

Municipal Building
Chattanooga, Tennessee
September 8, 1998

The meeting of the Chattanooga Council was called to order by Chairman Crockett with Councilmen Eaves, Hurley, Lively, Pierce, Rutherford, Shockley and Taylor present; Councilman Hakeem was out of the city due to personal commitment. Assistant City Attorney Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

INVOCATION

The invocation for the evening was given by Randy Burns.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: READ
CHATTANOOGA

Sue Rice of Read Chattanooga stated Chattanooga has a twenty-one percent illiteracy rate in its adult population which is one of the highest in the country; that today is "International Literacy Day" and they are asking all institutions, organizations and individuals to make a meritorious contribution to the stand against illiteracy.

At this point Mayor Kinsey stated he participated in a "Spelling Bee" and made it to the fourth round out of twelve. He read a proclamation proclaiming September 8, 1998 as "Read Day" in Chattanooga. He extended thanks for the great work Read Chattanooga does and encouraged them to keep up the good work!

Councilwoman Hurley stated she has had a number of conversations with Dr. Grace Hewell, who is not present, and this is a special interest of hers. She stated Dr. Hewell asked the Council to create a committee to look into this; that the Council refers such requests to Read Chattanooga as it is not in the Council's interest to duplicate anything that Read Chattanooga does because they do it so well. She expressed that Dr. Hewell has been in touch with Ms. Rice and/or Read Chattanooga representatives.

APPOINTMENT OF JERRY MITCHELL,
PARKS AND RECREATION ADMINISTRATOR

Mayor Kinsey placed the name of Jerry Mitchell in nomination as head of the Parks and Recreation Department for the City, subject to Council confirmation. He stated Darrell McDonald will continue to serve in that capacity toward the end of the year and will be retiring at that point; that there will be an appropriate recognition of his service later this year. He stated it is important to get Mr. Mitchell "on board" while Mr. McDonald is here; that Mr. Mitchell is prepared to begin October 15. He asked that the Council confirm Mr. Mitchell as head of Parks and Recreation.

Jerry Mitchell expressed hope that he can do the City of Chattanooga justice in representing it; that the job is working for the people of Chattanooga. He stated that is what he will try to do and would like to make sure we work together and build consensus in whatever we try to do.

On motion of Councilman Lively, seconded by Councilman Taylor, Jerry Mitchell was confirmed as Administrator of the Department of Parks and Recreation.

REZONING

1998-148: Lee Bowman

Pursuant to notice of public hearing the request of Lee Bowman to rezone a tract of land located at 1803 Cowart Street and 308 East 18th Street came on to be heard.

The applicant was present; there was no opposition.

Barry Bennett stated the request is for C-3 for a restaurant and lounge with beer sales; that C-3 is the only zone which does not have distance restrictions regarding the sale of alcohol for on-premise consumption. He stated other zones do have distance restrictions from churches, schools, playgrounds and similar uses. He stated the surrounding zoning is M-1 and some C-3 northeast across Cowart. He stated the C-3 that is adjacent was granted to permit setback and parking requirements; that the C-3 does not have as much permitting residential use within the zone. He stated the land use is a mix of various densities, residential, commercial and industrial development. He stated both the Staff and Planning Commission recommend denial of the zoning change; that the Southside Plan does show future residential development in this block.

REZONING (Cont'd.)

Lee Bowman of 5411 Slayton Avenue expressed his feeling that he was given a "raw deal" at the zoning board; that he has been down there a long time and took him nine years to build the building; that his dream is to put in a restaurant. He stated he does not know what he is going to do now that the request has been turned down by Planning; that if he has a restaurant, naturally he wants to have beer. He stated he was born on the southside and has lived there all his life; that the church in the area is not against him because they know him. He stated he does not see anything wrong with rezoning for a restaurant; that it is not planned to be a 3 a.m. type of night club; that most of his business will be early morning and late night. He stated whether he gets a beer license or not, he would still like to have a restaurant and does not see why it cannot be changed to C-3; that he has built a new building and it is the newest building on the southside.

Councilman Pierce stated he is aware Mr. Bowman's business has been there a couple years and has been trying to develop the property; that C-3 zoning takes the distance restriction off with regard to location near churches. He inquired as to what the distance will be on this request. Mr. Bennett expressed his belief that it is 500 feet.

Councilman Pierce asked for clarification regarding the C-3 zone taking the distance off. Mr. Bennett stated C-3 would take the restriction off and M-1 would not.

Councilman Pierce stated the applicant does not have any opposition; that he hates to see anyone go to the extent of investment thinking that they can use their property for one thing and then find out they have worked in vain over the years. He stated he personally does not have any opposition to seeing the property rezoned; that he thought CNE might have appeared against the zoning but they are not present.

Mr. Bowman stated if he knew all this would happen he would not have gone to the extent he has; that the Planning Commission turned down the request before CNE got involved.

Mr. Bennett stated the recommendation from the Planning Board was for denial that primarily centered around the Southside Plan as the Plan shows future residential development of the area. He stated the property is currently zoned M-1 which does not permit residential and the feeling is it will not develop industrially. He stated commercial would be contrary to the proposed residential development.

REZONING (Cont'd.)

Chairman Crockett stated the concern at the Planning Commission was whether this zone would retard the Southside Plan and that commercial would make people reluctant to invest in residential property.

Councilman Taylor inquired as to the total distance from the church that is presently there. Mr. Bennett stated he is not sure; that it is within 500 feet. Mr. Bowman stated the distance is 410 feet.

Councilman Taylor stated there are several spot zones now within that area and asked whether alcohol is sold at them. Mr. Bennett indicated that he did not know.

Councilman Taylor stated Mr. Bowman spoke in terms of a restaurant and asked for this zoning for a restaurant. Mr. Bennett stated a restaurant can operate in the current M-1 zone; that the M-1 does not permit residential development.

Councilwoman Hurley asked if Mr. Bowman can operate a restaurant right now. Mr. Bennett responded "that is correct".

Councilwoman Hurley stated she was not part of the discussion; that the Council certainly views C-3 and mixed-use on the northshore and believes in using neighborhood restaurants. She stated she is not clear on why that mixed use would not be appropriate on the Southside.

Mr. Bennett stated C-3 was not considered to be inappropriate; C-3 would be the appropriate zone for any further use of this property including residential. He stated the discussion was not so much the commercial use proposed; that there was concern that restaurants that serve alcohol would not be compatible with residential development.

Councilwoman Hurley asked if there was a split vote at the Planning Commission. Mr. Bennett indicated he could not remember. Chairman Crockett responded "no".

Councilman Eaves stated there seems to be a little problem on the part of Councilmen Taylor and Pierce; that Councilman Taylor asked the question about alcohol, other areas and the church. At this point he made the motion to table the matter two weeks.

Councilwoman Rutherford stated if the zone is left at M-1 Mr. Bowman can have a restaurant but no beer sales. Mr. Bennett responded "yes".

REZONING (Cont'd.)

Mr. Bowman stated he is to go before the Beer Board on September 18; that if the property is not rezoned he was told there would be no need for him to go before them (Beer Board).

John Holmes, a member of the Beer Board, was present and stated if a rezoning is requested the Beer Board will wait until after the decision is made on the rezoning.

On motion of Councilman Eaves, 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 1803 COWART STREET AND 308 EAST 18TH
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE
was tabled two weeks.

REZONING

1998-152: Marcus & Marla Burrows

Pursuant to notice of public hearing, the request of Marcus & Marla Burrows to rezone tracts of land located at 400, 404, 406, 410 and 412 South Germantown Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for O-1 for office development on a site that totals 2.65 acres; that the surrounding zoning includes R-1 and O-1 and the land use in the area includes single family residential development on the site, some single family and spot duplex development and office development to the west of Germantown. He stated the Staff recommended against the request and the Planning Board recommended R-4, rather than O-1, subject to conditions. He stated the only difference between the R-4 and O-1 is that O-1 is strictly office use and the R-4 does allow for multi-family residential as well as institutional-type uses.

Councilman Eaves stated R-1 surrounds that area and the Staff has recommended R-4. At this point he made the motion to approve R-4; Councilman Lively seconded the motion.

Marc Burrows stated he is not aware of any opposition to this rezoning; that the proposed property is highly visible and accessible. He stated all the property on the East Ridge side is O-1; that a ditch runs the entire length of the property and is covered with 50-70 foot trees and bushes.

REZONING (Cont'd.)

Mr. Burrows made reference to the two natural boundaries that surround the area and stated the southwest corner of the property adjacent to this request is already O-1. He stated there have only been preliminary talks about prior property in this area; that the owners have been told they need to have the property rezoned. He stated individual businesses will come in and remodel the existing structures and the Traffic Division has stated curb cuts can be utilized for adequate parking. He stated a 1997 traffic study shows that 1,230 cars travel this road each day, there is no residential traffic and the property is unfit for residential purposes.

Councilwoman Rutherford expressed agreement that this property needs to be rezoned; that the Council did downzone the Brainerd area to R-1, and multi-family uses have to come before the Council for approval. She asked that the O-1 be considered rather than the R-4; that O-1 is more restrictive and the applicant's request is for O-1.

Chairman Crockett stated the proposed reason for R-4 versus O-1 is that O-1 does not allow residential use. Mr. Bennett stated that is the primary difference; that some of the people who live in their homes would prefer we restrict it to single family use only; that anyone residing there can continue even in an O-1. At this point Mr. Bennett read the conditions contained within the proposed ordinance for R-4.

Chairman Crockett stated the conditions indicate the uses would be limited to what is to be there only and that all existing easements are retained. Mr. Bennett stated the conditions listed in the R-4 zone for this request does not allow anything other than single family residential or offices only.

Councilman Pierce stated his thought was that R-4 was for persons living on the property now. Mr. Bennett stated if the property is zoned O-1 they would be grandfathered-in.

Chairman Crockett stated R-4 would allow more residential single family property than O-1.

Councilwoman Rutherford stated the Council has on one occasion had someone come to have conditions lifted and cannot remember the circumstances. She asked if it is easier to get conditions lifted; that she is trying to protect the neighborhood but still give the applicant the flexibility in their property. Chairman Crockett stated his recollection is that restrictions have been tougher to get lifted than the zoning.

REZONING (Cont'd.)

At this point Councilwoman Rutherford asked Councilman Eaves to amend his motion to approve R-4 to include the conditions as stated by the Planning Commission. Councilman Eaves stated he did not wish to amend the motion. Mr. Bennett indicated the conditions requested by the Planning are already listed in the R-4 ordinance.

On motion of Councilman Eaves, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS
OF LAND LOCATED AT 400, 404, 406, 410 AND 412 SOUTH
GERMANTOWN ROAD, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT
TO CERTAIN CONDITIONS
passed first reading.

REZONING

1998-155: Michael Todd Ridge

Pursuant to notice of public hearing the request of Michael Todd Ridge to rezone a tract of land located at 3901 Cummings Highway came on to be heard.

The applicant was present; opposition was in attendance.

Barry Bennett stated the request is for M-3 and includes 8.5 acres for storage distribution and a heating and air conditioning building. He stated the surrounding zoning includes R-1, R-4, R-2, and C-2; that the land use includes predominantly single family residential development to the northwest. He stated to the north is vacant property across Cummings Highway and commercial development to the east. He stated both the Staff and Planning Commission recommend against the zoning change; that there is a hill that offers a natural break between the C-1 at the interstate and residential development to the west.

Tony Austin was present representing Mr. Hartman, owner of the property, and Mr. Ridge, the applicant; that the property has been marketed for the past two-and-a-half years. He stated high interest has been received for residential uses with two-to-three inquiries for commercial uses and 50 inquiries for the same type use and Mr. Ridge has expressed repeated interest in the property. He stated it appears the property is surrounded by residential, which is not the case; that directly across the street is industrial property and probably undevelopable property; that directly across Cummings Highway going south is Mr. Hartman's property where his mother resided until she passed away.

REZONING (Cont'd.)

Mr. Austin stated the property going east is owned by Citizens Trust Bank. He stated their going with this property is to develop it into something; that they do not think anyone would want to live in a duplex on the property and made reference to the lumber company that is there in a C-3 zone. He stated previous arguments were not against Mr. Ridge's use and there were no complaints his use would be problematic. He stated he has agreed to meet all the landscape requirements and will only have a few trucks coming in each day and there would be no noise. He stated an argument was what if he sells it to someone who would be loud and problematic; that the nearest neighbor feels this is appropriate. He stated M-3 does not allow for emissions or loud noises and he will put in a buffer of Cypress trees along the property. He stated there is some commercial there and office use; that M-3 would be the most appropriate and non-intrusive use for this property.

Prentiss Hicks of 4313 Creek Road, stated the property is one mile west of him; that he, the families and neighborhood, persons at the Asbury Center and the owners of the Raccoon Mountain and Alpine Lodge are in opposition to this request. He stated rezoning of this property will set a precedent in that area; that it was stated at the Planning Commission there was no manufacturing zone on the west side of the interstate from the Tennessee River to the Georgia line; that it is correct there is a rock quarry at the Georgia line and the rest is residential and commercial. He expressed his understanding that the Hartmans wish to sell, but this needs to be maintained as commercial and not manufacturing. He expressed appreciation to the Council for their consideration.

Mr. Austin stated the property is not commercial property and cannot be maintained as such and the Hartmans cannot develop it as an R-2 zone. He stated several years ago there was a lot of discussion about a huge industrial park near the Raccoon Mountain area and would not think this would set a precedent as Francis Street is a natural break.

Councilman Lively stated he is familiar with this property and knows for a fact it will not ever be developed as residential. He stated he would like to see the neighborhood developed in a systematic way and **made the motion for approval of the request with the same conditions as commercial, zoning including the landscape ordinance.**

Atty. McMahan stated the current restrictions on M-3 calls for a green belt with eight foot trees planted five feet apart.

REZONING (Cont'd.)

Councilwoman Hurley asked if there is any way it can be restricted to this type of use; that she understands Councilman Lively's argument. She stated what is to stop this from becoming as has been described a more industrial use and asked if it can be restricted. Mr. Bennett stated conditions restricting certain uses can be added.

At this point Councilman Lively amended his motion to approve to include "the proposed use for the property".

Mr. Hicks inquired about the remaining acreage regarding zoning of this property; that there are eight acres and the applicant will be using only one acre.

Atty. McMahan stated the question is whether future use on eight acres would have to come back if zoning is requested. He stated his response to that would be "yes"; that that will be one of the conditions. He stated it could be limited only to within M-3 uses of warehousing, offices, packaging, and wholesaling; that this is a very restrictive zone.

At this point Atty. McMahan amended the ordinance to include the following, " . . . this rezoning shall be subject to (1) landscaping restrictions of M-3 industrial zone or commercial zone, whichever is more stringent".

On motion of Councilman Lively, seconded by Councilman Eaves,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 3901 CUMMINGS HIGHWAY, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE, SUBJECT TO
CERTAIN CONDITIONS
passed first reading; **Councilmen Hurley and Crockett abstained.**

REZONING

1998-158: Knitting Mill Partners, LLC (Lynn P. Short)

Pursuant to notice of public hearing the request of Knitting Mill Partners, LLC (Lynn P. Short) to rezone a tract of land located at 205 Manufacturers Road came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Barry Bennett stated the applicant proposes to develop forty-to-fifty residential loft apartments, offices, as well as some retail and warehousing which will fit in nicely. He stated both the Staff and Planning Commission recommend approval.

On motion of Councilwoman Hurley, 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 205 MANUFACTURERS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE

passed first reading.

REZONING

1998-160: Dodson Avenue Partners, LP

Pursuant to notice of public hearing the request of Dodson Avenue Partners, LP to rezone a tract of land located at 457 Dodson Avenue came on to be heard.

The applicant was present; there was opposition in attendance.

Barry Bennett stated this request is for rezoning to R-3 for a forty unit, multi-family development. He stated the surrounding zoning includes R-3, M-2 and C-2; that the property is currently zoned C-2. He stated R-3 would be considered an upgrade to a more restrictive zone; that the land use includes predominantly residential development, institutional, church, and commercial use. He stated both the Planning Commission and Staff recommend approval of the R-3 zone subject to conditions.

Chris Hodge of Lawler-Wood of Knoxville stated his company requested a Resolution of Acknowledgment in March to facilitate this development and have received notification from THDA for tax credits which brings him before the Council for this request. He stated his company has worked closely with members of the community and have had several meetings and responded to their questions; that he personally has been involved in five-to-six different meetings. He stated he has been able to work closely with the community in working toward developing an agreement for a community-based organization to own this development.

REZONING (Cont'd.)

Mr. Hodge stated at the Planning Commission he expressed that he had no problems with the conditions subject to the community's input; that the community has expressed that they would prefer that access to the development would be from Dodson Avenue rather than Blackford Street because of its proximity to Stanley United Methodist Church; that the other parking requirement concerns is to make sure we have adequate parking to accommodate what is required for this development. He stated fifty (50) units was the density and has been reduced to forty (40) units to provide a green space and landscaping which will be pleasing to everyone.

John Holmes, representing the Glenwood Neighborhood Association, was present to speak in regard to this matter and stated he is not exactly against the rezoning. He stated his concern has to do with the media or persons indicating this request is part of the Glenwood community; that it is not as it is located in the Orchard Knob community. He stated persons in Glenwood are against it and if Glenwood is going to be included the matter will have to be tabled until he can have a meeting and get reorganized. He stated that is Glenwood's objection; that matters across Dodson Avenue are not in Glenwood; that all they (Glenwood community) have anything to with is the (SunTrust) Bank.

Joel Harrell, Chairman of the Trustee Board at Stanley United Methodist Church, stated there have been several meetings over the last couple months and (they) have been working hand-in-hand to make certain the project addresses all the needs of the community. He stated his opposition is a modified opposition; that there is a building that is currently on the property; that acquiring that building from the current property owner is very important to protect this development and make certain the building does not become an eyesore to the community; that the building is being used to store medical equipment and is in dilapidated condition. He stated they would like to condition this to make certain the building is removed. He also expressed that there might be some small environmental concerns; that the developer is working with a company to investigate those concerns. He stated they have been assured those issues are minor and can be addressed in an effective way without jeopardizing the development. He stated those issues should be "put on the table" and have documented costs for the start-up of the property and no other potential hazards by putting in units there. He stated they do support what is happening, but would like to go on record requesting that second reading of this be postponed for two weeks simply to have a report to document any environmental issues and the cost to give the development an opportunity to formulate and finalize the condition of the property.

REZONING (Cont'd.)

Chairman Crockett stated his understanding is that the Church would not oppose this and supports it; that there are some questions that need answers.

Mr. Harrell responded "that is correct"; that Stanley and Second Missionary Baptist are in favor of the request; that they support the Dodson Avenue entrance and feel that is a better option for parking, particularly for Stanley Church; that the only issue is the present building and the environmental issue.

Mr. Hodge stated he is familiar with their concern and is prepared to get through them before coming back for second reading.

Atty. McMahan stated the Blackford entrance was one of the conditions and that condition will have to be amended. He stated there was discussion about parking; that parking in R-3 might be contrary to the Church's desire to have some spare parking.

Reggie Ruff stated he has been working with the developer and the neighborhood; that there are less than two parking spaces required under the R-3 zone; that it was thought there should be two parking spaces otherwise people will have to park on the street. He stated there is a parking lot dedicated for Stanley Church on Blackford which only allows you to get into that parking area and not in the complex.

Chairman Crockett asked that the developer get with Planning and make sure the correct language is added prior to second and third reading.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 457 DODSON AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE
TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
**passed first reading and was tabled two weeks prior to second and
third reading.**

REZONING

1998-163: Freeman Smith

Pursuant to notice of public hearing the request of Freeman Smith to rezone a tract of land located in the 6900 block of Highway 153 came on to be heard.

REZONING (Cont'd.)

The applicant was present; there was no opposition.

Barry Bennett stated the applicant would like to request deferral of this until next month; that there is an amendment being proposed by the City Attorney's office and Planning Staff that is going to the Planning Commission next Monday to address the mobile home sales lot issue. He stated it is requested this be deferred so that it will come at the same Council meeting as the amendment.

On motion of Councilwoman Hurley, 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 IN THE 6900 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-1 HIGHWAY COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was deferred one month.

REZONING

1998-164: VFW Post 1289

Pursuant to notice of public hearing the request of VFW Post 1289 to rezone a tract of land located at 6011 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Rutherford stated this request complies with the surrounding property.

On motion of Councilwoman Rutherford, 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 6011 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1001.(2), TO DELETE CERTAIN PERMITTED USES FROM M-1 MANUFACTURING ZONE; BY AMENDING ARTICLE V SECTION 1001.(4), TO REQUIRE ISSUANCE OF A SPECIAL PERMIT FOR CERTAIN INDUSTRIAL USES AND AUTHORIZE SUCH USES WITHIN THE M-1 MANUFACTURING ZONE BY SPECIAL PERMIT; AND TO AMEND ARTICLE VIII, SECTION 107, TO DESIGNATE CONDITIONS ON CERTAIN USES WHICH MAY BE IMPOSED BY THE BOARD OF ZONING APPEALS

was tabled one week.

AMEND ZONING ORDINANCE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE III, SECTION 101, TO RESOLVE ANY QUESTION ABOUT THE APPLICABILITY OF PROPERTY LINE TO PROPERTY LINE MEASUREMENTS IN ZONING LOCATION DISPUTES

was tabled one week.

AMEND ORDINANCE NO. 10750 (C-7 ZONE)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE ADOPTING AN AMENDMENT TO "APPENDIX A" WHICH IS THE BOUNDARY DESCRIPTION CONTAINED WITHIN ORDINANCE NO. 10750, ENCAPTIONED HEREINBELOW, KNOWN AS THE NORTHSORE COMMERCIAL/MIXED-USE ZONE

passed first reading.

ADOPTION OF EASTDALE PLAN

Councilman Pierce stated he is not familiar with this Plan. Councilman Shockley stated he is familiar with the Plan; that he has attended several community meetings and lives in this area.

Councilman Pierce stated he did not hear what the Plan is calling for. Councilman Shockley stated a draft Plan is attached to the Resolution as to what is being planned.

ADOPTION OF EASTDALE PLAN
(Cont'd.)

At this point, Jerry Pace gave a detailed description of the Plan using modern technical equipment to display pictorial descriptions. He stated the Plan is a collaborative effort between the community and both residential and commercial business leaders. (A copy of the Plan is attached to the Resolution.)

On motion of Councilman Shockley, seconded by Councilwoman Rutherford,

A RESOLUTION ADOPTING THE EASTDALE COMMUNITY PLAN AND AMENDING THE HORIZON PLAN 2010 was adopted.

AGREEMENT: CENTER FOR APPLIED SOCIAL RESEARCH, UNIVERSITY OF TENNESSEE AT CHATTANOOGA

Councilwoman Hurley stated this matter was discussed in the Health, Education, Human Services and Housing Opportunities Committee and is recommended for approval.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE CENTER FOR APPLIED RESEARCH, UNIVERSITY OF TENNESSEE AT CHATTANOOGA, RELATIVE TO CONDUCTING AN ECONOMIC IMPACT STUDY OF THE STATE OF TENNESSEE OFFICE BUILDINGS COMPLEX IN THE MARTIN LUTHER KING BOULEVARD REDEVELOPMENT AREA, FOR AN AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) was adopted.

REIMBURSEMENT AUTHORIZATION TO JACK KAHN

Councilman Taylor stated this matter was discussed in Public Works Committee and is recommended for approval.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING REIMBURSEMENT TO JACK KAHN IN THE AMOUNT OF ONE HUNDRED TWENTY DOLLARS (\$120.00) FOR THE COST OF SHRUBS REMOVED DURING CONSTRUCTION OF SANITARY SEWER LINE ON CONTRACT NO. 73B-1 was adopted.

BENCHMARK HOSPITALITY, INC. AND
HINES INTERESTS LIMITED
PARTNERSHIP

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
ENGAGEMENT LETTER WITH BENCHMARK HOSPITALITY, INC. AND
HINES INTERESTS LIMITED PARTNERSHIP, RELATIVE TO
MANAGEMENT SERVICES FOR THE DEVELOPMENT OF THE
CHATTANOOGA CONFERENCE CENTER
was tabled two weeks.

VARIANCE FROM FLOOD HAZARD
REGULATIONS

Councilman Taylor stated this matter was discussed in Public Works
Committee and is recommended for approval.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION GRANTING A VARIANCE FROM THE FLOOD HAZARD
REGULATIONS TO PERMIT CONSTRUCTION OF A BUILDING
ADDITION AT 3101 PARKER LANE BY ADVANCED VEHICLE
SYSTEMS, INC., AT ELEVATION 654.67 MEAN SEA LEVEL, UPON
CERTAIN CONDITIONS
was adopted.

FRANKLIN ASSOCIATES ARCHITECTS FOR
CITY JAIL RENOVATION PROJECT

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
A RESOLUTION TO APPROVE FRANKLIN ASSOCIATES ARCHITECTS
AS THE ARCHITECT FOR THE CITY JAIL RENOVATION PROJECT
was adopted.

OVERTIME

Overtime for the week ending September 4, 1998 totaled \$17,069.46.

PERSONNEL

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

KIMBERLY BROWN -- Resignation, Head Start, Teacher Assistant,
effective August 6, 1998.

NANCY GRANT -- Resignation, Head Start, Dietary Assistant, effective
August 13, 1998.

PERSONNEL (Cont'd.)

SHIRLEY MCMILLON -- Resignation, Teacher Assistant, Head Start, effective August 14, 1998.

SUSAN VAUGHN, FRANKIE WRIGHT -- Resignation, Teacher, Head Start, effective August 13, 1998.

NANCY OSBORNE, TARA MEANS CAMPBELL, JACQUELINE LONG -- Resignation, Teacher Assistant, Head Start, effective August 13, 1998.

CARLA NEWBY -- Resignation, Family Services Assistant, Head Start, effective August 17, 1998.

ANGELA BARBY -- Resignation, Dietary Assistant, Head Start, effective August 10, 1998.

SOYNA CHASE -- Resignation, Teacher, Head Start, effective August 17, 1998.

TABITHA GEABON -- New Hire, Teacher Assistant, Head Start, \$14,669.20 annually, effective August 28, 1998.

ALECIA BENSON -- New Hire, Family Services Assistant, Head Start, \$9,609.60 annually, effective August 28, 1998.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

DONALD M. STEPHENS -- Resignation, Maintenance Technician, Parks Division, effective September 3, 1998.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the following purchases were approved for use by the Parks and Recreation Department:

HERITAGE LOG HOMES (Lower and better bid)
Requisition No. 0035327

Purchase of Log Home Kit

\$42,114.00

PURCHASES (Cont'd.)

TOWER CONSTRUCTION CO. (Only bid meeting City of Chattanooga Specifications)
Requisition No. 0035330

Purchase of Assembly of Log Cabin Kit

\$76,702.00

PERSONNEL

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

MICHAEL D. HAMMONDS -- New Hire, Clerk IV (Budget), Pay Grade 6/Step 2, \$17,739.00 annually, effective August 31, 1998.

JULIETTE R. THORNTON -- New Hire, Assistant Director, Community Development, Pay Grade 15/Step 10, \$41,900.00 annually, effective September 11, 1998.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchases were approved for use by the General Services Department:

CARITEN HEALTHCARE (Only bid received)
Requisition No. 0005355

Purchase of Early Retiree Self-Insured Medical Benefits Plan

\$10.85 per Retiree per month

TRUCKPRO (Overall low bid)
Requisition No. R0035858

Purchase of Requirements Contract for Brake Pads, Drums, Shoes and Accessories

(PRICE INFORMATION AVAILABLE AND FILED WITH MINUTE MATERIAL)

PERSONNEL

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

GREGORY K. HENSON -- Suspension (2 days without pay), Carpenter, City-wide Services, effective August 25-26, 1998.

WARREN TILLISON -- Suspension (2 days without pay), Laborer II, City-wide Services, effective August 25-26, 1998.

JERRY HICKS -- Suspension (4 days without pay), Concrete Worker, effective August 24-27, 1998.

ROBERT T. STEWART -- Employment, Laborer III, Waste Resources, Pay Grade 5/Step 1, \$16,151.00 annually, effective September 1, 1998.

WALTER C. PATTERSON -- Employment, Laborer I, Waste Resources, Pay Grade 4/Step 1, \$15,165.00 annually, effective September 9, 1998.

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the following purchase was approved for the Public Works Department:

L & M Services (Single Source)
Requisition No. 0034857

Purchase of Maintenance Contract per TCA 6-56-301)

PERSONNEL

KAREN TAZEWELL -- Promotion, Administrative Secretary, Pay Grade 8/Step 10, \$25,118.00 annually, effective September 11, 1998.

COMMITTEES

Councilman Taylor rescheduled the **Public Works Committee meeting for Tuesday, September 15** immediately following the Economic Development Committee.

Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, September 22** immediately following the **Legal and Legislative Committee** meeting for a briefing by the Mayor regarding the Chattanooga Community Development Financial Institution (CCDFI).

COMMITTEES (Cont'd.)

Councilman Eaves expressed the need to schedule a Safety Committee at some point in time in the future; that the decision to schedule a meeting will be determined by the results of the Legal and Legislative Committee meeting.

RECREATE 2000

Councilwoman Rutherford reminded Council members of the breakfast briefing by the Recreate 2000 Consultants scheduled for Thursday, September 17 at 8 a.m. at the Design Center. She indicated everyone is invited to the meeting at the Tivoli at 6:30 p.m. that some evening wherein the Recreate 2000 Plan will be presented.

BOARD APPOINTMENT

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley the following Board Appointment was approved:

BEER BOARD:

--Reappointment of **ROBERT RICHIE**, District 6 representative, for a term expiring September 8, 2001.

DR. GRACE HEWELL

Dr. Grace Hewell expressed her delight that a representative of READ Chattanooga came before the Council tonight; that she was able to get Deborah Matthews, a member of the Hamilton County School Board, to support "National Literacy Day". She stated Ms. Matthews has a group in Alton Park and Piney Woods who will be extending their observance of "Literacy" throughout the month; that Senior Neighbors and AARP will also be in observance of "Literacy" throughout the month. She stated she is surprised and delighted at the type of cooperation she has encountered, and the sensitivity here in our community; that the churches have included the observance in their bulletins. She stated she has talked with and gained the support of former Senator Bill Brock and Senator Frist.

Councilman Taylor expressed appreciation to Dr. Hewell for the work she does in and for the community.

COMMUNITY SERVICES FAIR

Councilman Taylor extended a special invitation to everyone to attend the Community Services Fair scheduled for Saturday, September 12 from 11 a.m. until 5 p.m. at the Alton Park Health Center and John Franklin Middle School. He stated over 120 agencies are participating and there will be a parade. He indicated persons in attendance will be able to ride the "Duck" in the parade.

ROBERT PISH

Robert Pish stated he is a concerned homeowner and is representing his entire community; that his home is located in Councilman Don Eaves' district and there is a serious concern they have been plagued with for the past nine months. He stated he and other homeowners have been endangered and continually harassed by a property owner; that the person has mini-bikes and go-carts set up on a dirt track at 902 Lindsey Avenue. He stated the dirt and dust that is created is "bucking" the City Code and is raising health concerns; that the dirt covers their homes, decks, pools and cars and creates breathing difficulties for the elderly; that as a result of this they are deprived of enjoying their homes and properties. He stated a petition was sent to the Mayor's Office several months ago and, unfortunately, due to the lax attitude and prolonged time the problem continues; that the reply from the person causing the problem is that there was nothing anyone can do to stop what he is doing.

Mr. Pish continued by stating that there are repeated efforts to intimidate other property owners; and the point is made to disrupt and disturb the neighborhood. He stated persons involved rev up their speed and speed up either at midnight or 7 a.m., all to get their point across that there is nothing the neighborhood can do about this situation. He stated the lack of concern and action is taking its toll and the neighborhood association needs to have a resolution; that they hope to get a quick resolve from government to restore confidence in the neighborhood. He acknowledged the positive support the neighborhood association has received from Judge Williams, Councilwoman Rutherford and the Police Dispatcher who has received their calls for assistance.

ROBERT PISH

Councilman Eaves stated the person committing these acts is a real problem; that he talked to the City Attorney who indicated this matter is likened to the "barking dogs" issue and would look into the ordinance a little further. He stated at this point there is a policeman who lives on the street and the police have been notified; that he does not know if this man has a real problem with the neighbors and is intentionally waiting until some time in the morning and evenings to create a disturbance if he can. He stated it seems we would have to "manufacture" an ordinance regarding this situation and make it citywide. He reiterated that this is a problem; that he is Chairman of Safety and in order to enact an ordinance the matter would need to go to Legal and Legislative Committee. He stated this person is intent on driving the community crazy.

Councilwoman Rutherford asked if the noise ordinance can be enforced. Atty. McMahan stated what he is hearing is that the noise ordinance has very specific clauses; that the person has to be caught in the act.

Councilwoman Rutherford stated if the residents have their own video with audio and witnesses, can they go before the Judge. She inquired if it has to be a police officer. Atty. McMahan stated any citizen can prosecute; that we will be glad to help them.

Councilwoman Rutherford inquired as to whether there is an ordinance about public nuisances. Atty. McMahan stated what he is hearing is this is a private nuisance which neighbors can sue for; that if he were to go before Judge Williams and found guilty and will not comply, then they can bring suit and that will constitute a public nuisance; that we are a way from that, yet.

Chief Dotson stated this is his first knowledge of this situation; that he is appalled that one person can hold a neighborhood hostage. He stated before implementing another ordinance he wants to be sure the Police Department has done all they can do; that he does not know if they have "pushed all of their buttons". He stated we have a noise ordinance on the books which should have certain times of the night that would prohibit certain things from operating; that we should enforce what is on the books before doing anything else. He asked that he be given time to go back and look at the current noise ordinance.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, September 15, 1998 at 6 p.m.

 *John M. Lyle* Vice
CHAIRMAN

 *Carol O'Neal* CMC
CLERK OF COUNCIL

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