

**City Council Building  
Chattanooga, Tennessee  
November 13, 2001  
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Lively, Page, Pierce, Robinson and Taylor present; Councilman Littlefield was out of the City on business. 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, invocation was given by Councilman Lively.

**MINUTE APPROVAL**

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

**PAYMENTS IN LIEU OF AD VALOREM TAX:  
UNUMPROVIDENT CORPORATION PROJECT**

Councilman Page made the motion to move Resolution 7(a) and Ordinance 6(i) forward on the agenda; Councilman Franklin seconded the motion; the motion carried.

Councilman Page stated that this Resolution was discussed in detail in today's Economic Development Committee meeting and approval is recommended.

On motion of Councilman Pierce, seconded by Councilman Lively,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE UNUMPROVIDENT CORPORATION PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

was adopted.

## REZONING

### **2001-164: Harlen Foote**

Pursuant to notice of public hearing, the request of Harlen Foote to rezone tracts of land located in the 1800 block of Clearview Drive, 1910 Plymouth Lane, 1908 Denton Lane, 7510 Hewitt Lane and the 7400 and 7500 blocks of Igou Gap Road, came on to be heard.

On motion of Councilman Benson, 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 IN THE 1800 BLOCK OF CLEARVIEW DRIVE, 1910 PLYMOUTH LANE, 1908 DENTON LANE, 7510 HEWITT LANE AND THE 7400 AND 7500 BLOCKS OF IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**  
 was withdrawn.

## CLOSE AND ABANDON

### **MR-2001-026: University of Tennessee at Chattanooga**

On motion of Councilman Lively, seconded by Councilman Taylor,  
**AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT, INCLUDING A 12" CLAY PIPE SEWER LINE, LOCATED IN A PARKING LOT ON THE CAMPUS OF THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA, SUBJECT TO CERTAIN CONDITIONS**

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

## ANNEXATION: RICHARD/MARTHA ROSSELL

Chairman Hakeem declared a public hearing in process for persons wanting to speak "for" or "against" this request; being none, the hearing was duly closed.

**ANNEXATION: RICHARD/MARTHA ROSSELL (Continued)**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA ON THE SIDE OF LOOKOUT MOUNTAIN IN HAMILTON COUNTY, TENNESSEE, OWNED BY RICHARD A. ROSSELL AND MARTHA ROSSELL, BEING MORE FULLY DESCRIBED HEREIN**

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

**ANNEXATION: PETER A. KRENKEL**

Chairman Hakeem declared a public hearing in process for persons wanting to speak "for" or "against" this request; being none, the hearing was duly closed.

On motion of Councilman Lively, seconded by Councilman Franklin,  
**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA ON THE SIDE OF LOOKOUT MOUNTAIN IN HAMILTON COUNTY, TENNESSEE, OWNED BY PETER A. KRENKEL, BEING MORE FULLY DESCRIBED HEREIN**

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

**REZONING**

**2000-173: Ying Hua Bennis**

Pursuant to notice of public hearing the request of Ying Hua Bennis to rezone a tract of land located at 7445 Shallowford Road came on to be heard.

The applicant was not present.

**REZONING (Continued)**

On motion of Councilman Pierce, 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 7445 SHALLOWFORD ROAD, MORE PARTICULARLY  
 DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE  
 ZONE**  
 was denied.

**CLOSE AND ABANDON**

**MR-2001-128: University of Tennessee at Chattanooga**

Councilman Franklin stated Ordinances 6(b), (d), (e) and (g) were discussed in last week's Public Works Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Taylor,  
**AN ORDINANCE CLOSING AND ABANDONING TWO ALLEYS, ONE  
 NORTHWEST FROM 500 AND 700 BLOCKS OF PALMETTO STREET AND  
 ONE UNOPENED NORTHWEST FROM 700 BLOCK OF PALMETTO STREET,  
 ONE UNOPENED ALLEY SOUTHEAST OF THE 100 BLOCK OF DOUGLAS  
 STREET AND EAST 4<sup>TH</sup> STREET NORTHWEST FROM THE 400 AND 500  
 BLOCKS OF PALMETTO STREET, MORE PARTICULARLY DESCRIBED  
 HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE  
 A PART HEREOF BY REFERENCE, AND PERMITTING COMCAST CABLE  
 COMMUNICATIONS, INC. AND THE ELECTRIC POWER BOARD TO  
 RETAIN THEIR RIGHTS-OF-WAY TO MAINTAIN THEIR SERVICE LINES**  
 passed first reading.

**REZONING**

**2001-136: Dorothy Joyce Wells**

Pursuant to notice of public hearing, the request of Dorothy Joyce Wells to rezone tracts of land located a 501, 503, 505, 507 and 509 Spears Avenue and 103 and 105 Bush Street came on to be heard.

A representative for the applicant was present; opposition was in attendance.

**REZONING (Continued)**

Jerry Pace, Director of Operations with the Regional Planning Agency, stated that this request is located in the North Chattanooga area along Spears Avenue; that the site is an area with single-family structures on three lots. He stated the surrounding uses are R-1 single family, industrial uses to the east along Market Street and commercial to the south and west. He stated there is a grocery store located at the north end of Bell and Spears Avenue that has been there a number of years and the remainder is generally R-1 single family residential. He stated the area was downzoned to R-1 a few years ago. He stated the Staff made the recommendation to deny the request as it was felt this was still a predominantly single family neighborhood and the Planning Commission recommended approval subject to conditions.

Attorney Brian Smith was present representing Ms. Wells, owner of the property. He stated that the property is currently used as duplex property and has three structures on it; that the property and most of its surroundings have been used for duplexes for a number of years. He stated the Council rezoned all of the property in this area to R-1 in 1999, partly to encourage single-family owner occupied properties. He stated the problem with the blanket rezoning is that it does not address each problem of individual property; that this property, by location, is surrounded by commercial although it is zoned R-1. He stated the property would be difficult to develop as single-family owner occupied residences because of the proximity of commercial and manufacturing in the area. He stated the owner is proposing the construction of three duplex units on the property; that it is her belief that a better use for the property would be to remove the three structures presently on the property and replace with three new duplex townhouse units.

Attorney Smith continued to state that this property has been mistreated for a number of years and development in the area is not good; that the location of commercial and manufacturing across the street and next door make it inappropriate for single-family structures. He asked the Council to approve the R-2 zoning to allow for construction of the duplex units in accordance with the approval by the Regional Planning Commission. He stated the Planning Commission's recommendation was given against the recommendation of Staff, whose desire was to uphold the blanket rezoning as R-1 that occurred in 1999. He stated this matter has been discussed with the neighborhood association and the owner was not able to accommodate the desires of the neighborhood association. He stated it is economically infeasible to use this property as single family and requested, again, that the zone be approved to allow this development to move forward.

**REZONING (Continued)**

Linda Bennett, President of the Northside Community Association, spoke in opposition to the request. She stated residents in the area are opposed to the R-2 request; that the community requested the study of this area two years ago and the recommendation from Planning was for R-1 zoning, which is most appropriate for this area. She stated most of the residents are accustomed to living near commercial; that this is a very diverse, mixed-use community. She stated two years ago under the guidance of Councilman Taylor they requested assistance to develop a neighborhood plan for the purpose of stabilizing the community and protecting the R-1 zoning. She stated that she learned a week ago that the community has been targeted by the Mayor for a strategic initiative; that this is good news and bad news. She stated the good news is that they are very excited about having that kind of support and encouragement; yet, this is also a neighborhood in distress. She stated the first thing they were taught as a community was to stabilize with R-1 zoning. She asked that the Council deny the request and asked those in attendance with her to stand.

Rich Reynolds, Vice President of the Northside Association, stated he was appointed to serve as a representative from his area on the C-NAC Board. He stated that he worked with both organizations closely in submitting the petition for downzoning. He stated both organizations are very much in favor of denial of this and (both) are closely affected by this one property, in particular. He stated the majority of the traffic goes through this area to go to both neighborhoods. He asked the Council to deny the request.

Charles Simpson, Vice President of the Hill City Neighborhood Association, asked the Council to deny the rezoning. He stated that he lives in the 800 block of Spears Avenue and believes more duplexes would make the area a lot worse than it is now. He asked that the area remain as is.

Attorney Smith stated that he has a petition signed by 110 residents within a few blocks of the property who are in support of the request.

Chairman Hakeem asked if any of the persons who signed the petition were present? Atty. Smith responded no; that their names are on the petition.

Councilman Lively asked for clarification as to whether it was stated there are three duplexes on the property, now? Atty. Smith responded "yes".

Councilman Lively then asked if the property had been downzoned? Atty. Smith responded "no"; that the prior zoning was R-2 without duplexes and the rezoning changed and it is still used for that purpose.

### **REZONING (Continued)**

**Councilman Taylor** expressed appreciation to Atty. Smith. He thanked the residents of the neighborhood for coming out, as well as the President and Vice Presidents of both neighborhood associations. He stated Atty. Smith brings out vividly that it is an area that has been mistreated for a number of years and several types of zonings have taken place. He stated this neighborhood has come together to revitalize and move forward. At this point he **made the motion to deny the request; Councilman Franklin seconded the motion.**

Councilman Pierce stated that he conversed with City Attorney Nelson just a moment ago and stated that he thought he heard that there are three duplexes on the property. He asked if he was hearing wrong? The response from those in attendance confirmed that what Councilman Pierce heard was wrong.

A resident of Spears Avenue stood and stated that there are single one family dwellings on the property, not duplexes; that he and his mother have lived there over a year, now.

Councilman Pierce stated that it was his impression that single-family residences are on the lot.

Another resident stood and indicated that the signatures Atty. Smith made reference to were taken from patrons of the grocery store in the area. He stated the lady at the grocery store was asked to have workers sign it and indicated that they (workers) do not live in the area.

At this point Councilman Taylor "called for the question" on the motion to deny.

Councilman Benson stated that the Planning Commission voted to approve this request; that as it he looks at the request now, he realizes that a mistake was made because the neighborhood plan was drawn up by the people of the area with the Regional Planning Agency (RPA) involved. He stated he does not want to "close the door forever" to indicate that change cannot be made in the future, yet does not think this is the way to change it. He stated if the plan is changed it should be through RPA with people of the neighborhood involved; that it should go back to the people and worked back through the planning process.

**REZONING (Continued)**

Councilwoman Robinson stated that she talked with both parties and indicated that this is a very fine plan of good construction that shows a lot of integrity. She stated by the same token, as it was pointed out, the neighborhood very recently was downzoned in 1999 and a great deal of neighborhood association participation took place in that process. She stated in spite of the fact it would be a quality project, were it in a proper zone she could support it, but under the circumstances she echoed Councilman Benson's comments that this is not the time to undo the work that was done in 1999.

On motion of Councilman Taylor, 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 501, 503, 505, 507 AND 509 SPEARS AVENUE AND 103 AND 105 BUSH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

was denied.

**CLOSE AND ABANDON**

**MR-2001-142: Chattanooga Neighborhood Enterprise**

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF MARKET STREET AND FIRST STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AND PERMITTING COMCAST CABLE COMMUNICATIONS, INC. TO RETAIN THEIR RIGHT-OF-WAY TO MAINTAIN THEIR SERVICE LINES**

passed first reading.

**CLOSE AND ABANDON**

**MR-2001-148: City of Chattanooga**

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED, UNOPENED AND UNUSED ALLEY SOUTHEAST OF THE 200 BLOCK OF BAKER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.



## REZONING

### **2001-144: M. S. Cooper**

Pursuant to notice of public hearing, the request of M. S. Cooper to rezone a tract of land located at 1432 Joiner Road came on to be heard.

Mr. Pace stated notification was received from the applicant requesting withdrawal.

On motion of Councilman Lively, 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 1432 JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

**was withdrawn at the request of the applicant.**

## CLOSE AND ABANDON

### **MR-2001-156: City of Chattanooga**

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

**AN ORDINANCE CLOSING AND ABANDONING A PART OF THE 200 BLOCK FO RIVER STREET SOUTHEAST FROM THE WALNUT STREET BRIDGE RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AND PERMITTING COMCAST CABLE COMMUNICATIONS, INC., THE ELECTRIC POWER BOARD AND TENNESSEE-AMERICAN WATER COMPANY TO RETAIN THE FULL WIDTH OF EXISTING RIGHT-OF-WAY FOR MAINTENANCE OF SERVICE EQUIPMENT**

passed first reading.

## REZONING

### **2001-163: Henry Luken, III**

Pursuant to notice of public hearing, the request of Henry Luken, III to rezone tracts of land located at 1333 Central Avenue and 815 East Main Street came on to be heard.

The applicant was present; there was no opposition.

### REZONING (Continued)

Mr. Pace stated that this request is located in the downtown area on the south side of Main Street; that it is for M-1 development for the location of a telephone and switching station. He stated both the Planning Commission and Staff recommend approval.

On motion of Councilman Pierce, seconded by Councilman Page,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1333 CENTRAL AVENUE AND 815 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

### REZONING

#### **2001-173: James Copeland**

Pursuant to notice of public hearing, the request of James Copeland to rezone a tract of land located at 2220 Park Drive came on to be heard.

The applicant was present; there was no opposition.

Councilman Page inquired as to whether this request complies with the Hamilton Plan recently adopted?

Mr. Pace responded, "Yes, it is within the Plan". He stated it is in the area designed for commercial and an extension of existing businesses. He stated both the Planning Commission and Staff recommend approval.

On motion of Councilman Page, 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 2220 PARK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE**

passed first reading.

## REZONING

### **2001-175: Home Depot USA, Inc.**

Pursuant to notice of public hearing, the request of Home Depot USA, Inc. to rezone a tract of land located at 7442 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located within the Hamilton Plan area for the construction of a Home Depot with access to Shallowford Road. He stated the zoning meets the requirements of the Plan and the recommendation is for a connector road between Shallowford and Commons. He stated there are two conditions on the request that will need to be amended prior to second and third reading. He stated one condition was subject to the approval of the Traffic Engineer, which has now been satisfied; that condition two had to do with "...access from Shallowford Road subject to no structure...", that the word "structure" would be replaced with the word "building". He stated with the amendment of those two conditions, approval is recommended from both the Planning Commission and Staff.

Councilman Benson stated that this request has had serious impact in District 4 and Norman Smith, President of the Coalition of Homeowners, is present. He asked Mr. Ogletree of the Home Depot Association to reaffirm the conditions that have been agreed upon with the community.

At this point, Ed Ogletree introduced himself as the representative for Home Depot USA.

Councilman Benson acknowledged that Mr. Ogletree has worked with the residents of the area and stated that the entrance off Shallowford has been a big concern. He asked what steps have been taken to see that it does not become a delivery entrance with vendors coming in-and-out with large trucks that would tie up Shallowford?

Mr. Ogletree responded that this concern has been expressed. Information was distributed regarding Home Depot's most recent modification to conditions on the property in accordance with the community's wishes. He stated there has been a modification of the sign proposed on Shallowford Road that will have a small tag line underneath stating "no access by trucks"; that signs will be posted elsewhere on the property as vendors leave the premises, exiting onto Commons and then Gunbarrel.

**REZONING (Continued)**

Councilman Benson inquired as to the speed limit coming in off Shallowford onto Commons? Mr. Ogletree responded that that has been worked out with Mr. VanWinkle and will reflect a 25-mile per hour limit.

Councilman Benson then asked about the dimensions of the sign and whether it would be similar to the YMCA's (sign)? Mr. Ogletree stated that the sign would be a maximum of ten feet long and indicated that he would have to look at the YMCA's sign.

Councilman Benson stated that the YMCA's sign is attractive and more neighborhood compatible. He stated the Turner Club is in the process of being secured for use as a park and asked if any consideration has been given to building a sidewalk across the street or some type of a speed bump design? Mr. Ogletree responded, "yes", that this plan is as previously discussed.

Councilman Benson asked for clarification as to whether the YMCA people would be able to walk to get to the Turner property and whether there would be a jogging trail? Mr. Ogletree responded "correct" regarding access to the Turner property for YMCA patrons and stated that he spoke with Mr. Wetzel (of the YMCA) by telephone and indicated to him that they have every intention of trying to work something out to make the property available to them.

Councilman Lively stated that he first thought he would be opposed to this request because this moves Home Depot further away from his house! He humorously stated that his vote for approval is with the condition there would some day be a Home Depot on the west side of Chattanooga! He stated that this is a good move and shows some flexibility in the Hamilton Place Plan.

Councilman Benson clarified that the request is not outside the Plan and that the Plan is not flexible. Mr. Pace assured Councilman Benson that the request is in total compliance with the Plan.

Norman Smith stated that he and Councilman Benson saw the original plans Home Depot brought forth last April, which showed more commercial on Shallowford. He stated since that time Home Depot and Mr. Ogletree have shown a great deal of flexibility to bring the property within the Plan recently adopted. He endorsed the request on behalf of the people he was present representing.

### **REZONING (Continued)**

Councilman Pierce expressed concern regarding the speed bump proposed in the road and asked if this is a violation of the City Code?

City Attorney Nelson stated historically the City has refused to put speed bumps in the City's rights-of-way; that it is now currently a recognized traffic control device pursuant to the uniform manual for traffic adopted by the State of Tennessee. He stated within the last seven months a new uniform manual has been promulgated which is in the process of being adopted by the Tennessee Department of Transportation; that it is anticipated within the next month or two these devices will be recognized in the manual and at that time we will withdraw any legal impediment.

Councilman Taylor inquired as to the estimated time for completion of this project? Mr. Ogletree responded that completion is scheduled for sometime before Christmas of next year.

Councilman Benson stated that he would like for the record to reflect that the land use plan called for calming efforts within the neighborhoods. He stated there would be an elevated sidewalk in this request, which would create a calming effect.

Mr. Pace suggested that items enumerated in Home Depot's distributed information be incorporated as conditions in the Ordinance.

On motion of Councilman Benson, 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 7442 SHALLOWFORD ROAD MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL  
ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO  
CERTAIN CONDITIONS**

passed first reading.

### **REZONING**

#### **2001-176: P & E Properties**

Pursuant to notice of public hearing, the request of P & E Properties to rezone tracts of land located at 4008, 4022, 4100, 4130 and 4134 Caine Lane and 4701 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

**REZONING (Continued)**

Mr. Pace clarified that the version read by the Council Clerk is the Planning Commission's version with the condition that there be a ***“30 foot landscaped strip along Caine Lane. . .”***

On motion of Councilman Franklin, 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 4008, 4022, 4100, 4130 AND 4134 CAINE LANE AND 4701 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, O-1 OFFICE ZONE AND M-3 WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2001-177: Dowlen Construction, LLC**

Pursuant to notice of public hearing, the request of Dowlen Construction, LLC to rezone tracts of land located in the 1600 block of Sir John Court and in the 8100 and 8200 blocks of Chula Creek Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Lively, 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 IN THE 1600 BLOCK OF SIR JOHN COURT AND IN THE 8100 AND 8200 BLOCKS OF CHULA CREEK 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**

**2001-178: APC Development Group**

Pursuant to notice of public hearing, the request of APC Development Group to rezone a tract of land located at 3401 George Street came on to be heard.

**REZONING (Continued)**

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the St. Elmo area south of Broad Street and involves the lots for the new Bi-Lo and Eckerd's Center.

On motion of Councilman Pierce, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3401 GEORGE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**

passed first reading.

**REZONING**

**2001-181: Chattanooga-Hamilton County Regional Planning Commission**

Pursuant to notice of public hearing, the request of the Chattanooga-Hamilton County Regional Planning Commission to rezone a tract of land located at 1010 North King Street came on to be heard.

On motion of Councilman Franklin, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1010 NORTH KING STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE AND M-3 WAREHOUSE AND WHOLESALE ZONE WITH CONDITIONS TO M-3 WAREHOUSE AND WHOLESALE ZONE WITH CONDITIONS**

was tabled one week at the request of Councilman Littlefield.

**AGREEMENT: ELECTRIC POWER BOARD AND ITS ASSIGNEES**

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE ELECTRIC POWER BOARD AND ITS ASSIGNEES RELATIVE TO A UTILITY EASEMENT ON PROPERTY LOCATED EAST OF RIVERFRONT PARKWAY AND SOUTH OF WEST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FOR THE INSTALLATION OF NEW FACILITIES**

was adopted.

**AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.**

Councilman Franklin stated this Resolutions 7(b) and (c) were discussed in last week's Public Works Committee meeting and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO ENGINEERING SERVICES FOR CONTRACT NO. SS-2-01, SOUTHSIDE STREETScape IMPROVEMENTS, ON MARKET STREET, MAIN STREET AND LONG STREET AROUND THE DOWNTOWN SOUTHSIDE ELEMENTARY SCHOOL, FOR A TOTAL FEE NOT TO EXCEED FORTY-SEVEN THOUSAND NINE HUNDRED DOLLARS (\$47,900.00)**

was adopted.

**JOINT CONTRACT: HAMILTON COUNTY, TN, FLOUR DANIEL, A DIVISION OF FLUOR ENTERPRISES, INC. AND BARGE WAGGONER SUMNER & CANNON, INC.**

On motion of Councilman Franklin, seconded by Councilman Benson,

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF CHATTANOOGA, A CONTRACT JOINTLY WITH HAMILTON COUNTY, TENNESSEE, FLUOR DANIEL, A DIVISION OF FLUOR ENTERPRISES, INC. AND BARGE WAGGONER SUMNER & CANNON, INC. FOR PROFESSIONAL SERVICES RELATIVE TO THE DEVELOPMENT OF THE VOLUNTEER ARMY AMMUNITION PLANT SITE FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-EIGHT THOUSAND DOLLARS (\$198,000.00), TO BE SPLIT EQUALLY BETWEEN THE CITY OF CHATTANOOGA AND HAMILTON COUNTY, TENNESSEE**

was adopted.

**OVERTIME**

Overtime for the week ending November 9, 2001 totaled \$13,547.77.



**PERSONNEL**

The following personnel matters were reported for the Public Works Department:

**KARL L. BROOKS** – Military Leave, Plant Maintenance Mechanic, Waste Resources, effective September 28, 2001.

**CLYDE NICK WILLIAMS** – Transfer, Plant Maintenance Mechanic, Waste Resources, Pay Grade 11/Step 7, \$33,421.00 annually, effective November 7, 2001.

**JAMES M. SCHLESSER** – Promotion, Plant Maintenance Mechanic, Waste Resources, Pay Grade 11/Step 1, \$26,633.00 annually, effective November 7, 2001.

**PURCHASES**

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

**CALHOUN METER CO. (Only bid)**  
**Requisition R0057536/P0016783**

Sewer Pipe

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

**H & H BROWN, INC. (Lower and better bid)**  
**Requisition R0057529/P0016753**

Mechanical Services

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

**BRADLEY TANK & PIPE and MCGILLIS SUPPLY (Lower and better bids)**  
**Requisition R0053175/P0016747**

Corrugated Metal Pipe (dual contract)

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

**PURCHASES (Continued)**

**JEN HILL CONSTRUCTION (Best bid)**  
**Requisition R0053112/P0016640**

Erosion Control Blanket

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

**PERSONNEL**

The following personnel matter was reported from the Department of Finance, City Court Division:

**CHERIL WILSON** – Family Leave (Maternity), Court Clerk, Sr., effective November 9, 2001-January 16, 2002.

**PURCHASE**

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Department of Neighborhood Services

**WTCI-TV 45 (Sole source)**  
**Requisition R0045880**

Producing and Broadcasting Training Programs

\$10,000.00

**COMMITTEES**

Councilman Franklin reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, November 20 at 4 p.m.**

Councilman Taylor reminded Council members of the **Budget and Finance Committee meeting scheduled for Tuesday, November 20 immediately following the meeting of the Public Works Committee** for a report from Admin. Boney regarding an update of the State's budget situation and a report regarding use of City-issued credit cards for assurance that regulations are being adhered to.

**DISTRICT 4 COMMUNITY MEETING**

Councilman Benson announced that a **District 4 Community meeting is scheduled for Thursday, November 29 at 7 p.m. in the small auditorium at Erlanger's Women's East Pavilion.** He stated District 4 community meetings would be held periodically and made the request that each department administrator be present or a representative to answer questions members of the community might have.

**HIXSON CHRISTMAS PARADE**

Councilman Lively announced that the Hixson Christmas Parade is scheduled for Saturday, November 17 and indicated three Council members have agreed to participate.

**HIGHWAY 58 LAND USE PLAN**

Councilman Page stated that the draft of the Highway 58 Land use Plan has been completed and expressed thanks to the Regional Planning Agency for their excellent work.

**ADJOURNMENT**

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, November 20, 2001 at 6 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A LIST OF PERSONS IN ATTENDANCE IS FILED WITH MINUTE MATERIAL  
OF THIS DATE)**