

Municipal Building
Chattanooga, Tennessee
December 8, 1998

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

INVOCATION

Councilman Lively delivered the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: CHATTANOOGA
REGIONAL HISTORY MUSEUM'S 20TH
ANNIVERSARY

Chairman Crockett asked Norman Burns, Executive Director of the Chattanooga Regional History Museum, to come forward and presented him with a proclamation in observance of the Museum's 20th Anniversary on November 9, 1998 on behalf of Mayor Kinsey, Council members and the grateful citizens of Chattanooga. He stated the occasion of the 20th anniversary is truly unique and there are many good things about this organization. At this point Chairman Crockett read the Proclamation in its entirety.

Norman Burns expressed thanks on behalf of the Board, volunteers and staff of the Museum. He thanked the Council for all they have done to promote the Museum through the past 20 years by allowing them to use the property at Fourth and Chestnut Streets. He stated he wants the community involved in everything they do now and in the future. He stated he looks forward to coming back twenty years from now!

REZONING

1998-234: Westside Community Development Corporation

On motion of Councilwoman Hurley, 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 1221 GROVE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE 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.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-301, RELATIVE TO DESIGNATION OF CURB PARKING SPACES FOR THE HANDICAPPED passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE

Councilman Eaves made the motion to move Ordinance 6(g) up on the agenda; Councilman Pierce seconded the motion; the motion passed.

Considerable opposition was in attendance.

Barry Bennett of Planning stated the M-4 zone is a new industrial zone which was created specifically to allow those industrial uses whose primary operation is conducted out-of-doors. He stated because of that, rather than within the confines of a building, the normal nuisances associated with such uses as coal screening and sieving plants, junk yards, sawmills, stockyards, stone mills or quarries because of dust and/or smoke, it was determined it would be more appropriate to have them placed in a single specific zone rather than covered in the existing M-1. He stated the Planning Commission, Staff and other departments of the City have discovered there is much more M-1 throughout Chattanooga. He stated most are on the south side, downtown and as close as across Eleventh Street.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Mr. Bennett continued by stating there is M-1 also on Amnicola, in East Chattanooga, 153, Shallowford Road - all over the city. He stated it was determined the best way to regulate them for greater degree of control and place more situations back into the public hearing process is to create a new zone specifically for those uses, rather than working within the existing M-1. He stated the ordinance will remove certain uses controlled under M-1 such as coal screening and sieving plants, junk yards, rock crushers, sawmills and others; that the M-4 zone has been expanded to include those uses and other predominant uses because of out-of-doors operation.

Mr. Bennett stated the ordinance has been modified significantly since it was originally presented; that there was a controversial issue around borrow pits which has been removed from this ordinance because they are more of a temporary nature rather than permanent and would be more appropriate to handle them by some other means rather than zoning; perhaps by requirements by special permit. He stated another modification is the M-4 will allow any other industrial use currently permitted in M-1; that before it only allowed high intensity outdoor use. He stated other items added for regulation purposes include state or federal surface mining regulations which require pre-blast surveys to be submitted to the City Engineer's office for approval. He stated routes involving bridges or low capacity areas are to be submitted to the Traffic Engineer's office for review.

Mr. Bennett concluded his remarks by stating language has been added to take care of concerns involving bonds in evidence of liability insurance and certain uses where that will not be applicable, and language has also been added that will provide for that, as well. He stated the intent is to deal with a potential situation that could occur in any area of the City. He stated the Staff recommends approval of the ordinance in this form and the recommendation from Planning was not to approve the zone. He stated there was quite a bit of debate at the Planning Commission; that it was eventually passed with a majority to send it on to the Council for general action. He stated the majority vote was primarily to be able to send it from the Commission to this body, which is not for approval or denial.

Chairman Crockett stated the matter did come forward without a recommendation from the Planning Commission; that it was to get it forward so that it would be specific; that it did not have a firm recommendation.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Chairman Crockett stated this has been considered in great length in committee meetings and a number of people presented comments at that time both for and against. He stated the matter has been reconsidered and is eligible for a public hearing. He stated he will recognize those who would like to comment for or against.

Councilman Pierce inquired as to how many cases the Council has had that have come without a recommendation from the Planning Commission; that this is out of the ordinary.

Mr. Bennett stated the Planning Commission action in this case was difficult because there were a number of different motions made; that there was a considerable split among the members of the Commission as to how they wanted it handled. He stated some wanted to approve and some did not, while others wanted to defer. He stated the motion to pass was to get it off dead center and send it on to this body.

Chairman Crockett sated a number of people on the Planning Commission voted against the recommendation in order to take action.

Councilman Eaves stated he was at the Planning Commission meeting and read what the Planning Commission wanted; that they wanted to pass it. He stated finally, after someone insisted on a four-to-five vote in order to get it out, to pass it and send it to us. He stated he does not think there was any approval of this from Planning Commission as he heard it.

Chairman Crockett clarified that the matter does not come with approval.

Councilwoman Hurley stated the record should state it came with both Staff and Planning Commission approval the first time, and we passed it on three meetings the first time; that some members felt the procedure had not been proper because it was on an unusual time track, and it was sent back to give more opportunity. She stated it would be misleading not to say both Staff and Planning Commission recommended creation of the M-4 initially some months ago.

Councilman Pierce stated emphasis on the version the Commission presented previously is taken from this today; that this is a more restrictive ordinance.

Mr. Bennett stated this is essentially the same ordinance; that the language has been made more clear and the process a little easier. He stated most of the permitted uses and the intent remain the same.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Councilman Pierce asked if it is felt the intent of the Planning Commission is they did not want to rule because it was in court?

Mr. Bennett responded that he "did not know"; that no one at Planning discussed the court case which involved the time line and pre-advertisement; that under the language of the former ordinance it was advertised a little too early for it to be properly before this body. He stated the matter was sent back to Planning to go back through the process.

Councilman Hakeem asked if it would be appropriate to say we did not have a problem with the M-4, but it is a matter of how it impacted a particular business and the process that was done. Councilman Eaves responded "yes".

Councilman Hakeem stated there is no problem with the M-4 and assuming that is the case legally, is there any way to separate those two issues to vote on or discuss.

Chairman Crockett stated right now the issues are separated and we are voting on an ordinance; that we are not voting on the application of that ordinance as he understands it.

City Attorney Nelson stated the Council is voting on an ordinance to create a new zone; that any particular prospect within that would have to go through the proper procedures to have an application made before Planning and rezoned to M-4.

Councilman Pierce stated it is his feeling this ordinance surrounds a particular piece of property and now we want to pass on the ordinance and make the property come into compliance. He expressed his feeling that the applicant made application for the use he wanted on this property and cannot see separating the two whether we grandfather-in the one item, move on it and pass it; that he feels the Council supported it per se, but it was that one piece of property.

Councilman Eaves stated he personally does not have any problem with the M-4 ordinance; that the problem was that we had one business who had come forward and has spent several millions of dollars for their property under M-1. He stated another \$700,000 was spent getting all the permits to comply with what our M-1 said. He again indicated his not having a problem passing this ordinance but as some have said, this ordinance was not passed to "spear them through the heart".

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Councilman Haves continued by stating all the Council needs to do is as a part of this ordinance, grandfather-in those who have made movement on their present M-1 zoning; that if they have moved forward under M-1 and followed our rules under M-1 he does not think the Council has the right and certainly should not turn around and "spear them through the heart". He stated he is not against this ordinance but against someone going ahead and spending millions of dollars and we not allow it and "stab them through the heart"; that this is his opinion. He stated they should be grandfathered-in under M-1 and be allowed to go ahead with what they wanted to do; that the Council should not mistrust people who have followed our rules. He stated he would not want this ordinance to go forward or backward, but go forward based on the fact we grandfather-in those who have spent their time and money to follow our rules.

Councilman Hakeem stated one of the "triggers" that started this process was the quarry, but thinks when we look at it deeper we realize that with M-1 we could have problems all over the City, and thinks that has awakened Council members to the fact about this item and others, and we need to make a move. He asked the City Attorney if it is legal for the Council to consider the question of grandfathering-in in regard to this ordinance.

City Attorney Nelson stated the Planning group has not been asked to, or in any way consider, a change in this ordinance to deal with other than the larger issue. He stated they have not considered individual property and under Tennessee law the Knox County case decided in July a year ago, any ordinance that was adopted with resubmittal to the Planning Commission, if it was the will of the Council, would be highly suspect.

Councilman Hakeem asked the City Attorney to restate or clarify his response for better understanding.

City Attorney Nelson stated the Tennessee Code states the Planning Commission should make a recommendation before the City Council can act, and they have not made a recommendation as it relates to any specifics, so it is not part of this ordinance.

Councilwoman Hurley stated we have been looking at all the zoning in the City since we ran for office, and we intend to strike a balance between development and neighborhood priorities. She stated this would not be the first time we have down zoned or rezoned property.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

She stated she did vote to send this back to Planning because the time schedule was accelerated and (she) has problems with that; that the M-4 is more flexible than before. She stated for us to say we have never downzoned or rezoned property would be a misreading of history.

Councilman Lively stated he would like to hear from people in the audience or public.

Tom Taylor stated he lives in the residential area adjacent to the property and presented a petition signed by 48 residents who have very deep concern about a rock quarry being next to them. He stated they are very concerned because at the current time citizens of Chattanooga do not have a voice; that they do not have a right to discuss issues about objectionable activities such as this. He stated the M-4 will give us the right to discuss the usage of property; that it is his request that the City Council vote for the M-4 as it is written. (A copy of the petition Mr. Taylor presented is filed with minute material of this date and is available for view.)

Robert Sullivan spoke next and represented the Chattanooga automobile owners and commercial businesses at 153 and Shallowford Road. He presented a petition signed by all the businesses in the area who are not in favor of the rock mining operation. He stated they are not against development; that they are looking for compatibility in the area. He stated he and other business owners have invested millions of dollars in their operation; that rock mining is not a business but an activity that will have an effect on both the businesses and the residents. He made reference to the blasting that is done by rock mining operations and the damages that are incurred to property. He stated there are fuel farms in the area and blasting is a concern to them; that automobile companies will suffer from fall-out from blasting and the repairs that are incurred because of it. He stated rock mining and other ancillary businesses' fall-out devalues their product (car) and will have a serious effect on their financial conditions. He stated because of the impact, they are in favor of the M-4 as it is for everyone, and asked that the M-4 be considered without consideration for a grandfather clause.

Glenn Stophel stated he owns seventeen acres and lives across the street from the 200 acres. He stated he has just been brought into the matter and the M-4 is a good idea. He stated there are good places for certain kinds of development and encouraged the Council to look at this as not being compatible.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Mr. Stophel stated his property is right between the creek and the railroad and there are traffic hazards. He stated because of traffic conditions and compatibility with the neighborhood, the M-4 will stand ground with regard to grandfathering. He asked that the Council make this development compatible with the surrounding area.

Elgin Gray, General Manager of Trotter Buick, stated a few months ago news of a blast was published in the news media, and they received most of the fall-out. He stated the automobiles today have a soft paint underneath, and the fall-out is acidic. He stated as a result of this last blast they contacted Vulcan and were reimbursed for the immediate cleaning of the vehicles because of the damages. He stated they are for M-4 and thinks it should be a compatible business.

Atty. John Anderson of Grant, Konvalinka and Harrison was present representing American Material Technologies, LLC who owns the property at Jersey Pike and 153. He expressed disagreement with City Attorney Nelson and stated Planning originally wanted to defer; that there was a motion on the floor to grandfather but was withdrawn in favor of the motion to defer. He stated in regard to Planning, it would not be fair to guess the majority of the Planning Commission sent this ordinance to this body simply with the purpose to get it here to be voted on; that that would be an incorrect assessment of what occurred that day. He again expressed disagreement with City Attorney Nelson stating it is proper to amend this proposed ordinance to exclude that property of any M-1 which would be affected by the enactment of this ordinance; that it is proper because it is not a change in zoning. He stated any change in zoning must go to Planning, clarifying that this is not a change in zoning, and it is important to mention that.

Atty. Anderson stated he is present concerning the M-4; that a notice of zoning change was published on August 31; that Planning recommended passage, and the Planning Commission met on September 14 to consider this matter. He stated a recommendation was made on September 15 and 22, and on the 29th the Council recommended the matter be reconsidered by Planning. He stated on October 5 Chancellor Frank Brown issued an injunction; that the Planning Commission considered the M-4 on November 9. He stated through the exercise of parliamentary procedure, recommendation was made to not pass this ordinance and it came forward. He stated it is important to note when this Council considered this M-4 issue on September 15 and 22, much discussion was made and this was to address the major concern about borrow pits.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Atty. Anderson continued by stating this ordinance, tonight as specified, takes borrow pits out of this ordinance and still presents the same problem that was one of the major thrusts in this ordinance. He stated due diligence was the concern by American Materials; that it was from the review of zoning that began this venture to permits for stormwater, NPDES and others. He stated it is important to note on August 24th, American Materials acquired the property for \$3.3 million and made reference to due diligence with engineers. He stated they plan to spend \$20 million on this site and create 250 new jobs and widen Jersey Pike from 153 to the railroad for a cost of \$300,000. He stated they have designed this project to meet or exceed all applicable standards including air quality and those mandated under Tennessee Code annotated. He stated it is designed to be an attractive part of this community and will be similar to a quarry in Nashville where there is a tremendous amount of development around it.

Atty. Anderson stated permits have been issued, the NPDES permit has been issued, the Air Pollution Bureau has imposed conditions more stringent than Vulcan's, and the Director of Air Pollution Control on December 4th executed the permits. He stated they purchased the property on continued due diligence without any idea the city would change; that the ordinance leaves borrow pits as unregulated as they have ever been, and it is important to note the proposed M-4 only addresses mine operations in Section 4-1026.(4), (6), (7), and (8). He stated it is important to note this ordinance does not address junk yards, stockyards, sanitary landfills, and other outdoor uses. He requested that the M-4 ordinance be passed provided any M-1 property be exempt by due diligence for obtaining applicable permits for use.

Rick Cantrell spoke on behalf of American Material Technologies and stated he is working for a company that has made application for permits. He stated he has over twenty years of experience in zoning and land use matters. He stated he authored the zoning ordinance in a city in Georgia of over 60,000, reiterating that he has much experience in the area of zoning. He stated the whole ordinance has been changed; that the old ordinance recognized the right of people who have existing zoning and a vested interest in property under the current M-1 zoning classification.

Dale Thomas of the Colonial Pipeline Company was present representing those in the petroleum industry. He stated they want the Council to understand they have a safety interest in that area and they are zoned in M-1. He stated they are not opposed to M-1 or M-4; that they want everyone to understand they have a safety issue.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Mr. Thomas stated the product that goes through their fuel tanks travel to this area to Knoxville through an underground pipe line which carry a total of 6.5 million gallons of kerosene and gasoline which represents 36 truck loads entering through this area. He stated they are protected with a cathodic protection and are concerned with the vibrations they would have; that they have a vibration monitor on their units. He reiterated they are not in opposition to changing but would like to have the safety issue addressed when the Council does whatever it is going to do; that they are concerned with the foundation and possible leaks.

Mayor Kinsey stated he has more and more respect everyday for the job the Council does; that zoning is not only the most difficult job but the most important any of us have because land use changes is something that goes on for many years. He again expressed appreciation for the job the Council has before them. He stated there are some questions in some people's mind about what happens during the transition; that Councilwoman Hurley pointed out many times there has been downzoning. He stated when we talk about fairness and economic development, he is reminded of the story about the Brock and Brach Candy Company moving their corporate headquarters to Chattanooga; that their big concern is the existing quarry on the other side of 153 and, hopefully, we will be able to keep them here. He stated we need to think about people who have invested a half billion dollars with the understanding we will be there to protect their investment; that this is the front door from our downtown that is our future. He stated it is very fortunate we have an opportunity to correct a wrong; that it is something we cannot undo ever and there is no turning back; that this is it tonight. He urged the Council to adopt the M-4 as is without exception and grandfathering. He stated there is no turning back and again expressed appreciation for the job the Council does.

Councilman Eaves stated he would like to move forward on this with the provision that we grandfather-in those businesses that have made a substantial development under our old M-1; Councilman Pierce seconded the motion.

Councilman Lively stated he supports the M-4 totally; that he does not know why we have not done it sooner; that it takes a crisis for us to see the need. He stated he thinks as the governing body the Council has to play the rules like everyone else and cannot change the rules in the middle of the ballgame. He expressed his feeling that this will not "hold up" without grandfathering-in those that were in M-1 and supports Councilman Eaves' motion.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

At this point Councilman Pierce called for the "question" on Councilman Eaves' motion.

Councilman Franklin stated he would like to take this opportunity to express to the Council, as well as the individuals present for the ordinance, that as a newly elected City Councilman he has taken the last two weeks and sought out all the information possible, pro and con. He stated he has friends on both sides of this issue; that both sides presented legitimate arguments. He stated he has sought out information regarding American Material Technologies and those individuals who represent them and feel they have tried to work through the system in their deliberation as they moved forward with what they were told was the case, and in the process have tried to be fair and have gone through all the channels for legal permitting. He stated there have been some things that might not have gone their way during this process but also on the other side of the issue, there are residents who live immediately in the proposed area where this project will go. He stated there are fuel companies in this area that have legitimate concerns and affected automobile dealerships all have substantial investments in this area. He stated American Material Technologies has major investments but the bigger picture of things is at some point we have to take a stand as to what will go in these areas. He expressed his support of the ordinance based on all the information he has gathered but with no grandfathering in this process.

Councilwoman Rutherford inquired as to the safety factor previously mentioned. Atty. Anderson stated the safety factor mentioned by Mr. Thomas is of some importance and should be considered very seriously. He stated the Tennessee State Legislature has considered that in great detail; that the reason the Tennessee Blasting Standards Act has been placed in regulation is to keep blasting to a very significant level. He stated blasting on this site has been designed by the engineers to not only meet the Act but exceed it when it comes to the safety of the area; that that is a significant expense being borne by the property owners.

Councilwoman Rutherford stated this is the second hardest vote on this Council she has ever taken; that the first was the school consolidation issue. She stated she does not want a rock quarry or its ramifications, but she cannot vote to exclude a company by changing the rules in the middle of the game. She expressed her sorrow for all involved and wished this was a different situation. She stated there might be five votes and indicated she will have to vote for the grandfather clause.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Councilman Hakeem stated Atty. Anderson addressed the question of safety but what is prevalent in his mind is that we need only one accident when it comes to a blast. He inquired as to the impact this has on our environment if we have one blast that is of a magnitude that rips through one of the businesses in relation to the discussion heard earlier regarding Vulcan and their reimbursing a company for damages. He asked if the Council is being fair in giving proper consideration to the safety factor. He stated he knows there is always talk of process and procedure; that he has concern about the manner in which this was done; that for some time the Council did not react until we knew what the problem was and found out M-1 could create havoc around the City. He stated we say we want to be fair but what fairness is there to those who have made their major investments in people and buildings.

Chairman Crockett stated this has been difficult; that passing the M-4 without a grandfathering clause does end the discussion about whether or not there will be a quarry in this particular location. He stated if the Council votes to have a grandfather clause there is no discussion, it is over tonight; that if we vote to approve M-4 all that does is put in place that zone for the entire City and provide ordinance provision for those people who have made investments who will have a process and can bring it back through (the process). He stated this is not the final decision at all; that as far as borrow pits that is a very big concern in his mind and those on the Council. He stated rarely has this Council made a vote that did not affect some investment; that the Council is not making a decision on the quarry tonight.

At this point the "call for the question" was again requested.

City Attorney Nelson clarified that what the Council will be voting on will be to bring back an amendment next week to exclude the one property to grandfather it in.

Councilman Lively stated it is not just one property but any one that is in the process of permitting.

Chairman Crockett stated the motion to pass the M-4 would allow grandfathering of those who have made progress to be exempted or grandfathered-in.

Councilman Lively stated one flaw in the grandfathering is it should be anyone that was in the process when this first came up; that he does not want anyone "jumping in on the bandwagon" to say they are in the process.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Chairman Crockett stated the details can be worked out between now and next week to work on language if this is successful to pass the M-4 with grandfathering.

On roll call vote on Councilmen Eaves' and Pierce's motion and second to approve M-4 with a grandfather clause:

Eaves	"Yes"
Franklin	"No"
Hakeem	"No"
Hurley	"No"
Lively	"Yes"
Pierce	"Yes"
Rutherford	"Yes"
Taylor	"No"
Crockett	"No"

The motion failed.

Councilwoman Hurley made the motion to approve the M-4 as written; Councilman Taylor seconded the motion.

Councilman Taylor stated the motion is made to take care of the investments of those who have made such a great investment; that this motion puts forth an effort of support for those who have invested millions in that area.

At this point Councilman Eaves made the motion to defer the matter 90 days; Councilman Pierce seconded the motion. On roll call vote on Councilmen Eaves' and Pierce's motion and second to table 90 days:

Eaves	"Yes"
Franklin	"No"
Hakeem	"No"
Hurley	"No"
Lively	Abstain
Pierce	"Yes"
Rutherford	"No"
Taylor	"No"
Crockett	"No"

The motion failed.

At this point the previous motion and second by Councilwoman Hurley and Councilman Taylor was on the floor.

AMEND ZONING ORDINANCE RELATIVE TO
THE PROPOSED M-4 ZONE (Cont'd.)

Prior to voting, Councilman Lively stated his willingness to vote to approve the ordinance.

On motion of Councilwoman Hurley, seconded by Councilman Taylor, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE II, SECTION 100 TO ADD DEFINITIONS RELATIVE TO THE PROPOSED M-4 ZONE; TO AMEND ARTICLE V, SECTION 1001.(2) AND 1001.(4), TO DELETE CERTAIN PERMITTED USES FROM M-1 MANUFACTURING ZONE; BY AMENDING ARTICLE V, TO INSERT REVISED SECTIONS 1025 THROUGH 1026, CREATING AN M-4 OUTDOOR INDUSTRIAL USE ZONE AND ESTABLISHING USE REGULATIONS AND AUTHORIZING CERTAIN CONDITIONS ON PERMISSIBLE USES WITHIN THE M-4 OUTDOOR INDUSTRIAL USE ZONE

passed first reading; on roll call vote:

Eaves	"No"
Franklin	"Yes"
Hakeem	"Yes"
Hurley	"Yes"
Lively	"Yes"
Pierce	"Yes"
Rutherford	"Yes"
Taylor	"Yes"
Crockett	"Yes"

REZONING

Councilman Lively made the motion to move Ordinance 6(e) up on the agenda; Councilman Pierce seconded the motion; the motion passed.

1998-231: Genia Crittenden Durham

Pursuant to notice of public hearing the request of Genia Crittenden Durham to rezone a tract of land located at 1410 O'Grady Drive came on to be heard.

The applicant was present; opposition was in attendance.

REZONING (Cont'd.)

Mr. Bennett stated this request is for a bed and breakfast or single family dwellings; that the request by the developer and the property owner is that R-3 be limited to use as a bed and breakfast or for single family dwellings only on a total site of 55 acres. He stated the area for the bed and breakfast would be confined to the existing structures. He stated the surrounding zoning is entirely R-1 and some RT-1 to the northwest of the property off Cash Canyon Road. He stated the land use in the area is predominantly large tracts and some vacant property; that it is predominantly single family, low density. He stated both the Staff and Planning Commission recommend against the zoning change.

Atty. Arvin Reingold was present and represented the applicants and stated they want to use the property for its intended single purpose use and to accomplish this the applicant had to request an R-3 for multiple use for apartments. He stated many people in the area were misled when they were told R-3 (apartments) would be there; that this is a single purpose R-3 use. He stated the people who will live there want to retain this basically for single family use and a bed and breakfast. He stated the owners are Dr. and Mrs. Jim Little who are family people who desire to utilize the property for that purpose. He stated it is important that everyone understand the number of acres involved; that there cannot be any more structures built because it is R-1 on a single tract of land. He stated there cannot be other R-1 uses and the purpose is to singularly use it for the purpose intended. He stated many people are unnecessarily alarmed; that more of it is imagined than realistic. He stated the Littles want to utilize it for themselves and some for farm use, reiterating that it is for a single restricted purpose for a bed and breakfast. He stated the application is limited to the existing dwellings and they do not wish to expand.

Councilman Hakeem asked if R-3 is being proposed for the entire 55 acres or R-3 for the property where the dwelling sites are. Atty. Reingold stated the entire tract is 55 acres; that the restriction applies to the entire 55 acres.

Councilman Hakeem asked if R-3 is being sought for the entire 55 acres. Atty. Reingold stated the only way to go in was for the 55 acres; that they would love to cut it off.

Councilman Hakeem inquired as to why it is necessary to rezone all 55 acres for a bed and breakfast.

REZONING (Cont 'd.)

City Attorney Nelson stated the way the property is currently drawn is as a single lot of 55 acres; that they could resubdivide the property and go for rezoning on the resubdivided lot.

Councilwoman Hurley stated she did not hear the answer why; that these buildings that are in place; that everything else should be "carved out" and left as R-1.

Atty. Reingold expressed agreement with Councilwoman Hurley's comments and stated they (Littles) do not have any desire to use the rest of the property for R-3.

Councilwoman Hakeem asked if the applicants are willing to go back to Planning for that plan. Atty. Reingold responded "yes" and asked if that can be accomplished.

Councilwoman Hurley stated her question is whether the developer would be willing to do as Councilman Hakeem suggested for zoning only those properties that will be used for the bed and breakfast and leave the rest as R-1.

Atty. Reingold stated they are willing to do that, however, it will cause some delay; that the application read exactly as Councilwoman Hurley spoke; that they want to restrict the bed and breakfast to the existing dwellings.

Councilman Hakeem inquired as to how the property expanded to 55 acres. Councilwoman Rutherford clarified that one tract is 55, acres.

Councilwoman Hurley asked if the property can be divided into two tracts. Councilwoman Rutherford stated it can be divided into many; that it does not have to go back to Planning; that the Council can do it tonight. Atty. Reingold stated they would love to do that; that they have no desire to use any other areas.

City Attorney Nelson stated in order to do that the property will have to be resubdivided.

Councilwoman Rutherford stated in looking at the application when they made application for R-3, they made application for R-3 with conditions that it was limited to use of existing dwellings. She stated that could be done tonight.

Councilwoman Hurley stated the conditions can be done tonight but not the separation of the two (tracts) with one R-1 and one R-3.

REZONING (Cont 'd.)

City Attorney Nelson stated all would be R-3 with the conditions.

Councilwoman Hurley stated frequently persons come back and ask that conditions be lifted; that the more straight forward approach would be to rezone those properties to specifically define it as the bed and breakfast and leave everything else R-1, not conditionally but in fact. She stated the matter will have to go back through Planning as she believes she is hearing the City Attorney say the Council cannot do that.

Councilman Eaves stated it seems to him that this can be so worded that R-3 would apply only to the present buildings; that the Council has been asked to grant R-3 for properties off Market Street in that way.

City Attorney Nelson stated that is only for tracts of property; that if you have two-or-three lots one can be separated out; that here is one huge tract and rezoning would be for the tract.

Councilman Eaves inquired about the R-1 special zone. City Attorney Nelson stated it can be left R-1 and allow special use of the house. Chairman Crockett stated this is the reason why we need to redo all the zoning codes.

Mr. Bennett expressed his feeling that two separate issues are being discussed; that if it involves the resubdivision of properties it would have to go back to Planning. He stated he was thinking of what has been done in the past; that the recommendation from Planning was for R-3 and it was his thinking if it is less property than what was being requested it could be rezoned by the Council without having to go back.

City Attorney Nelson stated it has to be a lot; that the Council does not rezone half or one-third and does not think we have ever done that.

Chairman Crockett expressed his thought that the Council has limited zoning to the front part for commercial and left the rest for something else. City Attorney Nelson stated we have zoned in exceptions that could be used commercial.

Councilwoman Hurley stated we are not talking about conditions we are talking about separating one piece of property from another.

REZONING (Cont 'd.)

Councilman Lively stated this piece of property is one great concern to the people who live there; that the way it is presented the whole 55 acres would be rezoned R-3. He stated we have seen it before when conditions are lifted and everything has been rezoned. He stated from talking to the people some have indicated they do not want anything to happen and in talking with others a bed and breakfast is something they do not mind if there will not be apartments. He stated there is a precedence for zoning only a lot such as the old Lookout Lake property that was zoned eighteen months ago and that is the way this should be done. He stated at this time all of us want to do the best thing for the new owners and the community and he would personally like to look through there and not see one hundred roof tops. He stated this request assures that (100 roof tops) will not be there; that if it takes time he does not think it will "kill" us. He concluded his remarks by stating he does not have a recommendation at this time.

Councilwoman Rutherford expressed her feeling that time is important and suggested that the Council pass this with the one condition on first reading. She stated prior to second and third reading the Council table the matter for two weeks to allow them to make application with Planning to divide the property which would accomplish what everyone wants.

Councilman Pierce asked if that can be accomplished by that time.

Mr. Bennett stated it can be done as a flag lot and it depends upon how quickly the surveyor can get the plats; that the matter does not have to wait for Planning Commission approval; that a one day turn around can be given as far as a review is concerned.

City Attorney Nelson stated he has found something in the Zoning Ordinance that leads him to believe the Council can divide a lot; that he will "reverse himself".

Councilwoman Hurley made the motion to define the R-3 as described in this ordinance and exclude the rest of the property and make it R-1; Councilman Franklin seconded the motion.

At this point, those in opposition approached the Council to make remarks.

REZONING (Cont'd.)

Charlotte Parton of 1384 O'Grady Drive read from a prepared statement which chronicled the the history of the property. She stated the deed to her property identifies the tract as part of the Old Burgess home place previously under ownership of her uncle, W. T. Burgess, who is not able to be present tonight. She stated that she is a lifelong resident on the properties adjoining the tract under consideration by the Council. She stated members of her family were some of the first settlers in the area; that she and others in the community want to co-exist in this peaceful, quiet, spacious area without disruptions, distractions, intimidation and threats and respectfully request that this rezoning application be denied. (A copy of Ms. Parton's statement is filed with minute material of this date and is available for view.)

(COUNCILWOMAN HURLEY EXCUSED HERSELF FROM THE MEETING AT THIS POINT)

John Tipton of 1406 O'Grady Drive echoed the sentiments previously spoken by Ms. Parton.

David Coker of 1560 Cash Canyon Road stated this is a residential area and is all R-1. He asked the Council to deny this request as it is spot zoning; that there is no "R-anything" other than R-1 in this area and no other structures on this property. He stated it is incorrect for the Council to change the application tonight; that the application needs to be ruled upon as it is listed and not place conditions on it. He stated if it is rezoned R-3 with conditions that can be lifted at a later time. He again asked that the Council please deny this application.

Dr. James Little owner of the property spoke next and introduced his wife, Cindy. He stated he purchased this property under the impression it was R-3 and found out it was not R-3 ten days after purchasing it and had a lot of problems with that. He stated he has made it clear that he has never had any other interest other than using the existing structure with the potential of having horses in something along the lines of an equestrian bed and breakfast where the riders' horses could be housed over night and persons can move on the next day. He stated it is a beautiful piece of property; that it is his understanding if the property is R-1 it can be subdivided and a road put in at a cost of \$90,000. He stated he and the residents are "on the same team".

Councilman Hakeem addressed those from the community and inquired as to their impressions after hearing what is being proposed by the Council regarding the one acre the buildings are on and the restrictions.

REZONING (Cont'd.)

Mr. Coker stated the structures are not on one acre of property as they are spread out. He stated the Council is reviewing this application and trying to make an exception for separate pieces. He asked if a line is going to be drawn around each structure.

Councilman Hakeem asked if the residents take objection to what Dr. Little had to say about what could take place regarding subdivision of the property.

Mr. Coker stated the community is trying to keep this an R-1 community; that if the Council changes this to R-3 then you have liberalized those zones.

Chairman Crockett stated he has been out on the other property but has not been on this (property); that he has seen it from the water while out around other property. He stated he thinks this is terrific finding ways to keep this much beauty in this area. He stated if this stayed within R-1 there could be 200 units and the apartments are "eating up" the landscape when there are subdivisions. He stated there are not many who can afford to buy this property and keep it up. He stated if they can keep it where there can be pasture and allow it to be used as a bed and breakfast is a low impact thing and that is what Councilmen Rutherford and Hakeem are suggesting.

Mr. Coker proposed that the Council consider making a request to leave the R-1 as it has been; that there is a restaurant in the area and the restaurant is R-1 with an exception.

Councilwoman Rutherford clarified that it is C-2.

Mr. Coker then proposed that an exception be made to the R-1 and allow the location to be a bed and breakfast.

Dr. Little, owner of the property, stated after looking at this he does not think there is any such thing as a guarantee; that this is as close to a guarantee it will remain like it is.

Councilman Lively stated there is a bed and breakfast on his street and half the time no one knows it is there (due to low generation of traffic); that it has worked out just great.

At this point, Councilman Lively made the motion that the matter be tabled two weeks so that the residents can talk with the new owner; the motion failed for lack of a second.

REZONING (Cont'd.)

Councilwoman Rutherford suggested that the matter be passed on first reading tonight and have the second and third reading in two weeks.

Councilman Hakeem expressed his thoughts that what is being asked is how this will impact the potential buyer.

Chairman Crockett stated as it appears it can be worked out for the buyer/seller at a point where we need to work out some details.

Dr. Little stated if the matter has to be delayed two weeks that is fine; that he will not be a threat to the residents.

Atty. Reingold agreed that the matter could be tabled until he and others can get with the people (of the area). Dr. Little again confirmed that he can wait.

Mr. Coker inquired as to whether the application will need to be refiled for the one piece of property. Chairman Crockett clarified that the Council has the authority to amend the request without the applicant having to refile.

Atty. Reingold stated prior to second and third reading he would like to have a surveyor out to "carve out" the section that will be used for the bed and breakfast.

At this point Councilman Pierce "called for the question".

Councilman Hakeem asked if it is feasible to go ahead and have the matter ready to move on second and third next week, assuming Atty. Reingold has "carved out" the appropriate section and will get the viewpoint of the neighborhood and maybe save some time.

Councilman Taylor stated he saw the property and can understand the concern; that it is a beautiful piece of property. He stated when a person walks toward it they get the "feeling" of a bed and breakfast.

At this point the Clerk of the Council clarified Councilwoman Hurley's initial motion "to define the R-3 as described in this ordinance and exclude the rest of the property and make it R-1".

(COUNCILMAN EAVES EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)

REZONING (Cont 'd.)

At this point City Attorney Nelson read the amended caption of the Ordinance:

An ordinance to amend Ordinance No. 6958, as amend, known as the zoning ordinance, so as to rezone a portion of a tract of land located at 1410 O'Grady Drive, more particularly described herein, from R-1 residential zone to R-3 residential zone, subject to certain conditions

City Attorney Nelson also indicated the change in the body of the ordinance to reflect the following conditions:

. . .Said tract is a portion of Tract 5, The W.T. Burgess Property, plat book 40, page 17, ROHC . . . Tax Map No. 134-39, more particularly described as from R-1 Residential Zone to R-3 Residential Zone, subject to conditions that:

- 1. . . . Said property shall be used solely for bed and breakfast or single family dwellings; and**
- 2. Only existing buildings may be used for the bed and breakfast**

At this point City Attorney Nelson stated a motion is needed to table the motion previously made by Councilwoman Hurley, since Councilwoman Hurley is not present to withdraw her motion.

On motion of Councilman Lively, seconded by Councilman Pierce, the previous motion by Councilwoman Hurley was tabled.

Councilman Rutherford made the motion to accept the amended caption and body of the ordinance; Councilman Pierce seconded the motion.

City Attorney Nelson stated it is hoped between now and next Tuesday a surveyor will be secured and a better description of the buildings involved will be given.

Someone in attendance made reference to all the buildings, including the barn(s) and living facilities being included.

City Attorney Nelson asked that a surveyor give a description of the tracts to Barry Bennett of the Planning Commission.

REZONING (Cont 'd.)

Councilman Lively asked that the matter be moved to Committee next Tuesday for further discussion once the surveyor has given a description of the property and the owner has had an opportunity to meet with the residents. (It was later agreed that the matter will be discussed in a meeting of the Economic Development Committee immediately following the Budget and Finance Committee meeting.)

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 PORTION OF A TRACT OF LAND LOCATED AT 1410 O'GRADY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

ADOPTION OF RIDGEDALE COMMUNITY PLAN

Councilwoman Rutherford made the motion to move Resolution 7(c) up on the agenda; Councilman Taylor seconded the motion; the motion carried.

Councilman Hakeem made the motion to approve the Resolution; Councilwoman Rutherford seconded the motion.

At this point Chairman Crockett recognized Patricia Rogers who indicated a desire to speak.

Councilwoman Rutherford stated this is a Plan that has been worked on for two years; that the matter has been before Planning and the Council Committee. She stated everything that could be said about this has been said and would appreciate a vote on the matter now.

Councilman Pierce "called for the question".

Patricia Rodgers stated she lives in Ridgedale and those in the area have been working on getting a neighborhood association started for five years; that many have talked about some of the same ideas. She stated she and others feel they need to take a stand for very fundamental issues. She asked that some type of protection be brought into the plan regarding the various properties. (Mrs. Rogers' comments were from prepared text which is filed with minute material and available for view.)

Councilwoman Rutherford asked those in attendance in support of this Resolution to stand and again indicated how very hard everyone has worked on this Plan. At this point she "called for the question".

ADOPTION OF RIDGEDALE COMMUNITY
PLAN (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
A RESOLUTION ADOPTING THE RIDGEDALE COMMUNITY PLAN AND
AMENDING THE HORIZON PLAN 2010
was adopted.

REZONING

1998-215: Julia Myles Blankenship

Pursuant to notice of public hearing the request of Julia Myles
Blankenship to rezone a tract of land located at 7648 Borriss Drive
came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated there is no specific proposed use nor a sight
plan for this zoning request. He stated the surrounding zoning does
include M-1 to the rear and other zoning to the north, south, west
is R-1. He stated the surrounding land use is entirely single
family residential along Borriss Drive and vacant property to the
northeast. He stated the Staff and Planning Commission recommend
denial of the proposed zoning.

Julia Blankenship, applicant, stated there is an industrial plant in
the back of her year with no screening and the Drivers License
Center parking lot is visible, as well. She stated she used to be
able to tell when a strange car was in the area, but when the
parking lot is full it looks like a mini-mall. She stated she has a
special granddaughter who plays in the back yard. She stated the
industrial plant has three different eight hour shifts and (she)
does not know who is out there. She stated she wants the property
rezoned to C-2 so that she can get out of there.

Councilman Taylor asked if Mrs. Blankenship has a buyer for the
property since it is up for sale. Mrs. Blankenship responded "no";
that she was told she would have to get it rezoned first.

Councilwoman Rutherford asked if the county owns the adjacent
property. Mr. Bennett responded that he was "not sure".

Councilwoman Rutherford asked if there was a way to tell from the
map. Mr. Bennett stated this might be part of the property the City
has acquired but is still within the county's jurisdiction.

Mrs. Blankenship stated there is commercial property all in the
area.

REZONING (Cont 'd.)

Councilman Hakeem explained that the Council appreciates Mrs. Blankenship's concern in regard to the granddaughter; that normally the Council has to have some sense of what the property will be used for prior to consideration for change, which is the way the Council will be voting tonight.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7648 BORRISS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE **was denied.**

REZONING

1998-224: Marilee Mitchell

Pursuant to notice of public hearing the request of Marilee Mitchell to rezone a tract of land located at 4502 Norcross Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for an R-3 zone for a bed and breakfast on one side of an existing duplex; that the surrounding zoning includes R-2 with entirely R-1 to the east, R-1 on the west, and R-5 at the end of Hixson Avenue. He stated the land use in the area includes a couple of duplexes and the rest is entirely single family residential. He stated the Staff recommends against the rezoning and the Planning Commission recommends approval with conditions.

Councilman Hakeem inquired as to why the Staff recommended denial. Mr. Bennett responded that the Staff feels this would be spot zoning; that it essentially would be a spot multi-family zone. He stated the Staff normally does recommend against spot zoning on proposals where no other development of that type exists and would generate somewhat more traffic. He stated the Planning Commission did recommend approval with conditions.

REZONING (Cont 'd.)

Marilee Mitchell, applicant, stated across the street is a beauty shop that moved that had been there for several years and next door is a day care center where cars come and go all day long. She stated this request would only increase the traffic by one car; that two cars are there, anyway; that the duplex has three bedrooms and traffic would only be increased by one car. She stated she lives there and would not do anything that will not be in harmony with the neighborhood or devalue her property; that she takes care of her property and keeps it up.

Chairman Crockett stated the real issue is that we do not have a zoning code to address things like a bed and breakfast; that we need to have something like that that would protect the neighborhood.

Councilman Taylor asked for clarification regarding the bed and breakfast being only on one side of a three bedroom duplex. Ms. Mitchell clarified that the Councilman was correct and that there are three bedrooms on each side.

Councilman Taylor asked that the matter be tabled one week so that the Council person representing the district can be present.

Councilman Pierce asked that this request be placed at the top of next week's agenda.

On motion of Councilman Taylor, 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 4502 NORCROSS ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS

was tabled one week.

REZONING

1998-226: Landstone LLC & Komatsu

Pursuant to notice of public hearing the request of Landstone LLC & Komatsu to rezone tracts of land located at 623, 625, 627, 629 and 631 Runyan Drive came on to be heard.

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Chairman Crockett asked if the conditions to this ordinance are acceptable to the applicant. A representative for the applicant responded affirmatively.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 623, 625, 627, 629 AND 631 RUNYAN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1998-228: Air & Hydraulic Equipment Company

Pursuant to notice of public hearing the request of Air & Hydraulic Equipment Company to rezone tracts of land located at 818, 820 and 826 East 10th Street came on to be heard.

The applicant was not present.

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 TRACTS OF LAND LOCATED AT 818, 820 AND 826 EAST 10TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE **was denied.**

AMEND ZONING ORDINANCE RELATIVE TO
NEW LANGUAGE TO CERTAIN
SUBSECTIONS OF THE LANDSCAPE
ORDINANCE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO CERTAIN SUBSECTIONS WITHIN ARTICLE VI OF THE LANDSCAPE PROVISIONS AS ADOPTED IN ORDINANCE NO. 10692 passed first reading.

AMEND CITY CODE RELATIVE TO
LANDFILL FEES

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

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES passed first reading.

TEMPORARY USE: RLR, LLC

Councilman Taylor stated this matter was discussed in Public Works Committee and comes with the Committee's recommendation for approval. He stated the Resolution was amended to reflect that the wall will be lowered within a ninety day time period.

City Attorney Nelson stated the amendment states, "The temporary user shall lower the structure within the City's traffic sight triangle to a height no higher than three (3) feet at all points within the triangle within ninety (90) days".

On motion of Councilman Taylor, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING RLR, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE OLD STAGE RUN SUBDIVISION ENTRANCE ALONG CASSANDRA SMITH ROAD, FOR THE PURPOSE OF ARCHITECTURAL LANDSCAPING INCLUDING A BRICK WALL, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

EXPANSION OF CENTRAL BUSINESS ZONE
AREA BOUNDARY

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION TO AMEND RESOLUTION NO. 21041, AS ADOPTED ON JULY 16, 1996, TO EXPAND THE BOUNDARY OF THE CENTRAL BUSINESS ZONE AREA was adopted.

SPECIAL POLICE OFFICERS

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION APPOINTING JAMES TONY QUARLES, CECIL W. BARBER, KELVIN LAMAR FLINT, JOHN G. VLASIS, CHARLES E. NICHOLS, JR., SAMUEL E. BLAKEMORE, WAYNE C. HENNESSEE AND DAVID L. WALKER AS UNARMED SPECIAL POLICE OFFICERS FOR THE PURPOSE OF ISSUING CITATIONS FOR FIRE CODE VIOLATIONS was adopted.

SERVICE AGREEMENT: TVA

Councilman Taylor stated Resolutions (e), (f), and (g) were discussed in the Public Works Committee and are recommended for approval.

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO EXECUTE A SERVICE AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY FOR A CONTINUATION OF STORMWATER SAMPLING FOR ONE YEAR AT A COST OF FIFTY-FOUR THOUSAND SIX HUNDRED FORTY DOLLARS (\$54,640.00) was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 281, MOCCASIN BEND WASTEWATER TREATMENT PLANT - BUILDING EXPANSION AND RENOVATION, DEVAN BROWN CONSTRUCTION, INC., TO INCREASE THE CONTRACT IN THE AMOUNT OF NINETY THOUSAND EIGHT HUNDRED SIXTY-TWO DOLLARS (\$90,862.00), FOR A REVISED TOTAL CONTRACT PRICE OF TWO MILLION FORTY-NINE THOUSAND EIGHT HUNDRED SIXTY-TWO DOLLARS (\$2,049,862.00) was adopted.

PROPOSAL ACCEPTANCE: TDOT

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO THE WIDENING OF STATE ROUTE 153 FROM HICKORY VALLEY ROAD NEAR I-75 TO STATE ROUTE 58 SOUTH (AMNICOLA HIGHWAY), STATE PROJECT NO. 33052-2241-14 was adopted.

OVERTIME

Overtime for the week ending December 4, 1998 totaled \$98,470.07

PURCHASES

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

ADUDEL ROOFING (Lower and better bid)
Bid No. B0000158/R0032587

Purchase of Roof Replacement

35,658.00

HYGAFEM-GEORGIA (Lower and better bid)
Requisition No. 0038429

Purchase of contract for Feminine Hygiene Disposal Service

\$738.83/month

PERSONNEL

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

VALORIE H. OSBORNE -- Return from Family Medical Leave, Public Relations and Education Coordinator, Engineering, effective November 30, 1998

RONNIE JOHNSON -- Lateral Transfer, Crew Worker, Senior, City-wide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective November 19, 1998.

ORLANDO SPRATLING -- Lateral Transfer, Crew Worker, Senior, City-wide Services, \$23,918.00 annually, effective November 19, 1998.

JACQUELINE ODOM -- Suspension, Crew worker, City-wide Services, effective November 23-25, 30, 1998.

SHANE WHITE -- Suspension, Heavy Equipment Operator, City-wide Services, effective November 17-23, 1998.

PURCHASE

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

COMMONWEALTH TECHNOLOGY, INC. (Single source purchase)
Requisition No. R0039382

Purchase of Biomonitoring Services (per TCA 6-56-301)

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Police Department:

EMMA MAGRUDER -- Hire, Fingerprint Technician, Pay Grade 6/Step 1, \$18,574.00 annually, effective December 18, 1998.

MARY A. CLARKE -- Resignation, Police Cadet, effective December 1, 1998.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the following purchases were approved for use by the Police Department:

BELLSOUTH (Per TCA 6-56-301)
Requisition No. R0037929

Purchase for Recurring Charges for the T1 Line Connection for the Upper Level of the 911 Building @ \$305.00 per month for 73 months)

\$22,265.00

NEC TECHNOLOGIES (Sole Source Purchase)
Requisition No. R0027712

Purchase for Upgrade to AFIS Program per TCA 6-56-301

\$136,000.00

PURCHASES (Cont'd.)

PUBLIC AGENCY TRAINING COUNCIL (Sole source purchase)
Requisition No. R0038213

Purchase of Specialized Training Classes per TCA 6/56/301

\$45,000.00

SCOPE PROGRAM

Chairman Crockett inquired about the Southeastern Community Oriented Policing Education (SCOPE) teleconference that was held this evening.

Chief Dotson stated the SCOPE program was mentioned to the Council several weeks ago which involves the City being one of six cities in the southeast to participate in a project focused on youth violence. He stated a Chattanooga site has been selected which will be in the Alton Park area with the Bethlehem Center serving as a partner. He stated the city with the best recording indicators will be selected as the national site for the program.

PERSONNEL

The following personnel matter was reported for the Finance Department, Division of City Court:

JUDY WALLACE -- New Hire, Court Clerk, Pay Grade 5/Step 1,
\$17,459.00 annually, effective December 4, 1998.

PERSONNEL

The following personnel matter was reported for the Neighborhood Services Department, Better Housing Division:

KAREN D. CLAY -- New Hire, Office Assistant, Pay Grade 4/Step 1,
\$15,230.00 annually, effective December 4, 1998.

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Hakeem, the following purchase was approved for use by the Department of Neighborhood Services:

PM ALARMS (Lower and better bid)
Requisition No. R0033731

Purchase of Fire Alarm System

\$25,210.00

HEARING

City Attorney Nelson reported that a hearing has been requested by attorneys for Gary Brown regarding Mr. Brown's recent demotion.

A hearing date of January 25, 1999 was scheduled to hear the appeal with Councilman Hakeem serving as Chairman, and Councilmen Rutherford and Franklin comprising the Committee. The hearing will begin at 6 p.m.

LAWSUIT

City Attorney Nelson requested authorization to join with the Hamilton County School Board in filing a lawsuit against the TML Pool.

On motion of Councilwoman Rutherford, seconded by Councilman Lively, authorization for the City Attorney to join with the Hamilton County School Board in filing a lawsuit against the TML Pool was given.

COMPLAINTS FROM DOWNTOWN MERCHANTS

Councilman Pierce stated he has received complaints from downtown merchants regarding skate boarding. He stated the police have made some arrests and asked if there is any way to "tighten up" on this situation.

City Attorney Nelson responded that an ordinance can be adopted regarding the matter; that the Legal and Legislative Committee can handle this.

ADJOURNMENT

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


CHAIRMAN


CLERK OF COUNCIL

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