

Municipal Building
Chattanooga, Tennessee
April 15, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Crockett, Hakeem, Hurley, Lively, Pierce, Rutherford, Swafford and Taylor present; Councilman Eaves was out of the city on business. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal were also present.

INVOCATION

Invocation was given by Councilman Swafford.

MINUTE APPROVAL

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

COUNCIL ELECTIONS: CHAIRMAN

Chairman Hakeem declared the "floor" open for nominations for Chairman of the Council. Councilman Crockett nominated Councilman Swafford; Councilman Lively seconded the nomination. Councilman Lively moved that the nominations be closed on the one said name; Councilwoman Rutherford seconded the motion.

By unanimous vote Councilman Swafford was elected Chairman of the Council.

PRESENTATION OF GAVEL

City Attorney Nelson presented Chairman Swafford with an engraved gavel for use in conducting the business of the Council. He stated this is a presentation the City Attorney's Office has made for several years to the Chairperson of the Council and before during the former City Commission.

Chairman Swafford stated it is an honor to be elected to serve in this position and will certainly cherish the gavel.

RECOGNITION OF MRS. SWAFFORD AND SONS

Chairman Swafford recognized the presence of his wife, Mrs. Sharon Swafford, and sons, Chris and Raun.

COUNCIL ELECTIONS: VICE CHAIRMAN

Chairman Swafford declared the "floor" open for nominations for Vice Chairman of the Council. Councilman Hakeem nominated Councilman Crockett; Councilman Lively seconded the nomination.

By unanimous vote Councilman Crockett was elected Vice Chairman of the Council.

(Councilman Pierce asked Vice Chairman Crockett to be lenient with the Council staff and not put too much of a burden on them; that he will support his nomination as Vice Chairman on those conditions.)

PROCLAMATION

City Attorney Nelson read a Proclamation expressing admiration, respect and appreciation to all individuals and the citizenry at large for the exemplary manner in which they conducted themselves during the tornado emergency. The Proclamation was signed by the Mayor and each member of the Council. (The document is filed with minute material of this date.)

WELCOME TO COUNCILMAN TAYLOR

Chairman Swafford expressed welcome to Councilman John R. Taylor who will be representing District 7 for the next four years on the Council.

WELCOME TO RANDY BURNS

Chairman Swafford expressed welcome to Randy Burns, the Council's new Management Analyst who began his tenure with the City on April 11, 1997.

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, SECTION 23-2, SO AS TO AMEND BOARD APPOINTMENT PROVISIONS FOR THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY

passed second reading. On motion of Councilman Lively, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

SPECIAL EXCEPTIONS PERMIT

1997-069: A & T, LLC

The applicant was present; considerable opposition was in attendance.

Councilman Lively made the motion to move Resolution 8(d) up on the agenda; Councilwoman Hurley seconded the motion; the motion passed.

John Anderson represented the applicant and requested that action be deferred for an additional thirty days; that there has been a redesign of the project that was not viewed at the Planning Commission meeting; that the units have been scaled back and the engineering has been changed. He stated the applicant would like to have the City Engineer and the Stormwater Division fully evaluate the changes.

Councilwoman Hurley stated since there are a number of people in the audience it has been the Council's custom to let those people speak and then make a decision to defer.

Councilman Crockett stated if there are new developments from the other side it would be appropriate to discuss them now since there are so many people.

Mr. Anderson stated this project involves a tract of 20 acres and is located off Crestview Drive; that the applicant is present today requesting a special exceptions permit.

Barry Bennett briefed the Council on this request, stating the special exceptions permit is for an R-1 PUD for 63 units; that the size of the tract is approximately 20 acres. He stated in looking at the zoning map the entire R-1 property is highlighted in yellow, with orange coloring representing R-2 for duplex, as well as single family housing; that the land use is predominantly standard single family residential. He stated the applicant did submit a number of plans with eighteen slides showing how the development was originally proposed for the site; that they are proposing to make significant changes. He stated both the Staff and Planning Commission recommend against this plan; that the Traffic Engineer had some concern about the steepness of the property and access. He stated there are a couple of primary roads leading to the site that have gone through an abandonment process or are in that process now that will be coming before the Council within the next two-to-three weeks after engineering completes their review. He stated he has not seen the new plans and does not know where the new access will be; that the other concern is the density and number of units.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

Mr. Anderson highlighted some of the changes to the project, stating it has been indicated they were proposing 63 units; that the project now calls for 30 units; that the proposal matches the density which can be achieved on this property without any action at all by this body. He stated thirty-to-thirty-five units can be built on this 20 acre tract without a special permit. He stated the reason the applicant is requesting a special permit is so that the units can be built on the north end of the property off Onyx Drive. He stated with the exception of the lot size the engineering aspect of this development complies with the subdivision requirements for the City; that the reason the PUD is being requested is the lot size is far less than what is being proposed. He stated several of those in opposition were concerned about stormwater runoff; that with only the north end being developed this does address the concerns about stormwater runoff. At this point Mr. Anderson distributed copies of a communication from Peter Yakimowich of Comquest outlining the improvements to the project which include: the development will be limited to the northern half of the parcel; road slopes will be limited to a 10% maximum; site access will be via Onyx Drive; the number of lots has been reduced to thirty; approximately nine of the nineteen acres will be left in an undisturbed state; a careful plan of runoff and erosion control is planned; and there will be storm water management and erosion controls. He stated he wanted to share the letter from the engineering standpoint as to it being said the roads were unsafe; that they do not think that. At this point he introduced John Jones of A & T.

John Jones stated A & T ran into some opposition with the request as it was originally written; that they have scaled back the design considerably. He stated a few of the issues presented at the earlier meeting were increased traffic, site abandonment, stormwater runoff, increase in crime and fear. He stated this project will create new jobs and will provide more taxes; that he is aware of the residents' concerns and have modified the proposal to address them; that he did not get the revised plans to the Planning Staff before tonight's meeting because he did not get a reading from the stormwater people before today. He stated Traffic Engineering did like the redesign of the road; that they have done a lot of things to make the community accept what he would like to bring in. He stated the entrance has been moved to a location recommended by Fred Brunker; that they have cut the density by more than half. He stated the community stated they would accept thirty or less units; that they are not putting in rental units and thinks the project will enhance the area. He stated an unfair statement made by Planning made reference to the safety of this development; that they would not bring anything in Chattanooga that would hurt the community.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

Councilman Hakeem stated in the request being made, the changes reflect that the majority of the homes will be on the north end, and asked if that is why this action is being requested.

Mr. Anderson responded they can put thirty-to-thirty-five units throughout the twenty acres; that they are asking to be able to concentrate them at the north end to do some good things from a development standpoint. He stated this will allow for better stormwater runoff and allows a very large portion of the land to remain in an undeveloped state.

Councilman Hakeem asked if they would be coming back next year to get the undeveloped section rezoned. Mr. Jones stated those nine acres are not usable for future development.

Walter Andrews of 5451 Crestview Drive stated it is difficult for him to address something he has not seen; that the stormwater issue was not the main concern that came before the Planning Commission when they presented their case. He asked those in opposition to stand and presented a petition signed by 230 residents. He stated a letter was written to the Council outlining the concerns they had; that Mr. Jones has been gracious in meeting with them and told them what he had planned; that he heard their concerns but did not address them; that Mr. Anderson was not present at the meeting. He stated they realize there has to be some tree removal and excavation, but the PUD presented at the Planning Commission showed massive grading with all the trees being removed. He distributed pictorial information and made reference to them several times during his presentation. He stated topography is really the key issue; that drainage runs down through Kimbro and Allen Streets and with all the massive grading they will have to remove a lot of trees; that some of the residents enjoy looking at the birds in the trees.

Mr. Andrews made reference to a detention pond that would take care of some of the stormwater runoff in the area. He stated another concern involved the initial design as they would have to have sewer pumps; that safety was a concern; that at the intersection of Crestview Drive there is a 120 foot slope with several driveways backing into it and ingress and egress is a concern. He stated last year the traffic count showed 8,400 cars in a 24 hour period; that this year the traffic count is up to 9,730 within a 24 hour period. He stated devaluation of property is another concern, as well as density as they are trying to put in twice the number of units. He stated they are concerned about abandonment of the project as they have experienced this in the past.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

Mr. Andrews stated they have concluded this project is for the betterment of the community; that he is not present to deprive Messrs. Jones and Anderson in the development of the property, but would like to see a more acceptable and desirable project. He requested that the Council deny the request.

Chairman Swafford asked for clarification as to whether Mr. Andrews has seen the new drawing. Mr. Andrews stated he has not; that he did not know there was a redesign. He stated they received the last set of drawings on February 16.

Mr. Anderson addressed some of the concerns outlined by Mr. Andrews. He stated they are going from 63 lots to 30; that the bulk of what Mr. Andrews said was not applicable. He stated reference was made to a 1993 rezoning with regard to stormwater runoff and drainage problems; that it was found the correction was done by the city of Chattanooga and was not done by the prior property owner. He stated reference was also made regarding a 1972 ordinance and the language contained therein; that we are talking about new technology, now; that the stormwater office was not in existence in 1972; that new technology put in the design. He stated mention was made with regard to the developers abandoning the project; that this certainly is a concern but nothing a zoning request should be predicated upon. He reiterated the request to defer action on this matter so that agencies of the City can have an opportunity to review the change in design and so that those in opposition will have an opportunity to view the redesign.

Councilman Hakeem stated in regard to the north end of the property, it is his understanding there are no sewer pumps; that the drawing showed there will be a need for a sewer pump. Mr. Anderson stated that drawing was from February 16; that in the drawing as submitted there are new pumps that would be put on the property and clarified there will be sewer pumps on the property.

Councilman Hakeem stated in regard to the detention pond, is that something that will be taken over by the residents. Mr. Anderson stated whenever there is a detention pond, the residents' association has the responsibility for maintaining it; that the detention pond is a tool for management of the stormwater runoff.

Councilman Hakeem stated the potential or possibility of leaving the property after starting, is there any type of bonding that takes place before ending the project or something that is feasible. Mr. Bennett stated there is no real control.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

Councilman Hakeem stated whenever we work to have a working relation with neighbors in a community we try to win friends and influence people; that things like looking at the birds might be small things, but they are important to people; that everyone doesn't know how to deal with detention ponds.

Councilman Lively stated he is familiar with this property as it dates back to a previous applicant; that he shares the same concern as the members of the Planning Commission and his recommendation is to deny the request.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A FINAL PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED IN THE 400 BLOCK OF GADD ROAD, BEING ON THE NORTHEAST LINE OF GADD ROAD NORTHWEST OF CRESTVIEW DRIVE

was denied.

REMOVE CONDITIONS

1997-023: Roger H. & JoAnn Coe

Pursuant to notice of public hearing, the request of Roger H. and JoAnn Coe came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this property was zoned R-4 in 1993; that at that time there was a condition placed on the property that it would be used for a real estate office only and the concern was the transition area between the commercial area and the residential development. He stated since that time the applicant is no longer in real estate and wants to use it for a small office and is asking that the original condition be amended. He stated the Staff and Planning Commission recommend approval subject to conditions which include a sight obscuring wooden fence.

JoAnn Coe, applicant, stated she and her husband own this property and distributed photographs of the property in question. She made reference to the three-story Hamilton Inn which has no fencing that is located across the street; and no fencing on any of the properties located next to and surrounding the property.

REMOVE CONDITIONS (Cont'd.)

Mrs. Coe stated the people in the house want to use it as a home for the elderly; that their desire is that the existing chain link fence be left in place as opposed to the wooden fence being suggested so that the residents would not have the feeling of being jailed. She stated these people are physically functional but need assistance with meals, medication and the like. She stated the backyard would be very beautiful if left in the condition it is in; that the neighbors surrounding this property have no problem with this.

Councilwoman Hurley stated it is the fence Mrs. Coe objects to. Mrs. Coe stated they are wanting an open R-4. Mr. Bennett stated the privacy fence is pretty common and basic screening between residential housing and commercial or office-type use; that they have no problem with substituting greenery and landscaping between the property. He stated their primary concern is to protect the residential integrity of the adjoining property.

Councilwoman Hurley asked the applicant if she is willing to put in shrubbery or some type of sight obscuring plants. Mrs. Coe responded "yes." Mr. Bennett stated this is a transition area and this use would be appropriate; that an open R-4 permits veterinary clinics, hospitals, half-way houses and others. Councilwoman Hurley asked if the requested use would comply with R-4. Mr. Bennett stated he has not heard anything that would not fit into this with conditions.

Councilwoman Hurley stated that he hopes the applicant will accept the conditions that will permit her to do what she wants to do; that the use for what she is intending will be permitted under the conditions. She stated there will still be conditions that will limit R-4 for the purpose she will be using it.

City Attorney Nelson amended the ordinance to reflect "installation of site-obscuring landscaping or shrubbery abutting R-1 properties."

Mrs. Coe asked for clarification as to whether this will allow for the elderly home. Councilwoman Hurley responded "yes."

On motion of Councilwoman Hurley seconded by Councilman Crockett,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REMOVE
CONDITIONS FROM ORDINANCE NOS. 9871 AND 9844 ON A TRACT
OF LAND LOCATED AT 1915 HAMILL ROAD, BEING ON THE
NORTHWEST LINE OF HAMILL ROAD NORTHEAST OF DUPONT
STREET, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1997-048: Janice E. Torbett

Pursuant to notice of public hearing the request of Janice E. Torbett came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this rezoning request is for the applicant to be able to have a sign for an existing day care center; that the surrounding zoning includes R-3, R-1, and C-2 ; that most of the development surrounding the site is commercial, some vacant property and residential. He stated both the Staff and Planning commission recommend approval of the change; that the R-4 being requested is a much more intense zone as R-4 does allow multi-family, as well as office uses and medical clinics. He stated the existing day care is permitted in R-3 but does not permit a sign for advertising.

Councilman Crockett asked the applicant if this is all she wants to do as this is in his district. Ms. Torbett responded that she just wants a sign; that the builder did not tell her she could not have a sign; that she needs a sign for advertising.

Councilman Crockett inquired as to the conditions for this request. Mr. Bennett stated the ordinance has been written without conditions. Councilman Crockett asked the applicant if she would object to keeping the property as a day care only. The applicant responded she would not object to that.

Councilman Hakeem asked if the recommendation for approval comes from both the Planning Commission and the Staff. Mr. Bennett responded "yes." Councilman Hakeem asked if the recommendation for approval would have limits as far as use. Mr. Bennett responded "no." At this point, Councilman Crockett withdrew his request regarding the condition that the property be used only as a day care.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3922 WEBB ROAD, BEING ON THE SOUTHEAST LINE OF WEBB ROAD SOUTHWEST OF OAKWOOD RIVE, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE passed first reading.

REZONING

1997-054: Ernie Simpson

Pursuant to notice of public hearing the request of Ernie Simpson came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request is for C-2 for a florist; that the zoning to the north is pretty much residential with the site being abutted by R-2 on the east and R-1 to the north; that the entire block to the south is C-2. He stated the Staff recommends against the change as they were looking at Cross Street as being a reasonable stopping point for the expansion of commercial into the area. He stated the Staff was looking at this as having the same impact as a spot zone; that once this is rezoned it will be difficult to turn down additional requests along Cross Street or further north and going into the neighborhood one lot at a time is not something they can recommend. He stated the Planning Board did recommend approval and there was no opposition at the Planning hearing.

Councilman Taylor inquired as to the number of homes across the street. Mr. Bennett stated on the east there are three residential lots facing Mountain Creek Road, about six lots going further down Mountain Creek Road, and one residential lot behind the property to the north.

Councilman Hakeem asked if this has been before the Council previously. Mr. Bennett stated there was a request for property on the corner lot. Councilman Hakeem inquired as to whether that request was for a florist, also. Mr. Bennett responded that he thought that was the previous applicant's desire.

Ernie Simpson stated he had a florist across the street; that the house he is trying to get belongs to a member of his church so that he can put a florist there.

Councilman Lively asked if the applicant would have any problem with the property being limited to a florist only. Mr. Simpson responded that a florist is what it will be. Councilman Lively made the initial motion to approve the C-2 request, however, the motion failed for lack of a second.

Councilman Pierce inquired as to whether zoning can be limited to a C-2 for a florist; that whether we rezone or not he cannot see restricting for a specific use within a zone.

REZONING

City Attorney Nelson stated one thing that needs to be taken into consideration in limiting to one use is what happens to the property after it is no longer to be used for that purpose.

Councilman Pierce asked if a specific use can be placed upon a piece of property without rezoning; that he can see that rather than zoning and telling someone how they can use their property. City Attorney Nelson responded "no."

Councilwoman Rutherford asked Mr. Bennett to explain the uses under C-5. Mr. Bennett clarified that C-5 is neighborhood commercial and read from a long list of uses that are accommodated within the zone. He stated the C-5 is a more restrictive zone that would permit a florist.

At this point Councilman Taylor made the motion to approve the request with a C-5 zone to facilitate a florist; Councilman Hakeem seconded the motion.

Councilwoman Rutherford inquired as to whether the florist can go within the C-5 zone. Mr. Bennett explained the C-5 zone and stated this would be pretty much like what is presently in Riverview.

Chairman Swafford asked for clarification of the C-5 zone for this request. City Attorney Nelson read the list of C-5 uses.

On motion of Councilman Taylor, 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 113 CROSS STREET, BEING ON THE NORTHEAST LINE OF CROSS STREET NORTHWEST OF MOUNTAIN CREEK ROAD, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

passed first reading; **Councilmen Crockett and Rutherford voted "no."**

REZONING

1997-059: Richard Davidson

Pursuant to notice of public hearing the request of Richard Davidson came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Mr. Bennett stated this request is for an office building on two-and-a-half acres; that the surrounding zoning includes R-1, R-3 and C-2; that the land use on the north side is entirely single family residential with a lot of vacant property to the north which is in the flood plain. He stated the staff recommended against the zoning because of the predominance of single family residential development; that there is considerable traffic along this section and also sight disturbances. He stated Shallowford Road has been cited as the stopping point for expansion of nonresidential uses, with commercial high density on the site. He stated the Planning Commission recommends approval of the O-1 with a revised legal description; that the ordinance as written reflects the amended version.

Jean Anglin was present representing the applicant as Mr. Davidson could not present. She stated there are two women of retirement age who live in the two standard houses; that they cannot make a change and buy another home until the property is sold. She stated they do have a buyer and feel we have come to an agreement with the next door neighbor who has seen the plan and has approved it. She stated the trees will be left between the office building and the neighbor's property; that this will be an improvement for him as well as that corner; that Shallowford Commons is across the street; that commercial and office buildings are all around this area. She stated this will be a nice office building that will not add a great deal of traffic.

Clifford Stovall stated he lives next door and does agree with the plan; that the people involved in this have been very helpful. He stated some have said commercial will "creep on up;" that he will be coming back if it does "creep." He stated he really wants to help those who want to move out of their houses and is very much in favor of the plan.

Councilman Hakeem stated there was mention of two senior citizens and inquired as to whether they are present. Indication was given that the ladies were present. He inquired of the ladies as to whether they were the ones negotiated with or a family member. Ms. Anglin stated the entire families were involved.

Councilman Hakeem inquired as to whether the ladies are comfortable with the negotiations; that he does not want to see them sell their homes for a meager amount (such as \$1,000) and is not asking for a figure. Response from the ladies indicated they are comfortable with the negotiations. Ms. Anglin stated they are very comfortable; that they have made plans to buy a home.

REZONING (Cont'd.)

Councilman Crockett inquired about the landscaping buffer. Ms. Anglin stated there are some trees there; that the plan is to leave the trees; that there will be a buffer which is in the ordinance.

Councilman Taylor asked for verification as to whether the remaining neighbor agrees with the revised plan. Mr. Stovall responded "yes."

Councilman Lively inquired as to whether this ordinance is the revised version. City Attorney Nelson read the ordinance and stated what Planning has forwarded is their recommendation; that Section II of the ordinance makes reference to the conditions and that is what has been agreed to.

A representative for the potential buyer asked to view the ordinance to make sure what has been discussed previously is what is being approved. After perusing the document, it was determined the ordinance reflects what was agreed upon.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7210 NOAH REID ROAD, BEING ON THE SOUTHEAST LINE OF NOAH REID ROAD AT SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading; **Councilman Pierce abstained.**

REZONING

1997-061: Michael Johnson

Pursuant to notice of public hearing the request of Michael Johnson came on to be heard.

The applicant was present; there was no opposition.

Councilman Crockett stated he meant to look at this firsthand and knows where it is. He stated he would like the opportunity to look at it and will be glad to get with the applicant.

REZONING (Cont'd.)

On motion of Councilman Crockett, 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 5870 HIGHWAY 153, BEING ON THE SOUTHEAST LINE OF HIGHWAY 153 NORTHEAST OF GRUBB ROAD, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was tabled one week.

REZONING

1997-066: HCA Realty, Inc.

Pursuant to notice of public hearing the request of HCA Realty, Inc. came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett explained that the request is for C-2 for an automobile fast lube; that the property was rezoned in 1994 for office use and both Planning and Staff did recommend approval at that time for O-1 subject to conditions. He stated there was some hesitation in that recommendation because of the depth of the extension into the residential area, but they looked at O-1 as a transition zone between the residential and commercial properties. He stated both Planning and Staff strongly recommended against the C-2 and the proposed use as being intrusion into the residential area. He stated there was opposition at the Planning hearing; that there is always some misunderstanding as to when this would come before the Council; that there are a lot of people living in this area who are elderly and had trouble hearing what was being said.

Harry Cash spoke on behalf of HCA Realty and stated this is a unique use of the proposed zone; that the property was rezoned in 1994 to O-1. He stated there was not a great deal of discussion about this because this building had been a doctor's office more than 40 years ago and continued to be a doctor's office until 1995 or 1996 when the office was closed. He stated this property faces Brainerd Road; that HCA has a prospective buyer which will create six-to-ten new jobs. He stated one lady at the Planning Commission was concerned it might increase traffic; that he does not believe it will from the traffic coming in when it was a doctor's building. He stated traffic that will come in is going to come from Brainerd Road; that most traffic will not go back south. He stated HCA is willing to put some type of landscape buffer in to separate this property from the residential property to the south.

REZONING (Cont'd.)

Councilman Hakeem stated there was opposition at the Planning Commission meeting and they were senior citizens. He stated the general feeling was it would be encroaching into the residential area with more of a commercial development. He stated it is more than just turning a corner to get to the location; that he has great concern about it.

Councilwoman Rutherford stated Mr. Bennett was correct that there was opposition at the Planning hearing who were elderly and may not hear well but are certainly vocal. At this point she made the motion to deny the request.

On motion of Councilwoman Rutherford, 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 5502 BRAINERD ROAD, BEING OFF THE SOUTHWEST LINE OF BRAINERD ROAD AT THE INTERSECTION OF SPRING CREEK ROAD AND VISTON AVENUE, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE **was denied.**

REZONING

1997-068: BBD Holdings, LLC

Pursuant to notice of public hearing the request of BBD Holdings, LLC came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this is the only parcel remaining in this area that is not zoned O-1 and both Planning and Staff recommend approval.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7407 ZIEGLER ROAD, BEING ON THE NORTHEAST LINE OF ZIEGLER ROAD SOUTHEAST OF GUNBARREL ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1997-070: Armstrong Realty Corporation

Pursuant to notice of public hearing the request of Armstrong Realty Corporation came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated M-3 is the requested zone for mini-warehouses or an office and warehouse; that the surrounding zoning includes C-2 and R-3; that other zoning includes M-2 and R-2. He stated land use in this area is primarily single family residential with some duplex development; that the C-2 in the area is the new Boys' Club. He stated this request had been turned down several years ago and there was opposition at that time as this is an older established neighborhood. He stated the Staff drove through the area and found many people are making a concerted effort to maintain the residential quality of their homes; that the Staff's concern is finding a reasonable stopping point of nonresidential expansion into the neighborhood which would not cause blight or deterioration. He stated if this boundary line is expanded it will be legally difficult to turn down other requests and the Staff recommends against the request for that reason; that the Planning Board did recommend approval.

Atty. Bill Shull representing Armstrong Realty stated when the matter was rezoned several years ago in 1993 there was no opposition; that the rezoning was granted in part and changed to R-2 from R-1 and there have been substantial changes since then. He stated the rezoning in 1993 was to M-3 and the area is very much developed along those lines; that there are only two houses on the lot and one is empty and the other cannot be rented. He stated the owner of the house is in favor of the application; that other properties in the area are all vacant; that the proposed use will provide jobs in the area. He stated the proposed use will not intensify the existing traffic problems and will have no substantial effect on traffic. He stated there are only two houses in the area between this and the freeway and the owners would like to have the property rezoned. He stated this is really not intruding into a residential area; that they have talked to neighbors on the other side who would like to have a development here. He stated the development will be well built so that no one can go to the back of the property; that the development will increase the tax base. He stated they have complied with all the restrictions and have done everything they can to comply with stormwater runoff; that there is a small flooding problem on Second Street. He stated they will put in a sidewalk, curb and gutters and will improve the appearance of the area.

REZONING (Cont'd.)

Councilman Pierce stated in regard to the Staff's recommendation, he would like to ask that the matter be tabled to allow another opportunity to go back and look at the property and talk with residents in the neighborhood.

Atty. Shull stated there was no opposition when this was brought up a couple years ago; that the people in this area are not making an effort. Mr. Bennett stated he could not remember about the opposition.

Councilman Hakeem stated he is hearing one thing from Mr. Bennett and another from Atty. Shull.

Councilman Taylor stated he is hearing two different things; that he looked at the site today and spoke with some of the residents. He stated there was a concern that they knew nothing about this; that this is a good residential area for residential development.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2102 AND 2106 EAST 25TH STREET PLACE, BEING ON THE SOUTHWEST LINE OF EAST 25TH STREET PLACE, NORTHWEST OF 4TH AVENUE, FROM R-2 RESIDENTIAL ZONE AND O-1 OFFICE ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE

was tabled one week.

REZONING

1997-072: Joe V. Williams, III

Pursuant to notice of public hearing the request of Joe V. Williams, III came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Hurley stated she is familiar with this request.

Doug Gibson was present representing the applicant and made reference to the parking problems in the area. Councilwoman Hurley indicated the Council cannot relieve the the parking situation; that C-3 is consistent for this area. She asked if the applicant understood the conditions. Mr. Gibson responded "yes."

REZONING (Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman Crockett, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 224 FRAZIER AVENUE, BEING ON THE SOUTHWEST LINE OF FRAZIER AVENUE, SOUTHEAST OF THE WALNUT STREET BRIDGE, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND ZONING ORDINANCE

Mr. Bennett stated this ordinance amends the language of the zoning ordinance; that these are two zones that allow zero lot line houses or patio homes. He stated the problem, which began recently, is that when the building inspector approves the footings that can be on the property line it was realized there was nothing taken into consideration for any roof or overhang that might extend over into an adjoining property or yard. He stated this amendment will provide for a remedy of that situation.

On motion of Councilman Crockett, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND THE RZ-1 ZERO LOT LINE RESIDENTIAL ZONE AND THE R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, RELATIVE TO SETBACK REQUIREMENTS passed first reading.

INVITATION TO NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION INVITING THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL TO CHATTANOOGA AS THE LOCATION FOR ITS NEXT (AND/OR A FUTURE) MEETING OF SAID COUNCIL was adopted.

DOUBLE TIME PAY

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO PAY DOUBLE TIME PAY TO CERTAIN EMPLOYEES WHO WORKED DURING MARCH 29, 1997, THROUGH MARCH 31, 1997, DUE TO TORNADO CONDITIONS, AND AUTHORIZING AN EXTRA DAY'S COMPENSATION FOR CERTAIN SUPERVISORS FOR EACH EXTRA DAY'S WORK

was adopted.

JOINT APPLICATION WITH HAMILTON COUNTY (COOLIDGE PARK)

Chairman Swafford indicated this resolution was removed from the agenda pursuant to previous discussion in Committee.

SPECIAL EXCEPTIONS PERMIT

1997-077: Monty Reeves

The applicant was present; there was no opposition.

Mr. Bennett stated this request flagged the problem with the ordinance amendment discussed previously with regard to RZ-1 and R-T/Z zones; that the controls for this project will still be the same. He stated both the Staff and Planning Commission recommend approval.

On motion of Councilman Crockett, seconded by Councilman Lively,

A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A FINAL PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED AT 7427 MIN-TOM DRIVE, BEING ON THE NORTHEAST LINE OF MIN-TOM DRIVE SOUTHEAST OF GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO A CONDITION

was adopted.

SPECIAL EXCEPTIONS PERMIT

1996-170: Old Stage Run

The applicant was present; opposition was in attendance.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

Mr. Bennett stated this is one of the first open space projects we dealt with; that we are at the point now for a final plan. He stated he understands there is one additional concern area residents have; that early on in the discussion there was concern regarding landscaping around the perimeter; that the last rendering did not indicate that. He stated the rendering has been amended and the developer has agreed to perimeter landscaping.

Gary Thomas was present representing Old Stage Run and distributed maps and information regarding the site.

Atty. Ron Wells, a resident of Preston Station Drive, stated it was understood there would be a fifteen foot buffer zone between their subdivision and this new development and there would be a landscaped partition consisting of trees. He stated they want to make certain that is a condition or part of this plan submitted for final approval; that it is unclear regarding lots 16 through 21; and on lots 1-7 there is a question about whether that condition (buffer) will also apply.

Mr. Thomas stated that entire section involves a section of woods which will remain; that the lots are not in the buffer. He stated it is in the property itself that has a buffer.

Councilman Hakeem asked if there is a fifteen foot buffer between lots 1-7 and 16-21. Mr. Thomas responded "yes;" that it is common space, not a buffer.

Councilman Hakeem asked if that is part of the conditions of the developer. Mr. Thomas stated the conditions put on asked for a tree buffer on or about fifteen feet and that is what he has agreed to.

Mr. Wells stated it is the residents' understanding there would be a 15 foot buffer and a 25 rear setback, and asked if that is correct. Mr. Thomas responded, "no," that is not correct.

Mr. Bennett stated the buffer represents a specific distance that would not be used for any building purposes; that the area for a 15 foot buffer and a 25 foot set back requires landscaping and screening which is provided within those areas; that they did not feel there was any additional distance buffer necessary as well as landscaping and screening; that it would be sufficient without adding any additional distance requirement. He stated the visual impact is somewhat different from the adjoining subdivisions.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

Mr. Thomas stated the only "sticking point" seems to be the 15 foot buffer zone; that there are existing trees and not all are in this 15 foot zone. He stated they want to use the trees in the first 25 feet and fill in between the trees rather than remove the trees and put them back as they are trying to save as many trees as they can; that some are 100 years old.

Chairman Swafford asked if the developer and residents have had an opportunity to get together and talk about this. Mr. Wells responded "yes;" that their last meeting was on July 11.

Councilman Crockett asked if they have met since that time. Mr. Wells responded "no;" that they have not met since then; that they have obtained information but have not had a meeting.

Councilman Crockett stated he wants to settle this and will not defer it one more time.

Mark Burgen, a homeowner in Preston Station, stated regarding lots 1-7 the developer said those lots are solid woods; that the woods actually end on lot 5 and the trees are sparse. He stated they just want consistency from the front to the back and are not asking that the matter be deferred.

Councilman Hakeem asked if the 15 foot buffer we are talking about is within the 25 foot setback. Mr. Thomas stated lots 6-7 is in excess of 35 feet from the boundary line, not 25 feet.

Councilman Crockett inquired as to where the wooded area is, now. Mr. Burger stated the wooded area ends at lot 5 where the dense wooded area is; that they are just asking for some sort of buffer there, also. He stated there is a very large berm in that area, reiterating they are just asking for lots 6-7 to have a continuance of trees.

Councilman Lively stated Lots 5, 6, and 7 are not "on the line." Mr. Thomas stated there are trees there; that he does not know where lots six and seven are as they are staked out. He stated he cannot commit to trees when he does not know where the lots are.

AT THIS POINT A FIVE MINUTE RECESS WAS DECLARED SO THAT THE DEVELOPER, THE RESIDENTS AND MR. BENNETT COULD AGREE UPON AN AMENDMENT.

Upon returning from the break Councilman Crockett offered an amendment.

SPECIAL EXCEPTIONS PERMIT
(Cont'd.)

City Attorney stated there were three conditions and a fourth conditions has been added which says, "Sight obscuring trees shall be planted behind lots 6 and 7 to protect the sight lines from the Preston Station subdivision."

Councilman Crockett asked if there is any way to guarantee lots 1-4. Mr. Thomas stated they have a berm and there are no houses in that area; that he wants to protect his development from them, not them from his! He stated he will do all he can because his houses will be of more value than theirs.

Councilman Crockett stated there is some vegetation there and asked Mr. Thomas if he would agree to put vegetation on the back of the lots. Mr. Thomas responded "yes."

Councilman Crockett stated the neighborhood and developer has worked hard; that all have learned some good lessons out of it.

City Attorney Nelson added Condition 5: "Present vegetation and trees on the rear 10' of the lots on the Preston Station side shall be maintained to the maximum extent possible."

Mr. Thomas made reference to the portion of the condition that makes mention of "ten feet into the property" and stated he could not build on it, anyway. He stated ten feet plus the fifteen behind it is 25 feet in essence.

Councilman Crockett made the motion to approve the permit with conditions.

On motion of Councilman Crockett, seconded by Councilwoman Hurley, A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A FINAL PLANNED UNIT DEVELOPMENT KNOWN AS OLD STAGE RUN ON TRACTS OF LAND LOCATED IN THE 5200 AND 5300 BLOCKS OF CASSANDRA SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO, AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS was adopted.

LEASE AGREEMENT: LOOKOUT MOUNTAIN
CAVERNS, INC.

Admin. Traughber stated approximately a year ago the City leased a piece of property to Cellular I for a tower; that in the process of reviewing the documents and after conducting surveys this property Osborne was under the impression it was their property. He stated the billboard sign had been there and the City is entering into an arrangement with Lookout Mountain Caverns. He stated we have reviewed this with the City Attorney and are asking for an agreement of \$1,800 per year or 15% of the annual gross.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF GENERAL SERVICES TO ENTER INTO A BILLBOARD LEASE AGREEMENT WITH LOOKOUT MOUNTAIN CAVERNS, INC., RELATIVE TO PLACEMENT OF BILLBOARD ADVERTISEMENT LOCATED ADJACENT TO I-75, AT THE 9.1 MILE MARKER, BETWEEN THE EASTGATE SHOPPING CENTER AND THE CHICKAMAUGA CREEK was adopted.

AGREEMENT: CONSOLIDATED
TECHNOLOGIES, INC.

On motion of Councilwoman Hurley, seconded by councilman Crockett, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR ENGINEERING SERVICES TO UPDATE THE COMBINED SEWER OVERFLOW PLAN FOR THE TREMONT STREET AREA, FOR AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) was adopted.

REFUND

On motion of Councilman Crockett, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO REFUND THE SUMS OF NINE HUNDRED FIVE AND 67/100 DOLLARS (\$905.67) AND NINE HUNDRED SEVENTY-SIX AND 17/100 DOLLARS (\$976.17) TO NORFOLK SOUTHERN CORPORATION, BEING THE AMOUNTS MISTAKENLY PAID BY IT AS PRORATED TAXES ON PROPERTY SOLD BY IT TO THE CITY OF CHATTANOOGA IN JANUARY, 1995, AND WHICH NORFOLK SOUTHERN CORPORATION NO LONGER OWNS was adopted.

CONTRACT

Mayor Kinsey stated he was looking forward to working with each member of the Council over the next four years. He stated he appointed a Citizens Task Force today to really take charge in selecting the new Police Chief and is fortunate all have agreed to serve. He stated they are going to need a professional search firm and will be doing a national search that will take several months; that they will end up with two-to-four candidates. He stated he wants to make sure the candidates will interact with the total members of the Committee to get the very best person possible.

Councilman Hakeem stated for the record he would like to know if local people would be able to apply.

Mayor Kinsey responded, "yes, absolutely;" that he met with the top management yesterday to let them know about this process because he did not want them to read about it in the newspaper. He stated he encouraged all interested to be sure to apply to give everyone locally a "fair shot."

On motion of Councilwoman Rutherford, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH A FIRM YET TO BE CHOSEN TO CONDUCT A SEARCH FOR A NEW CHIEF OF POLICE AT A COST NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00) was adopted.

OVERTIME

Overtime for the weeks ending April 4, 1997 (\$56,025.08) and April 11, 1997 (\$116,610.10) totaled \$172,635.18.

PERSONNEL

The following personnel matters were reported for the Human Services Department:

GWENDOLYN BOWLES -- Resignation, Family Service Supervisor, Head Start, effective April 9, 1997.

DEBORAH MADDOX -- Termination, Clerk III, Head Start, effective March 21, 1997.

SHIRLEY FAIRBANKS -- Family Medical Leave, Service Delivery Worker II, CSBG Division, effective March 13, 1997.

PURCHASES

On motion of Councilman Crockett, seconded by Councilman Lively, the following purchases were approved for use by the Parks and Recreation Department:

RAMSEY TRUCKING, INC. (Lower and better bid)
Requisition No. 135159

Purchase of One Year Requirements Contract for White Ballfield Sand
\$15.30/ton

FERRELLGAS (Lower and better bid)
Requisition NO. 135148

Purchase of Twelve Months Requirements Contract for Propane Gas
\$0.769/gal.

YERBEY CONCRETE CONSTRUCTION, INC. (Formally BHY Concrete Finishing,
Inc. (Lower and better bid)
Requisition No. 138228

Purchase of Concrete Work
\$21,635.00

PURCHASE

The following purchase was approved for use by the General Services Department:

VARNELL NURSERY (Lower and better bid)
Requisition No. 137519

Purchase of Landscape Planting
\$20,425.00

PERSONNEL

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

RODERICK A. SIMS -- Employment, Concrete Worker, City-wide Services, Pay Grade 6/Step 1, \$16,865.00 annually, effective April 16, 1997.

ANTONIO L. TERRY -- Reinstatement, Truck Driver II, City-wide Services, Pay Grade 5/Step 6, \$18,309.00 annually, effective April 9, 1997.

BRAD S. PRYOR -- Employment, Equipment Operator II, City-wide Services, Pay Grade 8/Step 3, \$20,322.00 annually, effective April 2, 1997.

DALLAS Y. RUCKER -- Employment, Building Inspector I, Codes and Inspection, Pay Grade 11/Step 5, \$26,236.00 annually, effective April 14, 1997.

ELLA COLLUM -- Resignation, Information Technician, Engineering, effective April 30, 1997.

VALORIE H. OSBORNE -- Family Medical Leave, Public Relations/Education, Engineering (Stormwater), effective April 7 - May 2, 1997.

PURCHASES

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

ROADTEC, INC. (Lowest bid meeting City of Chattanooga specifications)
Requisition No. 138812

Purchase of Asphalt Paver

\$209,000.00

EARL DUDLEY ASSOCIATES, INC. (Only bid received)
Requisition No. 134298

Purchase of Computer Upgrade

(Price information available and filed with minute material)

PURCHASES (Cont'd.)

AMERICAN STRIPING, INC. (Lower and better bid)
Requisition No. 135689

Purchase of Twelve Month Requirements Contract for the Installation of Thermoplastic Lane Lines on City Streets

\$0.270/lin. ft. (white)
\$0.260/lin. ft. (yellow)

DIXIE FILTERS, INC. (Lower and better bid)
Requisition No. 137145

Purchase of Twelve Months Requirements Contract for Odor Control Filter Media

\$10,528.88

ASSOCIATED ENVIRONMENTAL SERVICES, INC. (Lower and better bid)
Requisition No. 137191

Purchase of Contract for Geosynthetic Liner

\$27.60/cu. yd. (amended)

AVANTI INTERNATIONAL (Only known source)
Requisition No. 137185

Purchase of Twelve Months Contract for Chemicals

(Price information available and filed with minute material)

A-1 GLOVES & SUPPLY CO. (Lower and better bid)
Requisition No. 138912

Purchase of Twelve-Months Requirements contract

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Safety Department:

TERESA GORDON -- Promotion, Dispatcher, Pay Grade 10/Less than Step 1, \$20,600.00 annually, effective April 11, 1997.

BETTY MILLARD -- Suspension (one day without pay), Dispatcher Trainee, Police Department, effective April 3, 1997.

YVONNE JONES -- Suspension (ten days without pay; placed on probation for six months), Police Clerk, effective April 3, 1997.

SHAWN HICKEY -- Suspension (one day without pay), Patrolman, effective April 4, 1997.

TODD ROYVAL -- Suspension (one day without pay), Patrolman, effective April 8, 1997.

GLENN SCRUGGS -- Suspension (one day without pay), Patrolman, effective April 9, 1997.

REGINALD FINLEY -- Suspension (one day without pay), Patrolman, effective April 11, 1997.

FRED HOUSTON -- Suspension (28 days without pay), Captain, effective April 1, 1997. (**NOTE:** By action of the Disciplinary Panel of the Chattanooga City Council on March 10, 1997, Admin. Dinsmore's letter of January 2, 1997 demoting Captain Fred Houston to Lieutenant has been rescinded.)

Councilman Pierce inquired as to the high number of suspensions. Admin. Dinsmore responded the high number reflects a collection of suspensions over a three week period since there was not a Council meeting last week.

PURCHASE

NABCO ELECTRIC COMPANY (Lower and better bid)
Requisition No. 97898

Purchase of Contract for Installing Spun Aluminum

\$14,550.00

PURCHASES (Cont'd.)

JAKE MARSHALL SHEET METAL INC. (Lower and better bid)
Requisition No. 97846

Purchase of Contract to Furnish & Install New Heat & Air System

\$292,690.00 (Phase I)
356,353.00 (Phase II)
\$894,108.00 Total

PERSONNEL

The following personnel matter was reported for the City Council Office:

LAWRENCE F. BURNS -- Hire, Management Analyst, \$50,000.00 annually, effective April 11, 1997.

BOARD APPOINTMENT

On motion of Councilman Crockett, seconded by Councilman Lively, the following board appointment was approved:

Beer Board:

--Appointment of **GENE MILLER** for a term to expire September 24, 1997 as District 1 representative.

HEARING: STANLEY CHAMBERLAIN

City Attorney Nelson stated Mr. Chamberlain submitted an application for an adult establishment license which was denied because the location is within 500 feet of a church; that he was denied half of the fee (he) paid for the license and the City kept the other half. He stated Mr. Chamberlain wishes to appeal because he did not get the whole fee returned. City Attorney Nelson suggested that the hearing take place immediately following next week's Council meeting; that it has to involve the whole Council and not a committee (of the Council).

The hearing for Mr. Chamberlain was scheduled for Tuesday, April 22, 1997 immediately following the Council meeting.

COMMITTEES

Councilwoman Hurley scheduled a meeting of the **Budget and Finance Committee for Tuesday, April 22 beginning at 4:30 p.m.**

Chairman Swafford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, April 22 at 4 p.m.**

DISTANCE REQUIREMENTS

Councilman Pierce inquired about distance requirements if a church is located within 500 feet and it is determined the church building is not being used. City Attorney Nelson stated if it is not being used as a church it does not count as a church and is just a building.

Councilman Pierce inquired as to how long the building would have to be closed down to make that determination; that it is his information services are no longer being held in the church. City Attorney Nelson stated the ordinance does not specify a given period of time; that if it has not been used for several years it would not be considered a church.

SISTER BEY

Sister Bey addressed the Council and made reference to the change in the Charter to the Council form of government and the assurance of African-American representation on the Council for Districts 5, 7 and 9. She stated she will not sit back and allow "her peoples" spirit to be "pressed."

JOHN MORGAN

City Attorney Nelson informed Mr. Morgan of the Council's Resolution regarding citizens addressing the Council more than twice within a thirty day period since he had addressed the Council at its last meeting. Mr. Morgan indicated he wanted to speak, anyway.

John Morgan of the Sale Creek community welcomed the new Mayor and Council. He expressed hope that the Council would fully appreciate the Sale Creek community and respect them as citizens even though none on the Council represent the Sale Creek community; that they will continue to express their strong protest for the landfill in Sale Creek.

JOHN MORGAN (Cont'd.)

Mr. Morgan stated it is very important that he restate a commitment made by the Sale Creek Action Team (SCAT) which is to help Hamilton County and the City of Chattanooga solve the solid waste concerns, a problem that faces all of us; that we must find a long-term solution to the problem for everyone. He asked that the Council to work with the Hamilton County Commission and the citizens of the county in formulating an independent bipartisan committee to investigate what other cities have done to solve this problem; that SCAT is available to serve or help. He challenged the Council to take this step to seek the best solution for everyone.

LANE TULLIS

Lane Tullis addressed the Council regarding the Blythes Ferry Wildlife Management Area, which is the most unique water and shorebird habitat in East Tennessee. She stated fifty years ago, the Blythes Ferry Wildlife Management Area was begun as an adjunct to the Hiwassee Wildlife Refuge; that it consists of mud flats, croplands and ponds near the junction of the Hiwassee and Tennessee Rivers and is a unique area because it is a natural haven for ducks, geese, the threatened bald eagle, Sandhill Crane and other birds and wildlife. She stated Swans, Blue, Brant, and White-fronted and Show Geese, as well as other species new to east Tennessee have been observed there. She stated the Chattanooga Ornithological Society is very concerned about the effects that a landfill will have on the Blythes Ferry wildlife; that since state and federal permits are required and environmental impact statements are necessary for federal permits, the City of Chattanooga is wasting taxpayers' money in pursuing this site. She asked that the Council rethink the plan to impose a landfill at Sale Creek; that environmentalists, hunters, fishermen, and others will arise to support the state and federal governments in halting efforts to destroy this vulnerable and ecologically irreplaceable area.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, April 22, 1997 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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