

Municipal Building
Chattanooga, Tennessee
October 14, 1997

The meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Crockett, Eaves, Hakeem, Lively, Pierce, Rutherford and Swafford present; Councilwoman Hurley was out of the country representing the City in France. Assistant City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

INVOCATION

Invocation was given by J. B. Collins.

MINUTE APPROVAL

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

SPECIAL PRESENTATION:
REPRESENTATIVES OF MAX W. FINLEY
STADIUM

Sally Robinson expressed appreciation to the Council for the opportunity to make a brief presentation; that this coming weekend will mark another wonderful milestone with the unveiling and opening of the Max Finley Stadium and Davenport Field. She stated she and Mr. Moss are present to say "thank you" to the Mayor and Council for the early funding for the project and for the studies that were put into this; she expressed thanks for former Mayor Roberts' support, also. At this point she introduced Roger Moss, the artistic director for the grand opening activities.

Roger Moss began his remarks by asking the Council if they could "feel a brand new day!" which is the theme for the grand opening ceremonies and the entire weekend; that it is a "brand new day" for the southside, Chattanooga and the surrounding area; that the Stadium is the new "jewel" on the southside.

SPECIAL PRESENTATION:
REPRESENTATIVES OF MAX W. FINLEY
STADIUM (Cont'd.)

At this point Mr. Moss outlined the various activities for the weekend, beginning with a private reception on Thursday, October 16 and culminating with a fireworks show on Saturday at 9 p.m. He stated Saturday will be a "party on the southside" and expressed thanks for the manpower and woman power in pulling everything together. He stated he looks forward to everyone being at the Stadium for what he knows will be a great time for all.

Ms. Robinson made special mention of the invitation to the Council to attend the Thursday (October 16) special presentation at the Stadium for the unveiling of the bust of Gordon Davenport and asked that they come to the south entrance where parking will be provided; that commemorative gifts will be provided to all in attendance.

REZONING

Councilman Hakeem made the motion to move this matter up on the agenda; Councilman Taylor seconded the motion; the motion passed.

1997-1998: Liza F. Heath

Pursuant to notice of public hearing the request of Liza F. Heath to rezone a tract of land located at 1087 Engel Avenue came on to be heard.

Chairman Swafford indicated the applicant gave written notice of withdrawal shortly after the Planning Commission meeting last month; that the matter should not have appeared on tonight's agenda since it was withdrawn in time.

Councilman Eaves expressed his concern regarding the withdrawal of the request; that if they are allowed to withdraw they can bring it back within the next period of time. He stated that area is absolutely not conducive to anything on that corner; that it will be a disaster to put anything on that corner.

Chairman Swafford explained that the matter was placed on the agenda by accident; that communication did not get to the Council office in time. He stated we are making it a matter of record that the matter had been withdrawn and should not have appeared on the agenda as it was withdrawn after the Planning Commission meeting.

REZONING (Cont'd.)

The Clerk of the Council indicated that the request for withdrawal was made prior to advertising; however, the Clerk was not aware at the time the advertising notices had been forwarded to the news media that the request for withdrawal had been received.

David Montgomery inquired as to when the applicants can come back with this request; that it doesn't matter whether they withdraw or not. He asked if they will be informed of the meeting date when it comes back up.

Assistant City Attorney McMahan stated they will have to start the process all over again and notice will be given.

Chairman Swafford stated a yellow sign will be posted again notifying of the date and time it will be heard before the Planning Commission.

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1087 ENGEL AVENUE, BEING ON THE NORTHWEST LINE OF ENGEL AVENUE SOUTHWEST OF EAST BRAINERD ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was withdrawn at the request of the applicant.

REZONING

Councilman Hakeem made the motion to move this matter up on the agenda; Councilman Lively seconded the motion; the motion passed.

1997-201: Mike Gulas

Pursuant to notice of public hearing the request of Mike Gulas to rezone a tract of land located at 1516 McCallie Avenue came on to be heard.

The applicant was present; considerable opposition was in attendance.

Barry Bennett stated the request is for C-2 and the site is the old Gulas Restaurant at Holly and McCallie Avenue. He stated the surrounding zoning includes R-1, C-5, C-2 and M-1; that the land use in the area is predominantly commercial development with single family residential, duplex and multi-family housing. He stated the Planning Commission Staff recommended against the rezoning and the Planning Board recommended approval.

REZONING (Cont'd.)

Mr. Bennett stated in 1994 there was a rezoning study for this section of the Highland Park area; that this property, as well as others, was zoned M-1; that it was decided it would be more reasonable and appropriate for the area to rezone the industrial area to some commercial classification. He stated C-5 was thought to be more in keeping with the neighborhood plan for Highland Park and what they are trying to do regarding stabilizing low-density residential uses. He stated the Staff feels even though there is a considerable amount of C-2, the C-5 was more appropriate and more in keeping with what the neighborhood is trying to do.

Councilman Hakeem stated because of the neighborhood plan this property was down-zoned. Mr. Bennett responded "yes."

Councilman Hakeem stated in regard to the Planning Commission vote that was taken, how often does the Planning Commission vote against a neighborhood plan that it has voted for previously.

Mr. Bennett stated it has not happened very often; that it happens occasionally. He stated sometimes there is a split recommendation and in this case the primary reason was that there is other commercial development zoning on the opposite corner of this site.

Councilman Hakeem then asked Mr. Bennett if he was aware whether alcoholic beverages are being served in any institutions within the industrial C-2 around this area. Mr. Bennett responded "no, sir."

Councilman Hakeem stated the information he has is that they do not (serve alcoholic beverages). Mr. Bennett stated he cannot recall any others.

Mr. Pierce stated the application is in the name of Mike Gulas and at the time of the downzoning did we get any opposition from him (Gulas). Mr. Bennett responded "not that he recalls."

Mr. Pierce asked if he (Gulas) was aware of the zoning. Mr. Bennett stated they tried to send notices to property owners affected; that he does not recall any opposition from anyone in the area.

Councilman Taylor stated when he looks at the C-5 zoning map, right across the street is C-2. He asked why the zoning study did not continue on down (the street).

Mr. Bennett stated the downzoning addressed only the M-1 and not the other C-2; that the C-2 is already developed with appropriate use; that there are many uses that will go into C-5; that M-1 was the only inappropriate use for that location.

REZONING (Cont'd.)

Councilman Taylor stated if one of the businesses in the C-2 moves out then you can run into a problem because it is zoned C-2; that a different type of business can come in.

Mr. Bennett stated any use permitted in C-2 can locate on one of the other properties; that many of the uses presently there will not go into C-5. He stated in this situation we need to be reasonable with the existing businesses in the area.

Mr. Hakeem stated he would like to add to what Mr. Bennett stated; that after the use by Gulas it has been a problem area for the neighborhood; that as a result the community felt it would be good to have the property downzoned to eliminate those concerns. He stated you will find in some neighborhoods there is a spot that attracts things that are not good for the neighborhood and this is one.

Atty. Marty Stone of Duncan, Moseley and Warren was present representing Gary Pittman, operator of the End Zone Restaurant. He distributed information regarding the Restaurant and stated many statements have been made regarding concerns about the Highland Park area; that he looked at the Highland Park Neighborhood Plan today. He stated the End Zone is not an adult entertainment operation; that it is a place where people can go and socialize; that we are talking about an area that has had restaurants in it and this is not something that will be completely unusual in that area and there is a need for this type of establishment. He stated Mr. Pittman is a native Chattanooga and has lived in Los Angeles for the past several years and returned in July; that he is not a part of the past and wants to be a part of the future to change the image of this location. He asked that the Council look at what they are asking for and not what might be rumored; that they are talking about what will be occurring in the future.

Greg Pittman stated most of the people in Highland Park knows who he is; that his name has been tarnished by some of the rumors and a member of the Council that has heard bad things about him. He stated he was born here and left when he was twelve and moved back in July; that he has fought for this matter and will not give up the fight. He stated he could live with the situation if his building was close to a school or church, but it is not; that he can accept the fact some don't like him, but he is not trying to "buck the system;" that he is trying to work with the system. He stated he could understand it if it is in the middle of the neighborhood, but it is not, it is on a commercial street.

REZONING (Cont'd.)

Mr. Pittman stated he went door-to-door down Duncan and Chamberlain today and collected signatures from those who are in favor of beer being served with meals, however none of them are present tonight. (A copy of Mr. Pittman's petition is filed with minute material of this date.) He made reference to the large delegation of persons from Highland Park present in opposition and stated, "this is all people in the neighborhood have to do is come and cause problems". Immediately upon making the remark, he apologized to those in attendance.

Councilman Hakeem stated the petition he has seen prior to this is one that was compiled with people who frequent his business and not from those in the neighborhood. He stated Mr. Pittman has told him that his business is going to be a lounge; that he told him this business was going to be for ages 25-45, middle income blacks and that is not what is in that neighborhood.

Mr. Pittman stated he was told in order to start the petition he would have to get the support of the neighborhood; that none of the signatures on the petition came from clients in the restaurant; that they came from people in the neighborhood, reiterating that he was told he needed the support of the Highland Park neighborhood.

Councilman Hakeem stated the people here tonight represent the Highland Park Neighborhood. Mr. Pittman stated they do not represent all of the people in the Highland Park neighborhood.

Councilman Hakeem stated if there is an entity that represents the neighborhood and the people are active he thinks it does represent the will of the people.

Mr. Pittman stated it does not represent the will of all of the people; that those 115 signatures he collected does not represent "those" (in attendance) people.

Councilman Hakeem asked how the petition Mr. Pittman presented to the Council was presented to the individuals who signed; that his attorney says it will be a restaurant and not a night club; that the application says "night club and lounge."

Mr. Pittman stated his application says "End Zone Restaurant and Lounge;" that since the time he made application he has found all he needs to serve is beer and/or wine with the meals. He stated at this point he has no intention of opening a lounge; that he is open now from 11 a.m. until 9 p.m. and that has not changed.

REZONING (Cont'd.)

Councilman Hakeem inquired as to the owner of the business. Mr. Pittman responded that he is the owner.

Councilman Hakeem stated if Mr. Pittman is the owner why is Mr. Foster telling him he is part owner. Mr. Pittman stated Mr. Foster is his cousin and he (Foster) and Mr. Gulas are friends; that Mr. Foster leases the building from Mr. Gulas and he (Pittman) is the sole supporter of the building.

Councilman Hakeem stated Mr. Pittman is leasing from his cousin, Mr. Foster, and he (Foster) is not part owner. Mr. Pittman stated even though he (Foster) had a business there he ran the business very poorly.

Judith Schorr spoke next as the Crime Committee Chairperson for the Highland Park Neighborhood Watch Association. She asked those in opposition to stand (and a large delegation from the Highland Park Community stood) and presented a petition with over 300 signatures of residents, businesses and those who frequent the area on a regular basis due to the churches and day care centers in the area. She stated they are opposed to the spot zoning because it goes against the Plan the City approved for the Highland Park area in 1994. She stated when they began their neighborhood watch in 1990 they found they had no R-1 zoning nor any plan for revitalization; that they are now experiencing improvements with the help of the new zoning through the Plan.

Ms. Schorr stated there were 129 drug and prostitute-related houses in 1991, five drug corners and a deteriorating community. She stated as of last night, to her knowledge, there are now only eleven drug and prostitute locations, no drug corners and a strong on-going housing and community revitalization program; that 39 multi-dwellings have been converted back to single family homes and 50 new families have bought homes and live in the area. She continued by stating one of their efforts now is to secure their borders and that is what they are trying to do on McCallie Avenue; that any plan is only as good as it is worked, and they are present to reconfirm their commitment to the Highland Park Plan. She asked that the Council support them and not grant the spot zoning change Mr. Pittman is asking for.

Jim Bowman stated he is professor of Economics at Tennessee Temple University and on April 1 of 1992 he was manager of a major corporation with 360 employees and responsible for revenues in nine digits. He stated he became an unwilling victim of government spot zoning and was involved in an accident when a person who had been drinking ran a traffic light; that he had another surgical procedure today and should not be present tonight.

REZONING (Cont'd.)

Mr. Bowman stated spot zoning is extremely important to someone who almost lost their life due to spot zoning; that other people are willing to speak of the quality of life in Highland Park; that they should look into the eyes of a man who knows firsthand that spot zoning will only hurt the quality of life in the area.

Uneva Shaw, Vice President of the Highland Park Neighborhood Watch, spoke next. She stated the organization has had several conversations with him; that they are not opposed to a restaurant as they welcome new business and a restaurant. She stated on several occasions they have talked with Mr. Pittman and have noticed he has a metal detector and plans on having private security which sent up a "red flag" to them. She asked the Council to picture an area where a lounge is very successful and to picture the End Zone and McCallie Avenue as a major corridor. She stated if the lounge is successful we are looking at others following suit, and we do not want that; that the neighborhood would like a successful restaurant but not a lounge; that they are not anti-business. She stated the question was asked about other establishments in the area serving alcohol, and it was erroneously stated Wally's served alcohol. She stated their record speaks for itself; that the Council has trusted them in their endeavors and if this spot zoning is approved they will have lost. She stated their Plan is a work in progress and they are planning to have other rezoning efforts. She asked that the Council not destroy the hope of their neighborhood and organization and the enthusiasm of other neighborhood groups like theirs. She asked that the Council not vote for this as it can be very destructive.

Atty. Stone stated there may still be some misconceptions that he would like to address; that Mr. Pittman stated when he first made application he did intend for it to be a restaurant and lounge but listened to what the people from Highland Park had to say; that he does not want a lounge, now; that plans now are for it to be a restaurant. He expressed his belief that the Highland Park Plan is a great thing and something that deserves community and Council support; that there is a place within the Plan for a place like the End Zone to fit into the Plan. He stated if you work together you can have a place that will not be an adult night club; that it will be a place the community can enjoy.

Mr. Pittman again apologized and said he did not "do it" (spot zoning); that all are interested in money; that he has a revenue plan that will generate sales tax for the city; that he generates \$2,000 a day in sales, and the revenue base will be over \$700,000 a year. He stated all he is asking for is a chance; that middle class business professional people have no place to go; that he is offering that to the City of Chattanooga.

REZONING (Cont'd.)

Mr. Pittman made reference to night clubs being located on M.L. King and Tunnel Boulevard; that middle class people do not have a place to go. He stated "half of him" says he is wasting his time and the "other half" says not to give up; that the Blues Port tried to defy the system and he is not; that he is trying to do it the legal way. He stated he has a right to make money and a right to make a living for his family. He stated the City Attorney says they posted notices of the change of zoning; that Mr. Gulas said he did not get a notice; that he (Pittman) is not stupid; that had he known the change was there he would not have been interested in the building. He stated he would not have wasted as much time had he known it would be a fight like this. He stated he met with these people (Highland Park residents) three times and was willing to "bend over backwards." He stated he "won" at the Planning Commission meeting and asked why would they recommend this if they did not see something.

At this point Councilman Hakeem made the motion to deny.

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 AT 1516 MCCALLIE AVENUE, BEING ON THE
SOUTHWEST LINE OF MCCALLIE AVENUE AT HOLLY STREET, FROM
C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE
was denied.

REZONING

1997-183: City of Chattanooga

Pursuant to notice of public hearing the request of the City of Chattanooga to rezone a tract of land located on the northwest line of Interstate 75 at South Chickamauga Creek came on to be heard.

There was no opposition present regarding this request.

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 ON THE NORTHWEST LINE OF INTERSTATE 75
AT SOUTH CHICKAMAUGA CREEK, FROM R-3 RESIDENTIAL ZONE
TO C-2 CONVENIENCE COMMERCIAL ZONE
passed first reading.

REZONING

1997-185: James & Brenda Thompson

Pursuant to notice of public hearing the request of James & Brenda Thompson to rezone a tract of land located at 5469 Hixson Pike came on to be heard.

The applicant was not present; there was no opposition.

Councilmen Eaves and Lively made the initial motion to approve this request; however, when it was then discovered the applicant was not present, Councilman Lively withdrew his second to the motion to approve.

Barry Bennett indicated he would make contact with the applicant to assure his presence at next week's Council meeting.

On motion of Councilman Crockett, 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 5469 HIXSON PIKE, BEING ON THE
NORTHWEST LINE OF HIXSON PIKE SOUTHWEST OF OLD HIXSON
PIKE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled one week.

REZONING

1997-187: Barbara A. Moon

Pursuant to notice of public hearing the request of Barbara A. Moon to rezone a tract of land located at 2511 Curtis Street came on to be heard.

The applicant was not present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 2511 CURTIS STREET, BEING ON THE
NORTHWEST LINE OF CURTIS STREET SOUTHWEST OF APPLING
STREET, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE
was denied.

REZONING

1997-188: Oma Lee Reichstein

Pursuant to notice of public hearing the request of Oma Lee Reichstein to rezone a tract of land located at 112 Hartman Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated both the Staff and Planning Commission recommend approval subject to conditions. Chairman Swafford asked the applicant if she concurs with the conditions; Mrs. Reichstein replied "yes".

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 112 HARTMAN STREET, BEING ON THE
SOUTHWEST LINE OF HARTMAN STREET NORTHWEST OF FOREST
AVENUE, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1997-192: Chattanooga Metropolitan Airport Authority

Pursuant to notice of public hearing the request of the Chattanooga Metropolitan Airport Authority to rezone a tract of land located in the 100 block of Honest Street came on to be heard.

The applicant was not present; there was no opposition.

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 IN THE 100 BLOCK OF HONEST STREET,
BEING ON THE NORTHWEST LINE OF HONEST STREET NORTHWEST
OF LEE HIGHWAY, FROM C-1 HIGHWAY COMMERCIAL ZONE, C-2
CONVENIENCE COMMERCIAL ZONE AND M-1 MANUFACTURING ZONE
TO M-2 LIGHT INDUSTRIAL ZONE
passed first reading.

REZONING

1997-197: Glasscock Developments

Pursuant to notice of public hearing the request of Glasscock Developments to rezone a tract of land located at 1010 North Runyan Drive came on to be heard.

The applicant was present; there was no opposition.

Councilman Lively stated this is downzoning and moved for approval.

Councilwoman Rutherford inquired as to why the Staff recommended denial. Mr. Bennett stated the Staff was looking at a proposal for refining the R-T1 zone and considering whether we needed to retain R-T1 and RZ-1; that that is still being taken under advisement. He stated the R-T1 is still viable; that they will redo that zone and add landscaping; that they concur with the recommendation.

Councilman Swafford inquired as to whether the applicant accepts the conditions. Brian Glasscock stated their concerns were in regard to the subdivision plat. Mr. Bennett stated that is right; that it refers to the site plan.

On motion of Councilman Lively, 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 1010 NORTH RUNYAN DRIVE, BEING ON
THE SOUTHWEST LINE OF NORTH RUNYAN DRIVE SOUTHEAST OF
RUNYAN DRIVE, FROM R-4 SPECIAL ZONE TO R-T1 RESIDENTIAL
TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

TEMPORARY USE: THE SOUL MAN SHOP

Councilman Pierce inquired as to whether it would be up to the company putting up the awning to apply for the temporary use permit rather than the property owner. Admin. Marcellis stated in order for the awning to go up a sign permit has to be secured.

Councilman Pierce asked if a sign permit was given. Admin. Marcellis stated they do not have a permit; that the the procedure is for them to come to the City Council for a temporary use permit and after that is granted they will go to the Sign Board for the sign variance.

TEMPORARY USE: THE SOUL MAN SHOP
(Cont'd.)

Councilman Pierce asked how we deal with people who go ahead and do things without going through the process. Admin. Marcellis stated if it is not approved they will have to take it down or be cited for violation.

Councilman Pierce stated he does not see going out making them take it down although he thinks someone should be cited; that he thinks it should be the contractor and not the store owner.

Councilman Taylor stated sometimes when he goes out to peruse temporary uses that are on the Council agenda, he notices that the sign or awning is already up prior to Council approval.

Chairman Swafford asked for clarification as to whether Councilman Taylor was saying the signs and awnings are up before they come before the Council. Councilman Taylor responded "yes" and asked what the difference is in this request.

Admin. Marcellis stated we have the option to cite them to Court; they have the option of coming to the City Council. He stated if they decide to do that we stop any enforcement because we do not feel it will be right to take it down and then you approve it the following week and they spend money twice.

Councilman Taylor stated when he goes by and looks at different places that are on the agenda they are already in place; that he noticed this (awning) had gone up and we have not approved it and the sign is already there.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE SOUL MAN SHOP TO USE
TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT 704
MARKET STREET, SUBJECT TO CERTAIN CONDITIONS, FOR
INSTALLING AN AWNING

received no action due to insufficient number of votes; on roll call vote:

Crockett	Abstain
Eaves	"No"
Hakeem	"Yes"
Lively	"Yes"
Pierce	"No"
Rutherford	"Yes"
Taylor	"Yes"
Swafford	"Abstain"

SPECIAL EXCEPTIONS PERMIT

1997-096: Rosebrook Townhomes, Stage II LLC & Monty Reeves
(Igotu Gardens, Stage I)

The applicant was not present; there was no opposition.

On motion of Councilman Eaves, seconded by Councilman Lively,
A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A
FINAL PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND
LOCATED IN THE 1900 BLOCK OF ROSEBROOK DRIVE AND THE
7500 BLOCK OF GOODWIN ROAD, BEING ON THE NORTHEAST LINE
OF IGOU GAP ROAD SOUTHEAST OF DENTON LANE, MORE
PARTICULARLY DESCRIBED IN THE PLAT ATTACHED HERETO
was adopted.

SPECIAL EXCEPTIONS PERMIT

1997-174: Al Cannon

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Eaves,
A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A
PRELIMINARY RESIDENTIAL PLANNED UNIT DEVELOPMENT IN THE
4100 BLOCK OF WEBB ROAD, BEING OFF THE SOUTHEAST LINE
OF WEBB ROAD SOUTHWEST OF ARBOR LANE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON MAP ATTACHED HERETO,
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS
was adopted.

AGREEMENT: PIEDMONT OLSEN HENSLEY

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC
WORKS AND THE CITY FINANCE OFFICER TO EXECUTE AND
ATTEST, RESPECTIVELY, AN AGREEMENT WITH PIEDMONT OLSEN
HENSLEY FOR ENGINEERING SERVICES RELATIVE TO THE
TREMONT STREET COMBINED SEWER OVERFLOW CONTROL FACILITY
FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-THREE
THOUSAND DOLLARS (\$163,000.00)
was adopted.

CONTRACT: MAYSE CONSTRUCTION
COMPANY

Councilman Swafford stated he had the opportunity to Chair the Public Works Committee today and Resolutions (d) through (h) were discussed in Committee and come with recommendations for approval.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SWM-3-97, BROWN'S FERRY ROAD AT WATERFRONT DRIVE CULVERT REPLACEMENT, TO MAYSE CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF SEVENTY-SEVEN THOUSAND, SEVEN HUNDRED SIXTY-FOUR DOLLARS (\$77,764.00) was adopted.

TEMPORARY USE: STEAMBOAT SUPER
SANDWICHES

Councilman Pierce stated this matter is the same situation as the previous temporary use request; that the banner is already hung. Admin. Marcellis stated this banner is temporary in use, only, and is 4 feet by 2 feet.

Councilman Eaves inquired as to how long the temporary use stands. Admin. Marcellis stated it stands until we need the use of the right-of-way.

Councilman Taylor asked if the banner is already up. Admin. Marcellis responded that "he did not know."

On motion of Councilwoman Rutherford, seconded by Councilman Lively, A RESOLUTION AUTHORIZING STEAMBOAT SUPER SANDWICHES TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT 812 BROAD STREET, SUBJECT TO CERTAIN CONDITIONS, FOR HANGING A BANNER, MORE PARTICULARLY DESCRIBED HEREIN was adopted.

AGREEMENT: ARTECH DESIGN GROUP,
INC.

On motion of Councilman Hakeem, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE AN AGREEMENT WITH ARTECH DESIGN GROUP, INC., RELATIVE TO THE RENOVATION OF THE EAST LAKE PARK CONCESSIONS PAVILION, FOR A CONTRACT AMOUNT OF FOUR THOUSAND DOLLARS (\$4,000.00) was adopted.

PROJECT COOPERATION AGREEMENT:
DEPARTMENT OF THE ARMY

Councilman Eaves inquired as to where this is located. Admin. Marcellis stated this picks up in the middle going south toward Heritage Landing; that this will go past their Clubhouse up to Glendon Drive about 1,400 feet.

Councilman Eaves asked if a sewer line has been put in. Admin. Marcellis responded "yes."

Councilman Eaves inquired as to whether this is the property that is to keep the Park from washing away. Admin. Marcellis stated the Administrator of Parks and Recreation has a contract with the Corps of Engineers for that.

Admin. McDonald stated his department has received a low bid on that project that should start within the next two-to-three weeks.

Councilman Crockett inquired about McClellan's Island. Admin. McDonald stated that is not included in what they have going now; that that is a future project.

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE EXECUTION OF A PROJECT
COOPERATION AGREEMENT WITH THE DEPARTMENT OF THE ARMY,
RELATIVE TO CONSTRUCTION OF THE CHATTANOOGA INTERCEPTOR
SEWER LINE STREAMBANK PROTECTION PROJECT ON THE NORTH
BANK OF THE TENNESSEE RIVER
was adopted.

OVERTIME

Overtime for the week ending October 10, 1997 totaled \$69,288.35.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Eaves, the following purchase was approved for use by the Parks and Recreation Department:

WEST GEORGIA ROOFING (Lower and better bid)
Requisition No. R0003413

Purchase of Roof Repair

\$17,450.00

PURCHASE (Cont'd.)

Councilman Lively inquired as to whether a warranty is included in contracts for roof repair. Admin. McDonald stated that warranties are included on all roofing contracts; that the problem is they have had contractors who had gone out of business and some of the bonding companies have gone bankrupt. He stated they have had some bad luck on previous jobs but not lately.

CAVALIER UPDATE

Admin. Traughber stated Joe Guthrie has asked that a Budget and Finance Committee meeting be scheduled to give an update on Cavalier and to discuss issues relating to real estate regarding parcels of property, specifically the Central City Complex, Solar Training Institute and the Bessie Smith Hall. He stated discussion will involve the City and County deeding over their interest in the Solar Training Institute to the M.L. King Corporation; that the Development District will deed over their interest in the Central City Complex to the City.

(Later in the meeting, Councilman Hakeem added the matter to the schedule of the Budget and Finance Committee scheduled for Tuesday, November 4 at 4 p.m.)

PERSONNEL

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

AARON M. DAVIS -- Reinstatement, Concrete Worker, City-wide Services Pay Grade 6/Step 4, \$18,813.00 annually, effective September 16, 1997.

ROGER D. HAMRICK -- Dismissal, Laborer II, City-wide Services, effective September 30, 1997.

CHARLES E. APPLEBERRY -- Dismissal, Laborer I, City-wide Services, effective September 30, 1997.

AARON P. MASSENGILL -- Dismissal, Laborer I, City-wide Services, effective September 30, 1997.

Councilman Taylor inquired as to the reason for dismissal of persons listed on the Public Works personnel report.

Admin. Marcellis stated one did not return beyond the three day period and it was determined he had abandoned his position, and the other two were involved in an altercation on City property.

PURCHASE

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

APPALACHIAN SIGNALS AND PRODUCTS, INC. (Lower and better bid)
Requisition No. B0000024

Purchase of Traffic Signal Controllers with Cabinet

PERSONNEL

The following personnel matters were reported for the Police Department:

JACKIE MCCAIN -- Suspension (two days without pay), Dispatcher, effective October 20-21, 1997.

DEWEY GASS -- Retirement (29 years service), Lieutenant, effective October 23, 1997.

Councilman Taylor inquired as to the reason for the (Jackie) McCain suspension. Deputy Chief Pearson stated the employee did not follow procedure and made (some) improper judgments on her own.

APOLOGY

Councilman Hakeem apologized to Chief Dotson for remarks made at last week's Council meeting regarding a report on an individual who had been before the Council for a personnel hearing. He stated Chief Dotson was not employed with the City at that time and again expressed apology for the manner in which he might have "come across".

HEARING: OFFICER PHILLIP MCCLAIN

A hearing for Officer Phillip McClain regarding a five day suspension was scheduled for Monday, November 10, 1997 beginning at 6 p.m. Councilmen Hakeem (Chairman for the hearing), Taylor and Rutherford will serve as the panel hearing the case.

COMMITTEES

Councilman Crockett scheduled a meeting of the Economic Development Committee for Tuesday, October 21 at 4 p.m. He asked that the meeting be held jointly with Budget and Finance.

Councilman Hakeem stated the Cavalier update and real estate discussion will take place at the Budget and Finance Committee meeting scheduled for Tuesday, November 4 immediately following the presentation by the firm performing the Personnel Study. He reminded Council members of the meeting of the Committee for Monday, October 20 at 5 p.m. to continue discussion of the City Court Officers. He scheduled a meeting of the Committee for Tuesday, November 11 at 5 p.m. regarding the city's new financial advisors.

Councilman Lively stated the Legal and Legislative Committee met to discuss the ordinance dealing with roll-up doors and gates; that after discussion the Committee voted to bring the matter to the full Council in the form of a Resolution authorizing the City Attorney's office to go to Chancery Court to seek a declaratory judgment to establish the legality of this ordinance. He indicated the Resolution would be on next week's agenda.

Councilman Crockett made the motion to have the matter placed on next week's agenda for the City Attorney to seek judgment to comply; Councilwoman Rutherford seconded the motion; the motion passed.

LOOKOUT VALLEY HIGH SCHOOL
STUDENTS

Councilman Lively recognized the presence of Jeff Oliver, Ben Drapiza and Micah Morrison, students at Lookout Valley High School who were present to fulfill a class requirement.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, October 21, 1997 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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