

Municipal Building
Chattanooga, Tennessee
November 11, 1997

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

INVOCATION

Councilwoman Hurley gave the invocation for the evening.

SEWER EASEMENT ABANDONMENT

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, AN ORDINANCE ABANDONING A SEWER EASEMENT LOCATED ON LOTS 230 AND 231, PLAT BOOK 34, PAGE 71, COLONIAL SHORES, UNIT 7 MORE PARTICULARLY DESCRIBED HEREIN passed second reading. On motion of Councilman Lively, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

Councilman Hakeem made the motion to move this item up on the agenda; Councilwoman Hurley seconded the motion; the motion carried.

1997-216: Center for Sports Medicine

Pursuant to notice of public hearing the request of Center for Sports Medicine to rezone tract of land located at 2410, 2412, 2414, 2416, 2418, 2420, and 2422 Oak Street came on to be heard.

The applicant was present; opposition was in attendance.

Councilman Hakeem stated on last week a community meeting was called regarding this issue wherein residents voiced their concern. He stated after that meeting, and in discussion with the applicant, it was determined that the applicant expressed a desire to withdraw and that is being requested at this time; that it is the concurrence and request of the Glenwood Neighborhood Association to allow for the withdrawal.

REZONING (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilman Crockett,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACT OF
LAND LOCATED AT 2410, 2412, 2414, 2416, 2418, 2420, AND
2422 OAK STREET BEING ON THE SOUTHWEST LINE OF OAK
STREET BETWEEN DERBY STREET AND KILMER STREET, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

was withdrawn at the request of the applicant.

REZONING

Councilman Lively made the motion to move this item up on the agenda; Councilwoman Hurley seconded the motion; the motion carried.

1997-218: EURAM Resources

Pursuant to notice of public hearing the request of EURAM Resources to rezone a tract of land located in the 900 block of Runyan Drive came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Bennett stated this request is for R-4 Special zone for apartment development on the site of 4 1/2 acres; that the surrounding zoning includes R-4 and R-1; that there is a considerable amount of R-4 on the north end of the property comprised of multi-family and office zone which would allow considerable development of up to 20 units per acres. He stated the land use is single family residential on most of the adjacent development to the west and southwest along Runyan Drive; that the property abutting the site to the east and the north of North Runyan Drive is also vacant. He stated the Staff is recommending approval subject to conditions, and the Planning Commission recommends denial of the zoning.

Martin Kuik represented EURAM Resources, owner of the property. He stated they are purchasing two tracts of land which consist of 44 acres; that there is a 16 acre tract to the north and the other 28 acres comprise the rest. He stated 33 of the 44 is zoned R-4 and would be allowed under present zoning to build 20 apartments per acre on the 33 acres. He stated 11 of the 44 acres are zoned R-1, and they do not have any choice but to purchase the entire 44 acres; that they plan to develop a total of 264 units on the 44 acres and will not get close to the density allowed on this land.

REZONING (Cont'd.)

Peter Kuik stated in the two meetings held with the neighborhood they (EURAM) told them they really did not need to rezone this part in order to be able to build the 264 units. He stated the reason they want to rezone it is due to the topography; that when Corridor J was built much of the excess land was dumped into the valley and in order to be able to aesthetically create a cohesive development they would like to limit the development to the level part of the land because it will be easier to build on. He stated if they build on the slope on the end of the land as it is, wherever a person stands, drives or walks the development will "stick out like a sore thumb". He stated if they are forced to build on the acreage now, they will have to go up on the slope which will have a visual impact; that if they are allowed to have the zoning the development will be the level area and will not have to go up the slope. He stated out of the 11 acres purchased, only 4 1/2 will be used for rezoning. He stated if the rezoning is allowed they will downzone the 11 acres presently zoned R-4, and if it is not approved there will be a greater possibility to expand the project beyond the 264 units and will be forced to do two less attractively built developments. He stated if they have to develop as single family apartments it will still "spill out" on Runyan Drive. He stated they are asking rezoning on this and will put in writing after closing our purchase of land that we will downzone R-4 back to R-1.

Janice Pulver spoke in opposition to the request and represented the residents who live in the area. She stated she was raised in this area and prior to this meeting and the Planning Commission hearing a petition was circulated in the area bearing 150 signatures. (The petition is filed with minute material of this date.) She stated they have a number of concerns and expressed appreciation for the developers' concern about the aesthetics of the development and keeping it as close to the ground as possible, but the problem is that these are narrow, winding roads and are not conducive to the traffic that will be generated from 264 apartments. She stated at the time the 33 additional acres were rezoned it was in connection with the building of the Red Bank Nursing Home and the apartments will be located right behind the Nursing Home. She stated the residents feel the development is not compatible with the character of the neighborhood; that the Nursing Home residents use the road for walking as there are no sidewalks in the area. She stated the traffic associated with this would be directed toward North Runyan Drive. She stated there is a proposal to build another elementary school and people in these apartments will not want to go through two traffic zones. She reiterated that traffic from 264 apartments will inundate Runyan Drive and is not compatible with the Nursing Home and single family residences.

REZONING (Cont'd.)

Ms. Pulver stated another concern a lot of people have involves problems with flooding; that they are concerned that by clearing out the vegetation it will increase their problems with flooding. She stated other concerns are addressed in the petition.

Ed Richer of 828 Runyan Drive also spoke in opposition and stated he has lived there since 1965 and has seen the area go from the county to the city with high density apartments. He stated they definitely are concerned about increasing the number of apartments in that area as one of the real problems is the traffic. He stated there is no light at the intersection of North Runyan Drive and Mountain Creek Road and it is difficult to get out, already; that the Red Bank Elementary School is going up on the north side of North Runyan Drive and will increase traffic even more. He stated with 264 units a large number of cars will be flooding the area with traffic; that Signal Mountain Road is atrocious now. He stated they have met with these gentlemen (developers) and trust them; that they have said they would agree to put in writing the fact they will downzone the unused portion. He stated we all know sometimes people die, companies change hands and the property could be rezoned at a later date; that he knows there is nothing they can do to stop apartments from going up; that they do not have any delusions about stopping all the apartments but they would like to put a moratorium on apartments in that area. He stated he would appreciate the Council's consideration.

Councilman Hakeem asked if the saturation point has been reached in regard to traffic in that area without major changes in our infrastructure.

Admin. Marcellis stated we do not have any problems at the moment; that the State of Tennessee plans to widen the road to seven lanes. He stated they will have some additional traffic coming down Runyan Drive; that the road can handle that traffic if they can get out to the traffic signal. He stated that the schedule is sometime next year for a start of construction.

Councilman Hakeem stated the eleven acres that will be downzoned is basically land that is on the ridge. Mr. Kuik responded that a majority of the land is on the ridge.

Councilman Hakeem indicated when it was stated "if (we) are not able to get the zoning change, less attractively built homes will be built." he asked if it being said less expensive to the point it will be considered less than quality.

REZONING (Cont'd.)

Marten Kuik responded "no" and displayed a drawing of the concept; that if they only used 33 acres it will have to be built on part of the slope which does not have anything to do with the quality. He stated it will have a visible impact because you are building up the slope; that if they can do it where they want it will all be on a level area.

Peter Kuik stated they intend to keep it as low as possible; that they will even try to level other areas as much as possible as they do not want to infringe on the wooded area. He stated they would like to keep it that way; that in planning the downzoning they would like to keep it as is and not disrupt the trees. Martin Kuik made reference to the beauty of the area which was the reason they were attracted to it.

Peter Kuik stated the question raised from the neighborhood had to do with flooding and the problem of drainage in the area. He explained once a development is put up the developer is forced to stay with applicable regulations; that curbs and gutters have to be constructed with the proper network of storm sewers to guide rainwater for retention ponds. He stated if this is done you are forced to acknowledge existing rainwater run-off and that is what retention ponds are for.

Councilman Lively stated he has been very impressed with these gentlemen; that they are sincere in wanting to bring in a first class development and they can do that whether or not they get this zoning; however, if the Council thinks back exactly one year ago from tonight we denied this property for rezoning at that time. He stated if someone wants to table the matter one week to go look at it would be okay; that the 4 1/2 acres run directly behind single family dwelling. He stated it is his opinion that the R-4 zoning is the result of irresponsible zoning in the past; that he does not know when it took place, but it should have been zoned R-4. He stated this property infringes more on people who are trying to keep a neighborhood together. At this point he made the motion to deny the request.

Councilman Taylor clarified that the Staff's recommendation call for no access to or from Runyan Drive. Martin Kuik responded "right."

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 IN THE 900 BLOCK OF RUNYAN DRIVE, BEING
ON THE NORTHEAST LINE OF RUNYAN DRIVE SOUTHWEST OF
NORTH RUNYAN DRIVE, FROM R-1 RESIDENTIAL ZONE TO R-4
SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was denied.

REZONING

1997-204: Charles Schropshire

Pursuant to notice of public hearing the request of Charles Schropshire to rezone a tract of land located at 301 West 38th Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for C-1 for a taxi stand; that the site is 50 x 100 feet. He stated the surrounding zoning is entirely R-3 and M-1; that the land use is predominately residential with some spot duplex and multi-family development. He stated the Staff recommended against the rezoning based on spot zoning; that the effort of the past several years has been to upgrade the area residentially. He stated it was his understanding that the Housing Authority has problems with this rezoning because of efforts in the last couple of years toward residential renovation and upgrading in the area. He stated the Planning Commission did recommend approval subject to conditions.

Charles Shropshire stated he purchased this property from the City seven years ago thinking it was a piece of business property. He stated for the last 50 years the location has been business property and has been an ice cream parlor, beer parlor and others. He stated he did not have any idea he would have to go through this; that it has always been business property from Chandler Avenue to Alton Park Boulevard. He stated there has never been but two residential houses in the whole three blocks; that he would like to sell it to the Housing Authority but they are not interested.

Councilman Taylor stated he has major concern; that since 1994 redevelopment and upgrading has been taken place to improve the Alton Park community, and they are working hard to do that. He stated information has been distributed indicating that the request is for a cab stand; that he visited other cab stands and looked at the surrounding area to see if this would enhance the community. He stated he looked at the plan for the Alton Park and Piney Woods renovation plan; that 38th Street will become one of the main arteries of involvement. He stated he believes a cab stand would hurt the appearance of that community that we are trying to improve.

Mr. Shropshire asked what can he put on the property. Mr. Bennett stated right now that property is -R4-3 for multi-family; that it is zoned for single family or multi-family use; that there is pretty much nothing other than single family use for the area.

REZONING (Cont'd.)

Mr. Schropshire asked why the property was zoned back to R-1 when it has always been a business. Mr. Bennett stated he did not have an answer for that; that according to the tax map there the property has been R-3 for sometime; that it might have been a business prior to adoption of the zoning ordinance.

Chairman Swafford suggested that Mr. Schropshire talk with Mr. Bennett further.

On motion of Councilman Taylor, 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 301 WEST 38TH STREET, BEING ON THE
NORTHEAST LINE OF WEST 38TH STREET AT CHANDLER PLACE,
FROM R-3 RESIDENTIAL ZONE TO C-1 HIGHWAY COMMERCIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS
was denied.

REZONING

1997-207: Harco Hospitality

Pursuant to notice of public hearing the request of Harco Hospitality to rezone a tract of land located at 2345 Shallowford Village Drive came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett briefed the Council on this request by stating the request is for C-1 for a 131 room hotel which could have been done in the present zone; however, the parking ratio requires a less stringent zone. He stated both the Staff and Planning Commission recommend approval.

On motion of Councilman Eaves, 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 2345 SHALLOWFORD VILLAGE DRIVE,
BEING ON THE NORTHWEST LINE OF SHALLOWFORD VILLAGE
DRIVE SOUTHWEST OF MCCUTCHEON ROAD, FROM C-4 PLANNED
COMMERCE CENTER ZONE TO C-1 HIGHWAY COMMERCIAL ZONE
passed first reading.

REZONING

1997-219: P. Barry Robertson

Pursuant to notice of public hearing the request of P. Barry Robertson to rezone a tract of land located at 114 West Main Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request falls within the new Central Business zone; that the rezoning request upgrades the property to a more restrictive zone. He stated both the Planning Commission and Staff recommend approval subject to conditions.

Councilman Pierce inquired as to the type of business Mr. Robertson will have.

Mr. Robertson responded that it will be a jazz club restaurant.

Councilman Pierce asked if alcohol and beer would be sold to which Mr. Robertson responded "yes."

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 A TRACT
OF LAND LOCATED AT 114 WEST MAIN STREET SOUTHEAST OF
WILLIAMS STREET, BEING ON THE SOUTHWEST LINE OF WEST
MAIN STREET SOUTHEAST OF WILLIAMS STREET, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE,
SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1997-221: Betty J. Thompson

Pursuant to notice of public hearing the request of Betty J. Thompson to rezone a tract of land located at 3951 Cromwell Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the original request was for M-1, however the Staff and Planning Commission recommend O-1 for office use only and subject to standards from the proposed landscape ordinance. He stated the applicant has agreed to the O-1; that the Housing Authority was opposed to the M-2 but not to the O-1.

REZONING (Cont'd.)

Councilmen Lively and Crockett made the initial motion and second to approve the O-1 zoning for this request.

Ed Fisher of Realty Center Commercial stated the only question he has is due to the fact there are three sides of this property and the front level is all zoned M-2 and M-1; that the only side that is zoned differently is the side that is zoned R-4 that is owned by the Housing Authority. He stated Mark Rudisill was the one that did object by telephone; that we agreed to the change from the M-2 requested and that the O-1 would be accepted. He stated what he would like to request is if at all possible there be a waiver of the restrictions of Planning; that the only place they would have to plant is on the side next to the R-4 and that is a heavy forest.

Mr. Bennett stated one thing we have done in previous situations is to insert an additional condition which is an extension of a waiver for existing trees and forest vegetation.

Mr. Fisher stated the house on this property faces Cromwell Road and 1,000 - 10,000 concrete pipes from Sherman Pipe Company. He stated if new plantings were needed at the front it will only serve to keep people from Cromwell Road from looking at a nice house; that he hopes the requirements will be waived. He stated people are buying this property for an office and want to plant it but huge trees to screen is a lot; that it should, in his opinion, be zoned M-2; that the requirement at the front should be eliminated because it is horrible to look from the house across the street, but not from the street toward the house. He stated if that were required this planting at the front seems expensive to purchase.

Chairman Swafford stated he chaired the Planning Commission meeting the day this matter was heard; that he will not support M-1 at all and will not put M-1 in that area as that is where we have the tractor trailer trucks which was a mistake and should not have been zoned M-1; reiterating he will not support M-1 in that area. He stated the Housing Authority owns the property with the trees; that they might want to develop part of that property. He stated there is a nice tree buffer, but it does not belong to these people; that he does not have a problem with the landscape on the Cromwell side but would have a concern about waiving it should the Housing Authority decide to do something with this property later on; that this was required of the last people we gave a special zone to on Caine Lane.

Mr. Fisher stated he received a letter from Mark Rudisill that stated ". . . the Housing Authority has no plans regarding expansion of the development . . ." He stated he does not envision the Housing Authority ever wanting to cut all the trees.

REZONING (Cont'd.)

Chairman Swafford stated we have seen people do that before.

Councilwoman Rutherford stated it really bothers her to ask a developer to follow an ordinance we have not approved; that if we do not ask them to follow the proposed landscape ordinance what landscaping would be required. Mr. Bennett stated standards from the M-1 or M-3 zones would be followed.

Councilwoman Rutherford inquired as to how that would apply to this property. Mr. Bennett stated it would provide for a site obscuring screen along the R-4 zone.

Mr. Fisher stated the parking lot is in a circular drive and if they are required to do what the ordinance says, they have to plant the entire driveway around that screen.

Mr. Bennett stated the screening is not very extensive; that it calls for planting one tree for every 35 feet. He stated regarding the parking lot he does not recall anything that would require planting around the driveway; that this is nothing extensive at all.

Councilman Hakeem asked if we accept this as is for O-1 it would have the screening requirements. Mr. Bennett stated only if it is adopted with Planning's recommendation.

Councilman Hakeem asked the representative for the applicant if they could "live with that;" that he is only one vote and will vote against it otherwise.

Mr. Fisher responded "yes, we can" to Councilman Hakeem's inquiry.

Councilman Hakeem made the motion to approve the O-1 with conditions as outlined by Planning.

On motion of Councilman Hakeem, 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 3951 CROMWELL ROAD, BEING ON THE
NORTHWEST LINE OF CROMWELL ROAD NORTHEAST OF CAINE
LANE, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE,
SUBJECT TO CERTAIN CONDITIONS
passed first reading with the conditions as outlined by the Planning
Commission in the ordinance.

REZONING

1997-227: Connie M. Hilt and Patricia Dennis

Pursuant to notice of public hearing the request of Connie Hilt to rezone a tract of land located at 2217 Vance Avenue came on to be heard.

The applicant was present; there was opposition in attendance.

Mr. Bennett stated the request is for C-2 to permit the sale of alcohol for off-premise consumption; that the surrounding zoning is predominantly R-2 to the north, east and west and some M-1. He stated the land use abutting the adjacent property is entirely single family residential; that both the Staff and Planning Commission recommend denial of the zoning request. He stated the existing store can continue to operate as a legal non-conforming use with all the rights and privileges of commercial zoning; that the only restriction is they do not have the ability to sell packaged beer.

Patricia Dennis of D & H Convenience Store stated she understands there is a concern as far as violence the beer would encourage and loitering outside the building; that there are other stores in the same type of neighborhood that sell beer that have houses around them. She made reference to Mr. C's selling beer and inquired as to why not D & H Convenience Store.

Councilman Hakeem stated he was at the Planning Commission when this was initially discussed and asked if this is Ms. Dennis' business or whether she was representing someone else.

Ms. Dennis responded that she is renting it from the owner; that she and her sister-in-law have the business.

Gary Ball spoke in opposition to this request and represented the Ridgedale Community Association. He stated when this matter was heard at the Planning Commission there were a number of elderly persons in attendance because the meeting was held during the day, but they could not come out tonight. He stated the Association communicated with Councilmen Hakeem and Rutherford because Ridgedale is a split district and they are well aware of the concerns the community has. He stated he delivered to Councilwoman Rutherford a common list of calls made to Mr. C's by the Police Department over the years; that this would only bring more traffic of undesirable situations. He asked that the Council uphold what has already been recommended for denial.

REZONING (Cont'd.)

Councilwoman Rutherford stated she has worked very closely with Ridgedale and if we approve this it will be an insult to the residents. She stated for the past six months Planning has been working with this neighborhood for a land use plan and all their work would have been for naught if this is approved.

On motion of Councilwoman Rutherford, 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 2217 VANCE AVENUE, BEING ON THE NORTHEAST LINE OF VANCE AVENUE AT LYERLY STREET, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
was denied.

AMEND ZONING ORDINANCE:
REQUIREMENTS FOR SPECIAL
EXCEPTIONS PERMIT FOR PUDS

Mr. Bennett explained that this ordinance is just a "housekeeping" recommendation by the City Attorney to clarify some of the language that was somewhat vague; that it clarifies that applicants can come back with a PUD with proposed changes.

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 AMEND ARTICLE V, SECTION 1213, SUBSECTION (6) AND TO AMEND ARTICLE V, SECTION 1312, SUBSECTION (6), RELATIVE TO THE REQUIREMENTS FOR A SPECIAL EXCEPTIONS PERMIT FOR PLANNED UNIT DEVELOPMENTS
passed first reading.

AMEND ZONING ORDINANCE: TIME
PERIOD FOR VARIANCES ISSUED BY
BOARD OF ZONING APPEALS

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 AMEND ARTICLE VIII, SECTION 108 (2), RELATIVE TO THE TIME PERIOD FOR UTILIZING THE PERMITS OR VARIANCES ISSUED BY THE BOARD OF ZONING APPEALS
passed first reading.

AMEND ZONING ORDINANCE: RELATIVE
TO OPEN SPACE SUBDIVISION DESIGN
AND LOT SETBACK EXCEPTIONS

On motion of Councilwoman Rutherford, seconded by Councilman
Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE
V, BY ADDING NEW SECTIONS 109, 110, 111, 112, 113, 114
AND 115, RELATIVE TO OPEN SPACE SUBDIVISION DESIGN
OPTION, AND TO AMEND ARTICLE VI, SECTION 108, RELATIVE
TO LOT SETBACK EXCEPTIONS

passed first reading.

AMEND CITY CODE: INCREASE IN
BENEFITS UNDER THE FIRE AND POLICE
INSURANCE AND PENSION FUND

Councilman Hakeem stated this matter was discussed in Committee and
comes with a recommendation for approval.

On motion of Councilman Hakeem, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 16, SO AS TO PROVIDE FOR AN INCREASE IN
BENEFITS UNDER THE FIREMEN'S AND POLICEMEN'S INSURANCE
AND PENSION FUND

passed first reading.

SEWER EASEMENT PURCHASE

On motion of Councilman Pierce, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM EARL O'NEAL MELTON AND LORETTA M. MELTON,
RELATIVE TO CONTRACT NO. 99C, MISCELLANEOUS SANITARY
SEWERS REQUIREMENTS CONTRACT, TRACT NO. 9, FOR A
CONSIDERATION OF TWO HUNDRED DOLLARS (\$200.00)

was adopted.

SEWER EASEMENT PURCHASE

On motion of Councilman Pierce, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM MATTHEW L. SWOOPS, RELATIVE TO CONTRACT
NO. CSO-2, CENTRAL AVENUE CONTROL FACILITY, TRACT NO.
2, FOR A CONSIDERATION OF SIX HUNDRED DOLLARS (\$600.00)

was adopted.

SEWER EASEMENT PURCHASE

On motion of Councilman Lively, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM SARAH G. HOOVER, RELATIVE TO CONTRACT NO.
CSO-2, CENTRAL AVENUE CONTROL FACILITY, TRACT NO. 1,
FOR A CONSIDERATION OF TWO THOUSAND, SEVEN HUNDRED
DOLLARS (\$2,700.00)
was adopted.

OVERTIME

Overtime for the week ending November 7, 1997 will be reported at
the Council meeting of November 18, 1997.

PERSONNEL

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

ROBERT D. YOUNG -- Promotion, Equipment Operator I/Foreman,
City-wide Services, Pay Grade 7/Step 4, \$19,465.00 annually,
effective November 12, 1997.

TERRY D. CARTER -- Promotion, Truck Driver III, City-wide Services,
Pay Grade 6/Step 2, \$17,201.00 annually, effective October 29, 1997.

PURCHASES

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

SHELBY DODGE
Requisition No. R0002617

Purchase of Two One-Half Ton Dodge D2500 Pick Ups at \$17,434.35
each (per TCA 6-56-301)

\$34,868.70

PURCHASES (Cont'd.)

ACHESON FOUNDRY & MACHINE WORKS, INC. (Only bid received)
Requisition No. R0006607

Purchase of Twelve Month Requirements Contract for Manhole Catch Basins

(Price information available and filed with minute material)

MICROMEDIA (Only bid received)
Requisition No. R0002125

Purchase of Twelve Months Requirements Contract for Microfilming Services

\$1.25 ea. Original
.75 ea. Duplicate

BOARD APPOINTMENT

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

CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY:

--The appointment of **JAMES BONEY** to fill a four-year term ending November 1, 2001.

On behalf of the Mayor and Council, Chairman Swafford expressed appreciation to Bernard Hurley for his service on the Hospital Authority Board as he was the appointee for administration and the Council.

PERSONNEL

The following personnel matters were reported for the Fire Department:

RICHARD RAY -- Return from Family Medical Leave, Private, effective November 5, 1997.

PAUL NORWOOD -- Deceased, Private, effective November 5, 1997.

EXPRESSION OF SYMPATHY

Chief Coppinger reported the death of Private Paul Norwood, a dedicated nineteen year employee of the Fire Department. He stated he worked directly with Mr. Norwood for seventeen of the nineteen years and he will be sorely missed by the Department.

PERSONNEL

The following personnel matters were reported for the Police Department:

BETTY MILLARD -- Resignation, Dispatcher Trainee, effective November 13, 1997.

CHARLES LADD -- Resignation, Fire and Police Dispatcher, effective November 27, 1997.

PHILLIP MCCLAIN -- Rescind five day suspension (five days without pay), Police Officer, effective September 26, 1997.

PERSONNEL

The following personnel matters were reported for the EEO/Fair Housing and Better Housing Department:

CHARLES W. MOORE -- New Hire, Inspector, Better Housing, Pay Grade 9, Step 1, \$20,777.00 annually, effective November 7, 1997.

JOSEPH J. SHEATS -- New Hire, Inspector, Better Housing, Pay Grade 9, Step 1, \$20,777.00 annually, effective November 7, 1997.

MARY B. HUTSON -- New Hire, Inspector, Better Housing, Pay Grade 9/Step 10, \$26,751.00 annually, effective November 14, 1997.

CITY ATTORNEY NELSON

City Attorney Nelson announced he will be in attendance at the National City Attorneys' meeting in Phoenix and will not be present at next week's Council meeting.

STREET ABANDONMENT: STEWART, INC.

Chairman Swafford stated Stewart, Inc. has requested another six month delay (May 19, 1998) in their street abandonment request.

Councilwoman Rutherford stated she does not have any objection; that the matter has been going on for a long time. She asked if anyone has thought about asking them to give the Council an update and asked why this has to be kept on the agenda.

Councilman Taylor inquired as to whether the matter can be postponed until they are ready to bring it back up. City Attorney Nelson stated an indefinite postponement would constitute a denial, in effect; that they can withdraw it, but the Council cannot withdraw it for them.

Chairman Swafford stated the company is making the request this time due to reorganization. He asked if the Council has the authority to contact them and ask that they withdraw the request or make the Council aware as to whether they have plans they are working on and can update us on them.

Councilman Eaves stated they are undergoing a reorganization; that it was in their plans to expand and use the extra people; that he does not want to keep them from expanding.

City Attorney Nelson stated at some point in time the application will be so stale it should be referred back to Planning and conditions will have changed. He stated in this case it has been held since October of 1996 and would suggest if we defer it again it be with the understanding that it not be deferred again without referral back to Planning.

An inquiry was made as to whether the neighborhood association will be notified that the matter has been tabled another six months. The Council Clerk indicated that representatives of Stewart will notify the residents as has been the case in the past when requests have been made to continue holding the matter.

On motion of Councilman Lively, seconded by Councilman Taylor the request of Steward, Inc. (1996-202) to table the street abandonment an additional six months (until May 19, 1998) was approved.

COMMITTEES

Councilman Hakeem stated the Budget and Finance Committee met earlier in the day and heard a request from a local businessman to open a theater where beer and wine will be sold which would require an ordinance change; that the City Attorney will bring that to us in Committee for review. He stated a capital budget presentation was not made and will be forthcoming. He scheduled a joint meeting of the **Budget and Finance and Legal and Legislative Committees for Tuesday, November 25 at 5 p.m.**

Councilwoman Hurley scheduled a meeting of the **Parks and Recreation Committee for Tuesday, November 18 at 4 p.m.**

PUBLIC HEARING

Chairman Swafford stated a public hearing will be held on November 14 from 11:30 a.m. to 2 p.m. at the TVA solar Training Institute by the Disproportionate Minority Confinement Task Force. He stated there will be a panel discussion regarding Minority Juveniles in Confinement; that they are looking for solutions and suggestions regarding how to deal with this problem. He stated lunch will be served.

COMMUNITY MEETING: DISTRICT 5

Chairman Swafford stated there will be a meeting at Dalewood Middle School on Monday, November 17 at 6 p.m. regarding a study that has been ongoing for quite some time for neighborhood planning involving the Eastdale, Woodmore and Dalewood areas; that members of the Planning Commission staff will be present.

COMMUNITY MEETING: DISTRICT 8

Councilman Hakeem announced that there will be a meeting on Saturday, November 15 at 4 p.m. at Stanley United Methodist Church with the Orchard Knob Precinct; that all are invited, however, lunch will not be served!

LOOKOUT VALLEY CHRISTMAS PARADE

Councilman Lively announced that the Lookout Valley Christmas Parade will be held on Saturday, December 13 at 2 p.m. and invited everyone to attend.

CHRISTMAS HOLIDAYS FOR CITY
EMPLOYEES

Councilwoman Rutherford stated she has been approached by several employees who are interested in knowing whether the City will be closed on the Friday after Christmas.

Councilwoman Hurley stated administration will have to make a ruling. Chairman Swafford stated he will check with administration.

Councilman Pierce inquired as to whether this will be an additional holiday. Councilwoman Rutherford stated she did not know; that several people have asked her.

Chairman Swafford stated we will have an answer from administration on next Tuesday.

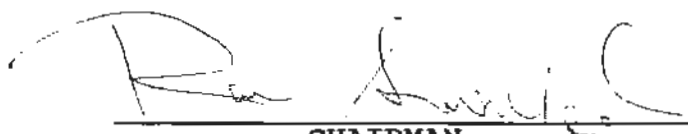
Councilwoman Rutherford asked if administration would make a decision for Council office employees. At this point it was clarified administration would not make the decision for Council employees as they are two separate branches of government.

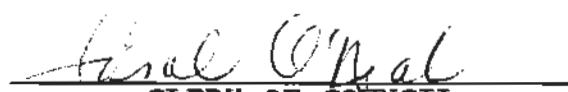
SISTER BEY

Sister Bey vehemently expressed her displeasure with the Council regarding the denial of a "sister's" request for rezoning to sell beer; that a "brother's" request was denied last month, yet, the Council approved rezoning for a jazz restaurant tonight.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, November 18, 1997 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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