

**Municipal Building
Chattanooga, Tennessee
August 10, 1999**

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

INVOCATION

Councilwoman Hurley gave the invocation for the evening.

MINUTE APPROVAL

On motion of Councilman Franklin, seconded by Councilwoman Hurley, the minutes from the previous meeting were approved as published.

CLOSE AND ABANDON

MR-99-011

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT RESERVED IN THE PREVIOUSLY ABANDONED FORTY (40) FEET WIDE, ONE HUNDRED FIFTEEN (115) FEET LONG SECTION OF EAST 42ND STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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

RIGHT-OF-WAY NAME CHANGE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE CHANGING THE RIGHT-OF-WAY NAME FOR PINE STREET FROM SECOND (2ND) STREET TO THE DEAD END SOUTH OF THIRD (3RD) STREET TO "POWER ALLEY."

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

REZONING

Councilmen Taylor and Franklin made the motion to move Ordinance 6(g) up on the agenda; the motion carried.

1999-123: Bannum, Inc.

Pursuant to notice of public hearing, the request of Bannum, Inc. to rezone a tract of land located at 5412 Lee Avenue came on to be heard.

The applicant was not present; considerable opposition was in attendance.

Councilmen Taylor and Rutherford made the motion to deny the request.

When it was noted the applicant was not present, Councilman Crockett asked if it is appropriate to move on with the vote with such a large crowd in opposition present. He stated he does not know how appropriate it is to vote denial for lack of an applicant if this was on the agenda so far down. He stated the applicant might not have thought it was coming up for some time.

Councilman Pierce reminded Councilman Crockett that the Council meeting begins at 6 p.m. with no time set on any item on the agenda.

Councilman Crockett expressed that he thought the Council was trying to be fair; that the will of the Council is obvious. He stated the neighborhood is one that understands and respects process about as good as any he knows in Chattanooga. He stated he just wondered about turning this down with the applicant not being here when this is scheduled so far down on the agenda.

Councilman Taylor stated those in opposition traveled a great distance to get here and put forth an effort to be present. He asked those in opposition to stand (more than three-fourths of those in attendance stood in opposition to this request). He stated an effort was put forth to inquire if the applicant was present; he asked that the vote be moved forward since a motion and second has been placed "on the floor." After the vote, he thanked those from the neighborhood for their presence, expressed how proud he is of them and indicated that a lot is going on in South Chattanooga!

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LCOATED AT 5412 LEE AVENUE, BEING ON THE SOUTHEAST LINE OF LEE AVENUE, SOUTHWEST OF CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied.

REZONING

Councilmen Hakeem and Crockett made the motion and second to move Ordinance 6(k) up on the agenda; the motion carried.

1999-127: Jimmy L. Anderson

Pursuant to notice of public hearing the request of Jimmy L. Anderson to rezone a tract of land located at 100 Glenwood Drive came on to be heard.

The applicant was not present; opposition was in attendance.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 100 GLENWOOD DRIVE, BEING ON THE
SOUTHEAST LINE OF GLENWOOD DRIVE AT MCCALLIE AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE**
was denied.

REZONING

Councilmen Pierce and Hurley made the motion and second to move Ordinance 6(n) up on the agenda; the motion carried.

1999-134: Hamilton County Government, c/o Becky Browder, Real Property Office

Pursuant to notice of public hearing the request of Hamilton County Government to rezone a tract of land located at 224 North Highland Park Avenue came on to be heard.

The applicant was not present; opposition was in attendance.

Councilman Pierce stated the applicant faxed a letter to the Clerk of the Council asking that this request be deferred until August 31 for an opportunity to meet further with residents of the neighborhood. He stated that he met with representatives regarding this request on yesterday and feels the matter should be tabled indefinitely; that possibly by the thirty-first it will be placed back on the agenda.

REZONING (Continued)

On motion of Councilman Pierce, 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 224 NORTH HIGHLAND PARK AVENUE,
BEING ON THE SOUTHEAST LINE OF NORTH HIGHLAND PARK
AVENUE AT EAST 5TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO R-4 SPECIAL
ZONE**
was deferred indefinitely.

REZONING

Councilmen Franklin and Crockett made the motion and second to move Ordinance 6(d) up on the agenda; the motion carried.

1999-118: Jack Born

Pursuant to notice of public hearing the request of Jack Born to rezone a tract of land located at 1042 Graysville Road came on to be heard.

The applicant was not present; there was no opposition.

Chairman Lively stated the applicant requested deferral of this request for one week. He stated this is in Councilman Eaves' district and is appropriate to hold it a week due to his absence.

On motion of Councilman Franklin, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE
ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND
LOCATED AT 1042 GRAYSVILLE ROAD, BEING ON THE
NORTHEAST LINE OF GRAYSVILLE ROAD, SOUTHEAST OF EAST
BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN,
FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL
ZONE**
was deferred one week.

REZONING

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, Ordinance 6(j) was requested to be moved up on the agenda; the motion carried.

1999-126: Mrs. Joe Frank Smith

Pursuant to notice of public hearing the request of Mrs. Joe Frank Smith to rezone a tract of land located at 1804, 1805, 1807, 1809, 1811, and 1813 East 13th Street came on to be heard.

The applicant was not present; opposition was in attendance.

On motion of Councilwoman Rutherford, 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 1804, 1805, 1807, 1809, 1811, AND 1813 EAST 13TH STREET, BEING ON THE NORTHEAST AND SOUTHWEST LINE OF EAST 13TH STREET, NORTHWEST OF ORCHARD KNOB AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE
was denied.

REZONING

1999-086 & 1999-133: Mid South Mattress Company

Pursuant to notice of public hearing the request of Mid South Mattress Company to rezone a tract of land located at 1258, 1255, 1257, and 1265 East 13th Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Pierce, 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 1253, 1255, 1257 AND 1265 EAST 13TH STREET, BEING ON THE NORTHEAST LINE OF EAST 13TH STREET, NORTHWEST OF HOLTZCLAW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

1999-098: Gary Ball

The applicant was present; opposition was in attendance.

Councilman Hakeem stated this item was discussed in Budget and Finance Committee today and comes with the Committee's recommendation for M-2. He stated the applicant indicated he would comply with screening as suggested by Planning.

Patricia Rogers of the Ridgedale area stated that she understands there are times when businesses have to relate importantly not only to the area they are in but to other sections. She stated this area is going through a great deal of change and this rezoning will pass without much opposition; that she and others in the neighborhood are interested in stability and orderliness. She stated they are concerned about the area and the boundary between the businesses on Main Street and the first few houses on Fourteenth.

John C. Justice stated Mr. Ball has a whole "bunch" of building material all over the yard and the Building Commission made him clean it up; that he (Ball) wants M-2 to put the material back in the yard. He stated he wants the property to remain C-2 and leave M-2 out of it as he does not want a pile of "stuff" there.

Councilman Hakeem stated Mr. Ball has complied with every request that the inspection department has asked of him on this issue and asked that the Council move forward on this.

On motion of Councilman Hakeem, 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 2207 EAST MAIN STREET, BEING ON THE NORTHEAST LINE OF EAST MAIN STREET SOUTHEAST OF KELLEY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE

passed first reading.

REZONING

1999-099: Alvin Cannon

Pursuant to notice of public hearing the request of Alvin Cannon to rezone a tract of land located in the 5100 block of Highway 58 came on to be heard.

The applicant was present; opposition was in attendance.

Chairman Lively asked if this is the property the Council has been presented previously. Mr. Bennett responded "yes". Councilman Crockett asked which piece of property does this involve. Mr. Cannon responded "the 600 block of Highway 58 which is next to the Volunteer Plant and the Mimosa Park community."

Mr. Bennett stated the request is for rezoning to C-5 neighborhood commercial; that at the time of application no specific use was proposed. He stated the site area is 8.8 acres; that the Volunteer Ammunition Plant is to the northeast in the M-1 area and there are several zones within the tract being petitioned for zoning including R-4, R-2 and R-1. He stated the nearest major residential single family subdivision to the south is Mimosa Circle. He stated other commercial zoning in this area includes C-1, C-5 further south and C-5 across the street extending into an R-4 office zone, and some R-2 fronting on the northwest side of Highway 58.

City Attorney Nelson stated he thought he heard Mr. Bennett indicate that there is some R-2 on the front of the property which is also being recommended for C-5.

Mr. Bennett stated the Staff sent a revised legal description to the City Attorney's office in order for a consideration to be made regarding the Staff's recommendation. He stated the intent is to include all frontage and they did not find out until after the Planning hearing that a portion was not zoned R-4. He reiterated that the revised legal description is for a revised Staff recommendation.

City Attorney Nelson stated the Clerk read the Staff's recommendation for rezoning from R-4 to C-5.

Alvin Cannon, applicant, distributed information to the Council and gave a brief history of the purchase of the property. He stated several tracts were purchased from August of 1975 through May of 1978; that one of the tracts purchased was previously operated as a beer joint. He stated he did not want that type of reputation on his property so the beer joint was closed and was reopened as a real estate office, which was later moved to Highway 58. He stated a monogramming company occupied the space for awhile until the building burned and the decision was made not to rebuild. He stated taxes have been paid on the property for 24 years and the property has been mowed during that period of time, as well.

REZONING (Continued)

Mr. Cannon continued by stating adjacent to the property is an A-frame house that is zoned C-5; that property across the street is zoned C-5 and property on Champion Road at Highway 58 is zoned C-2. He stated the Volunteer property adjacent on the north with 7,000 acres is owned by Lamar McDaniel, brother-in-law of Claude Ramsey. He stated 90% of the 7,000 acres is being zoned commercial and industrial. He stated he has made community contact and has met with the Mimosa Park subdivision residents twice and knows there is opposition; that he has tried to address their concerns and discuss the situation. He stated other property is being used as a dumping ground; that 42 truck tires were removed from his property about a month ago. He stated Planning recommended C-5 with an undisturbed 75 foot buffer, not 20 feet but 75 (feet); that the 75 feet is two-and-a-half times the 20 feet required by the zoning ordinance for C-5. He stated the property is not feasible for residential as it is a very limited area; that the building will have to go beyond the power lines designated on the map shown to the Council. He stated there are over 34,800 cars that travel the area every day and that he met with representatives of the post office from Atlanta, Nashville and Chattanooga earlier this month who are looking at this site as a possible replacement for the Murray Hills Post Office. He expressed hope that the Council will accept Planning's recommendation.

Charles Fields, a resident of 5031 Mimosa Circle, stated Mr. Cannon's presentation was touching even to the opposition, especially the part of his paying taxes on the property for many years. He stated he and others from the area do not plan to impede any progress for the City, State or Hamilton County; that they do, however, feel they are being encroached upon. In pointing to the map displayed, Mr. Fields stated from Highway 58 toward the back, all of the businesses are C-2 or C-5 and they have no problem with that; that as far as the property that is being discussed today, they have no problem if Mr. Cannon used all the frontage on Highway 58 where traffic and businesses exist. He stated the encroachment occurs when it comes back to R-1 and blends in with the houses there. He stated the potential is there for other homes to be built in that area and in Mr. Cannon's presentation at the County he mentioned there would not be any homes off Highway 58, but the day the matter was before the County he (Fields) drove up Highway 58 to see how many entrances to subdivisions there were and found there are ten (10) of them: Lake Hills, Murray Hills, Oak Woods, Tyner Lane, Lakewood Acres, Holder Road, Harvest Run Road, Deerwood Forest and Harrison's Old Ooltewah Road. He stated this particular area was denied by the Planning Commission, yet, they chose to put conditions on it. He stated the 75-foot buffer was talked about, but in all fairness he and others feel everyone would be better served if the frontage on Highway 58 was approved and not encroach on the R-1.

Councilman Franklin asked if Mr. Fields has talked with Mr. Cannon about that portion. Mr. Fields responded "no;" that they have had a couple meetings but did not discuss that with him (Cannon) as it was suggested after leaving the County's Planning meeting.

REZONING (Continued)

Councilman Franklin asked if it would be beneficial to the residents in that area to have another conversation with him about that part of it. Mr. Cannon indicated he would be glad to meet any time, any place; that he did not understand what was not discussed.

Mr. Fields stated they did not discuss the idea that the residents of the area would not oppose anything that the area covered in R-2 and R-4; that what they oppose is giving up R-1. Mr. Bennett clarified that the C-5 was for the entire tract including the R-1.

City Attorney Nelson expressed his understanding of that; that the ordinance the Clerk of the Council read excluded the R-1 zone as recommended by Staff.

Mr. Bennett stated in going back to the zoning map the center portion of this site is zoned R-2; that the R-1 does not start until another point. He stated based on the site plan it looked like a good portion might be within the R-2 area.

Mr. Cannon stated that is the sewer line that goes through there; that the buildings proposed are on the other side of the power line. He stated he cannot build under a power line but can have parking.

Mr. Bennett stated the neighborhood, as he understands it, goes along with the C-5 zoning of the R-4 and R-2 but not the R-1; that maybe both sides can be accommodated.

Councilman Crockett inquired as to the mentioning of the post office and the interest involved in that. Mr. Cannon reiterated that he met with representatives of the Post Office from Nashville, Chattanooga and Atlanta in the Shallowford Road office. He stated he is not trying to say something that is not correct; that there is no commitment and they are just looking at the site. He stated they indicated to him that they are looking for a replacement post office (site).

Councilman Crockett stated if that is correct it will be a nice one; that the post office is looking to build a new post office, one that will be community-sized.

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 5100 BLOCK OF HIGHWAY 58, BEING ON THE SOUTHEAST LINE OF HIGHWAY 58, NORTHEAST OF SWAN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

was deferred two weeks.

REZONING

1999-119: Grover Marks

Pursuant to notice of public hearing the request of Grover Marks to rezone a tract land located at 9 Pisgah Avenue came on to be heard.

The applicant was not present; opposition was in attendance.

On motion of Councilwoman Rutherford, 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 9 PISGAH AVENUE, BEING ON THE NORTHWEST LINE OF PISGAH AVENUE, NORTHEAST OF BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was denied.

REZONING

1999-121: Al Cannon

Pursuant to notice of public hearing the request of Al Cannon to rezone a tract of land located in the 5300 block of Champion Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for C-5 with no specific use indicated. He stated the site is 2.9 acres and the surrounding zoning is entirely R-1; that there is an R-2A zone, which is a county zone, and a residential zone to the west across Champion Road. He stated the nearest commercial includes a small C-5 spot to the north and C-2 to the south at the intersection of Highway 58 and Champion Road. He stated the Staff and Planning Commission recommend denial of this request.

Al Cannon again distributed information and stated some of the property on Champion Road appears to be out of zone and he is trying to go through the correct procedure before Planning to secure the proper zone. He stated there are no objections from the community; that nine people have signed a petition favoring the rezoning request to C-5. He stated C-5 would improve the area as it is not likely a highly developable area where commercial will adversely affect property.

REZONING (Continued)

Mr. Cannon continued by stating there is one lone house on the City's side from Champion Road to Highway 58 and onto Webb Road which has been vacant for years; that there is a photo in the information distributed of a house that recently burned, reiterating that the rezoning will improve the area and not cause deterioration. He stated Champion Road south of the subject property is already zoned C-2; that to the north of the property is commercial and some are out of zone, including the barbecue place and others. He stated C-5 would improve this area and reiterated nine persons signed a petition favoring the rezoning.

Councilwoman Hurley inquired as to the denial by Planning and Staff.

Mr. Bennett stated the primary concern is it was moving some distance off the main commercial thoroughfare; that Champion is a residential access street, whereas Highway 58 is the main commercial boulevard within the area. He stated they were not looking at the impact of this one development, but once it is moved away from the commercial intersection and down to residential, once rezoned it makes it easier to continue extending commercial into residential. He stated the spot C-5 to the north was done in 1982 and the recommendation at that time was to deny, but it received approval. He stated the concern is that there is residential development moving further north with a large subdivision a few hundred feet to the north. He stated the basic planning principle is to maintain commercial at the major intersections and not move into the residential streets for strip commercial development.

Councilman Franklin stated with all due respect to Mr. Cannon's idea and proposal, he (Franklin) knows Champion Road pretty well; that it leads into Webb Road which is mostly residential and the Booker T. Washington State Park area; that all of that from Champion Road begins residential. He stated we probably need to take a closer look at this just for clarity to make sure; that in some of the areas the homes can be rebuilt and sold as residential. He stated he wants to make sure the integrity of the residential area is protected and motioned for a two week deferral.

On motion of Councilman Franklin, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 5300 BLOCK OF CHAMPION ROAD, BEING ON THE SOUTHWEST LINE OF CHAMPION ROAD, NORTHWEST OF HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

was tabled two weeks.

REZONING

Councilman Hakeem made the motion to move Ordinance 6(r) up on the agenda; Councilman Taylor seconded the motion; the motion carried.

1999-139: ITNOA, LLC

Pursuant to notice of public hearing the request of ITNOA, LLC to rezone a tract of land located at 1912 South Willow Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the site is located at 1912 South Willow Street for rezoning to C-2 to open a cafeteria to parents and the public. He stated the surrounding zoning includes R-4, R-2 and C-5 and what the applicant is wanting to do is similar to what UTC requested several years ago for the teachers' lounge to open their restaurant to the public; not as a general restaurant for advertising, but for persons coming from downtown. He stated this request would be the same type of operation; that the lunch room facility presently is only utilized by the school and day care and this will allow parents to be able to come there at any time, as well as any person from the neighborhood. He stated both the Staff and Planning Commission recommend approval subject to conditions.

Councilman Hakeem made the motion to approve the request with conditions; Councilman Franklin seconded the motion.

Horatio Lee, applicant, stated mention was made regarding the cafeteria but not the bookstore as was requested. Councilman Hakeem clarified that the bookstore is included as part of the conditions. Mr. Bennett assured Mr. Lee that Planning and Staff had no problem with the bookstore portion of the conditions.

On motion of Councilman Hakeem, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1912 SOUTH WILLOW STREET, BEING ON THE SOUTHEAST LINE OF SOUTH WILLOW STREET AT EAST 20TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1999-124: James R. Hardaway

Pursuant to notice of public hearing the request of James R. Hardaway to rezone a tract of land located at 1203 Peachtree Street came on to be heard.

The applicant was present; there was no opposition in attendance.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 1203 PEACHTREE STREET, BEING ON THE
NORTHWEST LINE OF PEACHTREE STREET, SOUTHWEST OF EAST
12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE**
passed first reading.

REZONING

1999-125: George Wayne Winkler

Pursuant to notice of public hearing the request of George Wayne Winkler to rezone a tract of land located at 7805 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 7805 LEE HIGHWAY, BEING OFF THE
NORTHWEST LINE OF LEE HIGHWAY NORTHEAST OF BONNY
OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**
passed first reading.

REZONING

1999-128: Roy Belk & James Downer

Pursuant to notice of public hearing, the request of Roy Belk & James Downer to rezone a tract of land located at 4805, 4809 and 4813 Jersey Pike came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated the request is for R-3 for a ten-unit apartment development. He stated the surrounding zoning includes R-1 and R-3 for multi-family. He stated the Staff recommended against the zoning because of the fairly new single family residential development being built at this intersection, and the Planning Commission Board recommended approval subject to a landscape screen as listed in the conditions.

Roy Belk stated the residential property owners referred to has no objection to this zoning; that he owns five houses that surround this property and the apartments adjoin the property on the north side.

Councilman Crockett asked if Mr. Belk has any site work or renderings at all about what he is planning to do. Mr. Belk stated he presently does not have any; that it is a ten-unit apartment building that is being planned with two bedrooms, a bath-and-a-half, brick front and vinyl siding on the rear.

Councilman Franklin stated the Council needs to have some type of rendering as to how the project will be laid out to make some determination as to how it will affect everyone else. He stated even though Mr. Tucker has indicated it is okay with him, the Council needs something to look at for some type of visual as to how it will affect everyone.

Mr. Belt stated he does not have anything with him; that he does not have a rendering but does have a floor plan.

Councilman Franklin stated the floor plan will give some idea but the Council needs something to look at for their determination of the area. He suggested that the matter be deferred so that Mr. Belk can provide the visual information for the Council. He stated the best part of wisdom would be to defer two weeks for Mr. Belk to provide the renderings and site plan.

REZONING (Continued)

On motion of Councilman Franklin, seconded by Councilman Crockett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 4805, 4809, AND 4813 JERSEY PIKE, BEING
ON THE NORTHWEST LINE OF JERSEY PIKE, NORTHEAST OF
OAKWOOD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**
was tabled two weeks.

REZONING

1999-129: Judith Hart Davis

Pursuant to notice of public hearing the request of Judith Hart Davis to rezone a tract of land located at 5918 Hixson Pike came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated this is the last property on the boundary of Cassandra Smith and Hamill Road that shows O-1 zoning for the site.

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 5918 HIXSON PIKE, BEING ON THE
SOUTHWEST LINE OF HIXSON PIKE NORTHWEST OF CASSANDRA
SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE**
passed first reading.

REZONING

1999-135: Billy Joe Cagle, Jr.

Pursuant to notice of public hearing the request of Billy Joe Cagle, Jr. to rezone a tract of land located at 4025 Cummings Road came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition.

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 4025 CUMMINGS ROAD, BEING ON
THE EAST LINE OF CUMMINGS ROAD SOUTHEAST OF CUMMINGS
HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

passed first reading.

AMEND CONDITIONS

1999-136: Brindley Development Company, LLC

Pursuant to notice of public hearing the request of Brindley Development Company, LLC to amend certain conditions imposed in Ordinance No. 10778 on property located at 7604 Standifer Gap Road came on to be heard.

The applicant was present; there was no opposition.

Councilwoman Hurley asked if the applicant accepts the conditions. A representative for Brindley Development responded "yes."

Mr. Bennett stated the change in conditions reduces the density from 12 to 14.1 and provides for a larger greenway and creek area. He stated the building is being relocated to be further away from the adjacent residential area and is a better plan in every respect.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10778 ON PROPERTY
LOCATED AT 7604 STANDIFER GAP ROAD, BEING ON THE
SOUTHWEST LINE OF STANDIFER GAP ROAD SOUTHEAST OF
WALKER ROAD, BEING MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

1999-137: Yerbey Concrete Construction, Inc.

Pursuant to notice of public hearing, the request of Yerbey Concrete Construction, Inc. to rezone a tract of land located in the 7600 block of Lee Highway came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 7600 BLOCK OF LEE HIGHWAY, BEING ON THE SOUTHEAST LINE OF LEE HIGHWAY AT OLD LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-1 HIGHWAY COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading.

CAPITAL IMPROVEMENTS BUDGET:
1999/2000

Councilwoman Rutherford stated Ordinances 6(s) and (t) were discussed in last week's Parks and Recreation Committee and are recommended for approval.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1999/2000

passed first reading.

AMEND BUDGET ORDINANCE NO. 10872

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 10872, ENTITLED " AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1999, AND ENDING JUNE 30, 2000, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN GENERAL FUND ESTIMATED REVENUE; TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5; TO PROVIDE FOR CERTAIN CHANGES IN THE SPECIAL REVENUE FUNDS AS SET OUT IN SECTION 6 AND TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7B

passed first reading.

SPECIAL EXCEPTIONS PERMIT: UTC

Chairman Lively stated representatives of UTC have requested that this Resolution be withdrawn.

On motion of Councilman Crockett, seconded by Councilwoman Hurley,

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN INSTITUTIONAL PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED AT 724 MABEL STREET, BEING ON THE NORTHWEST LINE OF MABEL STREET AT EAST 3RD STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was withdrawn at the request of the applicant.

(At this point Chairman Lively excused himself from the meeting; Vice Chairman Hakeem chaired the meeting in his stead.)

LEASE AGREEMENTS

Admin. Traughber distributed information regarding this Resolution and stated a decision was made recently based upon the need to upgrade some of the computer hardware in three divisions of General services thereby creating a surplus of computer equipment. He stated the decision was made to enter into a lease agreement for use of the surplus equipment; that an RFP was submitted for non-profit organizations within the community to bid upon. He stated of the non-profit organizations that submitted proposals only one was denied. He stated this is a cost saving mechanism and a better approach to help others increase their capacity in managing their affairs and operation.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES ADMINISTRATOR TO ENTER INTO LEASE AGREEMENTS WITH CERTAIN NON-PROFIT ORGANIZATIONS RELATIVE TO THE LEASE OF SURPLUS COMPUTERS AND RELATED EQUIPMENT

was adopted.

**SPECIAL POLICEMAN:
CHRISTOPER P. HUNT**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF CHRISTOPER P. HUNT AS A SPECIAL POLICEMAN FOR THE RIVERPARK, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

**PERSONAL SERVICES CONTRACT:
DARREL G. MCDONALD**

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH DARRELL G. MCDONALD FOR CONSULTING AND PROJECT MANAGEMENT SERVICES RELATIVE TO CONSTRUCTION OF THE RIVERMONT TENNIS CENTER, A COPY OF SAID CONTRACT ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

was adopted.

EASEMENT

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
A RESOLUTION GRANTING A PERMANENT CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK PROTECTION PROJECT FOR COOLIDGE PARK BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY CORPS OF ENGINEERS
was adopted.

AGREEMENT: CITY OF EAST RIDGE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN AGREEMENT WITH THE CITY OF EAST RIDGE, RELATIVE TO TRAFFIC SIGNAL CONTROLLER MAINTENANCE SERVICES
was adopted.

**INTERGOVERNMENTAL AGREEMENT:
WALKER COUNTY, GEORGIA**

On motion of Councilwoman Hurley, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH WALKER COUNTY, GEORGIA, RELATIVE TO SERVICES PERFORMED BY THE CITY ON A BRIDGE LOCATED ON POCKET ROAD, FOR AN HOURLY FEE OF THREE HUNDRED ELEVEN AND 25/100 DOLLARS (\$311.25), MORE PARTICULARLY DESCRIBED HEREIN
was adopted.

OVERTIME

Overtime for the week ending August 6, 1999 totaled \$28,485.64.

PERSONNEL

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

RAY S. HARRINGTON -- Compulsory Medical Leave, Water Quality Analyst, Engineering/Stormwater Division, effective August 3 - September 3, 1999.

OTIS RUMPH -- Compulsory Medical Leave, Heavy Equipment Operator, City-wide Services, effective August 4 -31, 1999.

WILLIE BANKS -- Family Medical Leave, Crew Worker, City-wide Services, effective July 16 - September 16, 1999.

BRUCE D. VANHOOSER -- Suspension (3 days without pay), Crew Worker, Traffic Management, July 28-30, 1999.

JAMES M. SIVLEY -- Resignation, Crew Worker Sr., Traffic Management, effective July 28, 1999.

WILLIE C. HALFACRE -- Employment, Heavy Equipment Operator, Waste Resources, Pay Grade 10/Step 1, \$23,033.00 annually, effective August 11, 1999.

PURCHASE

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

TEMPLE, INC. (Best bid)
Requisition No. R0037247

LED Pedestrian Fixtures (left-hand, right-hand)

\$11,160.00

PERSONNEL

The following personnel matters were reported for the Police Department:

DOUGLAS E. EAVES -- Resignation, Police Officer, effective August 17, 1999.

KENNETH P. TOOM -- Resignation, Service Technician, effective August 6, 1999.

PERSONNEL (Continued)

DAVID HUGGINS, JR. -- Suspension (3 days without pay), Police Officer, effective August 6, 1999.

PRECINCT OPENING

Chief Dotson reminded Council members of the grand opening of the downtown police precinct scheduled for Thursday afternoon located at 224 Walnut Street.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchase was approved for use by the Finance Department (Northgate Library):

TERRY KEITH COMPANY (Lowest and best bid)
Requisition No. 38735

Carpeting

\$26,590.00

REFUND

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund:

JAMES GARRISON, No. 20239, Double Payment, \$1,352.70

HEARING: STEVE LOGAN

City Attorney Nelson stated the attorney for Steve Logan has requested that the hearing for his client be rescheduled. **Mr. Logan's hearing was rescheduled for Monday, September 13 beginning at 6 p.m. with the same panel hearing the case {Councilmen Eaves (Chair), Hurley and Hakeem}.**

HEARING: JENNIFER DUGGAN

City Attorney Nelson stated the attorney for Jennifer Duggan has requested that the hearing for his client be rescheduled. Ms. Duggan's hearing was rescheduled for **Monday, September 20 beginning at 6 p.m. with the same panel hearing the case {Councilmen Taylor (Chair), Crockett and Franklin}**.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Budget, Finance and Personnel Committee for Tuesday, August 31 immediately following the Parks and Recreation Committee** to continue discussion regarding the employee drug policy.

Councilwoman Rutherford stated the **Parks and Recreation Committee scheduled for Tuesday, August 17 will begin at 5 p.m.** as opposed to 4 p.m.

DOWNTOWN PRECINCT OPENING

Councilman Pierce echoed Chief Dotson's announcement regarding the downtown police precinct's opening and encouraged Council members to attend the event, scheduled for Thursday, August 12.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, August 17, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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