

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
AUGUST 22,2000**

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem, with Councilmen Crockett, Eaves, Franklin, Hurley, Lively, Pierce, Rutherford and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Franklin gave the invocation.

MINUTE APPROVAL

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

(A Special Presentation was on the Agenda at this time. Due to the presenters not being in the room, Chairman Hakeem continued the agenda items.)

CLOSE AND ABANDON

1998-184 (City of Chattanooga)

On motion of Councilman Franklin, seconded by Councilman Taylor,

AN ORDINANCE CLOSING AND ABANDONING A ONE HUNDRED FOOT PLUS/MINUS (100'+ OR -) AND FIFTEEN FOOT PLUS/MINUS (15' + OR -) WIDE SECTION OF RIGHT-OF-WAY OF BROAD STREET AT EAST 10TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

2000-144 (Carter Street Corporation)

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING FORT STREET BETWEEN WEST 12TH AND WEST 13TH STREETS AND OF 12TH STREET BETWEEN CHESTNUT STREET TO CARTER STREET, MORE PARTIUCALRY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CITY CODE (BEER BD)

On motion of Councilman Taylor, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, SECTION 5-17, BY DELETING FROM SUBSECTION © THE SENTENCE WHICH PROHIBITS MEMBERS FROM SERVING MORE THAN TWO (2) CONSECUTIVE TERMS ON THE BEER BOARD, AND ADDING A PROVISION TO SUBSECTION (e) PROHIBITING OFFICERS FROM SERVING CONSECUTIVE TERMS IN THE SAME OFFICE

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

AMEND BUDGET ORDINANCE

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 11027, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FY2000/2001 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND ENDING JUNE 30, 2001, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5; AND TO PROVIDE FOR CERTAIN CHANGES IN REVENUE AND APPROPRIATIONS SET OUT IN SECTION 6

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

SPECIAL PRESENTATION
M.L.K. MERCHANT ASSOC.

At this point **Mr. A. L. Jackson** of the M.L K. Merchant Association joined the meeting and was called upon to make the Special Presentation. Mr. Jackson stated that he was a merchant on M.L.K. Blvd. and one of the things they were concerned about was policing. He stated that they had always policed inside but here of late the outside was also being charged as the responsibility of the owner of the business; that they were not saying “inside incidents” but “at or near”. He asked if the owners were responsible for things happening on the outside.

Mr. Jackson stated that clubs were being padlocked without warning; that where you sell alcohol beverages there will be some problems. He stated that they felt there should be some sort of warning or 30-days suspension but padlocking was taking place on M.L.K. Blvd. without any warning or suspension. He stated that they felt this was unfair; that they would lose employees while the business was padlocked, and it worked an undue hardship on them.

Mr. Jackson stated that there was a list of additional clubs to be padlocked and business owners were operating in fear and word had circulated that if the business owners came to this meeting, they would be padlocked. He reiterated that they were operating in fear.

Mr. Jackson stated that another concern was that all that had been padlocked were Black places of business—that all six businesses were Black places of business. He questioned what they were doing to cause them to be considered differently; that they wanted to be treated fairly and treated like anyone else.

Attorney Nelson addressed some of the concerns, beginning with “in or near the premises” where things were going on. He explained that it was the responsibility of the owners for any altercations on their property, either inside or out, unless people came to their place of business already inebriated and that could be proven. He went on to say that padlocking is beyond the Council’s jurisdiction; that the City was not the agency to address—that it was the District Attorney General. He added that he could not speak to whether there was a “list” or not; that this needed to be brought to the District Attorney General’s attention, which was an elected office also.

Councilman Franklin noted that Mr. Jackson had referred to the Police Dept., and the Police Dept. was the entity that records the incidents and then the incidents are reported at some point to the Attorney General’s office. Attorney Nelson stated that the Police Dept. furnishes the Attorney General with the number of reports and based on that, the Attorney General gets a padlocking order. Attorney Nelson added that Mr. Jackson could see what the City has on file; that he was entitled to see this and could ask for the reports.

SPECIAL PRESENTATION
(CONT'D.)

Chairman Hakeem explained to Mr. Jackson that the gist of what was being said was that the District Attorney had the final say when it comes to padlocking and who is on the list; that the only thing that the Police was concerned with is the accumulation of the lists of incidents. He stated that as to how much weight goes into whether it is near a business or on the street, he did not know. He explained that the Chief of Police did not normally move forward on this but an individual policeman could request the District Attorney to look into incidents that occurred.

Councilman Taylor asked how the number of incidents was determined before turning them over to the District Attorney. Attorney Nelson responded that there was not set criteria to his knowledge; that three or four incidents would not be enough; that they had to look at the history of the business to see if it were beyond the point of what might be expected. He stated that the District Attorney has to go to Court to get a Padlock Order and show his reasoning for doing that.

Chairman Hakeem stated that he hoped this gave some insight into Mr. Jackson's questions.

(Councilman Franklin stated that the next three Ordinances were discussed in committee and come with a recommendation to approve the first two and deny the third.)

CLOSE AND ABANDON

2000-004 (John and Pearl Draper)

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
AN ORDINANCE CLOSING AND ABANDONING SHUMACK STREET LOCATED SOUTHWEST OF WILDWOOD STREET, NORTHWEST OF TUNNEL BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITION

passed first reading.

CLOSE AND ABANDON

2000-120 (City of Chattanooga)

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING WEST 58TH STREET LOCATED SOUTHWEST FROM ALABAMA AVENUE, NORTHWEST OF ST. ELMO AVENUE, ALONG THE TENNESSEE/GEORGIA STATE LINE, AND AN UNOPENED ALLEY LOCATED PERPENDICULAR TO SAID SECTION OF WEST 58TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

2000-125 (Nathan Durham)

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY PERPENDICULAR TO THE 300 BLOCK OF GURLEY STREET AND IN THE 500 BLOCK OF CHEROKEE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was denied.

PAYMENT
BESSIE SMITH HALL

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND, ONE HUNDRED THIRTY-TWO DOLLARS (\$19,132.00) TO THE MARTIN LUTHER KING DEVELOPMENT CORPORATION FOR THE CITY'S PORTION OF THE 1996 TAXES AND STORMWATER FEES FOR THE BESSIE SMITH HALL

was adopted.

(Councilman Lively stated that Resolutions (b) and (c) came before Committee with a recommendation to approve.)

**PROPOSAL AND
REAL ESTATE AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
**A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF
THE CITY OF CHATTANOOGA TO ACCEPT A PROPOSAL AND
TO NEGOTIATE A REAL ESTATE SALES AGREEMENT FOR
THE CHATTANOOGA PLOW POWER HOUSE BUILDING AND
PROPERTY LOCATED WITHIN THE MAX FINLEY STADIUM
COMPLEX**

was adopted.

**PROPOSAL AND
REAL ESTATE AGREEMENT**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF
OF THE CITY OF CHATTANOOGA TO ACCEPT A PROPOSAL
AND TO NEGOTIATE A REAL ESTATE SALES AGREEMENT
FOR THE FINLEY STADIUM UTILITY BUILDING AND
PROPERTY LOCATED WITHIN THE MAX FINLEY STADIUM
COMPLEX**

was adopted.

(Resolutions (d), (e), (f), and (g) were also discussed in committee and come with a recommendation).

CONTRACT (TVA)

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE PUBLIC WORKS DEPARTMENT TO ENTER INTO A
CONTRACT WITH THE TENNESSEE VALLEY AUTHORITY
(TVA) TO OBTAIN THE SERVICES OF A TVA CONTRACTOR,
MESA ASSOCIATES, INC., RELATIVE TO PROVIDING
PROFESSIONAL SERVICES FOR A STUDY OF
COMMUNICATIONS TOWERS, FOR AN AMOUNT NOT TO
EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)**

was adopted.

AGREEMENT AMENDMENT

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO MODIFICATIONS TO THE CITY LANDFILL ON BIRCHWOOD PIKE, CONSTRUCTION OF AREA 2, PHASE IV LINER, SAID AMENDMENT NOT TO EXCEED FIFTY THOUSAND, SEVEN HUNDRED DOLLARS (\$50,700.00) FOR A REVISED TOTAL FEE NOT TO EXCEED TWO HUNDRED EIGHTY-SEVEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$287,550.00)

was adopted.

AGREEMENT AMENDMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC. (CTI), RELATIVE TO CONTRACT NO. CSO-5b-99, CITICO CSO CONTROL FACILITY, WHICH AMENDMENT INCREASES THE CONTRACT BY THE AMOUNT OF FORTY-SEVEN THOUSAND, SEVEN HUNDRED DOLLARS (\$47,700.00) FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED NINETY THOUSAND, EIGHT HUNDRED DOLLARS (\$190,800.00)

was adopted.

CONTRACT CHANGE ORDER

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4, CONTRACT NO. CSO-7-98, TREMONT STREET CSO FACILITY, WITH HAREN CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SEVEN THOUSAND, NINE HUNDRED THIRTY-SEVEN DOLLARS (\$7,937.00) FOR A REVISED CONTRACT AMOUNT OF ONE MILLION, EIGHT HUNDRED FORTY-EIGHT THOUSAND, THREE HUNDRED TWELVE DOLLARS (\$1,848,312.00)

was adopted.

CIGNA PROJECT

(Councilman Lively noted that this had been discussed in committee and comes with a recommendation.)

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE CONNECTICUT GENERAL LIFE INSURANCE COMPANY (“CIGNA”) PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

was adopted.

OVERTIME

Overtime for the week ending August 18, 2000 totaled \$23,446.83.

PERSONNEL

The following personnel matter was reported for the General Services Dept.:

ROBERT FORD—Hire as Vehicle Servicer, Pay Grade 6/1, \$18,945.00 annually, effective 8/11/00.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Eaves, the following purchase was approved for use by the General Services Dept.:

DOYLE HAYES TIRE SERVICE (Best bid meeting City’s Specs.)
Requisition No. R0049959

Contract for Tire Repair and Reconditioning

(See Minute Material for prices)

PERSONNEL

The following personnel matter was reported for the Public Works Dept.:

GRADY E. SHOOK—Suspension of Crew Worker for one day, effective 8/8/00.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Dept.:

TEMPLE, INC. (Single Source Purchase)
Requisition No. R0048927

Traffic Signal Heads

\$38,640.00

TEMPLE, INC. (Single Source Purchase)
Requisition No. R0048931

“S” Controllers (Socket Mounted IC’s)

\$14,400.00

STOWERS MACHINERY (Best bid for the City)
Requisition No. R0048621/B0000487

Four Wheel Drive Loader

\$101,350.00

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Dept.:

WILLIAM MADISON—Promotion to Captain, Pay Grade F4/8, \$43,768.00, effective 8/25/2000.

GEORGE E. TURLEY—Promotion to Lieutenant, F3/5, \$33,477.00, effective 8/25/2000.

RODNEY D. DAY—Retirement of Lieutenant, effective 9/22/2000.

HOTEL PERMITS

On motion of Councilman Eaves, seconded by Councilman Franklin, the following Hotel Permits were approved:

BAYMONT INN & SUITES—3540 Cummings Highway

ECONO LODGE—3655 Cummings Highway

RAMADA LIMITED—30 Birmingham Highway

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Dept.:

JIMMIE C. OING—Resignation of Communications Officer, effective 8/25/00.

CARLA M. JOHNSON—Hire as Police Records Clerk, Sr., Pay Grade 5/Step 1, \$17,808.00 annually, effective 8/25/00.

GEORGIA ERVIN AND DARCI SMITH—Hire as Part-time Police Service Technicians, \$9.48 an hour, effective 8/25/00.

PURCHASES

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Chattanooga Police Dept.:

EAST RIDGE UNIFORMS OF CHATTANOOGA (Only bid meeting specs.)
Requisition No. R0048061/P0014915

Requirements Contract for Uniforms

(See minute material for prices)

AMERICAN SECURITY CONSULTANTS, INC. (Low and best bid)
Requisition No. R0047060/B0000413

Security System for Chattanooga Police Service Center

\$141,797

At this point Councilman Pierce asked Chief Dotson, who had joined the meeting, to elaborate on some of Mr. Jackson's concerns in regards to why Black establishments are being padlocked and how he came up with the number of incidents required before turning it over to the District Attorney.

Chief Dotson stated that this was conducted under the Nuisance Abatement Act; that they identify the incidents (not calls of service) as to the number of violent acts inside or on the premises; that they do not take into consideration whether they are Black clubs or White clubs because where alcoholic beverages are sold, they have to report these incidents; that where they get one particular violent act (life threatening), they look at the service calls for a certain time period and take this compilation and make a report to the District Attorney because the Police do not have the authority; that after this report is given to the District Attorney, he has to get a Court Order, and it is then up to the Judge to decide. Chief Dotson explained that all they had the authority to do was to report the findings, and it was not determined on race but on the calls of service and violent acts committed that caused them to use the Nuisance Abatement Act.

Councilman Taylor inquired as to any certain incident that triggered this action at this particular location.

CHIEF DOTSON (CONT'D.)

Chief Dotson responded that to the best of his knowledge there were 19 aggravated assaults inside the establishment or on the parking lot; that they don't report incidents in the streets unless an individual goes to the hospital; that they report locations where aggravated assaults take place; that they look at the exact location for violent acts and put this in the report. He reiterated that they don't have the authority to padlock—that all they do is report where there are violent acts in addition to calls for service. He stated that he did not know what formula the District Attorney used, but they looked at the number of violent acts and occurrences.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchase was approved for use by the Department of Finance & Administration:

BELLSOUTH COMMUNICATIONS (Single Source Purchase)
Requisition No. R0041732/P0015133

Telephone System Upgrade for Information Services

\$34,967.37

BOARD APPOINTMENT

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

BEER AND WRECKER BOARD:

- ✍ Appointment of **MICHAEL GRIFFIN** for a term ending August 31, 2003.
(This appointee replaces Mary Lucille Sharp and represents District 2)

ELECTRIC POWER BOARD
BOND ISSUE

Adm. Boney stated that the Bond issue for the Electric Power Board would be considered next week at a joint meeting of the Public Works and Budget Committees. He stated that the Resolution would be placed on the agenda for September 12th and our own Bond Issue would be one or two weeks later.

BOND ISSUE (CONT'D.)

Councilman Crockett asked if we knew what was in the Bond Issue. Adm. Boney asked if he was referring to the Electric Power Board Bond Issue or our Bond Issue; that the purpose of the committee meeting was to brief the Council. Councilman Crockett indicated that he was speaking of our Bond Issue, and Adm. Boney stated that we would develop Southside first. Councilman Crockett asked if we had considered making the Baseball Stadium part of that. Adm. Boney responded that “we did not”; that we acted on this some months ago, and we are keeping this as part of tourism and growth. Attorney Nelson added that there would be a problem meeting the Private Activity Test.

HEARING: COREY BOYKIN

Attorney Nelson stated that the hearing for **Corey Boykin** was originally set for Monday, August 21st; that the officer had requested a delay in the hearing, and the delay was granted, and Councilman Lively, who was to chair the hearing, had agreed on **September 11th**. Councilman Lively stated that he had agreed to the date of September 11th but that was his wife’s birthday, and he did not think she would want to spend her birthday at a Personnel Hearing. He asked that the date for the hearing be changed to **Monday, September 18th at 4:00 P.M.** This was agreeable to the other panel members, Councilwoman Rutherford and Councilman Taylor.

COMMITTEES

Councilman Franklin noted that the Parks and Recreation Committee met earlier in the day and discussed two or three issues, including the total Report for 2008 which concerns all of the districts’ parks and recreation centers. He stated that there was a \$25 million dollar allocation in last year’s budget. He also mentioned the Food Bank.

Councilman Lively stated that you would think we were living in Europe instead of the United States because soccer was discussed so much at the meeting and questioned if it was that popular.

Councilman Taylor thanked everyone for their participation in Safewalk—for all those who made it possible and all the City Departments that were involved. He announced that there would be a joint **Budget/Public Works** committee meeting on **Tuesday, August 29th at 4:00 P.M.**

At this point Councilman Franklin recognized **Cynthia Cash, President of the North Brainerd Association.**

PATTY WALKER

Patty Walker of Applegate Lane asked to speak concerning the request of Jerry Hagan to rezone a tract of land located at 1603 and 1605 Gunbarrel Road and 7387 Applegate Lane from R-1 and O-1 to R-4. She stated that the Council had recommended approval for R-4 Zoning; that originally back in June it was being considered for C-6 zoning; that she and her husband were involved in going to the hearings and talking to Ethan Allen. She stated there was a point at which they even said they would work with Ethan Allen but at the Planning Commission meeting, they decided they did not want C-6 zoning in an effort to protect the neighbors and elected to keep this area zoned for offices, and they left the meeting feeling good about this. Mrs. Walker stated that her husband called the Council office last week and was told that it was being rezoned to R-4, and they did not know this could evolve into a different zone without a formal posting. She stated that they were in the dark about this and did not have a chance to oppose it. She stated she did not know what their position was; that she had talked to a couple of ladies in the Council Office and one had read her a list of what could go in an R-4 Zone; that one of the ladies she spoke to said that nothing could be done at this point. She questioned if any reconsideration could be given them.

Chairman Hakeem asked if there was opposition offered when this was discussed at the Planning Commission meeting. Mr. Pace explained that the Planning Commission and Staff recommended denial of C-6; that the Council also rejected C-6, and this passed on 2nd and 3^d readings last week for R-4. He explained that the newly adopted Policy recommended R-4 zone. He stated that Mr. Hagan would again go before the Planning Commission on September 11th for consideration and has requested R-4, and the rezoning would come before the Council in October. Chairman Hakeem confirmed that R-4 Zone was within the Plan or Study being done for the East Brainerd area. He explained to Mrs. Walker that unfortunately when we make changes, we do not re-post it; that her only recourse would be to Chancery Court.

Councilwoman Rutherford added that the reason the Council considered entertaining R-4 Zone was because R-4 Zone was discussed at the Planning Commission meeting.

Councilwoman Hurley noted that the Council did the same thing that Planning did; that the Council upheld the recommendation of the Planning Commission and Staff; that the Council did not change the recommendation.

Mrs. Walker stated that it was probably ignorance on their part as to what the terms meant; that when they said "office" it meant a certain thing to her but when the lady read the list of uses allowed in R-4, it encompassed a lot more than just offices. She stated that they did not understand the language used. She asked if the whole area back to the drainage ditch was rezoned or just one-half of it. Mr. Pace responded that three lots were zoned R-4 in the Applegate Subdivision; that Planning recommended against C-6

PATTY WALKER (CONT'D)

because that zone would allow businesses that would operate at later hours; that businesses allowed in the R-4 Zone usually close at 5:00 P.M. and people go home; that a furniture store could be open from 9:00 A.M. to 10:00 P.M. and could be a nuisance and that was a big concern on their part.

Councilman Eaves stated that he thought he saw where the confusion lay; that he met with the neighbors to discuss whether or not they wanted to go with C-6, which would allow a furniture store and that a kind of peculiar thing happened; that the Zoning Plan at the Planning Commission passed on the same day as Mr. Hagan asked for C-6 Zoning, and the Zoning Plan approved at that time recommended R-4 and said that that was the way to go; that Mr. Hagan asked for C-6, but the Planning Commission did not want to put a Zoning Plan into effect one day and break the policy the next day. He stated that these two things happened to come together at one time; that Planning recommended R-4, but when Mr. Hagan came to the City Council he asked for C-6, and the City Council said "no" because the overall plan calls for R-4, and we would not approve C-6 but would allow him to have R-4 Zoning, which is within the Plan. He went on to explain that R-4 Zone is for offices or related things and is a less intrusive zone to the neighbors than C-6 would have been, as there could be no such thing as "midnight sales"; that Planning and the Council considered R-4 to be less intrusive on the neighbors' homes.

Chairman Hakeem stated that Mr. Pace and Mr. Eaves could address this issue with Mrs. Walker after the meeting.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, August 29, 2000 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

