

**City Council Building
Chattanooga, Tennessee
October 16, 2001
6:00 P.M.**

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson, and Taylor present. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Franklin gave the invocation.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION
MAYOR CORKER**

Mayor Corker thanked the Council for allowing him to speak, stating that they had been together for six months now, and he had talked to the Council about initiatives and had received their help and cooperation.

Mayor Corker noted that Chief Coppinger would be at the meeting later to respond professionally and make comments in relation to what is happening in the nation today. He asked that the Council members come out to the Emergency Center (911 Building) at 12:30 tomorrow for a briefing along with the County Commission as to our responsibilities and how the issues can be adjudicated and the roles we play as elected officials. He stated that we have a very, very professional fire and police department—that they are well trained in dealing with the issues in a matter-of-fact way; that they have a good understanding of what is going on in the country and in the public health area. He stated that this briefing would last about an hour and a half, and he would appreciate it if the Council would attend.

MAYOR CORKER (CONT'D)

Mayor Corker stated that today he would be talking about education; that he and the Council had worked together on this during the budget deliberations; that there is money to be spent on the education initiative. He stated that he would like to form a committee to build support and recognized Dan Challenger who heads the Public Education Foundation and Stephanie Spencer who has been a principal for 21 years and who heads the Benwood Foundation initiatives. He noted that \$5 million dollars will be spent over the next five years. Mayor Corker went on to say that everyone is aware that we have nine elementary schools that are low-performing and the State is giving us three years to take care of this; that Stephanie Spencer will be coordinating the effort for the Foundation. He made mention of the fact, also, that Joe Conner, Chairman of the Hamilton County School Board was present and that he was very excited and interested in this and would be available for questions. Also, at this time Mr. Charles Love, who is with the Board of Education, joined the meeting and was recognized by Mayor Corker.

Mayor Corker proposed to the Council a targeted effort to drive up educational achievement in the low performing schools, stating that he really believed that we all need to be involved and that the Public Education Foundation would be coordinating the efforts. He stated that he would like for us to form a Community Education Alliance and for the Council to give him permission to serve as Chairman and for the Chairman of the City Council to serve as Vice Chairman. He stated that they would go out into the community to elicit leaders as there is a void in the business community. Mayor Corker went on to say that the goals of the Community Education Alliance would be to remove these nine elementary schools from their low performing status; that business leaders would be engaged in this, and we would use the unique talents that many of them possess. He stated that we would be looking at recruitment efforts; that in the low performing schools we have teachers with less experience and recruitment and retention is difficult and not as good as it should be. He stated that Jesse Register, Superintendent of the Schools, is very supportive of this and looks forward to helping with the effort. He stated that this would be a public-private partnership, and we needed to be sure that the appropriated \$338,361.00 will go towards these efforts; that we will put this on deposit and allow the County Board of Education to give us guidance. He went on to say that the Community Education Alliance would support the schools in they way that they saw fit and this would be leveraged with Benwood money and other initiatives. He stated that he thought we could make a huge difference. He mentioned that parental involvement also needed to be a part of the big picture.

MAYOR CORKER (CONT'D.)

Each person who participates in the Alliance will spend eight hours each in the classroom of one of the low performing schools to see the student-teacher relationship firsthand; that he thought they would get a different perspective and no one would participate unless they had this particular grounding. He reiterated that recruitment would be strengthened.

Mayor Corker stated that he had met with Head Start; that the City already administers Head Start for the entire county and there is little collaboration. He stated that we had a huge asset here. He mentioned that when the State does their testing that they do it at a third grade level; that students are coming to schools with little background in reading, and he stated that he would like to tie this effort (CEA) in with Head Start and the public schools. He explained that the Head Start program was already involved with the students and families in these particular nine schools, and we need to help students be better students; that the target is the same group of people. He asked the Council to consider this to become a reality.

Mayor Corker stated that simultaneously we needed to pursue our focus on vocational and technical education; that we had had a great summit that resulted from a campaign about six months ago; that we heard from business and industry about the need. He reiterated that it was a great summit, and we needed to pursue vocational and technical training. He noted that 60% of the new jobs are technical. Mayor Corker ended by saying that he was truly excited about this initiative and thought that we could have success collectively as a community in these nine schools.

Councilman Lively moved that the Council move Resolution 7(a) to the top of the agenda. This was seconded by Councilman Franklin.

Mr. Joe Conner, Chairman of the Board of Education, was asked to make a few comments. He thanked the Council and stated that he would not speak long because he did not want to delay the vote. He thanked the Mayor, noting that the education initiative was a centerpiece of his campaign, as well as this being a desire of several Councilpersons. He stated that he was anxious to work with the Council, the Mayor, the Community, County Commission and the Alliance that the Mayor was forming. He urged to not let the initiatives go out in different tangents; that we could make education better in this community by partnering in these schools and working together. He stated that he was anxious for business components to be involved.

EDUCATION INITIATIVE
(CONT'D)

Mr. Dan Challener of the Public Education Foundation spoke next. He stated that he was very excited about this opportunity, and it should make an impact; that they would give their word to work the best they could with the funds given them; that he thought we were on the route to tremendous success, and this was really great for this community.

Stephanie Spencer thanked the Council, stating that she welcomed the opportunity to work with others in this focused effort.

On motion of Councilman Littlefield, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE MAYOR TO ESTABLISH A COMMUNITY ALLIANCE TO FURTHER THE PUBLIC-PRIVATE PARTNERSHIP INITIATIVE ON EDUCATION AND TO ENTER INTO AN AGREEMENT WITH THE PUBLIC EDUCATION FOUNDATION FOR THE ADMINISTRATION OF PREVIOUSLY APPROPRIATED FUNDS FOR SAID INITIATIVE IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-EIGHT THOUSAND, THREE HUNDRED AND SIXTY ONE DOLLARS (\$338,361.00)

was adopted.

Mayor Corker thanked the Council for their vote and noted that Mike Compton from his office was present just to see Councilman Pierce vote "yes".

CLOSE AND ABANDON

MR-2001-074 (William A. Spears)

On motion of Councilman Lively, seconded by Councilman Littlefield,

AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED SOUTHEAST END OF LOWELL STREET RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

Mr-2001-080 (Joe E. Proctor)

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE CLOSING AND ABANDONING A 900.15
FOOT LONG AND 40 FOOT WIDE SECTION OF
CHICKAMAUGA WORLEY SHORTCUT, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**

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

REZONING

2001-112 (Henry Luken, III)

On motion of Councilman Benson, 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 806 EAST MAIN
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
C-2 CONVENIENCE COMMERCIAL ZONE TO M-1
MANUFACTURING ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

2001-132 (Rajesh Mujral)

On motion of Councilman Lively, 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 3885 TRADEWAY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE AND R-3 RESIDENTIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE

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

REZONING

2001-134 (Bryan Owens)

On motion of Councilman Franklin, 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 18 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE

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

REZONING

2001-140 (UTC—Tom Ellis)

On motion of Councilman Lively, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 723, 739 AND 744 MCCALLIE AVENUE MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE

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

REZONING

2001-141 (UTC-Tom Ellis)

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 AT 1111 OAK STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-4 SPECIAL ZONE

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

AMEND CONDITIONS

2001-144 (Chattanooga Neighborhood Enterprise)

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 AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 11123 ON PROPERTY LOCATED AT 1706 AND 1708 LONG STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CONDITIONS

2001-149 (Kevin G. Whitmore)

On motion of Councilman Page, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 11123 ON PROPERTY LOCATED AT 224 WEST 19TH STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

**AMEND ZONING ORD.
DUPLEXES & CORNER LOTS**

Councilman Littlefield stated that the language in this Ordinance had been subject to quite a bit of discussion, and we were close to being where we need to be; however there are still a few questions remaining as we may be opening opportunities in existing lots of record.

On motion of Councilman Littlefield, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VI, SECTIONS 105 AND 106, TO INCORPORATE NEW LANGUAGE RELATIVE TO SINGLE FAMILY DWELLINGS AND DUPLEXES ON LOTS OF RECORD AND TO REVISE ARTICLE VI, SECTION 108, TO INCORPORATE NEW LANGUAGE RELATIVE TO CORNER LOT SETBACKS

was deferred for one week for further discussion.

AMEND CITY CODE
GARBAGE & REFUSE

Councilman Littlefield stated that this Ordinance had been subject to a number of meetings of the Legal and Legislative Committee; that we had worked with neighborhood associations and the umbrella association, and he expressed appreciation for all of their input. He explained that we needed this in order to get back in the business of cleaning up our city.

Councilman Pierce noted that there had been a lot of interest concerning Trash Flash and its not being as effective as the City says it will be. He stated that we might want to take a closer look at this.

Councilman Taylor stated that he wanted to make sure that when we are talking about trash pickup that we will be able to call Trash Flash at any time. Mrs. Johnson stated that that was correct.

Councilman Lively added that this was developed out of sound reasoning; that it will make Public Works more effective and will save tax dollars; that he thought when people understood the reasoning behind it that they would cooperate.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
ARTICLE III, SECTION 18-46 AND ARTICLE V, SECTION 18-
86, RELATIVE TO GARBAGE AND REFUSE**
passed first reading.

REZONING

2001-057 (Jack and Tina Johnson and Irene Walters)

Mr. Pace of the Planning Commission Staff stated that the version that would be read tonight was the Planning Commission's recommendation.

Councilman Benson stated that this had been deferred at the Planning Commission meeting and now Planning Staff was bringing three versions. He asked what the differences were.

REZONING (CONT'D)

Mr. Pace explained that this parcel goes from Gunbarrel Road back to Joiner Road and turns up toward Zeigler. The Planning Commission's conditions limited access to Zeigler and no access at Joiner. The Staff's version excluded 200 feet from Zeigler and Joiner Roads. The third version was the original that was deferred until after the Plan was completed, which was 200 ft. off of N. Joiner in a straight line to Zeigler.

Councilman Benson noted that this was one example of the Zoning Plan giving more flexibility. Mr. Pace agreed that it was expanding the office zone more than the Staff's recommendations. Councilman Benson verified that it was within the Plan.

On motion of Councilman Benson, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1606 AND 1608 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2001-097 (John Gibson)

Mr. Pace stated that this had been discussed at the Oak Grove Neighborhood meeting, along with Mr. Fitzpatrick and a representative of Mr. Harless; that Mr. Harless wanted to defer his case until a later date and that this applicant wishes to have this case deferred until that same time; that they are joining together in a Plan for this area for flea markets; that he would like to have this deferred until mid-December when the Harless case will be heard.

Chairman Hakeem noted that the Planning Process may not be completed by that time. Mr. Pace stated that it could be along the same timeline. Chairman Hakeem stated that what he was hearing was the plan is for these two items to go along with the Planning Process, which may be by the middle of December. Mr. Pace stated that they would be working with the neighborhood and keeping them totally involved.

REZONING (CONT'D.)

Chairman Hakeem explained that the Council had made a request of Planning to do a Plan and that there would be a Resolution to that effect in a few weeks.

On motion of Councilman Taylor, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2005 LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE ZONE was deferred until the middle of December.

REZONING

2001-127 (Clydell Darleen Floyd)

Pursuant to notice of public hearing, this case to rezone a tract of land located at 3700 Dodds Avenue from R-2 to C-2 came on to be heard.

Mr. Pace of the Planning Staff explained that this is in the East Lake community. The present site is zoned R-2 Residential; there is M-1 zoning directly across the street and on the west side of Dodds Ave.; there is R-2 residential to the east. The request is for C-2 zoning for resale value of the property. Mr. Pace stated both the Staff and the Planning Commission made the recommendation for denial as the east side is still viable for residential and the property is too small for commercial use.

Mrs. Darleen Floyd, the applicant spoke next. She stated that she was the owner of this property and was requesting that it be changed to commercial zone; that it is no longer a desirable residential area; that the house next door is owned by a church; behind the house is an alley, a lodge, and a parking lot. She stated that there were many businesses in the area besides the Wrecker business; Goodwill owns a whole block; there are a lot of business and commercial uses, and this is not a desirable residential area. She requested that this be changed to commercial zone.

Councilman Taylor asked if the plan was for a Resale Shop. Mrs. Floyd explained that it was for resale value. Councilman Taylor verified that she did not have a buyer for the property.

REZONING (CONT'D.)

Mrs. Floyd explained that the house would be changed into a business, and she did not feel she needed a bigger area.

Councilman Taylor questioned what would happen if she sold her house zoned C-2, and the buyer needed something different like an R-4. He questioned if that would present a problem. Mrs. Floyd responded that if it were zoned commercial that it would be sold as commercial use; that it is not desirable and would not sell as a residence.

Councilman Lively asked Mr. Pace if they were not considering C-2, and it was not desirable as a residence, had they considered R-4 or C-5 and if this was discussed at the Planning Commission. Mr. Pace answered that they did not discuss these two alternatives. Councilman Lively questioned if the Council could not consider these alternatives either.

Councilman Benson stated that this case came before the Planning Commission several times and that surrounding businesses had been there for years; that the residential conditions had not changed.

Mrs. Floyd stated that the house next door was bought by the church and there are no other homes in the whole block.

Councilman Benson added that she had no site plan and to zone this commercial would open it up to unknown uses. He stated this was speculative and that Mrs. Floyd needed a proposal and a buyer.

Councilman Taylor explained that if we considered zoning a property for resale value that it would open up the flood gates when there was no particular buyer nor site plan and that based on this, **he was going to make the motion to deny. This was seconded by Councilman Benson.**

Chairman Hakeem explained to the applicant that we do not encourage speculation; that if she had a buyer, the Council might consider this; however, some might still consider it spot zoning.

Councilman Lively noted that it would be a year before this could be brought up again if it were denied. He asked the applicant if she would consider a withdrawal and look at something more desirable. The applicant stated that she did not wish to withdraw. Mr. Pace explained to her what withdrawal meant.

REZONING (CONT'D.)

Mrs. Floyd indicated that she had not understood and that she would ask for withdrawal.

Councilman Taylor and Councilman Benson withdrew their motions.

On motion of Councilman Lively, 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 3700 DODDS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was withdrawn.

REZONING

2001-143 (John S. Wise, III)

Mr. Pace stated that this property was in North Chattanooga along Cherokee Blvd.; that the Red Bank Tunnel is north of the site; that Cherokee Blvd. is zoned C-2 and northwest is zoned R-1; that this request is to rezone from M-2 and R-1 to C-2. He explained that both the Planning Commission and Staff recommend to approve this site with the condition that the rezoning is approved for Lots 1 and 2 and only for a portion of Lot 3, with the rest remaining M-2.

Councilman Taylor stated that they had been working hard with this area to restrict retail moving up Cherokee Blvd.

Councilman Pierce stated that since the applicant was not present, he did not feel that the Council should act on this request, as it was the applicant's application, and he might not want to remove this portion.

Chairman Hakeem stated that the Council was not seeking the approval of the applicant.

Councilman Taylor pointed out that it comes with a recommendation from the Planning Commission and the Staff that we cut this piece off.

REZONING (CONT'D.)

Mr. Pace explained that there would be no access to Cherokee Blvd.

Chairman Hakeem noted that any action taken today by the Council can be reviewed before 2nd and 3rd reading next week. Councilman Littlefield added that the Council could ask Planning to call the applicant and ask him to come to next week's meeting.

Councilman Page asked for clarification on this matter and questioned if the Council would be setting a precedent by moving on something when the applicant is not present. He asked for an overview from the Chairman. He asked if the policy was if the applicant is not present that the case can be denied or deferred.

Chairman Hakeem responded that it was a mixed bag; that it is at the pleasure of the Council to not take action if the applicant is not present. He stated that he needed some guidance from the Council and asked if the applicant was informed that he needed to be here; that if the applicant wants approval, he should be here.

Councilman Pierce explained that he was not questioning approving a case without the applicant being present; that this one had conditions put on by the Staff, and he would like to know whether this is acceptable to the applicant; that he was questioning taking action because of the conditions.

Chairman Hakeem stated that Planning would contact the applicant before next week and let him know that it will be coming up for second and third readings.

Councilman Littlefield explained that this issue of voting zoning cases up or down when the applicant is not present goes back to the City Commission; that if the applicant was not there, then the case was turned down, but we had found that this backed us into a corner; that in this particular case we will have second and third readings next week, and the Council will have a chance to ask his views—that no harm will be done in passing this on first reading tonight. He explained that when there is significant opposition and the applicant does not show up, then the Council would usually vote it down. He agreed with Chairman Hakeem that it is a mixed bag.

REZONING (CONT'D)

Chairman Hakeem added that even if the applicant were here, the Council's decision does not have to be based on what the applicant approves of or not; that the Council's decision is based on law, and we don't seek the acceptance of the applicant.

Councilman Pierce stated that he was still saying that we did not make the application, and it was not for us to say what should be zoned; that regardless of what the applicant wants, it is what the Council says, but the applicant does pay a fee for his application, and he could not vote for this on first reading.

Attorney McMahan stated that the Council could do as it pleased, but the applicant was getting basically what they asked for except access to Cherokee Blvd.

Mr. Pace stated that he felt confident that the applicant was aware of the recommendation.

Councilman Franklin stated that there would be an opportunity for the applicant to voice his opinion, and he called for the question to move on.

On motion of Councilman Taylor, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 725, 825 AND 855 CHEROKEE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE AND R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading with Councilman Pierce abstaining.

AGREEMENT

Councilman Franklin stated that this resolution was discussed as an offshoot of the Legal and Legislative Committee today. It involves a three-way agreement between the City, TDOT, and CSX Transportation. Resolution © was also discussed.

AGREEMENT (CONT'D.)

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND CSX TRANSPORTATION, INC., RELATIVE TO THE CONSTRUCTION OF THE THIRD STREET BRIDGE OVER CITICO RAILROAD YARDS, PROJECT NO. BR-STP-3352(1), 33958-2342-94, TO PROVIDE FOR CSX TRANSPORTATION, INC. TO REIMBURSE THE CITY OF CHATTANOOGA FOR THE RAILROAD'S SHARE OF THE CONSTRUCTION COST IN THE AMOUNT OF TWO HUNDRED THIRTEEN THOUSAND EIGHT HUNDRED ONE AND 30/100 DOLLARS (\$213,801.30.) AND AUTHORIZING THE TRANSFER OF ONE MILLION SEVEN HUNDRED TEN THOUSAND FOUR HUNDRED TEN AND 44/100 DOLLARS (\$1,710,410.44) TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF THE CONSTRUCTION

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY, RELATIVE TO THE CONSTRUCTION OF THE THIRD STREET BRIDGE OVER CITICO RAILROAD YARDS, PROJECT NO. BR-STP-3552(1), 33958-2342-94, TO PROVIDE FOR THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY TO REIMBURSE THE CITY OF CHATTANOOGA FOR THE RAILROAD'S SHARE OF THE CONSTRUCTION COST IN THE AMOUNT OF SIX HUNDRED FORTY-ONE THOUSAND FOUR HUNDRED THREE AND 91/100 DOLLARS (\$641,403.91)

was adopted.

SPECIAL POLICE APPOINT.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF JACQUELINE STREETER AND JERRY WATKINS AS SPECIAL POLICEMEN FOR THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AGREEMENT

Councilwoman Robinson noted that the next three resolutions came before the Parks and Recreation Committee and received recommendation for approval. She stated that these agreements are the result of several meetings with various neighborhood associations, and she expressed appreciation for their input.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE AN AGREEMENT WITH THE MISSIONARY RIDGE NEIGHBORHOOD ASSOCIATION FOR THE USE OF THE BUILDING AND LAND LOCATED AT 150 SOUTH CREST FOR A TERM ENDING OCTOBER 22, 2003

was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE AN AGREEMENT WITH THE EAST LAKE SENIOR ASSOCIATION FOR THE USE OF THE BUILDING AND LAND LOCATED AT 3000 EAST 34TH STREET FOR A TERM ENDING OCTOBER 22, 2003.

was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE AN AGREEMENT WITH THE HIGHLAND PARK NEIGHBORHOOD ASSOCIATION FOR THE USE OF THE BUILDING AND LAND LOCATED AT 1714 DUNCAN AVENUE FOR A TERM ENDING OCTOBER 22, 2003
was adopted.

OVERTIME

Overtime for the week ending October 12, 2001, totaled \$11,574.62.

PERSONNEL

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

HOLLY LOCKHART—Promotion to Sr. Zookeeper, Pay Grade 7/3, \$23,042 annually, effective 10/3/01.

JAMES BRADFORD, III—Termination of Crew Worker, effective 10/11/001.

PURCHASE

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

LESCO, PRO SOURCE ONE & AUSTIN FEED (Multiple Award based on low bidder);
Requisition R0056673/P0016700

Chemicals, Fertilizers, and Seed—Landscape Division

(See minute material for specific prices)

PERSONNEL

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

RICHARD BOYD—Return from medical leave of crew worker, effective 10/10/01.

HAROLD G. ALEXANDER—Resignation of Plant Maintenance Mechanic, effective 10/11/01.

DESMOND CLARK—Resignation of Crew Worker, effective 10/11/01.

PURCHASES

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Department:

ASPLUNDH TREE EXPERT CO. (Lowest and best bid meeting specs.)
Requisition R0053127/P0016685

Tree trimming and Removal Services

(See minute material for prices)

NORTRAX (Lowest and best bid meeting specs.)
Requisition R0060759/B0000587

Loader/Backhoe

\$46,403.03

BROOKER FORD, INC. (Lowest and best bid meeting specs.)
Requisition R0060819/B0000590

Passenger Van (State Street Aid)

\$25,666.00

PURCHASES (CONT'D.)

PHELPS SUPPLY SERVICES (Lowest and best bid meeting specs.)
Requisition R0057223/P0016653

Cleaning Rags

\$22.00 (25 lb. Box)

PERSONNEL

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

PRESTON HESS—Family Medical Leave for Firefighter, effective 10/12/01—1/4/02.

CHIEF COPPINGER

Chief Coppinger stated that he had been in contact with the Mayor and understood he was to address the Council. He stated that today they had had 15 calls that were suspicious in origin; that we had no symptoms of anthrax. He mentioned that the mail facilities at Shallowford Rd., Eastgate, and Southside on 40th had been closed today but would be operating normally in the next few hours. Chief Coppinger stated that he was proud to stand before the Council and let them know that in the field of hazardous materials they had constantly been preparing and were able to respond in bio-terrorist attacks. He stated that there was no way to relieve anxiety in the community, and we were no different than other parts of the country; that they were getting anxiety calls about letters which were absolutely nothing. He stated that he guessed he could say that the men and women on the front line are prepared and trained in a plan of action to deal with what they find when they arrive; that they are as prepared as they can be.

Councilman Taylor asked if there was any educational piece to tell the community how to be on the look-out.

Chairman Hakeem stated that that would be part of the briefing tomorrow.

CHIEF COPPINGER (CONT'D.)

Chief Coppinger stated that they had been interacting with the FBI and TBI and were constantly getting briefings; that he thought people were relying too much on CNN; that they were scaring people and as a result, they were going out on a lot of responses. He reiterated that they were interacting with a lot of agencies and stated that the local news media had been extremely helpful; however, he stated, this did not relieve the anxiety on the national level.

Councilman Benson pointed out that there was a conflict in tomorrow's schedule for the Council; that this meeting at the 911 Building was at 12:30 P.M., and the Council had a CNE engagement at 11:30. He asked if the meeting at the 911 Building could be set at a later time.

Chairman Hakeem indicated that he would work on this between now and tomorrow; that as it stood right now, the Councilmembers should attend the CNE function.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Benson, the following purchase was approved for use by Neighborhood Services:

MUNICIPAL SOFTWARE

ASM Renewal of CityView Annual Software Maintenance for the period of 10/23/01 to 10/22/02

\$10,000.00

REFUNDS

On motion of Councilman Lively, seconded by Councilman Taylor, the City Finance Officer was authorized to make the following refunds on overpayment of stormwater fees:

DAVID & KAREN DIAMOND—Map #159P-A-003.07, **\$1135.32.**

TALLAN HOLDINGS CO.—Map #136J-A-002, **\$3,909.94.**

JIMMY J. JUSTICE—Map #128L-D-015, **\$2,051.08.**

REFUNDS (CONT'D)

On motion of Councilman Lively, seconded by Councilman Taylor, the City Finance Officer was authorized to make the following refund on Public Services Taxes:

CON-WAY TRANSPORTATION SERVICES, INC.—Map No. PSMCO-42-970, due to correction per State of Tennessee, **\$6,777.61.**

BOARD APPOINTMENTS

On motion of Councilman Taylor, seconded by Councilman Franklin, the following Board appointments were approved:

CARTA BOARD:

- Appointment of **BOB FRANKLIN and BERTHA SEALS** for terms to expire **October 1, 2006.**
- Reappointments of **ERNEST HEDGEORTH, JILL HINDMAN, JOE B. HUTCHERSON, JR., E. STEPHEN JETT, KIMBERLY KINSEY, WANZA LEE, LAVORN MOORE & EDNA VARNER** for terms to expire **October 1, 2006.**

COMMITTEES

Councilman Franklin reminded the Council of the **Public Works Committee meeting set for Tuesday, October 23rd at 4:00 P.M.** He also invited everyone to the Eastdale Community Center's Neighborhood Festival set for **Saturday, October 20th from 10:00 A.M. to 5:00 P.M.** in honor of the Fire and Police Departments. All proceeds will go to the relief efforts.

Councilman Littlefield noted that a Legal and Legislative Committee was held today covering a proposed amendment to the Noise Ordinance. Bruce Witt with Telemetrics out of Rock Springs, Ga. And Jim King, an Audio-Engineer and President of the Murray Hills Neighborhood Association, were present at the Committee meeting and were very helpful, and Councilman Littlefield expressed his appreciation for their presence. He also noted that Judge Williams was present and continues to work on this. He scheduled a **Legal and Legislative Committee meeting for Tuesday, October 30th at 3:00 P.M.**

COMMITTEES (CONT'D.)

Councilman Lively stated that he had intended to schedule a Safety Meeting to discuss the present situation, but he thought the meeting at the 911 Building at 12:30 tomorrow would serve in this capacity.

Councilman Page informed the Council that the dedication of the new Recreation Park at Lake Hills will be held **Saturday, October 20th at 11:00 A.M.**

Councilwoman Robinson announced that there would be a Neighborhood Watch Meeting for District 2 at the Rivermont Church of Christ on **Thursday, October 18th at 7:00 P.M.** Everyone is invited to attend.

TWINBROOK SUBDIVISION
LANESE SCOTT

Ms. Lanese Scott was the spokesperson for the Twinbrook Subdivision. She asked those in the audience from Twinbrook to stand. Ms. Scott stated that she wanted to address the Council about an apartment complex; that they were here in 1998 and addressed the Council; that some of their concerns and issues had to do with property values and the type of development. She stated that Mike Hedges had told them that the apartments would be luxury apartments. She stated that they met with the City Council in October of 1998 and was promised an added buffer of a brick wall and that the apartments would be obscured from the subdivision, but this did not take place. She stated that the apartments had gone from "luxury" housing to "guess what"—subsidized housing and had made a 360 degrees turn-around; that a public housing project seemed to be their concern now. She related that there had been several incidences of residents of the apartments climbing the fence and there had been an increase in the noise level, and the police were often called to the area and there was an inadequate buffer. She stated that the apartments were in open view—that they did put up a wooden fence, but it was not adequate. She stated that when they came before the Council in 1998 that they were concerned, but the problems were much more profound now. She reiterated that their main concerns were the property values and the declining condition of the apartment complex; that the residents of Twinbrook were looking for long-term and short-term resolutions of these problems.

TWINBROOK SUBDIVISION
RONNIE GRAHAM

Mr. Graham spoke next. He stated that he owned Lot 20, adjoining the Rainbow Creek Apartments and would like to follow up on statements made by Ms. Scott. He stated that when they met with Mr. Hedges that he made a lot of promises. He stated that he had written a letter to the property manager of the Rainbow Creek Apartments, who acknowledged that he was aware of the problems, but stated that they wanted to teach the tenants before enforcing rules. He indicated that noise was the biggest problem, with loud radios; that it shook everyone's windows. He stated that they did build a fence, but City Stormwater was supposed to do some drainage and excavate an area by the fence and put materials in there to help the water runoff. He stated that they did not do that. He stated that he did not know what needs to be done; that Stormwater was supposed to come out and fix this, and it had never been done.

Councilman Benson stated that he had been very much involved in this since April and had been working with the Twinbrook people, Brindley, and Mr. Bowen, the attorney; that all of these people were reasonable and were trying to make this work; that everyone was hoping to find a way out. He stated that the Rainbow Creek Apartments had hurt property values, but he did not feel it was irreversible; that he thought their investments could be secured. He stated that the Police Department was cooperating about the boom boxes and taxis. He went on to say that he had read all of the minutes that had been compiled with all of the zoning restrictions; that he had not heard about the stormwater—that this was a new problem to him. Councilman Benson suggested looking into this from a Housing Committee standpoint—that it could be revisited; that he thought we could find out what it will take because all of the parties are reasonable.

Councilman Taylor asked if the owner of the Rainbow Creek Apartments was present. **Mr. Maurice Bowen**, their attorney, was present. He stated that he had been retained recently by the owner, which was Brindley Development out of Pulaski, Tennessee, to do some fact finding to find out what the problems were; that he was going to find out from Twinbrook what the problems are and try to find a way to address them; that Councilman Benson was working with Brindley and the neighborhood to try to bring everyone together. He stated that his clients were reasonable and trying to help.

RAINBOW CREEK APARTS.
MAURICE BOWEN

Mr. Bowen went on to say that one of the problems that was raised by Terry Mitchell of Brindley was that several of the cypress trees they had planted had died because they were several feet in water; that there was a drainage problem; that they had tried to stagger the trees higher on the berm. Mr. Bowen stated that he noticed that the City was addressing a new Noise Ordinance which should be helpful as we try to enforce this; that the people in Rainbow Creek don't like this noise either but there seems to be scant little that can be done about it. He stated that they were trying to keep the noise level down.

Mr. Bowen stated that they could look at the fence; that the people had mentioned a brick fence, which they had never promised and which would have been prohibited. He stated that they would do something with the fence that would meet their needs and would be taking a look at this. He went on to say that there were two sides to the fence—that some wanted a higher fence and some wanted a lower one; that this would not be prohibited, and they were willing to work with the neighborhood and do this and Councilman Benson had been helpful and assisted him in getting them together; that everyone was willing to do what was good for the neighborhood on both sides of the fence. He stated that they did not want people climbing the fence. He welcomed a committee meeting to get together and try to work this out.

Councilman Littlefield stated that he appreciated Mr. Bowen's comments; that he respected him and was glad he was working on this; that he had gone out with Councilman Benson and seen this firsthand, and he was surprised; that the front was very nice but as you go further back, it grows worse. He stated that we were working on the Noise Ordinance, but he hoped we would not have to exercise it; that we will put it on the books and do what is right. He stated that he thought more aggressive management was the key; that there needed to be an on-site manager and better management; that the apartments were not well maintained. He stated that a less scaleable fence was the first priority, but the thing that most concerned him was the stormwater issue; that if the City agreed to do something on private property or something developed, then they were supposed to do it.

RAINBOW CREEK (CONT'D.)

Chairman Hakeem stated that he thought Stormwater should be a part of the meeting; that Mrs. Johnson and Mr. Lynn could do some research on this.

Councilman Franklin stated that he, too, had concerns about the stormwater issue; that it seemed that we were remiss in doing what we had agreed to do. He asked that this be researched. He asked Attorney Bowen how this had gone from "Luxury Housing" to Section 8.

Attorney Bowen responded that he had read the minutes from the beginning of the Planning Commission process and had seen nothing in them that referred to this as "luxury apartments"; that it was in the newspaper and how it got there, he did not know.

Councilman Franklin stated that it must have been promised to the neighborhood when the Developer made his presentation. He asked Attorney Bowen if he would help resolve these issues. Attorney Bowen responded that he could not make them luxury apartments, but they could make them good apartments.

Councilman Taylor asked about the managers and was told that there are two on-site managers.

Councilman Benson stated that he had talked to management, and they were very cooperative; that they had had to make some people move because of their behavior; that they had to wait two weeks and then another two weeks and after four weeks, with them knowing they had to get out and had nothing to lose, things really got bad. He stated they were gone now and management had worked with him on this. He stated that the people in Twinbrook were not confrontational and had tried; that he thought it could be solved with both groups working together.

Chairman Hakeem stated that he thought it was important for Stormwater, Neighborhood Services, and the Chattanooga Housing Authority to be involved in a meeting; that we needed to give Mr. Bowen (x) amount of time for his fact finding and then all of these people needed to come together at a meeting with Public Works present.

Councilman Benson indicated that there could be a meeting in three or four weeks or maybe even two weeks of the Housing Committee and have all of the representatives present, as well as support services and try to make this work.

RAINBOW CREEK (CONT'D.)

Chairman Hakeem stated that we needed to inform and invite different departments of government to the Housing and Education Committee in three or four weeks.

Councilman Benson indicated that he did not want to wait too long. Chairman Hakeem suggested four weeks.

Councilman Littlefield questioned if we could shorten the eviction process to what the State requires.

Chairman Hakeem stated that there would be fact finding and a preliminary meeting with Ms. Scott and others in Public Works; that they would talk to Stormwater and see what commitment was made; that they also needed to talk to police enforcement concerning the Noise Ordinance. He indicated that the Housing Authority needed to be a part of this, too.

Councilman Benson indicated that he wanted the same number involved from Twinbrook and Rainbow Creek Apartments.

Chairman Hakeem announced that there would be a **Housing Committee meeting on Tuesday, November 13th at 3:00 P.M.** to discuss this issue. Councilman Benson is the Chairman of this committee.

Mr. Graham indicated that he had a design on the stormwater issue and Chairman Hakeem asked him to give it to Mr. Lynn.

GEORGE ORLANDO

Mr. George Orlando addressed the Council, stating that he was a licensed contractor and the majority of his work was with CNE and the Housing Authority. He passed out information to the Council at this time. The information included letters of reference as a means of introduction. He stated that he had been with Better Homes for three years. He explained the situation at CNE as being one with new administration and an administration that had decided not to enter into a contract with Better Homes. He stated that the decision was unjust, and they had sent no letter to his company. He stated that a radical decision had been made because an inspector was holding a grudge. Mr. Orlando stated that a Councilman had suggested that he come before the Council to air his case so that it could be investigated further.

GEORGE ORLANDO (CONT'D.)

Mr. Orlando contended that an unjust decision had been made and that there were a lot of factors influencing the decision. He stated that he was present tonight with some of his carpenters that worked for his company. He stated that they were very experienced individuals.

Chairman Hakeem explained to Mr. Orlando that the Council had no direct authority over CNE; that Mr. Bowen was the attorney for CNE, and he was present tonight on another matter. Mr. Orlando stated that he would rather explain his situation to an impartial person; that Mr. Bowen was the attorney for CNE. Mr. Orlando stated that he thought the decision was more personal than performance oriented.

Chairman Hakeem still suggested that Mr. Orlando speak with Mr. Bowen and if satisfaction was not received that the Council would review this with the City Attorney to see if it should be heard in the Housing Committee. He reiterated that the Council has no direct authority over CNE and asked that Mr. Orlando speak with Mr. Bowen and see if this could be worked out and in the meantime the Council would review this with the City Attorney to see if it is appropriate to hear it in the Housing Committee.

RECOGNITION OF SCOUTS

At this point Chairman Hakeem recognized Mr. Harry Ray, along with his son, Jefferson Ray and Derrick Scott, who were working on their citizenship badges.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga City Council until Tuesday, October 23, 2001 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

