

City Council Building
Chattanooga, Tennessee
April 18, 2006
6:00 p.m.

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Page, Powers, Rico, Robinson and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Benson gave invocation.

MINUTE APPROVAL

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

REZONING

2003-079: William Walters

On motion of Councilman Rico, seconded by Councilman Powers,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 7214 JARNIGAN ROAD, MORE PARTICULARLY
DESECRIBED 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

2006-016: Parks Mills Property 2, LLC/Park Mills Property 3, LLC

Councilwoman Robinson asked to be refreshed as to the changes for this request.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that three changes were made to this request which involve changing the driveway to 42 feet, having the drive-through to the rear of the building and not fronting on Manufacturers Road and changing language to reflect “*conceptual*” plan rather than attached (plan).

Councilmen Franklin and Robinson made the motion and second to substitute the amendments to this request; the motion carried.

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 435, 437 AND 439 MANUFACTURERS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2006-040: Hickory Land Company, LLC

On motion of Councilwoman Robinson, 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 4251 BENTON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE

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

REZONING

2006-045: James G. Farrow

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 2904 NORTH CHAMBERLAIN AVENUE, MORE
PARTICULARLY DESCRIBED HERIEN, FROM R-1 RESIDENTIAL ZONE TO
R-2 RESIDENTIAL ZONE**

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

AMEND CONDITIONS

2006-052: James Raymond

On motion of Councilman Powers, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITION
NOS. 1 AND 4 IMPOSED IN ORDINANCE NO. 11348 (CASE NO. 2002-
155) ON A TRACT OF LAND LOCATED AT 4502 OAK HILL ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, AND IMPOSING TWO (2)
ADDITIONAL CONDITIONS**

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

REZONING

2006-054: City of Chattanooga by RPA Staff

On motion of Councilman Franklin, 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 WITHIN THE ROSSVILLE BOULEVARD STUDY
BOUNDARY, MORE PARTICULARLY DESCRIBED HEREIN, FORM R-1
RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE AND C-2 CONVENIENCE
COMMERCIAL ZONE**

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

REZONING

2006-061: Richard J. Dorris

On motion of Councilman Powers, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 5200 WILSON ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1
MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-063: Trafalgar Development Corporation

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 2414 AND 2416 GUNBARREL ROAD AND THE 7300
BLOCK OF MINTOM DRIVE, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R/TZ RESIDENTIAL TOWNHOUSE/ZERO
LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-066: Trafalgar Development Corporation c/o W. Lloyd Stanley, III

On motion of Councilman Franklin, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 6146 LEE HIGHWAY, MORE PARTICULARLY
DESCRIBED HEREIN, FROM C-4 PLANNED COMMERCE CENTER ZONE
TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-074: James T. Conn

On motion of Councilman Powers, 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 1700 MARKET STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

SPECIAL POLICEMAN (ARMED)

Councilman Benson state that he did not remember this coming up in committee and inquired as to the "armed" status for this request.

Chief Cooke explained that civilian employees were recently hired to work in the property division and property clerks are armed only while on duty and can not carry the firearm off duty. He reminded Council members that the property clerks take in drugs, money and other things and need to be armed.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL HAYNES
AS SPECIAL POLICEMAN (ARMED) FOR THE CHATTANOOGA POLICE
DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT
TO CERTAIN CONDITIONS**
was adopted.

TEMPORARY USE

On motion of Councilman Benson, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING JIM ARMSTRONG OF THE ASHWOOD
HOMEOWNERS ASSOCIATION TO USE TEMPORARILY THE RIGHTS-OF-
WAY AT THE PINWOOD DRIVE ENTRANCE AND THE CUL-DE-SACS OF
ASHWOOD SUBDIVISION TO INSTALL SHUBBERY TO ENHANCE THE
NEIGHBORHOOD, AS SHOWN ON THE DRAWINGS ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

FINAL PUD

2005-077: Michael A. Dowlen

Councilman Page stated several neighborhood meetings were held to discuss this project. He stated a covenant provision was left out and noted that it is his understanding there was discussion with Mr. Pace and Mr. Dowlen regarding the omission. He stated the covenant includes there would be *"a landscaped berm along Cassandra Smith and along the north and east property line of the Turner Smith Farm, Tract 2 as shown on the site plan, planted with Hollies, nine (9) feet on center"*.

Councilman Page asked Mr. Dowlen if he agreed with the covenant provision; Mr. Dowlen responded affirmatively.

Councilmen Page and Robinson made the motion and second to substitute the amendments to this request; the motion carried.

On motion of Councilman Page, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS 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 FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PURCHASE AND INSTALLATION OF MODULAR BUILDING

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A MODULAR BUILDING FOR ON-SITE MEDICAL SERVICES FOR CITY EMPLOYEES TO BE LOCATED ACROSS FROM THE 911 CENTER ON AMNICOLA HIGHWAY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS (\$110,995.00)

was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING AN AGREEMENT WITH WINDSOR AUTRY DEVELOPERS AND THE CITY FOR A JOINT VENTURE AND CONTRACTS RELATED THERETO INVOLVING THE JOINT SLOPE IMPROVEMENT OF THE WALNUT STREET SLOPE AT A TOTAL COST NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000.00), NOT MORE THAN FIFTY THOUSAND DOLLARS (\$50,000.00) OF WHICH IN CASH AND SERVICES SHALL BE THE CITY'S RESPONSIBILITY
was adopted.

OVERTIME

Overtime for the week ending April 14, 2006 totaled \$56,271.64.

PERSONNEL

The following personnel matters were reported fro the various departments:

PUBLIC WORKS DEPARTMENT:

- **TONY L. DAVIS** – Extension of Compulsory Medical Leave, Equipment Operator, Sr., Brush, effective April 28 – July 27, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **BARRY BURNS** – Military Leave, Sergeant, effective April 5, 2006 – April 5, 2007.

CHATTANOOGA FIRE DEPARTMENT:

- **GILBERT RAYE SHANKLES** – Retirement, Firefighter/Relief Driver, effective April 14, 2006.
- **TARA WEAVER** – Suspension (28 days without pay with one (1) year probation), Captain, effective April 16 – May 25, 2006.

PURCHASE

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

ROBERT BOWMAN/CHATTANOOGA ROOFING (Single Source)

Waterfront Infrastructure

\$25,000.00

HOTEL PERMIT

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

PARK INN – 7638 Lee Highway, Chattanooga, TN

HEARING: TARA WEAVER

City Attorney Nelson stated the attorney representing Capt. Tara Weaver has to be in court at 10 a.m. on April 24 and will be out of court in the afternoon. He stated the attorney has asked that her hearing be rescheduled for a later time on April 24.

Capt. Weaver’s hearing was rescheduled for Monday, April 24 beginning at 1 p.m. with Councilmen Powers, Rico and Benson; Franklin volunteered as alternate. Chairman Pierce noted he would serve as alternate in the event Councilman Franklin has a scheduling problem.

INDUSTRIAL DEVELOPMENT BOARD APPOINTMENT

City Attorney Nelson stated that Stephanie Crow resigned from the Industrial Development Board and noted that her membership on the Board placed her in a conflicting situation. He stated in looking for a new member, that member is to be elected by the Council. He suggested that the Council place in nomination the name of Ray Adkins who has previously served on the Board.

INDUSTRIAL DEVELOPMENT BOARD APPOINTMENT
(Continued)

Councilman Benson asked if the person has to come from a particularly district.

City Attorney Nelson responded "no"; that this is a different type of Board that requires certain expertise rather than being appointed by district. He stated that the normal process is that they check with the Mayor's office to assure he is in agreement and then to the Council. He stated that he knows the person is willing to serve.

On motion of Councilman Benson, seconded by Councilman Rico, *RAY ADKINS* was nominated to serve on the Industrial Development Board; the motion carried.

COMMITTEES

Councilman Page scheduled a meeting of the **Budget Committee for Tuesday, April 25 at 3:30 p.m.**

Councilman Powers stated **the Public Works Committee is scheduled to meet on Tuesday, April 25 at 4 p.m.**

Councilman Benson stated that the **Legal and Legislative Committee** met today and **will meet again on Tuesday, May 2 at 3 p.m.** He asked Randy Burns, the Management Analyst, to research one area of unfinished business regarding magazine newspaper vending machines at various corners through the city. He stated that Nashville has an ordinance that deals with this and it would be helpful to have it before the next meeting. He stated there was also a billboard issue and RPA is looking into that to see what can be done about transition of "grandfather" situations.

REFER TO PLANNING

Councilman Rico asked that Planning do a zoning study for certain portions of South Board Street.

Mr. Pace stated a resolution has been prepared regarding the request.

HILL CITY/NORTHSIDE COMMUNITY ASSOCIATION

Councilwoman Bennett stated that the Hill City/Northside Community Association, along with the North Chattanooga Chamber, is sponsoring a fire prevention workshop on Saturday, April 19 from 10 a.m. - 12 a.m. at the North Chattanooga Recreation Center.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, April 25, 2006 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)**