do not know what it looks like nor who will develop it. He stated they cannot find anything about the developer; that they have a lot of concerns basically because of the unknown. He stated it is his thought it would be appropriate to have a meeting with some of the residents as at least 100 people live adjacent to this. He stated they have not been able to get in touch with the developer because they do not know who he is and cannot find out! He stated their biggest concern, as Councilman Benson pointed out, is that they have a petition signed by a majority of the people who live on Columbine who are opposed to this until they can find out something about it.

PRELIMINARY PUD (Continued)

Councilman Benson asked those in attendance from the community if they were willing to come back again a month from now or if they were asking the Council to reject this request.

Mr. Baltz stated that their position would be that they are opposed to this developer simply because he had a chance at Planning and did not show up and he is not here tonight. He stated the developer obviously is not interested in developing this; that they would certainly like for it to remain the natural habitat it is. He stated a development like this would cause an increase in the amount of people going through the area and they are concerned about all that. He stated there are narrow streets and drainage problems as the street had to be closed a couple times due to drainage problems and heavy rains. He stated they have a lot of concerns.

Councilman Benson stated that he tried to encourage the developer to work with the community and let them know what this is about to have smart growth and that certainly has not occurred as they have not found him. At this point he **made the motion to reject this request; Councilman Hakeem seconded the motion**

Councilwoman Rutherford expressed agreement with Mr. Baltz as the unknown is always frightening. She stated because of the way the process is she asked Councilman Benson to give the developer three weeks from tonight and if he has not met with the neighborhood and present at Council meeting there should be automatic denial. She stated that she would really hate to deny him this if it is the first time he has come before our body. She asked Jerry pace to notify the developer; that she does not know if the Council will approve the matter in three weeks or not but would like to give him the opportunity.

Councilman Benson stated the motion is to reject the request and the reason is that RPA was asked to find him when the matter came before Planning; that people from the community would have to come back to listen to his conditions to know whether they are for or against it. He stated they would have to make another trip and unless he hears any objections . . .

Councilman Hakeem quickly interjected that there is a motion and second on the floor to deny.

PRELIMINARY PUD (Continued)

Councilman Franklin stated that he is all for developers who want to do something in R-1 and PUD's can be good under certain circumstances. He stated if the developer does not think enough to send a representative or come himself to the venues where he can plead his case with the community the matter should be denied.

Councilwoman Rutherford stated that she does not know this man and does not think any on the Council does, either. She stated he may not be aware of the process and would certainly recommend giving him an additional chance to be here in three weeks and meet with the neighborhood.

On motion of Councilman Benson, seconded by Councilman Hakeem,

A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS NOLLS ACRES PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 2508 KELLEY LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was denied; Councilwoman Rutherford voted "no".

REZONING

2005-179: McCallie School (William Kropff)

Councilman Hakeem expressed apologies to the Clerk of Council and asked that Ordinance 6(h) and Resolution 7(d) be moved forward on the agenda; Councilman Franklin seconded the motion; the motion carried.

Pursuant to notice of public hearing, the request of McCallie School (William Kropff) to rezone portions of the McCallie School Campus located at 500 Dodds Avenue came on to be heard.

The applicant was present; opposition was in attendance.

Prior to briefing the Council on this request, Mr. Pace noted that Ordinances 6(a) and (i) are requested to be withdrawn by the applicant. At this point Councilmen Hakeem and Franklin made the motion and second to approve withdrawal of the two matters.

REZONING (Continued)

Mr. Pace stated this request is for a special zone for an institutional PUD on the McCallie campus next to the foot of Missionary Ridge along Dodds Avenue with the main entrance off Dodds. Various surrounding properties were shown by PowerPoint which reflected residential properties, the football and soccer fields, as well as properties on the perimeter. He stated the request for R-4 is for an institutional PUD, which would be the next case to be heard. He stated it is recommended for approval from Planning and Staff to rezone with the condition that it be for an institutional PUD only to assure it would not be developed in other ways.

William Kropff stated that McCallie has been going through this planning process and have met all the conditions and have communicated with the appropriate people when this was first presented.

Henry Jones of 1100 Dodds Avenue was present in opposition. He stated one of the reasons is that it is felt the operation of McCallie has been beneficial them; that Councilman Benson was out one time checking on the partial closing of Anderson Avenue and that was the last time he was before the Council. He stated the closure was done that way because McCallie did not come to the Ridgedale community to discuss any of their plans or the effect it would have on the community. He stated he has not found much cooperation on this project and Mr. Kropff came to the Ridgedale Merchants group five-or-six weeks ago and gave a nice presentation displaying their plans, but Dr. Kaplan, also on Dodds Avenue, found that the property next to his business belongs to McCallie and he was disturbed with its condition. He stated a big boat was parked that was brought in during the night and big logs were randomly piled next to his property, as well as a trailer home; that Mr. Kropff said it would all be cleaned up however it is still there. He made the request that the matter be postponed until the McCallie School representatives want to cooperate with the Ridgedale community, not just when they need to but at all times.

Councilwoman Rutherford stated that she has known Mr. Jones for a long time and worked with McCallie School as it used to be within her district. She noted her respect for Mr. Jones and indicated that McCallie School has almost single handedly kept the Ridgedale area from declining; that what they have done is remarkable and they always do their projects with the highest quality. She noted to Mr. Jones that McCallie has come to the Ridgedale neighborhood because she had been there when they came; that she did not believe this violates the Ridgedale plan developed eight-or-ten years ago.

Councilman Hakeem asked Mr. Kropff if it is possible to accommodate Mr. Jones regarding the items mentioned.

REZONING (Continued)

Mr. Kropff stated that the log dealer they have been dealing with has had a truck that was inoperable for the last three weeks and they are going to pick the logs up and take them to Signal Mountain to be milled. He stated the boat will personally be moved and there is one on his staff that he has been dealing with regarding this. He stated that they parked the trailer on the only accessible place they had and it is not a bad looking trailer, however he told Mr. Jones they were going to work on making it look more appropriate to the neighborhood and area. He stated this is one of their winter projects as they are starting to gear down with landscaping and would start addressing the building itself.

Councilwoman Rutherford made the motion to approve this matter on first reading. Councilman Hakeem seconded the motion and stated that it is his belief McCallie would work with Mr. Jones on this as there are other things in the future they would be looking to do, also.

Councilman Benson expressed agreement and noted that Mr. Jones was not present at the Planning meeting last month; that Gary Ball was present to express that Ridgedale concurred with this request and that McCallie had worked with them. He inquired as to the cul-de-sac and fencing.

Mr. Kropff stated that he met with the City Traffic Engineer to discuss what was necessary in that area and stated they would have to get with the Fire Department. He stated Captain Williams of the Willow Street branch brought a ladder truck next to the house in question and was able to turn the truck for adequate fire protection.

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PORTIONS
OF THE MCCALLIE SCHOOL CAMPUS LOCATED AT 500 DODDS
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2
RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO
R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

PRELIMINARY PUD

2005-174: McCallie School (William Kropff)

The applicant was present.

PRELIMINARY PUD (Continued)

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,

A RESOLUTION APPROVING A PRELIMINARY INSTITUTIONAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED INSTITUTIONAL PLANNED UNIT DEVELOPMENT, KNOWN AS THE MCCALLIE SCHOOL INSTITUTIONAL PLANNED UNIT DEVELOPMENT, ON THE MCCALLIE SCHOOL CAMPUS LOCATED AT 500 DODDS AVENUE, 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.

REZONING

2005-173: William Joseph (Joe) Patterson, Jr., et. al.

Councilmen Franklin and Rico made the motion to move Ordinance 6(d) forward on the agenda; the motion carried.

Pursuant to notice of public hearing, the request of William Joseph (Joe) Patterson, Jr., et. al. to rezone tracts of land located at 121, 201, 203 and 205 Forest Avenue and 109 Hartman Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated the applicant is in agreement for having this request deferred until the North Shore study is complete.

It was noted that opposition was in attendance. Councilman Hakeem asked the person in opposition if he could wait to make comments until the Council is ready to hear the matter if it is deferred. The person in opposition indicated that he had no problem waiting.

William Patterson, applicant, stated that it was his hope to wait to hear this until the results of the study are complete.

Councilwoman Bennett stated that another matter for the area was deferred until January 17, 2006.

REZONING (Continued)

On motion of Councilman Franklin, seconded by Councilman Rico
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 121, 201, 203 AND 205 FOREST AVENUE AND 109
AND 111 HARTMAN STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM O-1 OFFICE ZONE, R-3 RESIDENTIAL ZONE, AND R-4 SPECIAL
ZONE TO C-7 NORTH SHORE COMMERCIAL/MIXED-USE ZONE**
was deferred until January 17, 2006.

REZONING

2005-058: Sandra K. Miller

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 217 TREMONT STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**
was withdrawn at the request of the applicant.

REZONING

2005-168: Institute of Healing and Health (Wildwood Lifestyle Center)

Pursuant to notice of public hearing, the request of the Institute of Healing and Health (Wildwood Lifestyle Center) to rezone a portion of a tract of land located at 4580 Chambers Road came on to be heard.

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

Mr. Pace stated this request is located in Lookout Valley and involves a tract of land with a total of 400 acres. He stated the original request was to deny the request as there was opposition from the quarry to the north of this site and their fear it would encroach on their quarrying activities. He stated the recommendation is to rezone the portion of land the Institute needs for development; that they need R-3 to construct some single family housing on lots all on one lot as they cannot subdivide the lots because there is no road fronting on a public street.

REZONING (Continued)

Mr. Pace stated the recommendation is to approve rezoning to R-3 which would have an access point to the back parcel; that there is a very narrow underpass and is a very rural area with an elementary school located on the property at the Healing Institute, as well as other residential houses. A PowerPoint visual was displayed showing the narrow underpass and other surrounding sites. He reiterated that this is a very rural and isolated area with the mountain to the west and the quarry to the north. He stated approval is recommended from Staff and Planning.

Councilman Hakeem asked if fire engines could get through the narrow tunnel that was shown.

Councilman Benson responded "yes"; that fire engines can get through the tunnel as that question was asked at the Planning meeting and they were assured fire engines could get through. Mr. Pace confirmed Councilman Benson's statement as discussed at the Planning Commission meeting.

Councilman Hakeem stated that his thoughts are of the quarry and the dust and so forth and asked if that is a responsibility the City would have to improve in regard to single families being so close to that. He asked what obligations the City has for basic services if they cannot get through the tunnel.

City Attorney Nelson stated that the only concern he would have would be whether a garbage truck can get through.

Mr. Pace stated the property is in the city now and he is not sure where garbage collection is with the existing houses that are there.

Charles Hightower was present representing Wildwood Lifestyle Center. He stated as far as garbage trucks making it through BFI services that side of the campus and they ride with the dumpster right on top and get through the tunnel to service the area.

Mr. Pace pointed out that the campus is on both sides and goes down into Georgia where there is a much larger campus than the portion needing rezoning.

Mr. Hightower stated they have a total of 600 acres with 200 on the Georgia side and 400 on the Tennessee side. He stated they are just looking at rezoning the lower southwest portion which is all flat land and the rest is somewhat mountainous.

REZONING (Continued)

Mr. Hightower stated on the question of fire engines, they had a brush fire three years ago over on that side of the campus and not only were there about 20 fire and emergency trucks, there were at least three-to-four big news trucks, so it is accessible for emergency vehicles.

Councilman Benson asked if there is a condition about any of this that should be attached; that he was relying on Mr. Pace's professional opinion as to whether this is something that should be conditioned.

Mr. Pace stated that he was not sure this can be conditioned; that this is so isolated and away from everything. He stated they will develop it and it could be conditioned to being "*single family structures only*". He stated he would not put a number on it as that is why there is the need for R-3; that it is one lot and there are a number of single family houses on it currently.

Councilwoman Bennett made the motion to approve the matter with the condition that the property be used for construction of single family houses only; Councilman Rico seconded the motion.

Councilman Page asked if there is another entrance and if not what would they do.

Mr. Hightower stated that they have an entrance on the Georgia side where the Wildwood Lifestyle Center and Hospital is located; that there is a thirteen bed hospital and a twenty-six bed lifestyle center which is the Medical Missionary Institute. He stated most of the workers actually reside on the property there which is part of the volunteer benefits; that they have patients with heart disease, diabetes and such who stay for about seventeen days where they can walk the trails and there is a wooded area.

Councilman Page again asked if there is another entrance to the campus where the entrance through the tunnel would not have to be used.

Mr. Hightower responded that there is no other entrance to the Chattanooga side and "yes" there is another entrance on the Georgia side which is Highway 299.

Councilman Pace stated the property can be accessed off US 11, also.

Councilman Pierce inquired as to the sewer system, wanting to know if there are sewer supply lines in there. He asked what they are doing now as far as a sewer system is concerned.

REZONING (Continued)

Adm. Leach expressed his assumption that they have gone without sewers for this long; that they 400 acres and the development can take place on septic tanks if sewers are not available. He stated due to the topography it is his thought with 400 acres the applicant could get with the Health Department to get a building permit and permit them on septic tanks.

Councilman Pierce asked if the city would have to furnish a sewer system.

Adm. Leach responded "no"; that it would be too expensive and it is not economically feasible.

Mr. Hightower stated that septic tanks are on that side.

Adm. Leach stated that the septic system issue has enough land to make it percolate; that it is his thought in this case with 400 acres it will be able to percolate if they are keeping the density low. He stated there are septic tanks in the city that work fine.

Councilman Hakeem stated that he does not know if he heard correctly but the recommendation for a condition was that only R-1 residential could be built. He inquired as to the need for a change to R-3 now.

Mr. Pace stated this is only one tract of land and they cannot put more than one unit on a lot.

City Attorney Nelson stated that it could be subdivided. Mr. Pace stated that the land does not face a public road.

On motion of Councilwoman Bennett, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PORTION
OF A TRACT OF LAND LOCATED AT 4580 CHAMBERS ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
3 RESIDENTIAL ZONE**

passed first reading.

REZONING

2005-172: Jessica Stewart

Pursuant to notice of public hearing, the request of Jessica Stewart to rezone a tract of land located at 202 Walker Street came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in East Brainerd for R-4 for a beauty salon. He stated Staff made the recommendation for denial and Planning recommended approval for rezoning with the condition that the residential structure remain as a beauty salon.

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 202 WALKER STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2005-175: First Centenary United Methodist Church

Pursuant to notice of public hearing, the request of First Centenary United Methodist Church to rezone tracts of land located at 451 Oak Street and 625 Houston Street came on to be heard.

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

Mr. Pace stated that this request is located in the downtown area in a mixture of zones across from UTC. He stated the recommendation is for approval from Planning and Staff with the same conditions attached on all downtown requests in the C-3 zone.

On motion of Councilman Pierce, 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 451 OAK STREET AND 625 HOUSTON STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2005-176: Phil Shellabarger

Pursuant to notice of public hearing, the request of Phil Shellabarger to rezone tracts of land located at 1110 McNichol Lane and 1101 Greens Road came on to be heard.

The applicant was present.

Mr. Pace stated this request is located in the East Brainerd area and noted there is C-2 on the west side of McNichol along East Brainerd Road and C-2 on the south side of East Brainerd Road. He stated there are currently two structures facing McNichol Lane and East Brainerd Road to the east and west is currently two lanes. He stated the house was rezoned C-2 some years back for beauty salon use only and the applicant has been trying to sell the property for sometime now. He stated Staff and Planning recommend denial as C-2 is not in compliance with the East Brainerd Corridor Plan adopted.

Councilman Benson stated that a meeting was held on this after the Planning Commission wherein an agreement was reached with the owner if the applicant separated the property and make the house on the first lot into an office it would be in compliance with the plan.

The applicant expressed agreement with the change to office zone.

Mr. Pace stated that that recommendation could be made and ready for second reading next week to only rezone the front parcel to R-4 for use as an office. He stated McNichol faces a residential street and going back into the neighborhood one front does face East Brainerd Road; that it is more desirable to have that use.

Councilman Benson asked Mr. Pace if he would recommend the change. Mr. Pace responded that it would be in compliance (with the Plan).

Phil Shellabarger stated that is what he talked with Councilman Benson about; that at first he did not realize the procedure which is why he was trying to go to C-2; that he had a buyer contingent on the C-2. He stated he is happy with the change.

Councilman Benson asked if Mr. Shellabarger still has a buyer at this point.

Mr. Shellabarger responded "no".

REZONING (Continued)

Councilman Benson stated that the rezoning request would now be speculative. Again Mr. Shellabarger responded that he is happy with the office zone.

Councilman Benson stated that the O-1 would be speculative. Mr. Shellabarger stated that he has a man interested if he gets the O-1 zone.

As Councilman for the district, Councilman Benson made the motion to defer the matter four weeks until Mr. Shellabarger gets out of the speculative arena. He asked Mr. Shellabarger to call if he has a buyer.

On motion of Councilman Benson, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1110 MCNICHOL LANE AND 1101 GREENS ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL**
was deferred four weeks (December 6.)

REZONING

2005-178: Mae Dell Development Corporation

Pursuant to notice of public hearing, the request of Mae Dell Development Corporation to rezone tracts of land located at 2115 and 2117 Mae Dell Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located near Lee Highway and Shallowford Road along Mae Dell Road. He stated there was an R-T/Z a few weeks ago to the south that wraps around the property. He stated the request is recommended for approval from both Staff and Planning with conditions as contained in the ordinance.

On motion of Councilman Rico, 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 2115 AND 2117 MAE DELL ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO
CERTAIN CONDITIONS**

passed first reading.

REZONING

2005-180: ANT Group, Inc.

Pursuant to notice of public hearing, the request of ANT Group, Inc. to rezone tracts of land located at 5849 Winding Lane, 916 Sutton Drive and 5613 Highway 153 came on to be heard.

On motion of Councilman Hakeem, 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 5849 WINDING LANE, 916 SUTTON DRIVE AND 5613 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
was withdrawn at the request of the applicant.

SPECIAL POLICEMAN

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JASON W. CHAUNCY AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF NEIGHBORHOOD SERVICES TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

ADOPTION OF COMPREHENSIVE PLAN

Chairman Robinson stated that a couple of groups in the city wish to study this further; that the Chattanooga Manufacturers Association and Association of General Contractors have asked for more time. She asked that the matter be deferred a couple weeks.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADOPTION OF THE COMPREHENSIVE PLAN 2030
was deferred two weeks.

OFFER TO PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN "OFFER TO PURCHASE" RELATIVE TO LOT 9A OF THE ENTERPRISE SOUTH INDUSTRIAL PARK AND AUTHORIZING THE MAYOR TO EXECUTE A DEED AND OTHER NECESSARY CLOSING DOCUMENTS CONVEYING SAID PROPERTY TO THE PURCHASER LISTED HEREINBELOW UPON PAYMENT OF THE SALE PRICE BY THE PURCHASER
was adopted.

OVERTIME

Overtime for the week ending November 4, 2005 totaled \$12,542.55.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **JEFF PFITZER** – Resignation, Manager Capital Planning, Administration, effective November 30, 2005.
- **PERRY L. MAYO** – Promotion, Codes Coordinator, Sr., Pay Grade 17/Step 8, \$45,795.00 annually, effective November 11, 2005.
- **TONY L. DAVIS** – Family Medical Leave, Equipment Operator, Sr., City Wide Services, effective November 9, 2005 – February 6, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **BEN BIGGS** – Promotion, Battalion Chief, Pay Grade F5/Step 6, \$53,575.00 annually, effective November 11, 2005.
- **EVAN C. WILLMORE** – Promotion, Captain, Pay Grade F4/Step 5, \$44,395.00 annually, effective November 11, 2005.
- **LLOYD JONES** – Promotion, Captain, Pay Grade F4/Step 5, \$42,641.00 annually, effective November 11, 2005.

PERSONNEL (Continued)

Chief Rowe reported the appointment of Captain Ben Biggs as the Battalion Chief.

Chairman Robinson expressed appreciation to Chief Rowe for the work the Fire Department did in containing the fire in Heritage Landing. She noted that it was a building that housed a lot of people which occurred in the middle of the night which could have been a very tragic outcome. She again expressed appreciation for the professional and quick performance of the Department.

Chief Rowe acknowledged that he would "pass it on."

- **FRANK ROZZELL, WILLIAM JACKSON** – promotion, Lieutenant, Pay Grade F3/Step 5, \$36,767.00 annually, effective November 11, 2005.
- **EDDIE TATE, SEAN DAVIS, MARVIN NICHOLSON, DARRELL HINTON, JUMAANE LANIER, DAMIEN VINSON** – Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$32,442.00 annually, effective November 11, 2005.

FINANCE DEPARTMENT:

- **SHARON H. MORRISS** - Promotion, Business Tax Supervisor, Pay Grade 15/Step 8, \$42,521.00 annually, effective November 11, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **AMY MCBRAYER** – Reinstatement, Communications Officer, Pay Grade 11/Step 2, \$27,695.00 annually, effective November 11, 2005.

CHATTANOOGA HUMAN SERVICES:

- **JAMES MCCLELLAN** – Retirement, Service Delivery Worker I, effective October 31, 2005.
- **LESLIE SHUTTERS** – Resignation, Teacher Assistant, Head Start, effective October 28, 2005.

HOTEL PERMIT

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

HAMPTON INN – 3641 Cummings Highway, Chattanooga, TN

BOARD APPOINTMENTS

On motion of Councilman Pierce, seconded by Councilman Rico, the following Board appointments were approved:

CHATTANOOGA-HAMILTON COUNTY AIR POLLUTION BOARD:

- Appointment of **THOMAS CARMICHAEL** for a term expiring November 8, 2009.

CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY BOARD:

- Appointment of **ROBERT MCKAMEY** for a term expiring November 8, 2008.

HEARING: JACQUELINE MCCAIN

Chairman Robinson reported that a hearing for Jacqueline McCain was held on yesterday with Councilman Hakeem serving as Chairman and she and Councilman Benson as the remaining panel members. She stated by a vote of two-to-one the panel voted to uphold the administration's decision; that she and Councilman Benson voted to uphold the decision and one vote t by Councilman Hakeem against.

HEARING: OFFICER CHARLES MCMAHAN

City Attorney Nelson reminded Council members of the hearing for Officer Charles McMahan scheduled for Monday, November 14 beginning at 10 a.m. with Councilmen Rutherford, Pierce and Rico serving as the panel; Councilwoman Robinson is alternate.

COMMITTEES

Councilman Benson reminded Council members of the meeting of the **Legal and Legislative Committee scheduled for Tuesday, November 15 at 3 p.m.**

Councilman Franklin scheduled a meeting of the **Parks and Recreation Committee for Tuesday, November 15 at 4 p.m.** He also indicated he would give a report on his recent travels to the Brownfield and African American Chamber Conferences.

Councilman Rico stated a Health, Education, Human Services and Housing Opportunities meeting was held today regarding the Johnson property and everything is "on go."

Councilwoman Rutherford stated a Safety Committee was held today and she felt a lot of issues were "aired" and are on the way to resolution.

GARY BALL

Gary Ball of the Ridgedale Community Association stated that he had hoped to be present when the McCallie School matters were discussed but was at a CPIC meeting and could not get here in time.

Councilman Benson asked if Mr. Ball supported the rezoning and PUD for McCallie. Mr. Ball responded that he wanted to make comments in support of Henry and "missed it".

Mr. Ball stated that there is a street light problem again and read a letter from Rick Davis: *"Lights in the Ridgedale community have been vandalized more than all other locations combined in the City. Earlier this year 18 fixtures were replaced and on yesterday another 15 were found with significant damage. I cannot find justification for continuing to repair at the rate of destruction. I am sure you agree the vandals must be caught and prosecuted to the fullest extent of the law. . . ."*

Mr. Ball stated Ridgedale spent \$2,074 on beautification and he caught a young man "messing" with a pole the other day. He stated he is the guinea pig who has to go to juvenile court and he is being pointed out as the "that white man in the community that does nothing but gripe and complain". He stated there are several street level drug and gang situations in this city that have no respect for authority.

GARY BALL (Continued)

Mr. Ball stated he was present when the police questioned the young man the other day. He stated that the young man had no respect and was not concerned one bit about the ramifications of his actions. He encouraged all on the Council to be careful; that he was proud of what has been done in the community by Councilmen Hakeem and Rutherford. He stated what is happening now is nothing but an eyesore and nightmare; that a few juveniles that have no parental control whatsoever can not be controlled.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, November 15, 2005 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)**