

City Council Building  
Chattanooga, Tennessee  
September 14, 2004  
6:00 p.m.

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hakeem, Littlefield, Lively, Pierce, Page, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

#### **MINUTE APPROVAL**

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

#### **AMEND ZONING ORDINANCE**

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated there is presently a one-year time limit when construction would begin on appeals approved by the Variance Board and this amendment extends the construction time to two-years.

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VIII,  
SECTION 108(2), RELATIVE TO TIME LIMIT CONFIRMATION FOR BOARD  
OF ZONING APPEALS DECISIONS**  
passed first reading.

## CLOSE AND ABANDON

### **MR-2004-169: Bo South Tennessee, Inc.**

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

Mr. Pace stated this request is for closure off 23<sup>rd</sup> Street near Bojangles. He stated the Planning Commission recommends approval and the Staff denial, with a preference for a temporary use as recommended by Public Works. He stated the Alley is partially open and used and the applicant plans to apply for a temporary use permit, which would accomplish what they want to do.

Councilman Littlefield stated the applicant is present and asked if he understands the arrangement.

Mike Price was present representing the applicant and stated that they would withdraw the matter if it would be the better option.

On motion of Councilman Littlefield, seconded by Councilman Lively,

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED BETWEEN THE SOUTH LINE OF THE 1800 BLOCK OF EAST 21<sup>ST</sup>  
STREET AND THE NORTH LINE OF THE 1800 BLOCK OF EAST 23<sup>RD</sup> STREET,  
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE  
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

**was withdrawn at the request of the applicant.**

## REZONING

### **2004-154: Pete Cory**

Pursuant to notice of public hearing, the request of Pete Cory to rezone a tract of land located in the 1700 block of Joiner Road came on to be heard.

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

Mr. Pace stated that the request is for rezoning to R-2 and there is a PUB that will be considered later which would be below the density for residential development and is what the plan for the Hamilton Place area calls for. He stated condition three references a "60' radius cul-de-sac to be built at the north end of Joiner Road"; however, there has been discussion with the applicant and traffic engineer that a "hammerhead turn around" as reflected on the site plan would permit cars to turn around at the end of Joiner Road.

## REZONING (Continued)

Mr. Pace stated three options were given to the applicant and the hammerhead configuration was chosen. He stated the recommendation from Planning is for approval and amend condition three to allow for a hammerhead turn around rather than the cul-de-sac.

Chairman Benson stated Mr. Cory has worked with the community and neighborhood and asked if he agrees with the condition to build a hammerhead. Mr. Cory responded "yes".

On motion of Councilman Littlefield, 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 1700 BLOCK OF JOINER ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2004-159: Richard Volz**

Pursuant to notice of public hearing, the request of Richard Volz to rezone a tract of land located at 2332 Standifer Gap Road came on to be heard.

The applicant was not present; there was no opposition in attendance.

Mr. Pace stated the recommendation from Planning and Staff is for denial. He stated Shallowford Road is a busy intersection at Standifer Gap. He stated the area is partially wooded and vacant with R-1 residential properties to the north and apartments across the street. He stated Staff and Planning recommend denial for commercial; that from this point eastward toward Hickory Valley is single family, low density residential with commercial further back to the west toward 153; that commercial would not be appropriate. He stated this request was made prior to the moratorium. He stated that two messages were left on his telephone that he could not understand and the only word he could determine said was "deny". He asked that the matter be deferred one week for more information, as the applicant is not present.

Chairman Benson stated a community meeting is scheduled in that area this week and this matter would be discussed.

**REZONING (Continued)**

On motion of Councilman Pierce, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2332 STANDIFER GAP ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE**  
was deferred one week.

*(Councilman Franklin excused himself from the meeting at this point.)*

**REZONING**

**2004-160: Joe Sliger**

Pursuant to notice of public hearing, the request of Joe Sliger to rezone tracts of land located at 1635 and 1639 Rossville Avenue came on to be heard.

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

Mr. Pace stated this request is located in the Rossville area near what is most notably know as Zarzour's Restaurant. A copy of the site plan was displayed of the existing building. He stated the building would be renovated to accommodate residential above and commercial below. He stated the request is recommended for approval from Planning and Staff with the same conditions that are included on all C-3 zones in the downtown area. He stated the Clerk of the Council read the City Attorney's version.

City Attorney Nelson stated that the word "all" has been changed to "initial". He stated the way the condition read any future landscaping changes would have to be reviewed every time a change was made which would not be fair.

Councilman Pierce inquired as to condition five pertaining to parking. He stated no other C-3 zone in the downtown area requires that and is hopeful it would be stricken.

Mr. Pace stated this condition was added; that there are no parking requirements in the C-3 zone.

Councilman Pierce stated there is no way to provide onsite parking and asked that this condition be eliminated.

**REZONING (Continued)**

Councilman Pierce and Littlefield made the motion to delete condition five requiring provision of onsite parking; the motion carried.

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1635 AND 1639 ROSSVILLE AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING  
ZONE AND R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE,  
SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2004-165: Ray D. Slatton**

Pursuant to notice of public hearing, the request of Ray D. Slatton to rezone a tract of land located at 6052 Highway 153 came on to be heard.

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

Mr. Pace briefed the Council on this request by displaying various photos around the site, which showed residential uses next door and a subdivision across Pine Mar Drive. He stated the recommendation from Staff is for denial and approval from Planning with the condition that it be used for a car leasing company only, no outdoor/exterior storage and all easements retained.

Councilman Lively asked if the request falls within the Hixson plan.

Mr. Pace responded "yes"; that this area in Hixson was not considered a commercial zone. He stated next Monday a public meeting is scheduled to go through the process of updating parts of the plan and this area could be considered differently after the plan is adopted. He stated the matter would go to Planning in October and before this body in November.

Councilman Page stated that he has spoken with the applicant and Marsha Martin regarding this development. He stated there are problems at this point regarding the number of cuts in 153 and people in the area appreciate Mr. Slatton going before the Steering Committee.

## REZONING (Continued)

Councilman Page stated the question from the Committee involved the number of cuts in 153, which is getting busier and busier; that the plan is being updated and on September 20 there would be an opportunity to do that. He stated if the plan is updated there would be opportunity for additional development in that area and it would be wonderful if the applicant would be willing to take a sixty day deferment to give a chance for the plan to be updated and bring the matter back to the City Council to determine what the issues regarding this particular area would be after review.

Ray Slatton stated that it is his belief this area would become totally commercial. He stated at the meeting at the Hixson Community Center the land use plan shown was right past this property to Dotson Road as being a business mix. He stated that he realizes what is being said about additional meetings about the Plan, however, he talked with the neighbors and none have any objections as all expect the area to become commercial. He stated the lot to the south of this lot is pending and he is buying it to add to this and the lot it is adjacent to is C-2, now. He stated he has been negotiating about buying it and was told it would go commercial and the figures would be more valuable to him. He stated he does not really need the additional lot for the business that he wants to build because with the size of the operation he has he could have plenty of room on the existing lot; that he thought about the additional lot for better access to have an entrance and exit.

Mr. Slatton stated his business has been in Hixson for 24 years and was located in the Northgate area; that the only reason he is relocating is because the building he was in is being taken down for a fourteen-screen movie theatre. He stated he is temporarily located on Riverside Drive and would like to get back to the Hixson area. He stated this is not a car lot and he does not have cars outside for sale; that it is a leasing company and strictly an office operation. He stated he keeps cars in the warehouse that are to be sold or brought back in from lease a few days at a time, which is the kind of building he would be building. He stated a sixty-day time constraint would put him in a bind to move temporarily and the place he has moved to he can only stay through January. He stated to delay another sixty days would probably cause him to abandon looking at this site; that he does not want to move three times as moving was a real hassle after 20-plus years. He stated it is not a good idea for a business to lose identify when it is established somewhere.

## REZONING (Continued)

Marsha Martin of Martin Realty stated that her company has been handling this and advised the Council that she had a letter presented at the Regional Planning meeting from all the residents in the neighborhood and no one objected. She stated they all plan to sell and rezone their properties as they feel the area will become a total business environment. She stated there are only six-or-seven houses between the Dam and Boy Scout Road and the rest is already commercial. She respectfully requested that the Council grant the request.

Chairman Benson stated at the Planning meeting the request was speculative and now the applicant is saying exactly what he would put on it. Ms. Martin stated they have always known exactly what would be put on the property.

**Councilman Page** stated that he would like to say to Mr. Slatton that he really wants his business in the Hixson area, yet does not believe the timing is right with the outstanding issue along 153. He stated it could be considered speculative and spot zoning and any additional cuts to 153 needs to go through the community plan. At this point he **made the motion to defer the matter sixty days** to give the applicant a chance to hold his business together and think about further redevelopment of that piece of property.

On motion of Councilman Page, 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 6052 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

was tabled sixty days (November 16).

## EASEMENT

Councilman Hakeem stated this request was discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT STORMWATER EASEMENT FROM SHELLEY J. MOORE, PARCEL NO. 145L-D-018, RELATIVE TO THE 17<sup>TH</sup> STREET STORMWATER GRAYWATER PROJECT, FOR A TOTAL CONSIDERATION OF TWO THOUSAND, THREE HUNDRED FORTY-SIX DOLLARS AND 66/100 (\$2,346.66)**

was adopted.

**ADOPTION OF EAST CHATTANOOGA AREA PLAN**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ADOPTION OF THE EAST CHATTANOOGA AREA PLAN**  
was adopted.

**CONDUCT ZONING STUDY: EAST CHATTANOOGA AREA**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION DIRECTING THE REGIONAL PLANNING AGENCY TO CONDUCT A ZONING STUDY FOR CERTAIN PROPERTIES IN THE EAST CHATTANOOGA AREA**  
was adopted.

**PRELIMINARY PUD SPECIAL EXCEPTIONS PERMIT**

**2004-155: Pete Cory**

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

Mr. Pace stated the rezoning for this property was heard previously and referenced the 60' radius cul-de-sac in one of the conditions. He stated that the language should be changed to reflect a hammerhead turn around as reflected on the site plan as amended in the rezoning request.

City Attorney Nelson stated that he knows there is an apartment complex known as Magnolia Apartments on Old Hixson Pike and inquired as to whether there would be any confusion (with the name) in the future.

Mr. Pace stated he was not sure of that; that GIS or 911 usually give indication if there is a conflict of street names. He stated the matter has gone through the PUD review and apparently there is no condition for that to be changed.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS MAGNOLIA GARDENS PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED IN THE 1700 BLOCK OF JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**PRELIMINARY PUD SPECIAL EXCEPTIONS PERMIT**

**2004-166: David Pearson and Mark Walters**

The applicants were present; there was no opposition in attendance.

Mr. Pace stated this PUD is located in the East Brainerd area off Morris Hill Road and the matter has gone through the PUD review process. He stated the applicant has met with the engineering department and worked out the ingress and egress to the site. He stated there are conditions and a signed agreement with the applicant and adjacent property owner for screening of Leyland Cypress trees with a minimum width of five feet and if they died over a five-year period they would be replaced. He stated the request is recommended for approval subject to conditions.

Chairman Benson commended the applicants and all parties involved for working this out.

Atty. John Anderson spoke on behalf of the property owners adjacent to the property in question, stating that he has a proposal and the developer has agreed and signed a letter of agreement previously sent to the Council there would be a screen maintained with a minimum of five feet of Leyland Cypress and replaced, if necessary. He stated the developer agrees and suggested on a previous draft this would be deed-restricted and his client is happy with that.

On motion of Councilman Littlefield, seconded by Councilman Lively,

**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS PETTY CROSSING PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 1700 PETTY ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**PRELIMINARY PUD SPECIAL EXCEPTIONS PERMIT**

**2004-170: Waterhaven Development Partnership**

The applicant was present; opposition was in attendance.

Mr. Pace stated this request has been heard before and this request is for a PUD to have a private road for a gated community.

**PRELIMINARY PUD SPECIAL EXCEPTIONS PERMIT**  
**(Continued)**

Mr. Pace stated all conditions have been approved by the Council and are still attached to this request with the exception of the private road and not being open to the public. He stated the greenway through the property is still there and all other conditions that were put on the property are in place. He stated the matter comes with the recommendation for approval, subject to conditions.

Sylvia Bennett stated this has been going on a long time and at the August 9 planning meeting the developer was asked to get in touch with the neighborhood, indicating that she has not heard anything. She stated because hers is a small neighborhood, it is her thought the developers do not feel they are important; that they are tax paying people trying to have a good community. She expressed hope that the developers would learn working with the neighborhood would make a better relationship when they move in.

Mike Price apologized to Ms. Bennett and stated that all the people at the August 9 meeting were asked to sign a list; that he received their telephone numbers and contacted them either by telephone or e-mail. He stated that he had a meeting with the people that were contacted who came to his office and discussed the matter. He stated there was no intentional oversight or intent not to include Ms. Bennett; that he received the list of names of people at the August 9 meeting and those were the ones who attended the productive meeting in his office. He reiterated there was no attempt to sidestep Ms. Bennett or anyone else and did not have her information as far as that meeting is concerned.

On motion of Councilman Lively, seconded by Councilman Littlefield,

**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS WATERHAVEN PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 2869 HARRISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**CONTRACT: FIRST TENNESSEE NATIONAL CORPORATION**

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE A CONTRACT WITH FIRST TENNESSEE NATIONAL CORPORATION TO PROVIDE LOCKBOX AND BRANCH COLLECTION SERVICES FOR PROPERTY TAX PAYMENTS**  
was adopted.

**UPDATE THE HIXSON-NORTH RIVER COMMUNITY PLAN**

On motion of Councilman Page, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO UPDATE THE PREVIOUSLY ADOPTED HIXSON-NORTH RIVER COMMUNITY PLAN**  
was adopted.

**OVERTIME**

Overtime for the week ending September 10, 2004 totaled \$14,347.21.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA FIRE DEPARTMENT:**

- **CHRISTINE M. BROWN** – Promotion, Communications Officer Sr., Pay Grade 13/Step 4, \$33,031.00 annually, effective September 3, 2004.
- **JASON R. JONES** – Promotion, Communications Officer Sr., Pay Grade 13/Step 6, \$35,856.00 annually, effective September 3, 2004.
- **DONNY J. BASHAM** – Resignation, Police Officer, effective September 2, 2004.

## PERSONNEL (Continued)

### CHATTANOOGA FIRE DEPARTMENT:

- **KEITH ROZZELL** – Transfer, Building Maintenance Mechanic, Pay Grade 7/Step 8, \$29,249.00 annually, effective September 7, 2004.

### FINANCE DEPARTMENT, COMMUNITY DEVELOPMENT DIVISION:

- **PAULA R. COLEMAN** – Hire, Planner, Pay Grade 14/Step 2, \$31,458.00 annually, effective September 3, 2004.

## REFUNDS

On motion of Councilman Lively, seconded by Councilman Taylor, the Administrator of Finance was authorized to issue the following refund of gross receipts tax due to amended tax return:

**COMCAST CABLEVISION OF THE SOUTH** - \$17,44.83

**MANAGEMENT RECRUITERS OF CHATTANOOGA** - \$2,602.14

## AFRICAN-AMERICAN CHAMBER'S BANQUET

Councilman Taylor extended an invitation to all Council members to attend the Community Choice Awards Banquet hosted by the Chattanooga African-American Chamber of Commerce. He stated the event begins at 7:30 p.m. this evening at the Trade Center.

## TWO NEIGHBORHOOD MEETINGS

Councilwoman Robinson announced that the **Two Rivers Neighborhood Watch Association** is scheduled for Thursday evening, September 16, at 7 p.m. at Tremont Baptist Church. She stated that the **Manchester Park Neighborhood Association** would meet on September 23 at 7 p.m.

## HIXSON-NORTH RIVER PLAN UPDATE

Councilman Page reminded everyone of the update to the Hixson-North River Plan on Monday, September 20 at 6:15 p.m. at the North River Civic Center. He stated the community meeting would begin at 6:30 and that Mayor Corker would be the speaker. He stated Admin McDonald and other department heads would be in attendance and that he and Councilwoman Robinson are working together on this.

## HICKORY VALLEY AREA

Chairman Benson stated that the Hickory Valley residents would meet on this Thursday at 6 p.m. to discuss development of a land use plan for the western side of the Interstate to 153. He stated that it is his thought some parts of this area falls within the confines of Councilmen Franklin and Littlefield's districts.

## COMMITTEES

Councilman Pierce scheduled a meeting of the **Budget Committee to be held jointly with the Legal and Legislative Committee for Tuesday, September 21 at 3 p.m.** to hear a report regarding overtime as it relates to the new federal law.

Councilman Page stated that the Economic Development Committee met this afternoon with regard to two pilot projects with Regis and TMIO, who make the high-tech microwave ovens. He stated everyone is very excited about what was heard about this development in Chattanooga and it is good news for our area.

Councilman Littlefield stated that the **Legal and Legislative Committee would meet on Tuesday, September 21 at 3 p.m.**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, September 28 at 4 p.m.**

## GARY BALL

Gary Ball of Ridgedale stated that he has three requests and one is that Chief Cooper meet with him and others from the area immediately following tonight's Council meeting; that due to the retirement of Officer Schroyer they have not been able to get the contacts "going". He stated the second matter has to do with a very "spirited" conversation he had with Jerry Pace of RPA about a month ago about revisiting neighborhood plans.

### GARY BALL (Continued)

Mr. Ball stated that he noticed the Hixson-North River Plan did not have any problem getting revisited and it is not as old as the Ridgedale Plan. He stated Councilman Taylor has a meeting with them on next Thursday at 6 p.m. about an expansion Ray Wheeler wants. He stated Councilman Benson knows about this as it has been to Planning three times and involves property between McCallie and Bailey and would really like for Planning to take another look at that.

Mr. Ball stated the third item is to let the Council know that in certain communities the curb cut "thing" cannot go away and distributed copies of a permit issued by Public Works since everything was tabled on the parking in yards issue. He stated that he met with Admin. Curry this morning about a problem and the City continues to do housing in these urban neighborhoods without any curb cuts and when parking occurs in the yards, he and Admin. Curry fuss about who should do something about it. He stated the house in question in regard to the permit that was issued is down the street from his office and the gentleman continues to create problems in Ridgedale; that he continues to get permits to do work contrary to City Code. He stated someone on the Council need to "get a handle" on some of the agencies doing their job, as it is not fair to keep putting this burden on Admin. Curry's people. He stated there are no curb cuts and wanted the Council to know what is going on.

Chairman Benson asked Mr. Ball if he had spoken with Admin. McDonald.

Mr. Ball stated that he has spoken with Mr. Yankowski a number of times and assumed he is "the man"; that Ms. Hammonds got a new duplex on Watkins and there is gravel in the area between the sidewalk and curb and gravel all over the yard.

Councilman Littlefield inquired as to the paper that was distributed. Mr. Ball indicated that the paper was the building permit that was issued.

Councilman Littlefield stated there are several different pages and noted that the house is on an exceptionally large lot, asking if it is a duplex.

Mr. Ball responded that it is a single-family house.

Councilman Littlefield stated that he is trying to get to the bottom of what Mr. Ball is asking the Council to do, as it does not look like a wall-to-wall duplex.

### **GARY BALL (Continued)**

Mr. Ball stated that it is a single-family residence with a graveled yard for parking for the next ten years! He stated according to City Code no one should be able to get a building permit from the building depart without a curb cut for parking.

Jean Swafford of East Lake stated that there are several duplexes that lie wall-to-wall and asked if they are supposed to have off-street parking for new buildings.

Councilman Littlefield stated that he had a discussion with the codes people the other day about this. He stated that there is a problem where it is almost required for people to park in the front yard. She stated there is nothing but front yard and no way for them to maneuver and do anything but back out into the street. She asked that that not be allowed to continue, indicating that he did not want to "open old wounds" by talking about the front yard issue as talk radio had so much fun with it! He reiterated that it is a problem and the problem will not go away; that some yards become mud (when it rains) and what is particularly bad is the concern about duplexes where there is nothing left but a small area for them to pull directly off the street and back-in to sometimes very busy streets. He stated he does not have an answer.

Mr. Ball stated that he found out from Admin. Curry that Admin. McDonald does not have anyone in his department that can cite people to court.

Chairman Benson asked that Mr. Ball check with Admin. McDonald about that, indicating that he did not doubt his credibility and it is hearsay coming back-and-forth.

### **RICHARD VOLZ**

Richard Volz stated that he had a zoning request tonight and was absent when it was presented. He inquired as to the outcome and was hoping for a thirty-day delay or apply for a different type zone.

Mr. Pace informed Mr. Volz that his request was tabled one week and would come back up next Tuesday evening.

**ADJOURNMENT**

On motion of Councilman Pierce, seconded by Councilman Taylor, Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, September 21, 2004 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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