

**Municipal Building
Chattanooga, Tennessee
September 14, 1999**

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

INVOCATION

The invocation was given by Councilman Taylor.

MINUTE APPROVAL

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

**AMEND CITY CODE
PURCHASING FACTORS**

On motion of Councilwoman Hurley, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, SECTIONS 2-349, 2-351, 2-352, 2-354 AND 2-360, BY
RAISING TO TEN THOUSAND DOLLARS (\$10,000.00) THE
AMOUNT OF EXPENDITURES REQUIRED TO MANDATE
PUBLIC ADVERTISING AND BIDDING ON PURCHASES AND
THE REQUIREMENT OF APPROVAL BY THE CITY COUNCIL,
AND TO AMEND CHATTANOOGA CITY CODE, PART II,
SECTION 2-353, RELATIVE TO FACTORS CONSIDERED IN
ACCEPTING A BID**

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

HIGHLAND PARK
TENNESSEE TEMPLE
MASTER PLAN

On motion of Councilman Franklin, seconded by Councilwoman Hurley, this item was moved up on the agenda.

Blake Druary of the Planning Staff and Manager of this project was present to go over this Plan. Also in attendance with him were Uneva Shaw, Charles Shaw, and Judith Schorr of the neighborhood and Roger Stiles, President of Tennessee Temple. Mr. Druary stated that they had met fairly regularly, starting in March, about this Master Plan and had used a firm out of Atlanta to help them with the details; that the neighborhood folks, Girls, Inc., and the University had been involved; that they had looked at land use, public spaces, and the traffic to get an idea of what the neighborhood is like and how it needed to be improved; that they had held a charette in the University dining hall and folks from all over the neighborhood came together to discuss the direction they wanted the neighborhood to go. He noted that many of the City's Staff had donated a Saturday morning, as well as Councilman Hakeem, and this was a good chance for the neighborhood, the City, and the University to come together. He went on to say that once they had the charette, they put the information together into one Master Plan. He mentioned eight tables with four or five ideas, making the point that all were pretty much of one accord; that they were well-organized, which gave them a "jump start".

Mr. Druary stated that both the neighborhood and the University wanted a stable, family-oriented orientation for Highland Park; that it was the wish of the neighborhood to get more families into Highland Park and to preserve the houses that need work—that they are going to work on preservation and try to stop the trend of multi-family and get it back to single-family. He emphasized that they wanted to get the neighborhood back to a strong single-family orientation.

Mr. Druary noted that the Plan made public some of the things that the City might wish to do such as streetscape along Bailey, Highland Park Ave., and Orchard Knob. He mentioned the things going on in the Ridgedale neighborhood and noted that the potential for a linear park was tremendous in this area. He mentioned street lights throughout the neighborhood. He noted that Tennessee Temple wanted, instead of being "walled off", to be a part of the neighborhood and that Dr. Stiles had shared that they were surging ahead and that enrollment was continuing to be good, which would strengthen the campus.

In closing Mr. Druary stated that the neighborhood wants to maintain a strong single-family atmosphere in the neighborhood.

HIGHLAND PARK
MASTER PLAN (CONT'D.)

Councilman Hakeem stated that Mr. Druary did a more than adequate job of an overview; that a partnership had developed, and he would like for Dr. Stiles and Mrs. Shaw to speak for a few minutes.

Dr. Stiles stated that Tennessee Temple found the cooperative effort very profitable and Neighborhood Watch had been very meaningful to the campus; that they had very few problems on the campus and felt that they had been protected by God. He mentioned that they would like to have ballfields in the area that could be used by area Little Leagues and would be available to the community as their gymnasium and soccer field had always been. He stated that the ballfields would be for the whole community and could be used for Little League. He ended by saying this partnership would make their life much richer and would improve their ministry.

Mrs. Uneva Shaw spoke next, thanking Councilman Hakeem for asking her to speak. She stated that prior to this planning process, Highland Park and Tennessee Temple had been operating cohesively and now they had a partnership. She noted that Tennessee Temple was the largest landholder in the community, and they needed this partnership to grow in the future. She stated that because of this planning process, she felt a closeness to them; that they had helped the neighborhood by coming to neighborhood meetings and conducting front-porch ministry for the elderly. She ended by saying that this was a great partnership, and she was excited about this Plan.

Councilman Hakeem stated that Highland Park belongs to all of us, and it truly can be a model for this City; that it shows what can be done when people work together; that this community had become actively involved in turning this neighborhood around, and it is a model community.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

**A RESOLUTION ADOPTING THE HIGHLAND
PARK/TENNESSEE TEMPLE UNIVERSITY MASTER PLAN**

was adopted.

REZONING

1999-033 (Joiner Place)

Pursuant to notice of public hearing, this case to rezone tracts of land located in the 1700 Block of North Joiner Road and in the 7400 and 7500 Blocks of Ziegler Road came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation. He stated that this had been heard before the Planning Commission; that the Staff recommended denial and the Planning Commission recommended approval subject to certain conditions. He explained by map that this was parallel to Gunbarrel Rd., and the request was rezoning from R-1 to R-4 Special Zone. He noted that Gunbarrel Corridor does not have defined boundaries; that this affects properties facing Gunbarrel Rd. and further commercialization off of Gunbarrel is intrusive into the residential neighborhood, and this was the reason the Staff recommended denial.

The applicant, Mrs. Peggy Haynes, spoke next. She stated that seven individuals had worked together on this and pointed out that a number of homeowners were here in support of this; that everyone could not come. She stated that this property is in the Gunbarrel Corridor and covers over 13 acres; that it is level land, and the people are surrounded by office zoning and heavy density on one side and Erlanger, across the street, is zoned R-4; that this rezoning is historically in agreement with what has been done in this area. She explained that they were asking for R-4 Zoning because they knew they had no opportunity of getting C-2; that they felt R-4 was reasonable. She stated that this would be excellent for retirement homes, assisted living facilities, and doctors' offices—that this is an excellent area for this type of development. She explained that right now people are hearing garbage disposal sounds, which would not be a problem if this was rezoned. She stated that this area was “trapped”. She added that if it were rezoned it would bring in much higher taxes and that affordable houses were being built in this area that these people could move into.

Ms. Jean Shumaker spoke in favor of this. She mentioned a Research Center that has moved nearby, and she can see it out her bedroom window. She stated that she could hear garbage trucks all over the neighborhood; that there are only four houses left on this street, and the rest is wooded area, and they need to be able to move out of there. She stated that a Retirement Center wanted to come in here. She again mentioned the noise all around them and the Research Center right at her backdoor, which she stated she did not know how it got here.

Mrs. Haynes added that they had allowed for greenways and were in a position to address the traffic concerns; that they did have sidewalks and trees.

Chairman Lively clarified that the homeowners were in support of selling out.

REZONING (CONT'D.)

Councilman Taylor asked Mrs. Haynes if she had a company ready to move in. She responded that she did not have a sales contract yet without this rezoning. Councilman Taylor verified that she had no proposals, and this was just an estimation. Mrs. Haynes responded that it was a close estimation, and there were good potential buyers.

Councilman Eaves, in looking at the map, noted that on the side there were a couple of R-1 properties, and he asked if there were houses here. Mrs. Haynes stated that one of these homeowners could not sell because if she sold she would lose her Medicare. Councilman Eaves asked if the two areas on the backside were not selling. Mrs. Haynes responded that one was in an estate. Councilman Eaves noted that Ziegler Road was just wide enough for two cars to pass. He asked if they were willing to donate right-of-way in case we have to widen this road. Mrs. Haynes indicated that they were willing.

Mr. Jim Holdbrooks of 7508 Ziegler Rd. spoke in opposition. He stated that they had been going through this since February of this year; that he had been losing work and the case had been postponed. He noted that the Planning Commission recommends approval, even though the Staff does not. He stated new single-family houses were being built, and the road is barely wide enough. He stated there were no sidewalks, and this would create extra traffic. He stated that he felt these homeowners had been sold “a bill of goods” because the realtor did not have a buyer; that once this is rezoned, they won’t be able to sell their property as R-1 any more. He stated old people were losing their homes, and the Council needs to stop this. He noted that a lot of people should be here tonight, but it had been put off so many times since February, pointing out that he had to lose work to be here tonight. He reiterated that he felt the people were being offered “a bill of goods”; that ten years could pass and the properties still would not be sold.

Mrs. Haynes responded that she resented Mr. Holdbrooks saying that she was selling these people a “bill of goods”, but it did not matter; that these people were asking that their property be rezoned, and they were people of sound mind; that whether it sells or not, the RT-Z is already there. She stated that these were working people, and if it were rezoned it would be for older people who would be in their homes and not trying to hit the traffic at peak hours; that it would be people in assisted living who would not be out in prime traffic hours, thus not adding to the traffic problem. She stated there was not much else she could say but that she felt it would cut down on the traffic they were fighting now.

Councilman Hakeem stated that he thought all of the council members were concerned about people being able to use their property to the highest and best use; however he added that we have not seen a site plan as to what will be built here, and it sounded speculative to him. He stated that it was not the Council’s policy to do things in a speculative mode, adding that there was no contract.

REZONING (CONT'D)

Councilman Taylor inquired as to what would happen if this zoning was granted and another company comes in and needs a different zoning. Mrs. Haynes responded that they would have to go through the same process as she is doing now; that the Council would retain control of any development; that it could be apartments, a retirement home or a doctor's office, adding that there could be no retail sales—only offices and residences.

Councilman Eaves asked why the Staff recommended denial, adding “if not this—what?” He stated the problem he had was that once this is granted there will be no stopping; that it is not necessarily bad if this is what these people want to do, but he asked the Planning Staff's reasoning.

Mr. Pace responded that they felt it would encourage similar requests in the future and was incompatible with the adjacent residential, and the Plan calls for residential. He stated that this would set the precedent for further encroachment until single-family residences were gone. He stated they just felt this was intrusive into a single-family zone.

Councilman Eaves noted that one person was opposed to this and questioned if there was a group that opposed this or if people in general wished to sell their property.

Mr. Holdbrooks responded that the majority of property owners on Ziegler Rd. did not want to sell. Ms. Shumaker added that he was a long way off from them.

Mr. Pace stated that there was no opposition at the Planning Commission meeting. Mr. Holdbrooks added that this was because it had been put off five different times.

Councilman Eaves stated that there was no plan for what Mrs. Haynes was going to do, which leaves it speculative zoning; that she was talking about a retirement living home, which was good because it would work in well with commercial and residential property. He stated that since there was no plan at all, he would suggest deferring this for one week. Mrs. Haynes asked if she had to come up with a plan in just seven days. Councilman Eaves responded that the Council needs something in mind rather than just “let's zone it and see if we can market it”.

REZONING (CONT'D.)

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 1700 BLOCK OF NORTH JOINER ROAD AND IN THE 7400 AND 7500 BLOCKS OF ZIEGLER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred for one week.

REZONING

1999-106 (Frank D. & Sharon McMurry)

Pursuant to notice of public hearing, this request for rezoning of a tract of land located at 411 Bell Ave. came on to be heard. The applicant was not present.

Councilman Taylor suggested deferring this for one week.

Councilwoman Hurley asked how the staff felt about rezoning from R-1 to O-1, as the agenda indicated that it was recommended for approval upon conditions by the Planning Commission. Barry Bennett stated that this was not discussed by the Staff; that they did recommend denial of M-2. He reiterated that they did not consider O-1, and the Council asked him to have this information by next week.

Councilman Taylor reconsidered his motion to defer, and on motion of Councilman Taylor, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 411 BELL AVENUE, BEING ON THE NORTHEAST LINE OF BELL AVENUE; NORTHWEST OF PINE RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE (REZONED FROM R-2 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE IN ORDINANCE NO. 10874, DATED JULY 6, 1999) TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied.

REZONING

1999-142 (Charles A. Cronon)

Pursuant to notice of public hearing this case to rezone a tract of land located at 5100 Highway 58 from C-5 to C-2 came on to be heard.

On motion of Councilman Pierce, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5100 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was denied.

REZONING

1999-146 (John Rewcastle, Central Real Estate)

Pursuant to notice of public hearing, the request to rezone a tract of land located at 1704 Airport Connector Road came on to be heard.

Mr. Jerry Pace of the Planning Staff made the presentation and stated that the recommendation of the Staff was for denial; that the Shepherd Policy recommends no commercial zoning for this area.

The applicant, Mr. Rewcastle, was present. He stated that at the present time there is no buyer, and he would like to ask that this case be deferred indefinitely until he comes up with a buyer.

On motion of Councilman Pierce, 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 1704 AIRPORT CONNECTOR ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was deferred indefinitely.

REZONING

1999-147 (St. Thaddaeus Episcopal Church)

Pursuant to notice of public hearing, this request to rezone a tract of land located at 4300 Locksley Lane from R-1 to Special Exceptions Permit came on to be heard.

On motion of Councilman Eaves, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4300 LOCKSLEY LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO SPECIAL EXCEPTIONS PERMIT

passed first reading.

REZONING

1999-150 (L & P, LLC)

Pursuant to notice of public hearing the request to amend conditions imposed in Ordinance No. 10725 on a tract of land located in the 2400 Blocks of 6th Ave. and 8th Ave. and the 2400 and 2500 Blocks of 7th Ave. came on to be heard.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 10725 (CASE NO. 1998-120) ON A TRACT OF LAND LOCATED IN THE 2400 BLOCKS OF 6TH AVENUE AND 8TH AVENUE, AND THE 2400 AND 2500 BLOCKS OF 7TH AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was deferred for three weeks.

REZONING

1999-151 (L & P, LLC)

Pursuant to notice of public hearing, this request to rezone a tract of land located in the 2400 Blocks of 6th Avenue and 7th Avenue from R-3 to M-1 came on to be heard.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

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 2400 BLOCKS OF 6TH AVENUE AND 7TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred for three weeks.

REZONING

1999-152 (Paul J. Turner)

Pursuant to notice of public hearing the request to rezone a tract of land located in the 4200 Block of Benton Drive from R-1 to C-2 came on to be heard.

Mr. Jerry Pace made the presentation and stated that this was recommended for approval by the Staff.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 4200 BLOCK OF BENTON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading.

REZONING

1999-159 (Seaboard Farms of Chattanooga, Inc.)

Pursuant to notice of public hearing the request to rezone a tract of land located at 1300 Market St. from M-1 to C-3 came on to be heard.

On motion of Councilman Pierce, seconded by Councilman Hakeem,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1300 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE

passed first reading.

REZONING

1999-160 (Golden Gallon, Inc.)

Pursuant to notice of public hearing, the request to rezone a tract of land located at 606 Ashland Terrace from R-1 to C-2 came on to be heard.

Councilwoman Hurley asked the applicant, Jim Zimmerman, why they needed to go into the neighborhood so far. Mr. Zimmerman responded that this was a long piece of property. Councilwoman Hurley suggested zoning the front part to C-2 and leaving the rest R-1.

Mr. Jim Zimmerman, Director of Development for Golden Gallon, Inc., explained that he found out from the Traffic Engineering Dept. that they needed to talk to the State because they might be taking part of the front, and they (Golden Gallon, Inc.) would need more length.

Councilwoman Hurley asked why not just zone the part contiguous with the part they were going to develop and leave the other part R-1, stating that she had some difficulty in going back into R-1. She asked if this could be amended.

Attorney Nelson responded that it could be amended, but he would need a revised description.

Councilwoman Hurley indicated that she would make her motion conditioned upon the fact that this will be redesigned, and we will rezone only what the applicant needs.

REZONING (CONT'D.)

On motion of Councilwoman Hurley, 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 606 ASHLAND TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading conditioned upon a revised description.

AMEND ZONING ORD.
RE: EASEMENT DEVELOP.

Mr. Pace explained that this changes the language and deletes Section 106 that says *Every building hereafter erected, reconstructed or structurally alters shall be located on a lot fronting a street* and substitutes *Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street and every commercial or industrial building or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street or a permanent recorded easement which conforms to the City of Chattanooga Subdivision Regulations for easements.* He reiterated that this just changes the language.

Councilman Pierce asked who recommended this.

Mr. Bennett responded that they had been working with the Building Department on this; that the policy that they have followed is to allow access to non-residential property by private drives or recorded easements; that someone had noticed an obscure portion that said all lots should front on a street and this Ordinance is just taking this out and allowing us to follow the policy we have been going by for 50 years.

On motion of Councilwoman Hurley, seconded by Councilman Eaves,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO AMEND ARTICLE II, SECTION 106, IN ORDER TO PERMIT COMMERCIAL AND INDUSTRIAL DEVELOPMENT ON PRIVATE ACCESS EASEMENTS

passed first reading.

CLOSURE AND ABANDON

1999-089 (Koch Foods, LLC)

Councilman Pierce made the motion to approve this, and it was seconded by Councilman Hakeem; however someone in the audience made known the fact that there was opposition.

Mr. Pace stated that John Bridger was here to make this presentation.

Mr. Bridger stated that he was with the Planning Staff and also the Design Center; that part of this ongoing project goes back to the Southside Plan and the improvement of the Ft. Negley area; that they wanted to make this a great street by connecting three neighborhoods along with streetscape improvements. He stated that one of the key pieces is the section between Baldwin and Rossville Ave.; that Koch Foods is making an investment and expanding their facility and that part of the arrangement is that we close 18th St. so they can expand their facility. Mr. Bridger stated that there was opposition present and also noted that they had been working with Traffic Engineering to try to resolve this concern. He reiterated that it is part of the Southside Plan to make this connection.

Attorney Harry Cash was present representing Koch Foods, LLC. He stated that Mr. Bridger and Mr. Phillip Lynn are very familiar with this issue, and he would defer to them.

Mr. Phillip Lynn, City Engineer, stated that there was some confusion between the City Engineering office and Traffic Engineering. He stated he had not spoken to the opposition; however he was aware of the issues. He stated that Bob McNutt had spoken to the opposition; that this was a very complex issue; that in January the plan was to relocate 18th St.—since then they have come back with the idea of widening 18th St. and putting in a cul-de-sac and widening 18th St. from Mt. View Ford. He stated that Webster Alley and an unnamed alley would be closed. He reiterated that John VanWinkle had looked at these plans.

Mr. Bob McNutt spoke at this point. He explained that we were rerouting the trucks of Koch Foods so that all trucks would have a cul-de-sac to turn around in and thus get out to I-75. He stated this would help all concerned; that we had the cooperation of Mt. View Ford, and this deal would satisfy all of the parties, especially the residential neighborhood.

Mr. John Duckett spoke next. He stated he represented the property owner at the northeast corner that was in opposition. He asked who the applicant was—Koch Foods or the City of Chattanooga? He stated back in May it was the City of Chattanooga. He stated that they were opposed to the closing of 18th St.; that the cul-de-sac is not 100 ft. and is totally inadequate for trucks to turn around in. He stated this cul-de-sac was nothing more than a turn-around in the middle of a four-way intersection, and there was a safety concern.

CLOSURE & ABANDON
(CONT'D.)

He stated they had owned this property for 40 years, and it was leased to Cavalier Corp. who said they would move out if 18th St. is closed. He stated that they had fought this battle and had a great solution through the Mayor's office in December. He stated if this present plan goes through, they are going to lose a tenant. He stated that this would benefit Koch Foods. He asked the Council to deny this request based on economics and the safety issue.

Councilman Hakeem asked if it would be more feasible for trucks to go through the neighborhood than this cul-de-sac. Mr. Duckett responded that he was not saying go through the neighborhood—that this had gotten out of hand; that they were not infiltrating a neighborhood by going up 18th. Councilman Hakeem asked Mr. Duckett if his problem was the size of the cul-de-sac or was it just that his tenant did not want to come out this way. Mr. Duckett responded that it is not a cul-de-sac; that it is a four-way intersection and is totally dangerous.

Councilman Hakeem asked if the intersection would not be closed off—if the streets would still be open. Mr. Lynn responded that the streets are open now and would continue to be open. In this case, Councilman Hakeem asked why it was called a cul-de-sac. Mr. Lynn responded that maybe a turn-around would be a better term.

Mr. Duckett still maintained that this was not a true cul-de-sac but a turn-around at an intersection.

Councilman Hakeem asked if there was a problem going off of 20th St., changing this to Washington. He asked the Staff about the safety factor that Mr. Duckett had raised, questioning an intersection with a turn-around.

(COUNCILMAN EAVES LEFT AT THIS POINT.)

Mr. Lynn stated that he hated to speak for John VanWinkle; that there had been several discussions about radius of the cul-de-sac and the ability of trucks to maneuver in this radius. He reiterated that he hated to speak for Mr. VanWinkle; that what is being presented here is John VanWinkle's recommendation. He stated he did not see any safety problem at all, and the radius was large enough; that they were trying to come up with a solution for different problems within the parameters they had to work with, and this was workable.

CLOSURE & ABANDON
(CONTINUED)

Councilman Pierce asked if factors on Kerr Street would make it dangerous. Mr. Duckett responded that 19th and Kerr is a problem with Mt. View Ford, and it is a congested area.

Councilman Taylor asked Mr. Duckett which way he would exit. Mr. Duckett responded that they came out and went up to Baldwin, taking a left on 20th to get to the Interstate. He stated this was worked out before they relocated to the North. Councilman Taylor asked if when we closed that we shifted the road to give them access out and asked about leaving it open to access Baldwin and down to 20th Street.

Mr. Duckett stated that the cul-de-sac was not a good design; that it was a small tract of land and will be a problem and an inconvenience.

Councilman Pierce moved to table this and put it in the Public Works' Committee.

Councilman Hakeem stated he would like to make a few comments before we table this; that the cul-de-sac is doing the job now, and we are looking at possibly 125 ft. in the future; that he did not understand the great difficulty of trucks coming on to Washington; that it seemed to him that there was something personal involved and more than is before us now; that our City Engineer thinks it is the best plan and is workable. He questioned what we would gain and what we would do differently in two weeks.

At this point Councilman Pierce withdrew his motion to table.

Councilwoman Hurley stated she shared Councilman Hakeem's concerns; that this is a negotiated settlement that has been worked out over months, and Mr. McNutt is able to speak on behalf of the City, and we need to move forward with this.

Mr. McNutt stated that for roughly six months we had tried to talk with all of the concerned parties; that the cul-de-sac is here because of Mr. Duckett; that it was put in for their turn-around; that they had tried to negotiate and had improved their lot; that they relocated a telephone pole and given them a way to come out; that trucks can go where they need to and not through the neighborhood. He stated he had spoken with Mr. Guthrie, who is part of Cavalier, and they have no problem with this. He agreed that it was not the best design but does satisfy all parties, including the neighborhood.

Councilman Taylor asked for a point of clarification when considering E. 18th St. and the proposed route, are trucks able to make that turn in the original proposal. Mr. McNutt responded that it was very tight, prompting Councilman Taylor to ask, but can they make the

CLOSURE AND ABANDON
(CONTINUED)

turn? He wanted to know under the original proposal, which was to go up towards Baldwin, if they were able to make the turn. Mr. McNutt responded that the importance of closing 18th St. is to reopen 17th St.

Councilman Pierce stated that this would be his third motion—that his first motion was to approve and the second to table. On motion of Councilman Pierce, seconded by Councilwoman Hurley,

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF
EAST 18TH STREET, A PORTION OF KERR STREET, WEBSTER
ALLEY, AND AN UNNAMED ALLEY, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO CERTAIN CONDITIONS**

passed first reading with Councilman Taylor abstaining.

AMEND CITY CODE
MIDLAND PIKE
SPEED LIMIT

Adm. Marcellis explained that this was in relation to the speed study on through streets.

Councilman Franklin noted that this came before Public Works Committee last week and was recommended for approval.

Councilwoman Hurley asked what the speed would be increased to, and Councilman Franklin stated that it was at 25 mph, and it will be increased to 30 mph. Councilwoman Hurley stated that it was in Councilman Franklin's district; however on a matter of principle she was not in favor of this as she felt it was setting the speed limit according to how fast speeders speed; that she felt we should retard speed rather than accommodate it.

On motion of Councilman Franklin, seconded by Councilman Hakeem,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 24, SECTIONS 24-501 AND 24-502,
RELATIVE TO THROUGH STREETS**

passed first reading with Councilwoman Hurley abstaining.

AMEND CITY CODE
PAWNBROKERS

Attorney Nelson stated that the request had been made for this to be deferred.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 11, ARTICLE VIII, SECTIONS 11-241
THROUGH 11-250, RELATIVE TO REGULATIONS FOR
PAWNBROKERS**
was deferred for one week.

AMEND CITY CODE
RE: ALCOHOLIC
BEVERAGES

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, SECTION 26-17(3), REGARDING THE POSSESSION OF
ALCOHOLIC BEVERAGES WITHIN CITY PARKS AND
PLAYGROUNDS**
passed first reading.

MUTUAL AID
AGREEMENTS

Councilman Taylor noted that the next four resolutions were discussed in committee and come with a recommendation.

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE CHIEF OF THE
CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO
MUTUAL AID AGREEMENTS WITH VARIOUS
GOVERNMENTAL ENTITIES SUBSTANTIALLY IN THE FORM
ATTACHED HERETO**
was adopted.

**SPECIAL POLICE OFFICER
SWAT TEAM**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION APPOINTING DR. DAVID L. CIRAULO AS A
SPECIAL POLICE OFFICER FOR THE CHATTANOOGA
POLICE DEPARTMENT SWAT TEAM, TO DO SPECIAL DUTY
AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

was adopted.

**SPECIAL POLICE OFFICER
SWAT TEAM**

On motion of Councilman Taylor, seconded by Councilman Franklin,

**A RESOLUTON APPOINTING WILLIAM EAGAN AS A SPECIAL
POLICE OFFICER FOR THE CHATTANOOGA POLICE
DEPARTMENT SWAT TEAM, TO DO SPECIAL DUTY AS
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**SPECIAL POLICE OFFICER
SWAT TEAM**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION APPOINTING KEVIN F. WOLFE AS A SPECIAL
POLICE OFFICER FOR THE CHATTANOOGA POLICE
DEPARTMENT SWAT TEAM, TO DO SPECIAL DUTY AS
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

LEASE AGREEMENT

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE TO ENTER INTO A LEASE AGREEMENT WITH
CULTUREFEST '99 FOR THE USE OF COOLIDGE PARK FOR
SEPTEMBER 17, 1999 THROUGH SEPTEMBER 20, 1999**

was adopted.

LEASE AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A LEASE AGREEMENT WITH ALABAMA SOCIETY FOR HEALTHCARE ENGINEERING FOR THE USE OF THE WALKER PAVILION AT COOLIDGE PARK FOR OCTOBER 7, 1999

was adopted.

DEED OF TRUST AND SUBORDINATION AGREEMENT.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A DEED OF TRUST AND UCC-1 SUBORDINATION AGREEMENT PURSUANT TO WHICH THE CITY OF CHATTANOOGA WILL AGREE TO SUBORDINATE THE DEED OF TRUST AND UCC-1 FINANCING STATEMENTS SECURING CERTAIN UDAG INDEBTEDNESS OF MARKET STREET, LTD. TO THE DEED OF TRUST AND UCC-1 FINANCING STATEMENTS SECURING THE TEN MILLION DOLLAR (\$10,000,000.00) INDUSTRIAL DEVELOPMENT REVENUE REFUNDING BONDS, SERIES 1999 (MARKET STREET, LTD. PROJECT) TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA

was adopted.

**DEED OF TRUST AND
SUBORDINATION AGREE.**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A DEED OF TRUST AND UCC-1 SUBORDINATION AGREEMENT PURSUANT TO WHICH THE CITY OF CHATTANOOGA WILL AGREE TO SUBORDINATE THE DEED OF TRUST AND UCC-1 FINANCING STATEMENTS SECURING CERTAIN UDAG INDEBTEDNESS OF WAREHOUSE ROW, LTD. TO THE DEED OF TRUST AND UCC-1 FINANCING STATEMENTS SECURING THE NINE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLAR (\$9,250,000.00) INDUSTRIAL DEVELOPMENT REVENUE REFUNDING BONDS, SERIES 1999 (WAREHOUSE ROW, LTD. PROJECT) TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA

was adopted.

OVERTIME

Overtime for the week ending September 10, 1999, totaled \$77,961.12.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

KELVIN MCGHEE—Dismissal of Crew Worker, effective 9/01/99.

WILLIE BANKS—Return from Family Medical Leave of Crew Worker, effective 9/08/99.

CHARLES F. BISHOP—Employment as Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 9/15/99.

EDWARD MARTIN—Employment as Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 9/15/99.

PERSONNEL

The following personnel matter was reported for the Chattanooga Police Dept.:

RUSSELL HASH—Termination due to disability of Communications Officer, effective 9/09/99.

PERSONNEL

The following personnel matter was reported for Finance and Administration:

LINDA DIANE ERWIN—Hire as Court Clerk, Pay Grade 5/1, \$17,459.00 annually, effective 9/24/99.

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga-Hamilton County Bicentennial Library:

METROPOLITAN SECURITY, INC. (Lowest and best bid)
Requisition No. R0038750

Twelve (12) Months Requirements Contracts for Security Services

\$8.00/hr.

EMERGENCY PURCHASE

The emergency purchase of a Chiller & Installation/Removal & Disposal of Existing Chiller and Refrigerant for the Chattanooga-Hamilton County Bicentennial Library, Requisition No. R0038754 to Millwright Construction & Maintenance in the amount of \$64,600.00 was duly reported.

HEARING: STEVE LOGAN

Councilman Hakeem, who served as chairman for the Personnel Hearing for Steve Logan on Monday, September 13th, reported that the panel voted unanimously to uphold Administration's decision.

COMMITTEES

Councilman Franklin reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, September 21st at 4:00 P.M.**

Councilman Hakeem related to the Council that the Tennessee Municipal League would be holding three luncheons throughout the State in relation to the Proposed Tax Reform; there will be one held on October 6th in Knoxville; there is no cost for the luncheon, and it is open to all of the Council. He asked if any Council members were interested in going on this trip that they should talk to a Staff member and get their names on the list so arrangements can be made.

In the absence of Councilman Crockett, Chairman of the Economic Development Committee, Chairman Lively scheduled a **Economic Development Committee meeting to immediately follow the Public Works Committee on Tuesday, September 21st to discuss a Parks and Recreation matter.**

PLANNING STAFF

Jerry Pace of the Planning Staff apologized for the "Tag Team Effort" in tonight's meeting, noting that Barry Bennett had been doing this for 30 years, and he was just beginning.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, September 21st at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

