

**City Council Building
Chattanooga, Tennessee
January 14, 2003
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Lively, Page, Pierce and Taylor present; Councilman Hakeem joined the meeting later; Councilwoman Robinson 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 Lively gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: RESULTS OF YOUTH RISK BEHAVIOR SURVEY

William Hicks, outgoing Chair of the Regional Health Council, stated that the Council members would be presenting the results of the new risky behaviors survey among Hamilton County Teens. He distributed copies of the survey to Council members, indicated that the incoming Chair would be Irvin Overton and introduced Ione Farrar who reported on the statistics of their findings.

Ms. Farrar expressed thanks for the Council for their portion of the funding for the initial survey and stated that the survey was done by the Center for Research Control throughout the country with most states participating. She stated 2,752 students in 19 schools participated in the survey; that 16 were public high schools and three were private.

**SPECIAL PRESENTATION: RESULTS OF YOUTH RISK
BEHAVIOR SURVEY (Continued)**

Ms. Farrar stated that the 94-question survey covered seven topic areas: tobacco use, alcohol and drug use, sexual behaviors, injury risks, youth violence and harassment, mental health and dietary behaviors, physical activity and body weight. She stated the survey looked at four risk behaviors: smoking, drinking, sexual intercourse and marijuana use; that of those sampled 44% were not engaged in any of the four risk behaviors, 56% were doing one or more; 22% were engaging in one of the four risk behaviors and 26% were doing two-or-three and a small percentage (8%) were doing all four.

Ms. Farrar continued by stating that the survey looked at students more likely to engage in these behaviors than others and found students make better grades when they engage in fewer risk behaviors; that students from two-parent families engage in fewer risk behaviors or are less likely to engage in any of them. She stated most risk behaviors increased in grades 9-12, with the exception of fighting. She stated it was emphasized that while they found students who have poor school performance and from single parent homes are most often associated with risk-taking; that students from two-parent households who made all A's and B's engaged in fewer risks. She stated other factors were body image, whether they were too thin or too fat, and that students who engage in any use of "gateway" drugs are also more likely to engage in risky behaviors.

Ms. Farrar stated that the survey showed percentages on cigarette smoking and why people engage in smoking and found students who smoke are more likely to engage in other behaviors; that those who currently smoke are more likely to smoke marijuana or use inhalants. She stated on alcohol use percentages, what was interesting about alcohol use was that they did find that it is a pretty wide spread activity even among ninth graders; that 72% of student respondents had at least one drink of alcohol and 39% had engaged in binge drinking. She reported that 27% of students reported episodes of depression within the last year and substance use among those students was significantly higher than among those who had not been depressed.

Ms. Farrar stated with regard to sexual behaviors, 44% of student respondents had never had sexual intercourse and 45% have never participated in oral sex. She stated seven out of ten students did not consider oral sex as "having sex". She stated mental health issues and questions were involved in the survey and stated 27% reported depression within the last year, 16% seriously considered suicide within the past year, 15% made a plan about how they would attempt suicide and 10% actually attempted suicide.

**SPECIAL PRESENTATION: RESULTS OF YOUTH RISK
BEHAVIOR SURVEY (Continued)**

Ms. Farrar concluded her comments by stating that the survey addressed weight factors and that 66% were reported at a healthy weight for their height, 13% were underweight, 15% were at risk for becoming overweight and 12% were overweight according to the levels set by the Center for Disease Control. She stated in regard to physical activity, 20% of those responded had three sessions of aerobic exercise in the previous week prior to the survey and 8% engaged in no physical activity of any type.

Chairman Littlefield inquired as to how Chattanooga compares to other communities and indicated that it is shocking to hear that 10% attempted suicide. He asked if this is "in line" with other areas.

Ms. Farrar expressed that it was her belief it was "in line"; that the 10% is very shocking; that they had to go back and look at it again and compare. She stated Page 9 of the survey shows comparisons to other cities.

Councilman Benson stated that the report indicates 39% participated in physical education and the national average is 52%; that there is quite a disparity.

Mr. Farrar stated it is her understanding that in Hamilton County only one credit is requested for physical education for graduation from high school; that this is very different from Nashville, as Nashville's numbers are much higher.

Councilman Benson stated that this could account for some of the use of undesirable outlets; that a natural growing body thrives to participate in more wholesome activities. He inquired as to why we just have 39% taking physical education.

Ms. Farrar responded that physical education is just required in the ninth grade.

Councilman Page asked Ms. Farrar to comment on survey trends and follow-up.

Ms. Farrar stated that a similar survey was conducted previously which did not include private schools; that they did not have the same sample base and comparisons have not been made at this time. She stated they do not know what the differences were; that they included children in different schools in this survey, both public and private.

(Councilman Hakeem joined the meeting at this point.)

**PRESENTATION: RESULTS OF YOUTH RISK BEHAVIOR
SURVEY (Continued)**

Bill Hicks stated that the thing to observe is that this reflects our kids talking to us; that it is not a situation where we were imposing upon them about behaviors they are engaging in. He stated the way this was handled was strictly confidential as far as the responses are concerned. He stated the Regional Health Council is not happy about the "picture that was painted" but are confident and appreciate the work of the public and private schools to enable this to move forward. He stated when looking at the survey results the key is kids in situations where there is a strong intact family are less likely to engage in risky behaviors. He expressed appreciation to the Council for their questions; that the survey gets at public policy implications and some opportunities to increase or change physical activity in the schools. He stated the Regional Health Council stands ready support and share with the Council opportunities they may have to assist as public policy is made.

Irvin Overton stated that the only thing that was not mentioned was that this information was shared with the County Commission and that the next step is to share the information with the Youth Council. He stated that the next issue will be the release of information on the adult population in the City in terms of health status and he would like to come back and share that information with the Council when it is available. He stated the cost of the youth study was \$50,000 and to conduct an adult study, which they would like to do within the year, will be around \$90,000. He stated this information is useful in the planning process for our City and it is hoped the Council would be as generous in the future as in the past!

REZONING

2002-132: City of Chattanooga

Chairman Littlefield stated this matter was placed on the agenda for first reading last week and the public hearing was held as required by State law. He stated discussion was held regarding the potential changes in the zoning map the Council had before them last week; that the minutes of the Legal and Legislative Committee meeting were researched at which time there were a number of the same residents in attendance wherein the proposed changes were discussed.

REZONING (Continued)

Chairman Pierce stated that he and Mr. Pace rode through the neighborhood and looked at the requests that came up last week and the only change they saw support for was the one that had to do with the Air and Hydraulic Company's warehouse going from M-1 to M-3, which had been discussed with the neighborhood. He stated this would also include rezoning the current parking lot to R-1, requiring them to have a permit. He stated in looking at Mr. Bryant's house there was more than a single meter on it and in all cases we have had previously where properties were down zoned, if there were multiple meters and was a sincere multi-unit, it was felt the property would qualify as a multiple unit and grandfathered-in until such time the property was changed to a single service and single house and could not go back (to multiple units). He stated the same thing is present with the Thomas' houses where one or more had multiple meters and is grandfathered-in.

Councilman Pierce stated before a motion is made, he was not clear if this is what the neighborhood wants as far as multiple use and meters are concerned.

Chairman Littlefield stated that this is what has been done with other properties that we have down zoned.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that there are more structures within the R-1 area that may have multiple units; that there were some people who came forward to ask for special consideration. He stated the City Attorney would need to rule on the issue regarding meters on the structures as they are recommended to be rezoned R-1.

Councilman Pierce stated this was his first knowledge regarding the meters on the houses.

Chairman Littlefield stated that he happens to live in one of the first neighborhoods to be down zoned some 25 years ago in Brainerd, which was rezoned from R-2 to R-1 at that time by the City Commission (which he was not a part of). He stated everyone in the neighborhood had to sign to be rezoned and there were a number of houses that were multi-units and the way it was determined was if there were multiple meters they were grandfathered-in. He stated over the course of the 25 years, every house that was a four-unit apartment has been converted to R-1. He stated that he did not know if there was any more we can do legally.

REZONING (Continued)

City Attorney Nelson stated if the property is being used as multiple family, then it could continue that use until it is not used for that purpose for 100 days, or in the case that if it were burned down and rebuilt within a year it could continue to be used for multiple-family. He stated what Chairman Littlefield was referring to is generally a pretty good definition of whether it is a multiple family use or a house with more than one meter because the Electric Power Board will require that every separate structure have a separate meter; that that is a good indication. He stated it is possible one property owner might be using two meters and it is a single family house; that in which case it would then go to R-1 if it is left beyond that for 100 days. He stated we cannot deprive someone use of their property; that in all cases where it is down zoned for a different use than what it was it would be grandfathered-in.

Councilman Pierce stated that it is not reasonable to use the term "if there are multiple meters"; that if a house is being used for a given purpose, we have many units in there that do not have multiple meters and he does not think it would be a matter if the Electric Power Board came and pulled the meter. He stated that he does not "see" the matter of multiple meters as a good excuse.

Chairman Littlefield stated that the whole idea was to go ahead and rezone to R-1; that the meters are an indicator we use. He stated if there is no one living there someone must attest to that; that an inspector will have to go out and inspect to see if the property is vacant or being used as a single use, then it cannot go back.

Councilman Pierce asked if this matter could be moved further down on the agenda and discussed later so that he could have an opportunity to talk with some of the residents of the area who are present this evening.

Mr. Pace stated in looking at the Thomas' property, one of his (Thomas) houses has a spot for four meters and there is actually one meter glass; that the other three are vacant places where meters could be placed.

Chairman Littlefield stated that would not qualify; that they have to be active meters. He stated Mr. Bryant's property had two active meters.

Mr. Pace stated that the use could continue indefinitely until the use goes away. Chairman Littlefield stated until someone attests to the fact that it is single family there is nothing we can do about it other than hold it to being R-1.

At this point, Councilman Pierce stepped outside the Assembly Room to talk with residents of the area.

REZONING (Continued)

Later in the meeting and after Councilman Pierce had spoken with representatives of the M. L. King neighborhood, the discussion continued.

Chairman Littlefield explained that over the years we have rezoned a number of neighborhoods in Chattanooga or down zoned, so to speak, from R-2 to R-1 and the principal zone we are looking at here is going to be R-1. He stated once that is done the only question is how those units that are existing now are legal non-conforming uses; that it is really more complicated as Councilman Pierce alluded to. He stated the matter is certainly more complicated where the meter bases are if they are not active meters and it is a single use, which is really a separate question from the rezoning tonight. He stated once this rezoning becomes complete, units that were legal non-conforming is a question for City Court if someone complains that it is out-of-place or there is some unit constructed that should legally not be there.

Mr. Pace indicated that the matter would go to Chancery Court, as opposed to City Court.

City Attorney Nelson stated that it would depend if the property is cited out-of-zone there could be a fine issued in City Court; that more often things get resolved in Chancery Court.

Chairman Littlefield stated that the point is the legal question is once it is rezoned then all of that is subject to interpretation that goes beyond the rezoning which is not before the Council. He stated there is no way to change the ordinance to change the way the issues are handled. He inquired as to whether there is anything else that needs to be talked about on this matter.

Councilman Pierce stated this matter has been “dragged out” for many months and it is his thought the community has put a tremendous amount of work in many meetings to come up with this final plan. He indicated that he did not attend most of the meetings; yet, through the course of the meetings he was kept updated on all the proceedings and was comfortable with what was planned. He stated now the position the Council would be taking is accepting what was done in the Legal and Legislative Committee meeting and there is no provision for any other grandfathering-in or anything. He stated we have several people in the neighborhood who would like to be grandfathered-in and asked how that determination could be made; that he was comfortable in talking with Mr. Pace and Chairman Littlefield over the weekend that the only two changes would be the manufacturing and the M-3 that would be rezoned to R-1. He stated this is what the neighborhood was expecting and **made the motion accept the plan with the new map.**

REZONING (Continued)

Councilman Page stated that it was reflected early in Committee that the change was for the manufacturing on Tenth Street for the warehouse building as it exists and for the parking lot to go to R-1; clarifying that this is the only change to the plan that was presented last week. He stated that it is his understanding that there is a certain amount of grandfathering-in. Mr. Pace stated that the use that it is presently is grandfathered-in. Chairman Littlefield indicated that that is not the issue.

At this point, Councilman Page seconded Councilman Pierce's motion to approve the plan with the new map.

Councilman Taylor asked for clarification that a piece of property could remain as the same thing until there is no use for as long as 100 days. Mr. Pace responded "yes".

Councilman Taylor then stated if a piece of property is R-1 now what happens if the owner goes in later and "cuts up" the house into apartments.

Mr. Pace stated they cannot do that; that they would have to get a building permit and would be told at that point that a permit would not be granted for them to do that.

Councilman Taylor then stated that everything there could remain as is. Mr. Pace responded "yes".

Councilman Benson stated that this is not sacrosanct; that they can bring it back. He stated they could come back and go through the process and nothing is in concrete.

Councilman Taylor stated that he just wanted to make sure; that he was not speaking for them to do that.

Mrs. Thomas stated one thing that was brought up had to do with if the building is already divided up; that one of her buildings is divided and she and her husband don't know what the status would be and would like for her concern to be reflected in the minutes.

Chairman Littlefield stated that is a question of what is and is not grandfathered-in and something that will have to be discussed with the building officials to see if it is considered legal. He stated all the adoption of this Ordinance would do is to stop any future division of units. He clarified that the Ordinance and map is approved following the vote. He expressed appreciation to RPA and the residents of the area for their good work!

REZONING (Continued)

On motion of Councilman Lively, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THE MARTIN LUTHER KING BOULEVARD AREA, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE FOLLOWING SIX (6) ZONES: R-3 RESIDENTIAL ZONE, R-3MD MODERATE DENSITY ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO THE FOLLOWING FIVE (5) ZONES: R-1 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

UPDATED CODIFIED VERSION OF ZONING ORDINANCE

There was no opposition in attendance.

Mr. Pace stated that he worked with the Public Works inspectors and Traffic Engineer on this matter; that they went through the ordinance and they are basically doing away with the C-1 and C-6 zones and entering all of them under C-2. He stated in the case of C-6 with certain parking requirements and storage, that will be incorporated in C-2 and will still accommodate large box-type uses for their parking. He stated this "cleans up" the zoning ordinance and incorporates the C-1 and C-6 into C-2 and places the hotel-motel tourist-type zone in C-2. He stated further down on tonight's agenda is another ordinance where the property presently zoned C-1 and C-6 will be rezoned C-2.

Chairman Littlefield clarified that the map would be changed so that the C-1 and C-6 zones will be reflected as C-2. Mr. Pace responded that is correct; that all property owners have been notified of this.

Councilman Benson clarified that this matter was recommended for approval by the Planning Commission.

AMEND ZONING ORDINANCE (Continued)

On motion of Councilman Benson, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, RELATIVE TO THE ADOPTION OF AN UPDATED CODIFIED VERSION OF THE ZONING ORDINANCE CONTAINING ALL ZONING AMENDMENTS APPROVED BY THE CHATTANOOGA CITY COUNCIL FROM JANUARY 1, 2002 THROUGH DECEMBER 31, 2002, AND APPROVING OTHER CHANGES NECESSARY FOR CLARIFICATION OF CERTAIN STANDARDS AND TERMS, AS SHOWN ON THE RE-CODIFIED ZONING ORDINANCE, DATED DECEMBER 31, 2002
passed first reading.

REZONING

2002-136: Troy L. Cox

Pursuant to notice of public hearing, the request of Troy L. Cox to rezone a tract of land located at 706 Ashland Terrace came on to be heard.

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

Mr. Pace stated in the absence of Councilwoman Robinson, he would suggest that this matter be deferred one week for an opportunity to discuss the proposed changes with her.

On motion of Councilman Page, 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 706 ASHLAND TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE TO WITHIN SIXTY (60) FEET OF THE EAST PROPERTY LINE, FIFTY (50) FEET OF THE WEST PROPERTY LINE, EIGHTY (80) FEET OF THE SOUTH PROPERTY LINE AND SIXTY (60) FEET OF THE EAST PROPERTY LINE WITH THE REMAINDER OF THE R-1 RESIDENTIAL ZONE PROPERTY BEING R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled one week.

REZONING

2002-206: City of Chattanooga

Pursuant to public notice, the request of the City of Chattanooga to rezone assorted properties located in the City of Chattanooga came on to be heard.

There was no opposition in attendance.

Mr. Pace stated that the wording in the second condition states that the *“property owned by Willie Mae Plumlee, Tax Map No. 100E-A-019, will remain zoned R-1 Residential Zone . . .”* He stated the condition should state that the property *“. . . will be rezoned from C-1 to R-1 Residential Zone . . .”* He stated the property is presently zoned C-1 as indicated on the official map and will be rezoned to R-1 after this request and there is a covenant on that. He stated the property is located on Hixson Pike across from the Food Lion in front of the Wind Brook subdivision; that with this change to the conditions, this property will be the only one of the properties zoned anything other than C-2.

In open meeting, City Attorney Nelson changed the caption of the Ordinance to read *“. . . from C-1 Highway Commercial Zone and C-6 Commercial Zone to C-2 Convenience Commercial Zone and R-1 Residential Zone . . .”* He also amended the condition in the body of the Ordinance to reflect *“. . . will be rezoned from C-1 to R-1 . . .”*

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 ASSORTED PROPERTIES LOCATED IN THE CITY OF CHATTANOOGA AS SHOWN ON THE LIST ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM C-1 HIGHWAY COMMERCIAL ZONE AND C-6 COMMERCIAL ZONE TO C-2 CONVENIENCE COMERCIAL ZONE AND R-1 RESIDENTIAL ZONE, SO AS TO CONFORM TO THE REVISED CHATTANOOGA ZONING ORDINANCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2002-217: Tommy Hobbs

Pursuant to notice of public hearing, the request of Tommy Hobbs to rezone a tract of land located at 2201 East Main Street came on to be heard.

REZONING (Continued)

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

Mr. Pace stated this request is located along Main Street across from the East Side Elementary School and that the existing uses along Main Street are zoned C-2 commercial with R-2 residential to the north. He stated the Planning Staff made the recommendation to deny the request based on the Ridgedale Plan for commercial along Main Street and the Planning Commission recommended approval with the condition that there be no outside use of the property.

Councilman Benson stated this matter was taken under consideration at the Planning Commission meeting and generated quite a bit of discussion; that the final recommendation for approval came when the Commission added the condition there be no outside activities.

Mr. Pace clarified that the condition states that the rezoning would be for *“use of a cabinet shop only with no outside manufacturing use”* and that *“street yard landscape requirements are required”*.

Councilman Benson stated that this site used to be an office and was approved by Planning with conditions, expressing that it is in Councilman Hakeem’s district.

Councilman Taylor inquired as to how long this business has been at this location.

Councilman Hakeem asked if the condition limits its use to that of cabinet development and whether the operation would be enclosed. Mr. Pace responded “yes and that it would be enclosed”.

Councilman Hakeem inquired as to whether there are air quality issues that may need to be addressed.

Mr. Pace indicated that he did not think so; that he is certain there would be grinders and saws, but there should be some type of ventilation.

Tommy Hobbs, applicant, stated that the sole purpose for renting the building is to make concrete counter tops. He stated he knows a fellow interested in investing money and was told he could rent it. He stated that the forms are made of a composite material called melamine, which is the form the concrete is poured into. He stated he has a portable mixer and they sometimes mix colors that are poured into the molds.

REZONING (Continued)

Mr. Hobbs stated the molds sit for two weeks, are taken out and grinded with a grinder, which is similar to a sander; that the grinder used has a diamond wheel with water that runs through it. He stated that is about the only machinery they use other than the portable mixer and this is the only planned use for this building.

Councilman Taylor again inquired as to how long the business has been at this location.

Mr. Hobbs stated that the business has been there since June, which is when he started paying rent. He stated at the time he was trying to figure out how it would work, indicating that he makes furniture by trade. He stated there would be no table saws or anything like that at this location.

Councilman Taylor asked if the purpose for the rezoning is to bring the property into compliance. Mr. Hobbs responded "yes".

Councilman Hakeem inquired as to the air quality in relation to the type of saws that would be used.

Mr. Hobbs stated their work would be done inside with the door closed, reiterating that the saw has water running through it, which creates a residue similar to heavy grit. He stated the sealers used are water based and there are no fumes, just a penetrating sealer and rubbed on wax; that there will be no spraying of lacquer or anything.

Councilman Hakeem made the motion to approve the request on first reading based on the information shared.

On motion of Councilman Hakeem, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2201 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM G-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

RIGHT-OF-WAY NAME CHANGE

2002-218: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to change the right-of-way name of Northgate Park Lane to Bright Way Lane came on to be heard.

There was no opposition in attendance.

Public Works Deputy Admin. Beverly Johnson stated that the group got together and came up with the name "Alpha". She stated the name is available and has been reserved for the change.

Councilman Page stated the agenda reflects the name "Bright Way Lane".

Mr. Pace stated that is correct; that there were other property owners who did not agree with that. He stated they got together with Public Works and came up with an agreement for the name "Alpha Lane".

On motion of Councilman Page, seconded by Councilman Lively,

**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF
NORTHGATE PARK LANE TO ALPHA LANE, SAID RIGHT-OF-WAY BEING
MORE PARTICULARLY DESCRIBED HEREIN**

passed first reading.

REZONING

2002-224: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone a tract of land located at 1701 Market Street came on to be heard.

There was no opposition in attendance.

Mr. Pace stated this involves property that is owned by the City of Chattanooga, which is south of the new elementary school. He stated the conditions attached to the ordinance are the same as other C-3 requests in the area and the City is in agreement with them. He stated both Planning and Staff recommend approval.

REZONING (Continued)

On motion of Councilman Page, 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 1701 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2002-220: Todd Long

Pursuant to notice of public hearing, the request of Todd Long to rezone a tract of land located at 1203 Crutchfield Street came on to be heard.

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

Mr. Pace stated that this request is located on Amnicola and to the south is Crutchfield where there is single family residential. He stated the recommendation is for approval from both Staff and Planning.

Chairman Littlefield asked if the rezoning is for financing on a house. Mr. Pace responded "yes".

Mr. Pace stated there was opposition at the Planning Commission.

On motion of Councilman Lively, seconded by Councilman Hakeem,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1203 CRUTCHFIELD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-1 RESIDENTIAL ZONE

passed first reading.

REZONING

2002-227: Jack Webb

Pursuant to public notice, the request of Jack Webb to rezone a tract of land located at 6139 Wilder Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Highway 153 area and meets provisions contained in the North River-Hixson Plan. He stated the recommendation to Staff and Planning was for only a portion of the front portion abutting the R-4 zone for expansion for a flag lot. He stated Planning and Staff recommended adding an additional 25 feet to that to accommodate the landscaping buffer between the residential and R-4 uses proposed. He stated the Ordinance could be amended before next week with the proper legal description. He stated the request is recommended for approval.

Chairman Littlefield asked the applicant if he was agreement with what Mr. Pace explained.

Jack Webb, applicant and representing Crye-Lieke Realtors, responded "yes" and introduced John Strausberger of Strauss and Company, the contractor for Crye-Lieke. He stated that he wanted to be sure about what was said, as the drawing does not reflect the additional property that is proposed for the lot rezoned to R-4.

Mr. Pace stated that the additional map portion would be inserted prior to next week's second and third reading.

Mr. Webb stated that he wanted to make sure the drawing was correct.

Chairman Littlefield stated that it would be corrected and substituted in the ordinance.

Councilman Page inquired as to ingress and egress; whether traffic would be coming out of Wilder.

Mr. Webb stated ingress and egress would not be on Wilder because of the flag lot there; that ingress and egress would be off Highway 153 and not Wilder at all.

REZONING (Continued)

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 PORTION
OF A TRACT OF LAND LOCATED AT 6139 WILDER ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2002-226: David Patrick

Pursuant to notice of public hearing, the request of David Patrick to rezone a tract of land located at 7025 Jarnigan Road came on to be heard.

The applicant was not present; there was no opposition in attendance.

Mr. Pace stated this request is located near Hamilton Place Mall. He stated that a request was received to withdraw this case; that Planning heard the case and denial is recommended from both Staff and Planning.

Councilman Benson asked if Mr. Patrick asked for withdrawal after it was heard at Planning.

Mr. Pace stated that the request was made before it was heard by Planning; that it was brought in the day of Planning and was already on the agenda.

Councilman Benson stated the matter had already been advertised and was in conflict with the land use plan, which is the reason the Planning Commission came down pretty firmly on this. He stated the applicant tried to withdraw the request at the last minute. He stated the reason he was asking is that if it was turned down at Planning for denial and then withdrawn before it is heard before the Council, the applicant can bring it back the next month rather than wait eight months.

Mr. Pace stated that they could reapply and it would actually take three months before the Council hears it.

Councilman Benson stated that that is a short way to circumvent the time period and that he did not realize that.

REZONING (Continued)

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 A TRACT OF
LAND LOCATED AT 7025 JARNIGAN ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL
ZONE**
was denied.

REZONING

2002-229: Pam LeBreare

Pursuant to notice of public hearing, the request of Pam LeBreare to rezone a tract of land located at 5243 Dorris Street came on to be heard.

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

Mr. Pace stated this request is located in Alton Park; that all property is zoned R-1 and R-2. He stated even though there is R-1 along Dorris Street there are several duplexes. He stated the Alton Park Plan calls for single family residential in this area and the matter is recommended for denial from both the Planning Commission and Staff. He stated even though there are duplexes in this area that are zoned R-1, the duplexes are grandfathered-in.

Jerry Law, representing Pam LeBreare, stated he personally purchased the property on April 26 and that he does not buy much in Alton Park; that he sold this lot thinking it was R-2. He indicated that he builds duplexes throughout the City; that he likes to see new properties come up in areas such as this. He asked the Council to review this and understand that he builds good buildings and has built a half dozen so far.

Councilman Taylor commented that Mr. Pace has indicated this is an R-1 area because the neighborhood has put forth the work to revitalize and bring forth a renaissance in that community. At this point he **made the motion for denial**.

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 A TRACT OF
LAND LOCATED AT 5243 DORRIS STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL
ZONE**
was denied.

RIGHT-OF-WAY NAME CHANGE

2002-230: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to change the right-of-way name for the 1700 and 1800 blocks of Cummings Highway to Broad Street and for a portion of Broad Street to Chattanooga Christian School came on to be heard.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 1700 AND 1800 BLOCKS OF CUMMINGS HIGHWAY TO BROAD STREET AND FOR A PORTION OF BROAD STREET TO CHATTANOOGA CHRISTIAN SCHOOL BOULEVARD (CCS BOULEVARD), SAID RIGHTS-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

was tabled one week.

FINAL PUD

2002-170: Christopher A. Amos

Mr. Pace stated this request comes as a recommendation for approval from both the Planning Commission and Planning Staff.

Councilman Benson stated that this is a textbook example of how development can come about and has the support of the community. He stated before the plan was finalized the developer worked with the neighborhood prior to the yellow signs appearing in the community or before it was brought before the Planning Commission for a permit to rezone. He stated this is planned progress and both the community and neighborhood are happy.

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE BUTLER AMOS SHALLOWFORD ROAD PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED AT 7707 AND 7711 SHALLOWFORD 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.

GRANT: U. S. DEPARTMENT OF JUSTICE

Chairman Littlefield stated everyone on the Council received the memorandum from City Treasurer Daisy Madison regarding this matter. He stated the matter was not discussed in committee but is part of a preparedness program grant the City is working toward.

On motion of Councilman Taylor, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT, FOR AND ON BEHALF OF THE CHATTANOOGA FIRE DEPARTMENT, A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, THE NUNN-LUGAR-DOMENICI DOMESTIC PREPAREDNESS PROGRAM, IN THE AMOUNT OF THREE HUNDRED TEN THOUSAND DOLLARS (\$310,000.00)

was adopted.

AGREEMENT: TDOT

Chairman Littlefield stated this is part of the \$2.5 million dollar grant announced yesterday by outgoing Governor Sundquist. He stated the matter was not discussed in Committee; that everyone read in today's paper that the matter is essentially from TDOT and an enhancement program to be matched by 20 percent local funds. He stated the Mayor is aggressively raising private funds and has already assigned \$60 million of public funds for the recent bonds issue based upon the hotel/motel tax the Council approved last year. He stated this is money the City will have to match and is coming to us as a wonderful gift!

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING, RATIFYING AND APPROVING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO PROJECT NO. STP-EN-9202(85), FOR IMPLEMENTATION OF A SURFACE TRANSPORTATION PROGRAM, BEING A PART OF THE 21ST CENTURY WATERFRONT PLAN

was adopted.

RECOGNITION OF JUDGE WALTER WILLIAMS

Chairman Littlefield recognized the presence of City Court Judge Walter Williams.

OVERTIME

Overtime for the week ending January 10, 2003 totaled \$95,015.79.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **WELFORD M. SYDNOR, JR.** – Voluntary Demotion, Light Equipment Operator, Citywide Services, Pay Grade 5/Step 5, \$22,307.00 annually, effective January 8, 2003.
- ✍ **HERANA ROBINSON, SR.** – Suspension, Sanitation Worker, Citywide Services, effective January 13 – February 10, 2003.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **STEPHANIE MCCOY** – Reinstatement, Teacher Assistant, Head Start, \$13,306.80 annually, effective January 8, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **MARGARET CHASTAIN** – Retirement, Records Clerk Supervisor, effective December 31, 2002.
- ✍ **WAYNE C. HENNESSEE** – Resignation, School Patrol Officer, effective December 18, 2002.
- ✍ **DANIEL HOOTON** – Resignation, Police Officer, effective January 20, 2003.
- ✍ **CORNELIUS MOSS** – Termination, Police Officer, effective January 9, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **MARVIN HUDGINS** – Military Leave, Captain, effective January 18, 2003.

COMMUNITY SERVICES DEPARTMENT:

- ✍ **JACKSON P. ELLIS** – Resignation, Community Development Specialist, effective January 3, 2003.

PERSONNEL (Continued)

NEIGHBORHOOD SERVICES DEPARTMENT:

- ✍ **PAM CHATFIELD** – Termination, Code Enforcement Inspector, effective January 22, 2003.

PARKS, RECREATION, ARTS AND CULTURE DEPARTMENT:

- ✍ **WILLIE JOHNSON** – Disability Retirement, Crew Worker, Sr., effective September 26, 2002.
- ✍ **MICHAEL PHILLIPS** – Termination, Recreation Facility Manager, effective December 31, 2002 (*employee affected by FY 01-02 downsizing effort*).
- ✍ **LYLES L. BURNETTE** – Retirement, Recreation Facility Manger, effective December 31, 2002 (*employee affected by FY 01-02 downsizing effort*).
- ✍ **RICHARD L. WILLIAMS** – Retirement, General Supervisor, effective December 31, 2002 (*employee affected by FY 01-02 downsizing effort*).
- ✍ **JAMES PHILLIP TUCKNISS** – Termination, Tennis Specialist, effective December 31, 2002 (*employee affected by FY 01-02 downsizing effort*).

FINANCE DEPARTMENT:

- ✍ **EDDIE JONES** – Family Medical Leave, Shop Supervisor, effective December 6, 2002.

RECOGNITION OF RETIREMENT

Chief Dotson acknowledged the retirement of Margaret Chastain with 27 years of dedicated service.

Chairman Littlefield expressed appreciation for Chief Dotson's acknowledgement, stating that many have served with Ms. Chastain and appreciate her service.

PURCHASES

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

INDUSTRIAL RUBBER & SAFETY PRODUCTS (Lowest and best bid)
R0066558/B0000741

Fire House

\$11,023.07

B & B JANITORIAL (Lowest and best bid)
R0054742/P0018479

Janitorial Service for Fire Department, Police Department and DRC Building

\$11,483.83

HOTEL PERMIT

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

KINGS'S LODGE – 2400 Westside Drive, Chattanooga, TN

BOARD APPOINTMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following Board appointment was approved:

AIRPORT AUTHORITY:

- ✍ Appointment of **ALLEN COREY** to fill the unexpired term of Carl Rollins which will expire on July 1, 2003; he will then serve a full three year term to end July 1, 2006.

PURCHASE

On motion of Councilman Page, seconded by Councilman Franklin, the following purchase was approved for use by the Finance and Administration Department, Air Pollution Control Bureau Division:

RUPPRECHT & PATASHNICK CO., INC. (Single source)
R66004/P0018686

TEOM Series Air Monitor per TCA 6-56-304.6

\$22,785 plus freight

PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin, the following purchase was approved for use by the Finance and Administration Department, Fleet Services Division:

LEE-SMITH, INC. (Lowest and best complete bid)
R0067824

Vehicle Supplies Requirements Contract
(The lower incomplete proposals submitted by Chromate Industrial, O'Reilly Auto Parts and American Alternator, Starter and Battery area ruled non-responsive)

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

LIQUOR LICENSE NAME CHANGE

Admin. Daisy Madison, City Treasurer, requested signatures from the Council for a liquor license name change from TJ's Discount Liquors to Ronnie's Wine and Spirits, located at 7022 Shallowford Road. She clarified that the change in name is due to a change in ownership.

Chairman Littlefield stated five signatures are required from Council members, indicating that if five signatures were not secured the applicant would have to wait sixty days prior to the change becoming effective. He clarified that the store has been at its location since "the beginning of time".

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Personnel Department, Employee Benefits Division

ARTHUR J. GALLAGHER & COMPANY

R005378

Property Insurance Requirements Contract Renewal

\$182,945.00

RIF INQUIRY

Councilman Taylor inquired as to the status of the employee downsizing, whether the report on the personnel transaction sheet is the final reporting.

Donna Kelley, Director of Personnel, stated that this is the last the Council would see unless anyone has a change after this. She stated that 200 was the initial number and this is the end or final analysis of all that as far as that effort goes.

Councilman asked for clarification that everyone has been placed and inquired as to the ones who were terminated.

Ms. Kelley stated they were not placed, indicating that her answer is vague as they can still apply for positions that they could be working on now.

Councilman Pierce inquired as to the Mayor's "freeze" on hiring and asked if her response to Councilman Taylor's question means that the "freeze" is off.

Ms. Kelley stated that this is on an "as needed" basis, indicating this is the kind of thing that is on a case-by-case basis.

Councilman Pierce acknowledged that he knows Ms. Kelley could not speak for the Mayor on this; that he just wanted to know if new people were being hired in various positions.

HEARING: EDWARD FREEMAN

City Attorney Nelson stated Councilman Benson volunteered to serve on the panel for the Edward Freeman hearing scheduled for February 10 at 3 p.m. and has discovered that he has a meeting conflict. Chairman Littlefield volunteered to serve on the panel along with Councilmen Lively and Page.

COMMITTEES

Councilman Benson reminded Council members of the meeting of the **Legal and Legislative Committee** scheduled for **Tuesday, January 21 at 3 p.m.**

Councilman Hakeem reminded Council members of the meeting of the **Public Works Committee** scheduled for **4 p.m. on Tuesday, January 21.**

Councilman Lively **cancelled the meeting of the Budget and Finance Committee** previously scheduled to follow the Public Works Committee.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, January 21, 2003 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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