

Municipal Building
Chattanooga, Tennessee
October 13, 1998

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

INVOCATION

J. B. Collins gave the invocation for the evening.

MINUTE APPROVAL

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

SHALLOWFORD ROAD REZONING

Chairman Crockett announced that the Shallowford Road study discussed at Monday's Planning Commission will not be discussed this evening. He stated the Council Office had received several calls regarding this issue and wanted make persons aware who might be present for this matter that it is not on tonight's agenda.

AMEND BUDGET

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE TO AMEND ORDINANCE NO. 10718, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1998, AND ENDING JUNE 30, 1999, 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 PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 6

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

REZONING

Councilman Pierce made the motion to move Ordinance 6(p) up on the agenda; Councilwoman Rutherford seconded the motion; the motion passed.

1998-191: SHARON SUE QUARLES

Pursuant to notice of public hearing the request of Sharon Sue Quarles to rezone a tract of land located at 7331 Shallowford Road came on to be heard.

The applicant was present; several in opposition were in attendance.

Barry Bennett stated the request is for C-2, and there is no specific use indicated on the application. He stated this property was part of the 70+ acres being considered for development by Phoenix Corporation and this matter did come to the Planning Commission. He stated the adjoining property includes O-1, C-2 and R-1; that the land use is entirely single family residential to the north; that there is residential, church and office development on Shallowford on the north and commercial on Shallowford to the south. He stated the zoning policy for the north side of Shallowford is for low intensity, low traffic generating office and institutional uses; that the proposal pending by Phoenix is rezoning of 70 acres which includes this parcel.

Mr. Bennett continued by stating Planning considered Phoenix's application at yesterday's public hearing and deferred action on it to a special Planning meeting scheduled for October 22; that it is hoped additional material will be available. He stated the Staff has recommended deferral of any action on this property, as well as for any other case requesting commercial on the north side of Shallowford, until the study is complete and to allow for the Staff and Planning to have time to review and meet with the Traffic Engineer to answer questions regarding the traffic generated and (they) do not want see a piecemeal rezoning and development.

Councilman Eaves stated he does not mind if those attending and the Council want to go through the whole process with this tonight; that we do have a study coming up. He stated in order not to have a piecemeal approach he thinks deferring the matter pending a traffic study is appropriate.

REZONING (Cont'd.)

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7331 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred until November 10, 1998.

CLOSE AND ABANDON

1998-151: COMMERCIAL NET LEASE REALTY, INC.

Harry Cash was present representing the applicant; there was no opposition.

Mr. Bennett stated he spoke with the City Engineer this afternoon and their recommendation is to approve as is theirs; that the details have been worked out and there should be no problem.

Councilman Taylor stated this matter was discussed in today's Public Works committee and approval is recommended.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, AN ORDINANCE CLOSING AND ABANDONING PROBASCO STREET, LOCATED NORTHWEST FROM GERMANTOWN ROAD NORTHEAST OF BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first 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.

A representative for the applicant was present; there was no opposition.

Ben Plain represented the applicant and asked that the matter be held until they resolve the amendment for manufactured homes.

Councilwoman Rutherford stated the Council is to resolve that issue tonight. Chairman Crockett stated that the matter has not been to Committee and recommends that discussion be held prior to Council action.

On motion of Councilman Hakeem, 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 IN THE 6900 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-1 HIGHWAY COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE **was tabled until the Council acts on the amendment to the Zoning Ordinance regarding manufactured homes.**

AMEND ZONING ORDINANCE

Councilwoman Rutherford made the motion to move Ordinance 6(q) up on the agenda; Councilman Taylor seconded the motion; the motion carried.

Councilwoman Rutherford asked if this will be on next week's agenda. Chairman Crockett stated the matter will be put into Committee and (he) will check with the Ordinance's sponsor, Councilman Lively. He stated the matter can be put on the agenda after it is discussed in Committee.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE V, SECTION 504, TO CREATE A SPECIAL PERMIT PROCESS FOR THE DISPLAY AND SALE OF MANUFACTURED HOMES WITHIN C-1 HIGHWAY COMMERCIAL ZONE AND TO AMEND ARTICLE VIII, SECTION 107, TO ADD A NEW SUBSECTION 23, SUBJECT TO CERTAIN CONDITIONS

was tabled for discussion in the Economic Development Committee.

REZONING

1998-166: MICHAEL CASE

Pursuant to notice of public hearing the request of Michael Case to rezone a tract of land located in the 600 block of O'Grady Drive came on to be heard.

The applicant was not present; there was no opposition.

REZONING (Cont'd.)

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 600 BLOCK OF O'GRADY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE **was denied.**

REZONING

1998-168: WAYNE SHEARER

Pursuant to notice of public hearing the request of Wayne Shearer to rezone a tract of land located at 1606 Albert Lane came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for R-4 special zone for duplex and office development. He stated the surrounding zoning includes R-4 and R-1; that land use includes commercial development to the north and west. He stated the Staff recommends denial of the R-4 and Planning recommends approval of R-2; that it is his understanding that all the applicant is requesting is for duplex development rather than office; that the Staff was not aware at the time we made our recommendation for R-4.

Councilwoman Rutherford stated she spoke with the applicant; that R-4 is what he was recommended to apply for with Planning; that the area seems totally surrounded by R-4. She asked that the Council consider R-4 as the Staff really does not have a problem with it.

Mr. Bennett stated the property is abutted on three sides by R-4; that they looked how far it was going into single family and could consider this as an extension of the transitional zone. He stated they try to keep from extending too far into low density areas.

Councilman Hakeem inquired as to how the matter was advertised, whether it was advertised as R-4 or R-2. Mr. Bennett stated it was advertised for R-4, the original request.

Councilwoman Rutherford made the motion to approve the ordinance on first reading for the R-4 zone since that is what the applicant originally requested; Councilman Eaves seconded the motion; the motion carried.

REZONING (Cont'd.)

On motion of Councilwoman Rutherford, 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 1606 ALBERT LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE passed first reading.

REZONING

1998-169: WILLIAM D. BURKHALTER

Pursuant to notice of public hearing, the request of William D. Burkhalter to rezone a tract of land located at 1955 Grays Drive came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this request is for C-2 for general retail commercial use and is an extension of an existing C-2 zone. He stated C-2 abuts on the west end of the site with R-1 to the south and east across Grays Road. He stated the land use adjacent includes commercial to the north and south and to the east entirely single family residential. He stated there was no opposition at the Planning Commission; that the Staff recommends against the zoning and Planning recommends approval.

Councilman Eaves stated this property is directly across the street from a Conoco station going east and just south of the property is a day care center with a playground. He stated the site is surrounded by commercial zoning and below the property there is a church.

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1955 GRAYS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE passed first reading.

REZONING

1998-172: THALIA BUSH

Pursuant to notice of public hearing the request of Thalia Bush to rezone a tract of land located at 1407 Market Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated there was no opposition to this request at the Planning Commission hearing; that the request is for C-3, which is an upgrade in zoning; that there is a page of conditions for this request.

Councilwoman Rutherford asked the applicant if she was in agreement with the conditions. Ms. Bush responded "yes".

On motion of Councilman Hakeem, 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 1407 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REMOVE CONDITIONS

1998-173: WILLIAM G. CORN

Pursuant to notice of public hearing the request of William G. Corn to remove certain conditions imposed in Ordinance No. 10106 on property located at 317 Sylvan Street came on to be heard.

A representative for the applicant was present; there was no opposition.

Mr. Bennett stated this request is to lift conditions that were imposed when initially zoned C-5; that the Staff recommends denial and Planning recommends approval with conditions. He stated the applicant mentioned wanting conditions to allow whatever commercial C-5 would permit which is the main thing the Staff had a problem with. He stated they do not have any problems with the conditions.

Councilman Hakeem inquired as to whether the conditions are acceptable to the applicant.

LIFT CONDITIONS

H. H. Summers was present representing the applicant and stated he and Mr. Corn have been friends for 20 years; that Mr. Corn has a nice building and has made a lot of accomplishments with his family. Mr. Summer stated he is present to see if Mr. Corn can get an office building here along with the shoe store; that he thinks he will do great business for the community. He stated all the property around this location is commercial except for an area to the east; that Mr. Corn will be reasonable in erecting an office similar to what he has on Cherokee Boulevard.

Councilman Taylor wanted Mr. Summers to understand that the ordinance includes the office, as well as the shoe store; that what Mr. Corn is requesting is included in the ordinance. Chairman Crockett clarified that that is what the Council is approving.

On motion of Councilman Taylor, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REMOVE CONDITIONS IMPOSED IN ORDINANCE NO. 10106 ON PROPERTY LOCATED AT 317 SYLVAN STREET, BEING PROPERTY DESCRIBED IN PLAT BOOK 3, PAGE 31, ROHC, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1998-177: MARSHALL D. MIZE

Pursuant to notice of public hearing the request of Marshall D. Mize to rezone a tract of land located at 980 Airport Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 980 AIRPORT ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-1 HIGHWAY COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE passed first reading.

REZONING

1998-178: JAMES G. & BARRY A. PAYNE

Pursuant to notice of public hearing the request of J. G. & Barry A. Payne to rezone a tract of land located at 7363 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated C-2 is the zone being requested for this matter; that the site plan submitted shows multi-family housing and office development; that the surrounding zoning includes R-1, R-3 and R-4. He stated land use is predominantly single family residential and vacant property abutting the property on the north, apartment development to the south and commercial development. He stated the Staff recommends against the change and the Planning Commission recommends approval; that there was no opposition at the Planning hearing.

Councilman Eaves stated this will be a welcome addition to the area; that the area has been hard hit and needs something that will look better.

On motion of Councilman Eaves, 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 7363 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE passed first reading.

REZONING

1998-181: HERB ADCOX

Pursuant to notice of public hearing the request of Herb Adcox to rezone a tract of land located at 1132 Mountain Creek Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Hakeem, 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 1132 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE passed first reading.

REMOVE CONDITIONS

1998-183: BRINDLEY DEVELOPMENT COMPANY

Pursuant to notice of public hearing the request of Brindley Development Company to remove conditions imposed in Ordinance No. 10260 on property located at 7604 Standifer Gap Road came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Bennett stated this property was rezoned to R-3 not too long ago for a combination apartment and townhouse development of 160 units. He stated the applicants are requesting an amendment to the conditions to be able to build an apartment complex without the townhouses and to increase the density from 160 units to 176 units. He stated 14 units per acre was reflected in the original conditions based on a site plan showing 160 units, as well as the combination development. He stated one of the conditions that referenced the townhouses was that the original plan showed apartment development on the west next to Twinbrook and the apartments on the east. He stated potential problems were discussed with the applicants, and it was indicated the primary concern was having two story apartment buildings adjacent to the development fronting on Twinbrook. He stated they amended the plan, and there will be no two story buildings adjacent to the property, and they are not doing townhouses. He stated it is felt this is a better plan; that they are building garages next to Twinbrook and no two story apartments adjacent to any of the sites. He reiterated this is a better proposal than initially presented; that both the Staff and Planning Commission recommend approval based on the site plan.

Mike Hedges was present representing Brindley Development Company of Pulaski and introduced Bernard Langston who was present with him. He stated he has an amended site plan of what is proposed for 12 1/2 acres; that they are proposing fourteen acres which is considerably less than the 20 per acre that R-3 allows. He stated they have met with the neighbors in Twinbrook; that Twinbrook backs up to the property, and there is little development around the Silverdale Workhouse. He stated what they propose is a low density project in addition to moving the buildings away from the common boundary; that these are just garage buildings for people who want to lease a garage to put their car in and the nearest apartment building will be over 120 feet away. He stated they met with the neighbors a couple of weeks ago to try to alleviate any concerns where zoning ordinances would call for ten foot wide barriers; that they have gone the next step up to 20-25 foot barriers.

REMOVE CONDITIONS (Cont 'd.)

Councilman Eaves stated there was a 25 foot barrier around this area in the original request the Council approved. Mr. Bennett stated the original conditions called for a "sight-obscuring landscaped screen along all abutting residential zone; a maximum of 160 units; all existing easements retained; subject to dedication of a right-of-way as required by the City Traffic Engineer; and a townhouse development shall be placed on the west side of the property next to Twinbrook Subdivision".

Councilman Eaves stated when this was previously requested backing up against Twinbrook, the matter was called to his attention by Mr. Bacon. He stated in the meantime it was mentioned the townhouses would be two story which would be overlooking the yards of people it backed up to, and he realized it was not what it should be. He stated if the garages are one story with a barrier behind it he questioned if that would not be better than the townhouses; that he had not thought about it when he insisted on the townhouses as apartments. He stated he did not take into consideration the townhouses would be two story; that the idea was to protect the privacy of people in Twinbrook. He stated he considers this a better plan than what we had before and feels the residents of Twinbrook are protected.

Councilman Hakeem inquired as to whether the water drainage problem would be part of the plan. Mr. Bennett stated that would be part of their development plan when they go through the building permit process. He stated they would have to do that even if they were doing a standard single family subdivision; that they are responsible and liable for any water that runs off.

Councilman Hakeem inquired as to the penalties we have in place when a developer does not install the greenery or maintain it. City Attorney Nelson stated they lose their zoning if they do not install it and do not get the conditions for zoning.

Councilman Hakeem asked for clarification as to whether the developer goes in and maintains it. City Attorney Nelson stated he presumes we would cite them and hold them liable; that they can be fined up to \$500 per day.

Councilman Hakeem inquired about the boundary between the properties; that 25 feet has been mentioned. He inquired as to the property buffer.

Mr. Hedges stated the landscaping is the most comprehensive he has ever seen; that the ordinance requires a ten foot wide buffer between R-3 and R-1; that they are volunteering on the affected area to make it 20 feet wide.

REMOVE CONDITIONS (Cont 'd.)

Councilman Eaves stated he thought Mr. Hedges previously said it would be 25 feet. Mr. Hedges stated it probably will be 25 feet. Councilman Hakeem stated "why not say 25 feet in the affected area".

Councilwoman Rutherford stated she does not know what will happen down the road; that she would like for the conditions to indicate the garages would be one story. Councilman Eaves indicated that is not a bad idea.

Councilwoman Rutherford reiterated that she would like to see that as a condition. City Attorney Nelson asked if that is not part of the site plan. **Mr. Bennett stated there is a reduced site plan that can be attached to the ordinance.**

City Attorney Nelson stated the site plan should indicate there will be a 25 foot sight-obscuring buffer along all property lines abutting lots in Twinbrook North subdivision and that there will be one story buildings only on sections of the site abutting Twinbrook North.

Mike Morton spoke in opposition to this request and stated if he had his "druthers" the first would be a "druther" not to have this and the second would be that he realizes he will not have number one! He stated their community of about six homes is 98% brick and is a close community. He stated four homes about this development; that he called some acquaintances in Pulaski and got a very favorable report about the sites they manage. He stated at this time their main concern is the buffer and what will happen to that area between their homes; that when they met with Mr. Hedges it was mentioned the buffer would be a 30 foot buffer, not 25 or 20, and he was willing to put up a chain link fence between them. He stated their main concern is that value be added to their property and not devalue their property; that they are interested in an increase in the value of their property.

Mr. Morton continued by stating they are grateful for Planning's support and would like to recommend a 30 foot buffer with nice trees as a buffer between them and not trees that lose their leaves in the winter. He stated they would also like to have a nice brick wall with nice wrought iron on top; that they were told that would blend in with their community.

REMOVE CONDITIONS (Cont 'd.)

Louise Scott expressed agreement with Mr. Morton's statement and stated they are concerned about their privacy; that within the past few years all the trees have been cut down. She stated they were relieved to know they were going to have one level garages back up to their yards and their privacy would not be affected. She stated their initial thought was that this was to be a luxury complex, but it has been changed to marketable; that when they met with representatives of Brindley they were under the understanding the buffer would be 30 feet; that the 25 feet was mentioned today. She stated they would like to have the brick wall and something on top of that, something that is maintenance-free.

Cathy Morton stated the neighbors who live next door have the same view they do; that they speak for them because they could not be present. She stated they are trying to represent their neighborhood, and they try to help each other. She stated they would like to be nice neighbors and would like for this to be on friendly terms.

Mr. Hedges expressed appreciation and empathy for the concerns raised and stated he would probably feel the same way if he were "in their shoes". He stated what he recalls saying is that he did not have a scale with him; that he thought it was 25 or 30 feet. He stated he did price the concrete fence, but he did not price a barrier fence with wrought iron because we did not talk about it; that it will be well over \$100,000 and to say that is not in the budget is an understatement. He expressed his belief that it was the intent in their discussion with Planning that the landscape ordinance would be the basis of the barrier, which is why it is so extensive and so dense. He stated yes, we will be good neighbors and they have been on the same corner for three years; that they are building this to own and operate and would like to be good neighbors for a long time.

Councilman Taylor stated he wanted to make sure he understands; that Mr. Hedges checked on the brick wall and the fence. Mr. Hedges stated when he met with the neighbors they talked about several different fencing alternatives; that they talked about a concrete block wall as opposed to a chain link or wooden fence; that he did not work up a price on a brick wall as tonight is the first he heard about that. He stated based on the price he received on the concrete fence, it will be well over \$100,000 and would be very onerous.

Councilman Taylor asked if they would like to go without the wall. Mr. Hedges stated they have verbally committed in addition to a 25 foot screen; that this could be made a part of the ordinance along the affected area.

REMOVE CONDITIONS (Cont'd.)

Councilman Hakeem stated he does not expect the applicant to go put up a \$100,000 brick fence. He asked the neighbors what would be acceptable to them.

Mr. Morton stated they are interested in what will insure the value of their homes; that they live in a community of brick homes. He stated a home in the community recently sold for \$170,000 which was 30 years old; that it was mentioned in the meeting that they would like a brick wall there, and Mr. Hedge's response was that it was out of the question and would cost \$100,000, which is not in their budget. He stated they need something that is maintenance free; that Planning recommended they have some sight visibility but still a buffer for them.

Councilman Hakeem asked if they put up a concrete fence would the developer be responsible for maintaining it. Mr. Bennett stated anything on their property they would be responsible. He stated what they have tried to do with the landscape ordinance is they have found landscape screens are much more attractive than any type of fence or wall of any construction. He stated that is why they have consistently recommended a landscaping screen in lieu of a fence or wall

Councilwoman Rutherford asked if we are talking about putting in a wall or fence the entire length of the affected area. Councilman Eaves indicated we are talking about 600 feet. Councilwoman Rutherford clarified that the 600 feet represents the affected area. Mr. Hedges clarified that that the footage is 640 feet.

Councilwoman Rutherford stated the 25 foot barrier should be included in the ordinance along with the site plan; that she does not feel a wall or fence is appropriate. Chairman Crockett stated the barrier would reflect "sight obscuring". Mr. Bennett stated it will be.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REMOVE CONDITIONS IMPOSED IN ORDINANCE NO. 10260 ON PROPERTY LOCATED AT 7604 STANDIFER GAP ROAD, BEING PROPERTY DESCRIBED IN DEED BOOK 4490, PAGE 71, ROHC, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1998-186: INMAN, LLC

Pursuant to notice of public hearing the request of Inman, LLC to rezone a tract of land located in the 4200 block of Cummings Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the Staff recommends approval and the Planning Commission recommended approval of RT-1. He stated the Staff has no problem with either R-4 or RT-1 depending upon what the applicant wants to do.

Mr. Chapin was present representing Inman, LLC. He stated he would like to add if this is approved that the zoning become effective once the deed is transferred; that they are in the process of closing the land.

City Attorney Nelson stated the zoning goes with the land; that it does not go the owner of the property. He stated if it is rezoned it will be rezoned regardless of who is the owner.

Councilman Pierce asked if the matter could be passed on first reading and hold second and third pending the outcome. Mr. Chapin stated they are planning on closing the end of the month.

Councilman Shockley asked if Mr. Chapin is the present owner of the property. Mr. Chapin responded, "No, I am not."

Councilman Shockley asked if someone else can ask for a rezoning on someone else's property. Mr. Chapin stated the owner has to sign the contract to have it rezoned; that everyone approved it.

Mr. Bennett asked asked if the RT-1 is what Mr. Chapin wants. Mr. Chapin responded "yes".

Councilman Pierce stated the matter can be held and the applicant will notify us when the property has been transferred for second and third reading.

Mr. Chapin then asked the Council to forget everything he said! He stated he would like to move on and keep it simple.

REZONING (Cont'd.)

On motion of Councilman Eaves, 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 4200 BLOCK OF CUMMINGS HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE passed first reading.

REZONING

1998-186: THE CARTER STREET CORPORATION

Pursuant to notice of public hearing the request of The Carter Street Corporation to rezone a tract of land located in the 1200 block of Carter Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 1200 BLOCK OF CARTER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1998-187: ISSA BASSAM

Pursuant to notice of public hearing the request of Issa Bassam to rezone a tract of land located in the 6500 block of Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated most of the property is still vacant; that there is commercial across the street and further south and north; that all frontage will eventually become commercial and made reference to the conditions of the ordinance.

REZONING (Cont 'd.)

Councilman Eaves stated he was not sure which side of the hill this was on; that the other side is in Councilwoman Rutherford's district. He stated this sits up on a very steep hill where we are putting this on the very back of some properties that might need to be screened as the residents will not get any good out of this at all. He stated screening is needed behind where they are building; otherwise it will do the residents no good at all.

City Attorney Nelson stated the ordinance has a provision for a wooden fence. Councilman Eaves stated where it abuts to the residential is no help; that the whole area is open at the foot of the steep slope. He stated he does not know what the nomenclature would be for putting it up there.

Chairman Crockett stated a sight obscuring screen can be added. Councilman Eaves stated he hopes enough distance is being allowed. At this point the conditions were read.

Mr. Issa stated he needs to understand what needs to be done so that it can be done. City Attorney Nelson clarified a vegetative screen needs to be in the immediate back of the building since it would be on the property line so the residents will not see the back of the building.

Mr. Issa stated that is fine; that he will bring the land up to the street level which will help protect people in the back.

Chairman Crockett stated this can be worked on prior to second and third reading. Councilman Eaves reiterated that the wording needs to be straightened out. Mr. Issa stated he does not object to anything.

Councilman Eaves stated the ordinance will have to be amended to make sure the applicant understands what we mean by sight obscuring vegetation. Mr. Issa stated that is fine; that he has no objection to a ten foot fence. Councilman Hakeem clarified that the screen is vegetative. Mr. Issa stated "that is fine".

On motion of Councilman Hakeem, 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 6500 BLOCK OF LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

CLOSURE AND ABANDONMENT AMENDMENT

1998-190: JAY E. FLOYD

Chairman Crockett stated the applicant called and indicated he could not be present. He stated the request is for the Golden Gallon Stores, and there was no opposition at the Planning Commission hearing.

Councilman Taylor stated this matter came up on Public Works Committee and is recommended for approval.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 9080, ENCAPTIONED "AN ORDINANCE CLOSING AND ABANDONING PARKER AVENUE LOCATED NORTHEAST FROM MORRISON SPRINGS ROAD AND SOUTHWEST FROM MOUNTAIN VIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS." SO AS TO REMOVE THE CONDITION OF THE CLOSURE AND ABANDONMENT BEING SUBJECT TO RESERVATION OF AN EASEMENT FOR ANY EXISTING UTILITIES passed first reading.

AMEND ZONING ORDINANCE

Chairman Crockett declared a public hearing in process to hear persons interested in speaking for or against this ordinance. There being none, the hearing was duly closed.

On motion of Councilwoman Rutherford, seconded by Councilman Shockley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO CERTAIN SUBSECTIONS WITHIN ARTICLE IV OF THE LANDSCAPE PROVISIONS AS ADOPTED IN ORDINANCE NO. 10692

was tabled for discussion in the Economic Development Committee.

AMEND ZONING ORDINANCE

Chairman Crockett declared a public hearing in process to hear persons interested in speaking for or against this ordinance. There being none, the hearing was duly closed.

AMEND ZONING ORDINANCE (Cont'd.)

On motion of Councilwoman Rutherford, seconded by Councilman Shockley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE VII, SECTION 103, TO CREATE A PROCESS FOR THE EXTENSION OF TIME FOR RESTORATION OF NONCONFORMING USES DESTROYED BY FIRE, EXPLOSION, OR OTHER CASUALTY, SUBJECT TO CERTAIN CONDITIONS

was tabled for discussion in the Economic Development Committee.

AMEND CITY CODE

City Attorney Nelson stated this matter was referred to Committee last week; that Admin. Freeman has sprained his ankle and could not appear before Committee. He stated the matter has been requested to be tabled for two weeks for placement back in Public Works Committee on October 27.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, BY ADDING NEW SECTIONS 21-101 TO 21-127 TO PROVIDE FOR SLUM AND BLIGHT CLEARANCE FOR DEVELOPMENT AND/OR REDEVELOPMENT OF SUCH PROPERTIES
was tabled two weeks.

AMEND STREET NUMBERING/ADDRESSING POLICY

On motion of Councilman Eaves, seconded by Councilman Hakeem, A RESOLUTION ADOPTING AN AMENDMENT FOR CLARIFICATIONS AND PRACTICALITY TO THE STREET NUMBERING AND ADDRESSING POLICY FOR THE CITY OF CHATTANOOGA
was tabled one week.

AGREEMENT: MUNICIPAL SOFTWARE CORPORATION

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MUNICIPAL SOFTWARE CORPORATION, RELATIVE TO PROVIDING TO THE BETTER HOUSING AGENCY OF THE CITY A COMPUTER-BASED SOFTWARE PROGRAM, FOR A TOTAL AMOUNT NOT TO EXCEED FIFTY-SEVEN THOUSAND DOLLARS (\$57,000.00)
was adopted.

SEWER EASEMENTS: DOROTHY WOFFORD
GARRETT

Councilman Taylor stated Resolutions (c) through (i) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER EASEMENTS FROM DOROTHY WOFFORD GARRETT, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT OF ONE THOUSAND, SIX HUNDRED DOLLARS (\$1,600.00) was adopted.

SEWER EASEMENTS: CHARLOTTE W.
CONNER

On motion of Councilman Taylor, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER EASEMENTS FROM CHARLOTTE W. CONNER, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT OF ONE THOUSAND, SIX HUNDRED DOLLARS (\$1,600.00) was adopted.

SEWER EASEMENTS: PAUL ERWIN
WOFFORD

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER EASEMENTS FROM PAUL ERWIN WOFFORD, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT OF THREE THOUSAND, SIX HUNDRED DOLLARS (\$3,600.00) was adopted.

SEWER EASEMENTS: EMILY EILEEN
WOFFORD

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER EASEMENTS FROM EMILY EILEEN WOFFORD, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT OF ONE THOUSAND, NINE HUNDRED SEVENTY-FIVE DOLLARS

(\$1,975.00)

was adopted.

SEWER EASEMENT: PAMELA J.
RICHARDSON

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER EASEMENTS FROM PAMELA J. RICHARDSON, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00)

was adopted.

SEWER EASEMENT: SCOTT A. LOWREY

On motion of Councilman Taylor, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER EASEMENTS FROM SCOTT A. LOWREY, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, TRACT NO. 23, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT OF ONE THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$1,250.00)

was adopted.

TEMPORARY USE: E. ROBERTS ALLEY &
ASSOCIATES, INC.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING E. ROBERTS ALLEY & ASSOCIATES, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF NORTH HICKORY AT STUART STREET FOR THE PURPOSE OF DRILLING TWO (2) WATER QUALITY MONITORING WELLS TO EXTRACT AND CLEAN THE CONTAMINATED GROUNDWATER IN THE REGION, SUBJECT TO CERTAIN CONDITIONS

was adopted.

LEASE AGREEMENT: READ
CHATTANOOGA, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE CHATTANOOGA PARKS AND RECREATION DEPARTMENT TO ENTER INTO A LEASE AGREEMENT WITH READ CHATTANOOGA, INC. FOR THE LEASE OF THE ROSS'S LANDING PARK FROM 8:00 A.M., FRIDAY, OCTOBER 23, 1998, THROUGH 12:00 MIDNIGHT, SATURDAY, OCTOBER 24, 1998, IN CONNECTION WITH THE COOL RELAXED TOUR AND THE CHATTANOOGA CHOCOLATE FESTIVAL was adopted.

CONSERVATION SERVICES AGREEMENT:
TRUST FOR PUBLIC LAND

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE PARKS AND RECREATION ADMINISTRATOR TO ENTER INTO A CONSERVATION SERVICES AGREEMENT 1998-1999 WITH THE TRUST FOR PUBLIC LAND, RELATIVE TO THE CHATTANOOGA GREENWAYS PROGRAM was adopted.

OVERTIME

Overtime for the week ending October 9, 1998 totaled \$83,904.27.

PERSONNEL

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

FRANK E. ELLIS -- New Hire, Carousel Assistant Manager, Plaza/Coolidge Park, \$27,768.00 annually, effective October 9, 1998.

Councilman Pierce stated he is leery about this person (Ellis) coming on at this point.

Larry Zehnder stated this person has been employed by RiverValley and working to build the carousel; that he is presently involved in construction of the horses and is being employed with the City to continue as a curator.

PERSONNEL (Cont'd.)

Councilman Pierce stated in looking at the rate of pay, he is being hired in as a manager. Mr. Zehnder stated this person will be the curator and assistant manager at this facility and will also have a seven day work week at 16 hours per day. He stated the actual carousel and hand painting will be maintained by this person.

Councilman Pierce questioned the seven work days at sixteen hours per day. Mr. Zehnder stated Mr. Ellis will be working 40 hours per week.

Councilman Pierce reiterated that Mr. Ellis would be working "no more" than the 40 hours per week, reemphasizing his leerness at someone being hired this early "in the game."

Councilwoman Rutherford inquired as to how close we are in having the project complete. Mr. Zehnder stated the Park should be complete in the spring of 1999; that this person will assist and further the construction of the carousel.

Based on Mr. Zehnder's comments, Councilman Taylor surmised that the necessity of this person is vital to the role they play.

Councilman Hakeem stated he can appreciate what it is going to take to get the Park going, and he will vote to go ahead with this individual, but feels uncomfortable about an employee already on board and, to his knowledge, has never been brought before us. He stated he heard what was said about RiverValley, but this does not "feel good" to him and does not "sound right". He stated he has a problem with the manner in which this was done.

Councilman Shockley inquired as to whether the Carousel is the City's responsibility. Mr. Zehnder responded "yes".

Chairman Crockett stated "Bud" Ellis is one of the primary driving forces and assisted in funding of this project. He stated he (Ellis) is not someone who has been with RiverValley; that he might have been there in a sub-capacity for a short period of time; that he is a person who has pushed this idea forward. He stated they are at a stage where this cannot be put together without this skill; that he is amazed as the level of pay being so low.

Councilman Hakeem stated he can appreciate the volunteer hours put in, yet, he still has a problem regarding this process and procedure and the manner in which this was done. He stated this individual was brought "on board" through RiverValley.

PERSONNEL (Cont'd.)

Mr. Zehnder stated this position has been advertised and put on the "rolls" for anyone meeting the qualification; that Mr. Ellis was the only applicant.

Chairman Crockett inquired as to what RiverValley has to do with this. Mr. Zehnder stated RiverValley distributes Foundation money and helps "map" a lot of Riverpark projects; that Franklin Architects employed the position and RiverValley funded the position. He stated Mr. Ellis was actually an employee of RiverValley and Franklin Associates.

Councilman Hakeem reiterated his displeasure with this process and asked if this matter had been brought before the Council previously. Mr. Zehnder stated the position was in the budget ordinance.

Councilman Pierce inquired as to how many more positions with Coolidge Park will be presented. Mr. Zehnder stated Coolidge Park will require additional people; that there are six positions. He stated four will be employed to maintain the Park, itself; that the Carousel project will employ three part-time people and right now there are two full time people that will help manage the facility as well as the pavilion. He stated Mr. Ellis will be sharing the load of managing the pavilion; that the additional personnel have not been employed and will not be employed until May or April of next year. He stated Mr. Ellis is needed right now.

Councilman Hakeem stated he does not want to be a person who has to read every little detail that is presented. He reiterated that he does not feel comfortable with the way this was done nor how the information was shared with the Council. He stated he will not oppose Mr. Ellis' employment; however, he has a problem with this. He stated this gives him the attitude of wanting to dissect every little bit that comes to the Council.

EMERGENCY PURCHASE

The emergency purchase for Repair of the Parking Lot located between Chestnut & Fort Streets and between 13th and 14th Streets for the General Services Department, Purchase Order No. P0009738 in the amount of \$13,000.00 issued to Kitsmiller & Co. was duly reported and signed in open meeting.

PERSONNEL

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

MARCUS D. ASH, DARRELL L. HAMBRICK, SALEM K. TEMPLIN, -- Employment, Crew Worker, City-wide Services, Pay Grade 3/Step 1, \$15,230.00 annually, effective October 14, 1998.

WILL R. BAILEY, CLARENCE W. MCDOWELL -- Employment, Crew Worker Senior, City-wide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective October 14, 1998.

ALONZO TRAMMELL, JR. -- Suspension (5 days without pay), Truck Driver III, City-wide Services, effective September 28, 29, 1998 and October 1, 2, 5, 1998.

PURCHASE

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

MOUNTAIN VIEW FORD (Lower and better bid)
Requisition No. 0037366

Purchase of Pickup Truck

\$18,540.00

VULCAN MATERIALS (Only bid received)
Requisition No. 0037346

Purchase of Twelve Month Contract for Emulsion and Emulsified Asphalt

(Price information available and filed with minute material)

F. M. RUSSELL (Lower and most complete bid received with 85% of 23 items bid)
Requisition No. R0037357

Purchase of Twelve Month Contract for Cement, White Sand, etc.

(Price information available and filed with minute material)

BIRCHWOOD LANDFILL

Admin. Marcellis reminded Council members and Management Analyst Burns of the tour of the Birchwood Landfill scheduled for Tuesday, October 20 beginning at 1:15 p.m. He stated a van will provide transportation to the site and will be outside City Hall at 1:15 p.m.

PERSONNEL

The following personnel matters were reported for the Police Department:

JERRY MERRILL -- Suspension, Patrol Officer (14 days without pay) effective October 9, 1998.

STEVE LOGAN -- Suspension, Patrol Officer (1 day from personal time), effective October 6, 1998.

KELLEY G. MILLER -- Resignation, Sergeant, effective November 1, 1998.

CHATTANOOGA POLICE DEPARTMENT
RECOGNITION

Chief Dotson stated he had two items he wanted to make the Council aware of. He stated Police Officers Phillip McClain and Roger Gibbons were recognized as "Officers of the Year" by the Exchange Club of Chattanooga; that they are assigned to the East Lake Courts public housing site and have reorganized the whole site and worked with the residents in having their first health care fair. He stated they also assist the Parks Department in cutting the grass and other tasks; that the Department is proud of them.

Councilman Pierce asked that the officers come before the Council next week so the Chairman can recognize them publicly.

Chief Dotson stated the other matter is that the Chattanooga Police Department has been recognized to receive a federal grant for the federal government to come in and do a program "Challenge To Change", which is a youth violence prevention program. He stated Chattanooga was selected along with six other cities within an eight state region; that the federal government will provide all the technical assistance and funding; that they will come in and use this City as a model.

CHATTANOOGA POLICE DEPARTMENT
RECOGNITION (Cont'd.)

Councilwoman Rutherford inquired as to the area selected for the program. Chief Dotson stated the federal government will come in and select the area; that they will do an analysis first and try to select the area where a support group is not present. He stated the Chattanooga Police Department will have to send in various reports every other month. He reiterated that the federal government representatives will do the site selection themselves.

PARKS AND RECREATION STUDY

Councilwoman Rutherford reminded Council members of the presentation of the Parks and Recreation Study by the Consultants scheduled for Tuesday, November 10 beginning at 2:30 p.m.

COMMITTEES

Councilman Hakeem reminded Council members of the **Economic Development Committee meeting scheduled for Tuesday, October 20 beginning at 4 p.m.**

Councilman Eaves rescheduled the **Safety Committee meeting for Tuesday, October 27 immediately following the Public Works Committee.**

RESULTS OF BETTER HOUSING APPEAL

City Attorney Nelson stated there was a Better Housing hearing held last week following the Council meeting for Jonathan Rogers and the Council voted unanimously to uphold the ruling of the Better Housing Commission.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, October 20, 1998 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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