

City Council Building  
Chattanooga, Tennessee  
October 10, 2006  
6:00 p.m.

Vice Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Gaines, Rico and Robinson present; Councilmen Franklin and Pierce were absent due to personal commitment; Councilwoman Rutherford was absent due to illness. 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 Rico, the minutes of the previous meeting were approved as published.

#### **APPROPRIATION**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE CHATTANOOGA HAMILTON COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) THE AMOUNT OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00), AS SPONSORSHIP FOR "THE 114<sup>TH</sup> ANNUAL RUBY HURLEY DINNER"**  
passed second and final reading and was signed in open meeting.

#### **RECOGNITION OF NAACP REPRESENTATIVES**

Councilwoman Gaines recognized the presence of Valoria Shipman, Executive Director of the Chattanooga NAACP, and Hannah Martin.

Vice Chairman Page acknowledged that the city is glad to be a part of their event.

## AMEND CITY CODE

Councilman Rico stated this matter was discussed in Public Works Committee and the recommendation is for approval.

Councilwoman Robinson stated that she wanted to emphasize how important the education/marketing program is going to be for us to succeed in our curbside recycling program. She stated unfinished work is still going on and a lot of progress has been made in the last couple weeks; that it looks as if we are going to see a program put together in such a way as to have every expectation of success.

Councilwoman Bennett stated that she wanted to make sure we have the accountability that we talked about in committee meeting; that she is hearing from her constituents concern about monthly recycling and there are still areas with low participation. She stated some feel we are obligated to provide more service than some people wanted and less than some participating citizens. She stated as long as we hear more about the education piece she is much more comfortable with that.

Vice Chairman Page asked if there would be an update at the next Public Works meeting, just to have an idea how we are coming along.

Councilman Rico suggested at few more weeks before an update comes forward, noting that he would let Council members know.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 18, SECTION 18-48, SO AS TO PROVIDE FOR WEEKLY  
RESIDENTIAL GARBAGE SERVICE AND MONTHLY CURBSIDE  
RECYCLING SERVICE**

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

## REZONING

**2006-139: Butler Ridge Development, Inc.**

The applicant was present; community representatives were in attendance.

Greg Haynes, Director of Comprehensive Planning with the Regional Planning Agency (RPA), stated that it is his belief the applicant has requested this case be deferred.

## REZONING (Continued)

Councilman Benson stated that a few people from the district he represents are present and would think the applicant needs to explain reasons for the request for deferral. He praised the applicant for his communication with the community and stated that the applicant has reached a real glitch and wants to defer the request. He stated the community needs to know the problems and asked the applicant to explain how he will work with them.

Alex Gallimore, developer for the project, stated that they have been working with different architects and at this point, based on preliminary numbers, the feasibility does not look very good. He stated they would like to make some changes and come back and meet with the residents and show them the changes they are trying to make. He stated they might want to ask for some more residential units and then go back to Planning and then to the Council.

Councilman Benson suggested that the matter be deferred for 90 days and go back to Planning, and from Planning back through the Council.

City Attorney Nelson stated if there are substantial changes it has to go back to the Planning body.

Mr. Haynes stated that the request is to defer and remand back to Planning.

City Attorney Nelson stated that Planning meets the second Monday of each month and with the time suggested for deferral the Planning Commission would meet on January 8 and it would normally come to the Council on the second Tuesday of the following month.

Mr. Haynes stated if it goes back it would automatically be put on the agenda for the next meeting; that it would start back over.

City Attorney Nelson stated the community will need to know when it would be coming back before the Council.

Admin. Leach stated essentially the applicant would be starting over with the plan; that people would need to be re-notified and new signs put up.

City Attorney Nelson stated the applicant would not be able to do it in 60 days, which gets us to the second Monday in January, which means it would come before the Council the second Tuesday in February, which would be February 13.

Admin. Leach stated they would do due diligence and notify everyone.

**REZONING (Continued)**

Councilman Benson stated if it is ready sooner the matter could be heard quicker. He suggested that the matter be **deferred up to 90 days**.

City Attorney Nelson stated it would be **deferred up to 91** days as opposed to 90 days.

On motion of Councilman Benson, seconded by Councilwoman Bennett,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 7248 EAST BRAINERD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred up to 91 days (January 9, 2007).

**PRELIMINARY PUD**

**2006-129: Butler Ridge Development, Inc.**

Councilwoman Robinson made the motion to move Resolution (i) forward on the agenda; Councilwoman Bennett seconded the motion; the motion carried.

The applicant was present; community representatives were in attendance.

Mr. Haynes stated this matter would be referred back to Planning.

City Attorney Nelson stated that the applicant will not have to file fees or anything like that.

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT  
DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED  
PLANNED UNIT DEVELOPMENT, KNOWN AS RIDGEVIEW AT  
PANORAMA DRIVE PLANNED UNIT DEVELOPMENT, ON TRACTS OF  
LAND LOCATED AT 7248 EAST BRAINERD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS AND DRAWINGS  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO CERTAIN CONDITIONS**  
was deferred up to 91 days (January 9, 2007).

**CLOSE AND ABANDON**

**MR-2006-150: Ruth Anne Reed**

Councilman Rico stated Ordinances (b) and (c) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY BEGINNING ON THE NORTH LINE OF THE 700 BLOCK OF DARTMOUTH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2006-154: 2525 Broad Street, LLC**

The applicant was not present; there was no opposition.

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY BEGINNING ON THE NORTH LINE OF THE 400 BLOCK OF WEST 26<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2006-181: Deborah Distefano**

Pursuant to notice of public hearing, the request of Deborah Distefano to rezone a tract of land located at 1815 Gunbarrel Road came on to be heard.

The applicant was not present; there was no opposition.

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1815 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE**  
passed first reading.

## REZONING

### **2006-188: Eugene H. Schimpf, III**

Pursuant to notice of public hearing, the request of Eugene H. Schimpf, III to rezone tracts of land located at 251 and 281 Lyerly Street came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Gaines stated that she wanted the record to reflect that she met with Mr. Schimpf and several representatives from the Glenwood-Orchard Knob area who were concerned about the increase in traffic flow that would generate from a medical office building. She stated what they have decided, along with Mr. VanWinkle, is to ask to have a traffic study performed.

Mr. Haynes stated this request is for a medical office building. The area was displayed by PowerPoint showing the residential homes on the southern side, duplexes facing Lyerly and an existing medical office. He stated the request is recommended for approval from Planning as this is a more restrictive zone than the M-1 requested by the applicant and is compatible with the adjacent land uses. He stated the Glenwood Neighborhood Plan recommends manufacturing uses for this location; however, the R-4 is a more restrictive use. He stated Staff felt that the building should be closer to Fourth Street; however, Planning is more comfortable with the location shown. He stated approval is recommended.

Councilwoman Robinson stated prior to a vote she wanted to be sure Councilwoman Gaines is comfortable that a traffic study will be done.

Councilwoman Gaines expressed thanks to Councilwoman Robinson for clarifying that point and reiterated that she spoke with Mr. VanWinkle this morning and reviewed the case totally to be sure. She stated within the next two weeks they are to go back and meet with the neighborhood, noting that she is comfortable that meeting would take place as some are concerned with the traffic flow. She asked if the ordinance needs to be amended to reflect a traffic study will be done.

City Attorney Nelson responded that the Traffic Department can do it whether or not it is written in.

Councilwoman Gaines stated that this zoning item is a separate item according to Mr. VanWinkle. She asked that the request be approved and go back and do the study.

**REZONING (Continued)**

Mr. Haynes stated when he spoke with Mr. VanWinkle he expressed the same thing the City Attorney mentioned. She stated this matter would be monitored and if it is warranted traffic signs could be installed to direct trucks around this site.

Councilwoman Gaines stated since that time they have removed the idea of trucks in the area and basically the signs and the traffic study would be helpful.

Councilman Benson clarified that this is the former bread company property and it was his thought when this came up at the Planning Commission meeting they were told Colonial (Bread Company) would generate more traffic than what is being requested; that this is a basically an improvement.

Councilwoman Gaines stated in this morning's conversation with Mr. VanWinkle, the same thought was expressed.

On motion of Councilman Rico, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 251 AND 281 LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO O-1 OFFICE ZONE**  
passed first reading.

**REZONING**

**2006-190: Jedco, LLC**

Pursuant to notice of public hearing, the request of Jedco, LLC to rezone a tract of land located at 1319 Cowart Street came on to be heard.

The applicant was not present; there was no opposition.

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 1319 COWART STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

LIFT CONDITIONS

**2006-193: Craig Kronenberg**

Pursuant to notice of public hearing, the request of Craig Kronenberg to lift Condition No. 2, Items 2 and 3 and Condition No. 3, Item 4 of Ordinance No. 11858 (Case No. 2006-136) on a tract of land located at 1405 Cowart Street came on to be heard.

The applicant was not present; there was no opposition.

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 AMEND CONDITION NO. 2, ITEMS 2 AND 3 AND CONDITION NO. 3, ITEM 4 OF ORDINANCE NO. 11858 (CASE NO. 2006-136) ON A TRACT OF LAND LOCATED AT 1405 COWART STREET, MORE PARTICULARLY DESCRIBED HEREIN**  
passed first reading.

DONATION

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson,  
**A RESOLUTION ACCEPTING A DONATION TO THE CHATTANOOGA FIRE DEPARTMENT FROM FIREHOUSE SUBS IN THE AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) TO BE USED TO FUND FIRE PREVENTION WEEK ACTIVITIES AND EXPRESSING THE GRATITUDE OF THE MAYOR AND THE CITY COUNCIL FOR SAID DONATION**  
was adopted.

DONATION

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION ACCEPTING A DONATION TO THE CHATTANOOGA FIRE DEPARTMENT FROM WAL-MART, INC. IN THE AMOUNT OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00) TO BE USED TO FUND FIRE PREVENTION WEEK ACTIVITIES AND EXPRESSING THE GRATITUDE OF THE MAYOR AND THE CITY COUNCIL FOR SAID DONATION**  
was adopted.



**AGREEMENT**

Councilman Benson stated this Resolution was presented by the Mayor in today's Legal and Legislative Committee and approval is recommended.

On motion of Councilman Benson, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH BRAINERD VILLAGE SHOPPING CENTER, LLC FOR A PARCEL OF LAND ADJACENT TO THE BRAINERD MISSION CEMETERY IN AN AMOUNT NOT TO EXCEED ONE DOLLAR (\$1.00) PER YEAR AND AN EXPIRATION DATE OF NO EARLIER THAN JULY 1, 2007 AND NO LATER THAN DECEMBER 31, 2007, WITH SAID PARCEL BEING DONATED TO THE CITY AT THE EXPIRATION OF THE LEASE**

was adopted.

**CONTRACT**

Councilman Rico stated Resolutions (d) – (h) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-06-004-201, CITY LANDFILL AT BIRCHWOOD PIKE GAS COLLECTION SYSTEM IMPROVEMENTS, TO AMERICAN ENVIRONMENTAL GROUP LTD. IN THE AMOUNT OF ONE HUNDRED SEVENTY-SEVEN THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$177,790.00), PLUS A CONTINGENCY AMOUNT OF SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY DOLLARS (\$17,780.00) FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-FIVE THOUSAND FIVE HUNDRED SEVENTY DOLLARS (\$195,570.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH BARGE WAGGONER SUMNER & CANNON, INC. RELATIVE TO CONTRACT NO. E-04-036-101, ENTERPRISE SOUTH ROADWAY EXTENSION AND SEWER IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND FOUR HUNDRED DOLLARS (\$110,400.00)**

was adopted.

TEMPORARY USE

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING JOEL C. MOORE TO USE TEMPORARILY AN ALLEY LOCATED BEHIND 3906 39<sup>TH</sup> STREET TO INSTALL A GATE, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING SHANNON BROWN TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY AT 8884 OLD LEE HIGHWAY FOR PARKING AND TO INSTALL A PYLON OR MONUMENT SIGN, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, "OPTION B", SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES TO EXECUTE A CONTRACT WITH THE URBAN LEAGUE OF GREATER CHATTANOOGA RELATIVE TO THE 2007 EARNED INCOME TAX CREDITS CAMPAIGN IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00)**  
was adopted.

AGREEMENT

Councilman Benson stated this Resolution was discussed in today's Legal and Legislative Committee meeting and approval is recommended. He stated it involves a project in cooperation with the Chamber of Commerce and Hamilton County.

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CHATTANOOGA ECONOMIC DEVELOPMENT RECRUITMENT AT ENTERPRISE SOUTH, WITH THE CITY'S COST NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00), PLUS AGREED UPON EXPENSES**  
was adopted.

## OVERTIME

Overtime for the week ending October 6, 2006 totaled \$12,249.26.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **JAMON M. BASS** – Promotion, Biologist, Engineering, Pay Grade 14/Step 3, \$33,920.00 annually, effective September 29, 2006.
- **JEROME HINES, WALTER D. YOUNG** – Promotion, Crew Worker, Sr., City Wide Services, Pay Grade 5/Step 3, \$21,739.00 annually, effective October 2, 2006.
- **KEVIN D. ODOM** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,000.00, effective October 2, 2006.
- **STANLEY L. NEALY** – Suspension (2 days without pay), Crew Worker, City Wide Services, effective October 2-3, 2006.
- **JERRY W. HAYES** – Family Medical Leave, Crew Worker, City Wide Services, September 27 – October 4, 2006.
- **CHARLES E. SANDERS** – Retirement, Crew Worker, City Wide Services, effective September 26, 2006.

### CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **AMANDA FORGEY** – Resignation, Teacher Assistant, Head Start, effective September 19, 2006.

### CHATTANOOGA POLICE DEPARTMENT:

- **LATOYA WILLIAMS** – Resignation, Police Service Technician, effective October 12, 2006.

**PERSONNEL (Continued)**

- **VANEICA HORTON** – Hire, Communications Officer, Pay Grade 11/Step 1, \$27,194.00 annually, effective October 2, 2006.

PERSONNEL DEPARTMENT:

- **LUCY YOUNG** – Suspension (5 days without pay), Personnel Assistant, effective October 10-16, 2006.

**PURCHASE**

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

**GAME TIME (Lower and better bid)**  
**R0092942/B0003509**

Playground Equipment

\$55,232.00

**BOARD APPOINTMENT**

On motion of Councilman Benson, seconded by Councilman Rico, the following board appointment was approved:

**HOSPITAL AUTHORITY BOARD:**

- Appointment of **JAMES A. WORTHINGTON, JR.** to fill the unexpired term of Lee Hilling for a term ending November 1, 2010. (Mr. Hilling’s term was due to expire on November 1, 2006).

**REFUNDS**

On motion of Councilwoman Robinson, seconded by Councilwoman Bennett, the Administrator of Finance was authorized to issue the following refunds of stormwater fees due to an error in the amount of acreage:

**REFUNDS (Continued)**

J. W. THOMAS ETAL                      \$ 1,055.43  
ABO ER RUBB KHALIL M. ETAL      \$20,438.35

**COMMITTEES**

Councilman Rico stated that the **Public Works Committee** is scheduled to meet on **Tuesday, October 17 at 4 p.m.**

Vice Chairman Page reminded Council members of the meeting of the **Economic Development Committee** scheduled for **Tuesday, October 17 at 3:45 p.m.**

**MAYOR'S COMMUNITY MEETING: DISTRICTS 1 AND 2**

Councilwoman Robinson reminded everyone of the Mayor's community meeting of Districts 1 and 2 scheduled for Thursday, October 19 at 5:30 p.m. at the Northside Presbyterian Church.

**ADJOURNMENT**

Vice Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, October 17, 2006 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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