

**City Council Building
Chattanooga, Tennessee
September 14, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, Murphy, and Scott present; Councilman McGary was absent due to personal commitment; Councilwoman Robinson was absent due to illness. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Chairman Rico gave invocation.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE

Councilwoman Scott stated she had a question in reference to the lot size; that if the requirements are 2400 square feet for the structure, would that not mean that the lot would at least have to be.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated the minimum requirement is 2500 square feet for the lot.

Councilwoman Scott inquired as to the structure stating when residential units are counted do we not have ... Mr. Haynes stated the only other requirement that refers to structure is the 25,000 square foot maximum footprint which is the only thing that applies to the structure.

AMEND ZONING ORDINANCE (Continued)

Councilwoman Scott asked how the units would be counted themselves, in other words she thought she remembered reading where it had a unit is “this many square feet” and, therefore, if it is twenty-four that would count as two units. Mr. Haynes responded “correct, for the residential”.

Councilwoman Scott asked if the lot size would not be minimally guided by the square footage of the structure on the lot.

Mr. Haynes stated he was getting confused without having the information in front him; that if the minimum lot size currently is 2500 square and then the structure themselves can be any configuration, they can be any square footage, but the one Councilwoman Scott is referring to indicates if there are 2400 square feet residential it can count as two units, noting he repeated what she said and is not sure exactly what she is asking.

Councilwoman Scott stated there could not be a lot that is 3 feet by three feet, Mr. Haynes responded “sure”, Councilwoman Scott stated we are saying no minimal lot size but it will be defined by the structure even if it were zero lot line. Mr. Haynes responded “yes”.

On motion of Councilman Benson, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, DIVISION 10, MXU – MIXED USE
ZONE, SECTION 38-133, AREA REQUIREMENTS, SUBSECTION (3)
REGARDING THE MINIMUM LOT SIZE IN THE MXU MIXED USE ZONE**

Passed first reading; **Councilman Gilbert voted “no”**.

REZONING

2010-069: Page Family Properties, Inc.

Pursuant to notice of public hearing, the request of Page Family Properties to rezone tracts of land located at 1500 and 1506 East 51st Street came on to be heard.

The applicant was not present; there was no opposition.

Chairman Rico stated the applicant has requested this matter be deferred until October 12.

REZONING (Continued)

On motion of Councilman Murphy, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1500 AND 1506 EAST 51ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
Was deferred until October 12, 2010 at the request of the applicant.

LIFT CONDITIONS

2010-099: Jerry Hagan

Pursuant to notice of public hearing the request of Jerry Hagan to lift conditions imposed in Ordinance No. 11313-3B (Case No. 2002-113) on tracts of land located at 7373 and 7385 Applegate Lane came on to be heard.

Councilman Benson stated seven-or-eight years ago this community worked together in concert to take this quaint village that is one way in and same way out. He stated a lot of conditions were listed as to how they would make this small street into a community of dual offices and residences and keep the Dutch style colonial. He stated it has been very successful and he wants to be very careful about removing any conditions; that it is his thought Mr. Hagan, the developer, is working his request through all the neighbors and is willing to wait four more weeks to get this finalized with the neighbors.

Jerry Hagan responded "correct".

On motion of Councilman Benson, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT THE CONDITIONS IMPOSED IN ORDINANCE NO. 11313-3B (CASE NO. 2002-113) ON TRACTS OF LAND LOCATED AT 7373 AND 7385 APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
Was deferred four weeks (October 12, 2010).

REZONING

2010-111: Joseph L. Parks

Pursuant to notice of public hearing, the request of Joseph L. Parks to rezone part of a tract of land located at 3904 Cummings Road came on to be heard.

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

Councilwoman Scott stated this development has been discussed with adjoining property owners of Cummings Cove and she has received no objections by phone or electronic mail.

On motion of Councilwoman Scott, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PART OF A TRACT OF LAND LOCATED AT 3904 CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO MXU MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS

Passed first reading.

PRELIMINARY AND FINAL PUD

2010-112: Joseph L. Parks for Obar Investments

The applicant was present; there was no opposition.

On motion of Councilwoman Scott, seconded by Councilwoman Ladd,
A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT, KNOWN AS BLACK CREEK PHASE 5B FORMERLY WOODLANDS PHASE 5, ON TRACTS OF LAND LOCATED AT 819 RIVER GORGE DRIVE AND 3904 CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

OVERTIME

Overtime for the week ending September 9, 2010 totaled \$48,223.63.

PERSONNEL

The following personnel matters were reported for the various departments:

NEIGHBORHOOD SERVICES:

- **MARCIA GREENE** – Retirement, Code Enforcement Inspector 1, effective August 31, 2010.

PARKS AND RECREATION:

- **ERIC SLEDGE** – Suspension (without pay until further notice), Crew Worker 1, effective August 27, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **TRAVIS BIRDETTE** – Resignation, Police Officer, effective September 8, 2010.
- **MARCIE KEITH** – Promotion, Administrative Support Assistant 2, Range 7, \$32,417.00 annually, effective September 10, 2010.
- **HARRISON SANTIAGO** – Promotion, Police Cadet, Range P1, \$34,118.00 annually, effective September 10, 2010.
- **ANTHONY J. ANDERSON, DAVID E. CAMPBELL, JEREMIAH P. COOK, MARK T. FRAZER, RYAN F. HARRIS, CHARLES D. HARVEY, PHILLIP JOHN, ADAM L. JOHNSON, JAMES D. KLEIN, COTTON T. KRUMRIE, LANCE E. LOCKHART, JORDAN N. MASSEY, PHILLIP E. MCCALL, JAMES R. OISTER, ALEX D. OLSON, KEVIN A. ORSBURN, ROBERT C. PANTER, RANDALL S. PAULSEN, KENNETH B. SCRIVEN, GEISON D. SILVEIRA, SCOTT R. SPRINGER, LATOY S. TATE-OLK** – Hire, Police Cadet, Range P1, \$34,118.00 annually, effective September 10, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **ALAN ST. CLAIR** – Resignation, Firefighter Senior, effective September 6, 2010.
- **RONNY MCMILLAN** – Military Leave, Fire Lieutenant, effective September 5 – December 14, 2010.

PURCHASES

On motion of Councilwoman Ladd, seconded by Councilwoman Berz, the following purchases were approved for use by the various departments:

PUBLIC WORKS DEPARTMENT:

THURMAN-BRYANT ELECTRIC (Overall lowest and best bid)
R32023/300530

Purchase of Blanket Contract for Electrical Supplies

\$30,000.00 Annual approximation

STANDARD EQUIPMENT COMPANY (Lower quote)
R32268

Purchase of one (1) Used Jetter Truck pursuant to City Code Sec. 2-552

\$71,000.00

REJECT ALL BIDS

On motion of Councilwoman Ladd, seconded by Councilwoman Berz, all bids on Vehicle Tag Decals for the Treasurer's Office on R32025 were duly rejected. Specifications for decals will be revised and re-advertised to promote more competition.

HEARING: MICHAEL DOUGLAS

City Attorney McMahan stated the hearing for Michael Douglas is scheduled for Monday, September 27 beginning at 4 p.m. and has been pending since March due to his ongoing criminal case. He stated a panel is needed for the hearing and Councilman Murphy has volunteered to serve as Chairman.

The panel for the hearing for Mr. Douglas will consist of Councilman Murphy as Chair along with Councilmen Benson and Ladd; Councilman Gilbert volunteered as Alternate.

COMMITTEES

Councilwoman Scott reminded Council members of the **Economic Development Committee meeting scheduled for Tuesday, September 21 following the agenda session** to discuss PILOTs for Wrigley and IBI.

JOHN MOON

John Moon, former employee of the Chattanooga Police Department, was present in support of his son-in-law, Stoney Burns, who was a Firefighter and was told if he resigned after he had taken a test for paramedics and passed it he could come back to work. He took the test, passed the physical and they still have not hired him back. He stated Mr. Burns has a report from the doctor and another statement he wants to distribute to the Council.

STONEY BURNS

Stoney Burns, a former employee with the Chattanooga Fire Department, distributed information and stated on July 13, 2009 he was asked to resign or be terminated because he failed to complete his EMT certification in the allotted time. He stated he resigned and passed the EMT certification and went back to try to get rehired had to re-take a physical; that he passed everything except the spirometry test and received a score of 69, noting that he was told he needed a score of 70 to come back. He stated they gave him two weeks and kept scoring 69; that he was told he was not physically fit to work for the Chattanooga Fire Department and the only way he could get back was to get approved through their physicians. He stated he went through the process to get approved through their physicians and has the doctor's release statement indicating everything was good -- his lungs and all and nothing is wrong. He stated he went back to try to get re-hired and was told he was not on a list to be re-hired and he did not understand about the list because it was not mentioned in previous conversations; that the only thing that was mentioned was if he got approved through their physicians he could return to work. He stated at this point he realizes they really did not intend for him to come back to work for the Chattanooga Fire Department and feels he has been wrongly terminated and discriminated against as he did everything they asked.

STONEY BURNS (Continued)

City Attorney McMahan stated in looking through the documents Mr. Burns supplied there may be some issues with the test or being reinstated; that he has not had an opportunity to discuss the matter with Chief Parker but it is obvious there are legal issues involved. He suggested the matter be put off for a week before it is discussed so he can have a conversation with the Chief about it.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, September 21, at 5:45 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSON SIN ATTENDANCE
IS FILED WITH MINUTE MATERIAL OF THIS DATE)**