

**Municipal Building  
Chattanooga, Tennessee  
July 6, 1999**

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

**INVOCATION**

City Attorney Nelson gave the invocation for the evening.

**MINUTE APPROVAL**

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

**REZONING**

**1999-024: City of Chattanooga**

Councilman Taylor stated at the last Council meeting when this matter was discussed, the community was encouraged to get together with the developer and come to some solution. He stated the community is present and the developer would like to make a presentation; that those in opposition have requested to speak, as well.

Chris Hodges stated he is with Lawler-Wood, LLC out of Knoxville and are the owners of a three acre tract that is currently zoned R-3, which was purchased last September for \$270,000 for the purpose of building a small apartment community. He stated subsequent to that is a rezoning study that was done for that area which requested that all of the R-2 and R-3 properties, including ours, be downzoned to R-4. He stated Planning recommended their property to be excluded and as Councilman Taylor indicated they have been working closely with the community concerning a compromise to lower the density. He stated Reggie Ruff has been working closely with the community and asked that he come forward to address the Council at this time.

**REZONING (Continued)**

Reggie Ruff directed the Council's attention to information distributed and stated seven meetings have been held with the neighborhood which include a meeting at the Urban Design Studio and a presentation by CNE. He stated they have listened to the neighborhood association and lowered the density by eight (8) units; that Merriam and Snow Streets and Chambliss and Bell Avenue were identified and the residential character will remain on Pine Ridge Terrace to Merriam Street. He stated two buildings were taken out of the plan in that area; that the developer owns a house which will be renovated into a single family home and placed on the market. He stated three buildings will be developed on Merriam Street which will have six (6) townhouses that will be one story buildings; that the Pine Ridge curb will be landscaped as a buffer for parking on Snow Street. He stated Chambliss Avenue and Snow Street will have two (2) buildings each with two (2) stories for a total of eight (8) units, and closer to Bell Avenue there will be three buildings with three (3) stories with six (6) units for a total of eighteen (18) units with a total density of 32.

Mr. Ruff stated the area could hold 62 units or 60% of that density; that they will keep the grade as is on one site and will build back on the other grades as it goes downhill and one part is higher than the other. He made reference to a wooded site near Chambliss that will either be kept that way or cleaned up; that the area will be buffered. He stated there are eleven (11) residences in the area that will stay; that they will be moving some residents and adding new houses. He stated some properties will be reconfigured to come in as a lease purchase and at the end of the lease if the residents want to purchase them they can for the balance that is left with some of the rent paid going toward the down payment. He asked representatives of the neighborhood association present in support to stand and reiterated that the neighborhood did have a meeting and they have approved this as the result of the seven (7) meetings that were held.

Councilwoman Rutherford stated as she understands it once these are built the neighborhood association will take them over; that CNE will manage them but they will actually be owned by the neighborhood association.

Mr. Ruff stated that is the way they are trying to work it out, which is similar to the Dodson Avenue development formed by two churches. He stated the neighborhood association will become a partner at the end of a two-year compliance period and after fifteen (15) years they will take full ownership. He stated Lawler-Wood will stay in as the manager and CNE will participate if the neighborhood wants them to. He stated the neighborhood has not voted totally on this; that they have been present and they will have to act. He reiterated that the arrangement will be similar to what is being done on Dodson Avenue.

Councilwoman Hurley asked if the neighborhood does not vote for this what would be the other plan? Mr. Ruff stated Lawler-Wood will stay in as manager; that they will be managing the Dodson Avenue property and looking at other sites.

**REZONING (Continued)**

Councilwoman Hurley asked why stop there; that others could be converted to home ownership. Mr. Ruff stated the reason is for the amount of density needed to make the "deal" work; that in answering the neighborhood they reduced the density to stay in compliance with the residential character of the area.

Councilwoman Hurley stated she is glad about that; that she is not quick on understanding why the other two are not developable. Mr. Ruff stated forty (40) units were initially planned and two buildings were "pulled out".

Councilwoman Hurley stated she understands the density; that she is trying to find out about home ownership; that the numbers don't work.

Mr. Hodges stated home ownership does not impact this; that it is a density issue. He stated they have lowered the density on Snow Street and can only get thirty-two (32) units on the entire site they have. He stated with anything other than that it would not be feasible to do the development; that the property cannot be developed to home ownership on Snow Street; that it is the same way on Merriam Street as the development will be stacked units and will be done in condominium form.

Councilwoman Hurley indicated that her question had been answered.

Councilman Crockett stated the information distributed represents the site layout and not the architectural drawings. He stated it is his understanding that the neighborhood would have an opportunity to participate in a planning exercise for the exterior layout.

Mr. Ruff indicated that Councilman Crockett's understanding that the neighborhood would be involved in the architectural drawing is correct.

Councilman Crockett again asked for clarification that no final architectural renderings have been done and will not be done until the neighborhood participates in the process. Mr. Ruff reiterated that they will participate with the neighborhood for their input.

Councilman Taylor stated he spoke with the developers personally in making sure the project is moved forward and that there is some continuity of the design character present in North Chattanooga to assure that it will be an enhancement as far as "bringing up" that area. He stated he is looking forward to the process being that of total participation from the community at all levels, all the way.

**REZONING (Continued)**

Linda Bennett of 320 Pine Ridge Road stated she is a member of the Pine Ridge and North Chattanooga Neighborhood Associations. She stated she represents the members of the community that are concerned about creating and protecting their environment in the North Chattanooga community. She stated she attended about six meetings, maybe more, and realized that Reggie Ruff was the "go between" for the contractor and expressed appreciation for the work they did; that Mr. Ruff did agree to make changes on paper to help the community see how the development would look. She distributed photos of the community to Council members and stated there are reasons why they are concerned about protecting the balance of the diversity in the area. She stated there are many multi-family housing and commercial properties in the Pine Ridge, Chambliss and Snow areas; that within the three streets there are twenty-four federal housing units, an apartment house, a quadriplex on Pine Ridge and Chambliss, and three duplexes. She stated they are not a community opposed to multi-family dwellings; that they appreciate and love the diversity and are excited about what she sees happening in the community with the various socio-economic backgrounds. She stated they want to maintain the balance and move toward single family ownership in the future; that they do have members who are supportive of the apartment complex and accept it as first proposed.

Ms. Bennett stated she attended many meetings and the last meeting was the Chattanooga by Design meeting wherein she realized there is a purpose and design to their neighborhood; that a lot of effort has been taken to create a "fit" and they are concerned about their Pine Ridge neighbors. She stated they wonder if this apartment complex is the right "fit" for their neighborhood based on diversity; that as inexperienced members of the community they need to draw on people who know more than they do and questions whether this project really "fits" to take them into the future. She stated if the Council is not in support of rezoning to restrict more multi-family dwellings, she asked that consideration be given to the community as an additional conduit to take the next step. She stated to be involved with Reggie allowed for research along with assistance from the North Chattanooga Neighborhood Association to form a different perspective that looked at parts of the North Chattanooga community. She stated Katherine Watson is a homeowner and one of the three houses that will be "sandwiched" in between this complex; that Ms. Watson works two jobs and spent her life savings remodeling her home. She stated homeowners do not want the apartments.

Councilwoman Rutherford asked Bob McNutt whether he had been meeting with this organization to work on the plans, whether he is active in the North Chattanooga Neighborhood Association and whether he sees a purpose to be served by deferring this to take before the North Chattanooga Association. She stated she is trying to find a neutral ground.

**REZONING (Continued)**

Bob McNutt responded "yes" to Councilwoman Rutherford's questions and indicated that he did not come to address the Council. He stated he supports whatever the neighborhood has come to; that it has taken ten years in some ways to figure out how to get good development to come in and the right questions to ask. He stated they are moving quickly toward a design review for new construction with some of the same questions in mind and they are in the process of that; that they are at the first couple steps along with another six months before it is figured out. He stated that he thinks that careful process is exactly what we should be doing; that every neighborhood in the City is very important. He stated he could not advise whether this is the right "fit" or not.

Councilwoman Rutherford asked if it is there is a purpose to be served by deferring this vote so the North Chattanooga Association can be brought into this.

Councilman Pierce asked if it is fair for Mr. McNutt to answer that question.

Councilwoman Rutherford stated Mr. McNutt has met with the neighborhood association, has looked at the plans and is active in the North Chattanooga group; that she is just asking for some advice.

Councilman Pierce stated Councilwoman Rutherford is trying to "pull something out of him (McNutt)" and that is not fair.

Councilwoman Hurley stated she was going to suggest that the North Chattanooga Association has not taken a position on this matter and it probably would be unusual for them to take a position and thinks that is what Mr. McNutt is saying. She stated this is a neighborhood association represented here; that she is pleased Ms. Bennett enjoyed the North Chattanooga by Design and hopes it will be a model for other neighborhoods. She stated she thought she heard Mr. McNutt indicate -- and agrees -- that the North Chattanooga Association would be overstepping its boundaries if they were the mediator in this matter.

Ms. Bennett stated what she is asking is that they, as a community, need the advise of a community organization that has been through some of the same issues her neighborhood association has been through.

Councilwoman Hurley stated many neighborhood associations represented up there are at various levels of addressing this issue; that there is a lot of expertise in this City.

Councilman Taylor stated a lot of time and energy has gone into looking at this, as well as Chattanooga by Design. He stated one of the things the developer has been asked to do is to look at the architectural design and preserve that as he comes further into the community; and wants to make sure the record reflects that the developer has agreed to that.

**REZONING (Continued)**

Mr. Hodges responded "yes"; that he understands some design standards have been established by the broader North Chattanooga Association. He stated they intend for them to be a part of this process in terms of design standards of the buildings themselves; that they have made a commitment to do their best in addition to the townhouses on Merriam to make sure the design of the buildings, landscaping and the façade is as consistent as possible with the intent of the Pine Ridge Neighborhood Association.

Councilman Taylor stated everyone has been together throughout the process and made the motion that this property be exempt from the R-1 status and that the downzoning of the whole process proceed forward; Councilman Crockett seconded the motion.

City Attorney Nelson stated Councilman Taylor is asking that the original ordinance from Planning be approved; that the last time the ordinance was amended to take them out.

Councilman Taylor indicated his motion was for approval of the original ordinance.

At this point, City Attorney Nelson read the conditions from the original ordinance recommended by Planning.

Councilman Taylor stated limitations should be added. Councilman Crockett stated the architectural participation should also be a part of the conditions.

Councilman Crockett again inquired about the conditions regarding the architectural participation. City Attorney Nelson stated that is subject to the site plan.

City Attorney Nelson amended the conditions of the ordinance to reflect the conditions from the original ordinance recommended by Planning:

- 1. All R-2 and R-3 Residential Zone properties shall be rezoned with the exception of those properties owned by Jimmy Hudson; the R-3 properties proposed for multi-family development subject to submittal and approval of site plan; and the two parcels on Houser Street south of Winchester Street as shown on the attached map.***
- 2. All existing easements are retained.***

At this point, Chairman Lively conducted the vote on Councilmen Taylor and Crockett's motion to substitute amendments to the conditions to reflect the original ordinance submitted by Planning; the motion passed.

**REZONING (Continued)**

Prior to third and final reading, Councilman Crockett indicated that the conditions should reflect the limit on the number of units; that the site plan is exactly how the plan will work.

Councilman Crockett asked if the 32 units are included. City Attorney Nelson stated the site plan can be attached to the ordinance.

Councilman Crockett stated the limit of 32 units should be added to the conditions. Mr. Hodges indicated that he is fine with the conditions saying there will be a maximum of 32 units.

City Attorney Nelson amended the conditions to reflect, "*. . . the R-3 properties proposed for multi-family development, subject to submittal and approval of site plan with no more than 32 units . . .*"

Councilwoman Hurley made the motion to amend the conditions to include a maximum of thirty-two (32) units for the project; Councilman Taylor seconded the motion; the motion passed.

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 CERTAIN PROPERTY GENERALLY DESCRIBED AS BOUNDED ON THE NORTH BY THE RED BANK/CHATTANOOGA CITY LIMITS, ON THE WEST BY INTERSTATE 124 (US 27/TN 29), ON THE SOUTH BY MANNING STREET, AND FOLLOWING AN IRREGULAR LINE ON THE EAST FROM NORTH MARKET STREET TO THE RED BANK/CHATTANOOGA CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN AS THE NORTH CHATTANOOGA RESIDENTIAL ZONING STUDY 99/024, SUBJECT TO CERTAIN CONDITIONS**

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.

**CLOSE AND ABANDON**

**MR-99-008A**

Admin. Marcellis stated this is the City's mandatory referral that went to Planning and their referral back. He stated in Public Works Committee last week this Ordinance and Resolutions 7(b) - (d) are recommended for approval.

**CLOSE AND ABANDON (Continued)**

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

**AN ORDINANCE CLOSING AND ABANDONING SANITARY SEWER EASEMENTS LOCATED IN PARAMENAS PARK SUBDIVISION, LOT 3, MORE PARTICULARLY DESCRIBED HEREIN AND ASSHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**AMEND RESOLUTION 21998:  
AGREEMENT WITH ARTECH  
DESIGN GROUP, INC.**

On motion of Councilman Hakeem, seconded by Councilman Taylor,

**A RESOLUTION AMENDING RESOLUTION NO. 21998, ENCAPTIONED "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ARTECH DESIGN GROUP, INC. FOR DESIGN FEES AND EXPENSES RELATIVE TO THE DEVELOPMENT RESOURCE CENTER." SO AS TO INCLUDE TELECOMMUNICATION DESIGN AND ENGINEERING WORK**

was adopted.

**GRANT AGREEMENT: STATE  
OF TENNESSEE**

On motion of Councilwoman Hurley, seconded by Councilman Eaves,

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF TENNESSEE, DEPARTMENT OF MILITARY, TENNESSEE EMERGENCY MANAGEMENT AGENCY FOR THE ACQUISITION, DEMOLITION AND REMOVAL OF THIRTEEN (13) REPETITIVELY FLOODED PROPERTIES ALONG ASTER AVENUE, WITH THE CITY OF CHATTANOOGA'S SHARE TO NOT EXCEED NINETY-EIGHT THOUSAND, ONE HUNDRED THIRTY-FIVE AND 50/100 DOLLARS (\$98,135.50)**

was adopted.

**AGREEMENT: ARCADIS, GERAGHTY & MILLER**

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, RELATIVE TO AN AEROBIC BIO-RECLAMATION STUDY PROJECT ON APPROXIMATELY FOUR (4) ACRES OF THE CITY LANDFILL, FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$385,000.00)**

was adopted.

**TEMPORARY USE: TROTTER PROPERTIES, INC.**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING TROTTER PROPERTIES, INC. TO USE TEMPORARILY THE RIGHT-OF-WAY NEAR THE INTERSECTION OF AN ALLEY AND THE NORTH SIDE OF COWART STREET FOR THE INSTALLATION OF ONE (1) TEMPORARY MONITORING WELL, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**AGREEMENT: FRANK MCDONALD ARCHITECTS, INC.**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ENTER INTO AN ARCHITECTURAL AND ENGINEERING AGREEMENT WITH FRANK MCDONALD ARCHITECTS, INC. FOR THE REPLACEMENT OF THE BROWN ACRES MUNICIPAL GOLF COURSE CLUBHOUSE, MORE PARTICULARLY DESCRIBED HEREIN**

was adopted.

**OVERTIME**

Overtime for the week ending July 2, 1999 will be reported at next week's Council meeting.

**PERSONNEL**

The following personnel matters were reported for the Parks, Recreation, Arts and Culture Department:

JANICE V. MILLER -- Promotion, Deputy Administrator, Pay Grade 38/Step 7, \$71,057.00 annually, effective July 2, 1999.

JEREMY D. HICKS -- Promotion, Crew Worker Sr., Parks Division, Pay Grade 5/Step 5, \$20,951.00 annually, effective June 30, 1999.

RAYMOND L. LOUNDS -- Promotion, Crew Worker Sr., Parks Division, Pay Grade 5/Step 7, \$22,871.00 annually, effective June 30, 1999.

**PURCHASES**

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchases were approved for use by the Parks, Recreation, Arts and Culture Department:

**LEE-SMITH, INC. (Change Order #1)**  
**Requisition No. R0041333**

Conventional Cab/Chassis Dump Truck (An error was made in original pricing when previously submitted for approval)

\$42,268.00 - Original Price  
2,000.00 - Change Order #1  
\$44,268.00 - New Total

**WALNUT STREET BRIDGE INQUIRY**

Councilman Eaves inquired as to whether dogs are allowed on the bridge, now. Admin. Mitchell responded that that is his understanding.

Councilman Eaves asked if the Bridge is being washed down; that the matter needs to be discussed at length. He stated he walks the Bridge once-or-twice a week and saw a dog as large as a horse on the Bridge one day and if we don't have water to wash it down we will be in trouble.

**WALNUT STREET BRIDGE INQUIRY**  
**(Continued)**

Admin. Mitchell stated he has been walking the Bridge and is monitoring it. He stated if it becomes a problem it will be changed back. He stated maybe this could be discussed in the next Parks and Recreation Committee meeting.

**PERSONNEL**

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

OTIS RUMPH -- Compulsory Medical Leave, Heavy Equipment Operator, City-wide Services, effective June 15 - July 31, 1999.

MACK H. BYNUM -- Death, Crew Worker, City-wide Services, effective June 19, 1999.

RALPH E. MEANS, JR. -- Death, Crew Worker, Traffic Management, effective June 23, 1999.

**PURCHASES**

On motion of Councilwoman Hurley, seconded by Councilman Pierce, the following purchases were approved for use by the Public Works Department:

**ALSTOM DRIVES AND CONTROLS (Lowest and best bid)**  
**Requisition No. 0042048**

Repair Parts

\$16,688.00

**DUNCAN INDUSTRIES (Only bid received)**  
**Requisition No. R0042836**

Parking Meter Mechanisms with Single Model #70 Housings

\$19,573.80

**PERSONNEL**

The following personnel matter was reported for the Fire Department:

L. V. MILLER -- Retirement, Deputy Chief, effective July 2, 1999.

**HOTEL PERMITS**

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following hotel permits were approved:

KNIGHT'S INN, 2100 Market Street, Chattanooga, Tennessee

BLUFF VIEWINN, INC., 212 High Street, Chattanooga, Tennessee

WINGATE INN, 7312 Shallowford Road, Chattanooga, Tennessee

**PURCHASE**

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase was approved for us by the Fire Department:

**MEDTRONIC-PHYSIO CONTROL (Single Source)**  
**Requisition No. R0042922**

LIFEPAKK300 Defibrillator per TCA 6-56-301

\$15,390.00

**PERSONNEL**

The following personnel matters were reported for the Police Department:

BEVERLY CODY - Voluntary Demotion, Police Records Clerk, Pay Grade 5/Step 2, \$18,332.00 annually, effective July 2, 1999.

KENNETH TOOMEY -- Hire, Police Services Technician, Pay Grade 3/Step 1, \$15,230.00 annually, effective July 2, 1999.

**PERSONNEL (Continued)**

TIMOTHY NABORS -- Termination, Police Officer, effective June 30, 1999.

SABRINA WILLIAMS -- Promotion, Accounting Technician, Pay Grade 8/Step 1, \$20,803.00 annually, effective June 30, 1999.

**REFUND**

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

WESTSIDE COMMUNITY DEVELOPMENT, Map No. 145F-A-003, Tax years 1996, 1997, and 1998, \$8,542.32.

**BOARD APOINTMENTS**

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the following Board appointments were approved:

**STADIUM BOARD:**

- Appointment of **BRYAN PATTEN** and **DAPHNE SLOAN** for terms of four years ending July 15, 2003.

**LIBRARY BOARD:**

- Appointment of **EDNA MORGAN** for a term of three years ending July 1, 2002.

**PERSONNEL**

The following personnel matter was reported for the Department of Neighborhood Services:

STACY HANNAH -- Demotion, Code Enforcement Inspector, Codes and Community Services, effective July 2, 1999.

**HEARING RESCHEDULED:**  
**STEVE LOGAN**

City Attorney Nelson stated the hearing for Steve Logan needs to be rescheduled as both Chiefs will be out of the City on July 26. **The personnel hearing for Mr. Logan was rescheduled for August 9 beginning at 6 p.m. with Councilmen Eaves (Chairman), Hakeem and Hurley serving as the panel.**

**HEARING: TIMOTHY NABORS**

City Attorney Nelson announced that a request for a hearing has been received from Timothy Nabors regarding his termination from the Chattanooga Police Department. **Mr. Nabors' hearing was scheduled for August 23 beginning at 6 p.m. with Councilmen Pierce (Chairman), Hurley and Lively serving as the panel.**

**COMMITTEES**

Councilman Franklin reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, July 13 beginning at 4 p.m.**

Councilman Hakeem reminded Council members of the **Budget and Personnel Committee scheduled for Tuesday, July 13 immediately following the Public Works Committee.**

Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Committee for Tuesday, July 27 at 4:30 p.m.** to hear a report from Michael Kucharsak regarding the strategic planning the Housing Authority is going through; that it is nothing that requires a decision to be made.

Councilman Taylor stated the Safety Committee has not met and (he) will speak with Administrators of the Fire and Police Departments to see if there are matters that need to come to Committee.

**L. E. SPARKS**

L. E. Sparks of 5313 Kimbro stated four-or-five weeks ago the stormwater people came out to his residence and drained a wet spot; that stormwater has been running on his property for 40 years. He stated after the water was drained he talked with Admin. Marcellis and Phillip Lynn and Mr. Marcellis came out to look at the site last week. He stated his garage was flooded on July 2 and displayed photos of the flooding; that Mr. Marcellis is to get with him to work out something.

**L. E. SPARKS (Continued)**

Mr. Sparks stated he wants to do something to keep water from coming into his garage and does not know what he will find when he gets back home this evening. He stated he is trying to work out a solution and expressed appreciation to Councilman Crockett for working with him.

**MARVIN SHIPLEY**

Marvin Shipley stated he needs relief from the stormwater runoff on his garden and displayed "before" and "after" photos of water accumulation.

Chairman Lively asked Admin. Marcellis to talk with this gentleman and suggested that Carol Putnam be invited to the Council meetings.

Councilman Crockett stated Admin. Marcellis and the City Engineer have been out and met with Mr. Shipley a number of times. He stated the City has acknowledged an error was made and has committed to go back out to the site; that another meeting is needed to move forward on it.

Admin. Marcellis stated a commitment was made to correct the error and put the pipe underneath the roadway, which will separate the flow. He stated there have been two drainage areas and they come together before they get to the garden. He stated it is their opinion there is no additional water coming past the garden because the two flows have joined each other and joined with a third flow and goes past the garden. He stated he does not see anything they have done to affect the garden over this period of time; that they will proceed and he has told Mr. Sparks he will go back with him and try to give him a schedule.

Councilman Crockett expressed thanks to Admin. Marcellis and the Engineers for all the work they have done and for the time they have taken to meet with those concerned.

**ADJOURNMENT**

Chairman Lively adjourned the meeting until Tuesday, July 13, 1999 at 6 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)**

