

**Municipal Building
Chattanooga, Tennessee
October 12, 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

Invocation was given by Councilman Crockett.

MINUTE APPROVAL

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

REZONING

1999-009: Robert C. & Helen T. Mowery

Councilman Eaves stated the Planning Commission has put forth changes that he wants to make sure the applicant is in agreement with prior to moving forward. He asked that the applicant come forward and it was indicated that the applicant was not present.

City Attorney Nelson stated the revised Ordinance before the Council is a revised reflects the addition of Condition 2, which states:

". . . a berm of 15' minimum in width and 4' minimum in height with the screening provisions of the M-2 Light Industrial Zone along with any Residential Zone [sections 1014 General Provision (1), (2), (3), (4), (5) a. and b. of the Chattanooga Zoning Ordinance] . . ."

Chairman Lively stated that the applicant agreed to this condition at last week's meeting.

REZONING (Continued)

Councilman Eaves made the motion to substitute the amendment to this Ordinance; Councilwoman Rutherford seconded the motion; the motion carried.

On motion of Councilman Eaves, 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 7401 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

Councilwomen Hurley and Rutherford made the motion and second to move Ordinances 6(c) and (e) up on the evening's agenda; the motion passed.

1999-168: Chattanooga-Hamilton County Hospital Authority

Pursuant to notice of public hearing the request of the Chattanooga-Hamilton County Hospital Authority, to rezone tracts of land located on the south side of East Third Street located at 1116 East Third Street and in the 1100 block of East Third Street came on to be heard.

A representative for the applicant was present; there was no opposition.

Jerry Pace stated this is a tract of land located on the south side of Third Street at Central; that the entire majority of the whole block is now owned by the Hospital and nothing is on this particular parcel. He stated Planning's recommendation is for denial of C-2 and approval of O-1, subject to conditions. He stated the only other use was as a parking lot by Engel Stadium patrons. He stated it is thought O-1 is the best use and appropriate zone.

Atty. Mark Ramsey was present on behalf of the Hospital Authority. He stated as previously mentioned this parcel was originally four small old-fashioned 40-foot lots of C-2; that the Staff and Planning Commission suggested O-1, which is more appropriate. He stated the O-1 will "fit" the Hospital Authority's need; that the use of the property now and anticipated future use will always be O-1 and not a hospital. He reiterated that the O-1 zone is "fine with them".

REZONING (Continued)

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 TRACTS OF LAND LOCATED ON THE SOUTH SIDE OF EAST THIRD STREET LOCATED AT 1116 EAST THIRD STREET AND IN THE 1100 BLOCK OF EAST THIRD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1999-171: Fidelity Trust Company

Pursuant to notice of public hearing the request of Fidelity Trust Company to rezone a tract of land located on the northwest side of Hixson Pike located at 1307 Hixson Pike came on to be heard.

A representative for the applicant was present; there was no opposition.

Mr. Pace stated this is a small tract of land just north of the intersection of Dartmouth Street and just south of the parcel is an O-1 and C-2 zone; that the remainder of the property to the north is all R-1 or single family residential. He stated the recommendation from Staff is to deny the O-1 because it intrudes too far back into the residential area, while the Planning Commission recommends approval of the R-4 zone. He stated the R-4 zone is more appropriate for the use intended.

Paul Mallchok stated the applicant accepts the R-4 zone recommended by Planning. He stated after talking with the potential purchaser of the property, the R-4 zone will accommodate the very limited business use intended. He stated the structure will retain the residential character it has now, but like the property next door and across the street it will have a commercial office use. He stated that is what the applicant is asking for, R-4.

Councilwoman Hurley asked the applicant if he would accept a condition to keep the appearance of the property as it is. Mr. Mallchok responded "if we have to accept it, yes".

Councilwoman Hurley stated she would prefer that as a condition; that this is a building that has been used for residential purposes for many years. Mr. Mallchok stated this property has not been a single family residence.

REZONING (Continued)

Councilwoman Hurley stated it is hoped the "line will be drawn" at some point. She stated if Mr. Mallchok accepts adding the condition, the Ordinance can be amended prior to second and third reading to indicate that the house will remain substantially the same.

Mr. Mallchok suggested that the wording say "*residential character*" and say that it will be "*similar to the structure across the street*".

Councilwoman Hurley stated it is her hope that it would be the same character as that of a residence.

City Attorney Nelson amended the caption and body of the Ordinance to reflect:

". . . subject to the condition that the outward appearance of the structure be maintained similar to other adjacent residential structures . . ."

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED ON THE NORTHWEST SIDE OF HIXSON PIKE LOCATED AT 1307 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

passed first reading.

REZONING

1999-162: Anna Marie Lynn

Pursuant to notice of public hearing the request of Anna Marie Lynn to rezone a tract of land located at 6420 Shallowford Road come on to be heard.

The applicant was not present; opposition was in attendance.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6420 SHALLOWFORD ROAD BEING ON THE SOUTHWEST SIDE OF SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

was denied.

REZONING

1999-167: CBH Properties, LLC

Pursuant to notice of public hearing, the request of CBH Properties, LLC to rezone a tract of land southwest of the 7400 block of Goodwin Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace explained that this area is predominantly C-2 and C-5 commercial with some R-4 residential; that the recommendation is for approval of the C-5 zone.

On motion of Councilman Eaves, 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 SOUTHWEST OF THE 7400 BLOCK OF GOODWIN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

passed first reading.

REZONING

1999-170: Allied Metal Company

Pursuant to notice of public hearing the request of Allied Metal Company to rezone a tract of land located on the southeast side of Lightfoot Mill Road came on to be heard.

A representative for the applicant was present; there was no opposition.

Mr. Pace displayed the parcel by projection and pointed out the tract in relation to Lightfoot Mill Road. He stated the railroad tract runs along the south side of the parcel and the site is fairly high off the road. He stated industrial use is proposed for expansion on the parcel.

David Fink represented Allied Metal and stated the Company purchased three lots of residential land between their manufacturing business; that an automobile dismantler is the next business. He stated they would like to take down the houses and work with the railroad, City and State to add a rail spur onto their property and build a warehouse in an effort to increase their manufacturing capabilities. He stated at present they cannot receive enough material to grow; that they will meet their production needs with this change in zoning.

REZONING (Continued)

On motion of Councilman Franklin, seconded by Councilman Crockett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED ON THE SOUTHEAST SIDE OF LIGHTFOOT
MILL ROAD LOCATED IN THE 3400 BLOCK OF LIGHTFOOT MILL
ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2
RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**
passed first reading.

REZONING

1999-174: Silas L. Johnson

Pursuant to notice of public hearing the request of Silas L. Johnson, to rezone a tract of land located on the northeast side of East Brainerd Road located at 6033, 6041 and 6065 East Brainerd Road came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated East Brainerd Road is located southwest of the property, with Lee Highway and Brainerd Road on the east. He stated there are office-type uses presently on the north side of East Brainerd Road and in the old residential houses are a couple of single family dwellings. He stated there is an R-2 zone (duplex) at the intersection of Chickamauga and East Brainerd Roads. He stated the recommendation from Planning is for approval with conditions.

Silas Johnson of 6041 East Brainerd Road stated the reason he has requested this zone is because there is a family that has moved in next to him that is occupying rental property. He stated there are two families with ten children and (he) has had to install a six-foot fence. He stated the police have been called three times within the last month! He stated he would love to have office space at the location as opposed to rental property as the type of persons renting cannot be controlled. He stated the property will remain as is if it is approved. He stated he is building another office building at Chickamauga and East Brainerd Roads and has been a resident of the East Brainerd area for 73 years. He stated there will be a very attractive office building where Brainerd Hills begins which will extend to the back to East Brainerd Road.

Mr. Charles Dupree stated he was present representing the Brainerd Hills Neighborhood Association. He stated they do not object to the revised proposal by Planning that the Council Clerk read with regard to "maintaining the character of the neighborhood"; that they are opposed to a triple office complex. He reiterated that they have no objections as long as approval is for the recommendation from the Planning Commission with conditions.

REZONING (Continued)

Councilman Hakeem asked for clarification that the Council Clerk read Planning's recommendation which specified conditions for the property. The Council Clerk confirmed that Planning's recommendation was the caption read which specified "with conditions".

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED ON THE NORTHEAST SIDE OF EAST BRAINERD ROAD LOCATED AT 6033, 6041 AND 6065 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND 4-2 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1999-176: George S. Elder

Pursuant to notice of public hearing the request of George S. Elder to rezone a tract of land located on the south side of East Main Street located at 100 East Main Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this property is located at the corner of Mitchell Avenue and East Main Street and is an old building in disrepair. He stated it is felt the condition attached to the Ordinance recommended for approval as part of the southside plan will be a tremendous improvement to the area. He stated Mr. Elder is aware of the conditions and has expressed agreement.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED ON THE SOUTH SIDE OF EAST MAIN STREET LOCATED AT 100 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

FRANCHISE

Councilman Hakeem stated there were questions raised last week in Public Works Committee as to KMC's hiring practices. He stated the questions have been cleared up and approval is requested.

On motion of Councilman Franklin, seconded by Councilman Hakeem,

AN ORDINANCE GRANTING UNTO KMC TELECOM III, INC. A FRANCHISE TO INSTALL AND MAINTAIN FIBER OPTIC CABLES IN CERTAIN RIGHTS-OF-WAY IN THE CITY OF CHATTANOOGA TO PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AGREEMENT AMENDMENT

On motion of Councilman Pierce, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. CSO-3-98, WILLIAMS STREET COMBINED SEWER OVERFLOW FACILITY, WHICH AMENDMENT INCREASES THE ORIGINAL AGREEMENT AMOUNT BY FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) FOR A TOTAL AGREEMENT COST OF ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$195,000.00)

was adopted.

TEMPORARY USE: ARCHER DANIELS MIDLAND COMPANY (REFINERY)

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING ARCHER DANIELS MIDLAND COMPANY (REFINERY) TO USE TEMPORARILY A PORTION OF JUDD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FOR CONTROLLING TRAFFIC AND VISITORS ENTERING SAID COMPANY, SUBJECT TO CERTAIN CONDITIONS

was adopted

**TEMPORARY USE: PHILADELPHIA
MISSIONARY BAPTIST CHURCH**

On motion of Councilman Taylor, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING PHILADELPHIA MISSIONARY
BAPTIST CHURCH TO USE TEMPORARILY A PORTION OF WEST
21ST STREET AND AN UNOPENED ALLEY BORDERING THE
CHURCH PROPERTY TO PROVIDE ADDITIONAL PARKING,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**DESIGNATION OF TOURISM
DEVELOPMENT ZONE**

Councilman Hakeem stated this matter was discussed in today's joint Budget and Economic Development Committee and comes with the recommendation for approval.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,

A RESOLUTION TO DESIGNATE A TOURISM DEVELOPMENT ZONE

was adopted.

**AGREEMENT: RAFTELIS FINANCIAL
CONSULTING, INC.**

Chairman Lively stated this matter was discussed today in Committee for addition on tonight's agenda.

Councilman Hakeem stated it has been announced that we are now in a position to lower the sewer rates and this is an effort to see if they can be lowered any further. He stated as part of that study, the City wants to make sure that our fund is adequate for future development if it comes about and to maintain a present level of repair. He stated members of the Budget Committee recommend approval of this Resolution.

On motion of Councilman Hakeem, seconded by Councilman Crockett,

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH RAFTELIS FINANCIAL CONSULTING, INC., FOR
CONSULTING SERVICES RELATING TO THE CITY'S ONGOING
ANALYSIS OF INTERCEPTOR SEWER RATES AND RATE
STRUCTURE**

was adopted.

OVERTIME

Overtime for the week ending October 8, 1999 totaled \$103,098.92.

PERSONNEL

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

ANTHONY JASON BURKE -- Resignation, Equipment Operator, Sr., Parks Division, effective October 8, 1999.

MARK A. WOOD -- New Hire, Crew Worker, Riverpark, Pay Grade 3/Step 1, \$15,230.00 annually, effective October 20, 1999.

CHRISTOPHER T. WHITMIRE -- New Hire, Tree Trimmer, Forestry, Pay Grade 8/Step 3, \$22,883.00 annually, effective November 1, 1999.

ELVIN LAMAR MILLS -- Resignation, Pro Shop Manager, Golf Course, effective October 21, 1999.

MARCUS D. FREEMAN -- Resignation, Crew Worker, TN Riverpark, effective October 8, 1999.

PURCHASE

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

THOMAS GENERAL CONSTRUCTION (Change Order #1)
Contract No. P0012495

Carver Park Walking Track (Unforeseen necessary changes to plans and specifications)

\$44,122.50 - Original Amount
8,798.00 - Change Order #1
52,920.50 - New Total

PERSONNEL

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

BUDDY L. BROWN -- Voluntary Demotion, Crew Supervisor, City-wide Services, Pay Grade 10/Step 9, \$32,937.00 annually, effective October 6, 1999.

WARREN S. GADDIS -- Employment, Traffic Electrician Apprentice, Traffic Management, Pay Grade 9/Step 1, \$21,918.00 annually, effective October 22, 1999.

PURCHASES

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

VALLEN SAFETY SUPPLY (Single Source Purchase)
Requisition No. R0045048

ISC Gas Monitoring Devices per TCA 6-56-301

\$24,182.25

QUALITY INDUSTRIAL SUPPLIES (Best bid)
Requisition No. R0044975

Cleaning Rags

(Price information available and filed with minute material of this date)

MARSHALL MIZE FORD (Best Bid)
Requisition No. R0045000

Half Ton Pick-Up Truck

\$16,344.00

REFUNDS

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refunds:

BUNGE EDIBLE OIL CORP. -- Sewer Surcharges, Overcharge, \$22,964.03

RUAN TRANSPORTATION - Sewer Surcharges, Overcharge, \$3,017.41

BOARD APPOINTMENTS

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

BOARD OF ELECTRICAL EXAMINERS:

- Reappointment of **PEGGY REESE** for a term ending October 1, 2003.
- Appointment of **C.E. GIBSON** and **CHRIS JENKINS** for terms ending October 1, 2003.

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

TERRI HASTY -- Resignation, AFIS Clerk, effective October 21, 1999.

MICHAEL S. TAYLOR -- Retirement, Police Sergeant, effective October 21, 1999.

Chief Dotson acknowledged the retirement of Sergeant Michael S. Taylor after 26 years of dedicated service to the Department.

REFUNDS

On motion of Councilman Crockett, seconded by Councilwoman Hurley, the Administrator of Finance was authorized to issue the following refunds;

BI-LO, INC. -- Erroneously reported South Carolina inventory; amended report and audit per Tax Assessor available and filed with minute material of this date; \$98,575.53 (1998).

MEDICAL ASSOCIATES, P.C. -- Business closed and assets disposed of in 1997; amended report per Assessor available and filed with minute material of this date; \$3,518.46 (1998).

AIM HOUSING, INC. -- Tax exempt status per State Board of Equalization; \$3,173.72 (1997).

HEARING: RHONDA NUNLEY

City Attorney Nelson stated the request for a hearing has been received from Officer Rhonda Nunley. The hearing for Officer Nunley was scheduled for Monday, **November 8 beginning at 6 p.m. with Councilmen Taylor (Chair), Hakeem and Eaves serving as the panel.**

CAROL PUTNAM

Councilwoman Rutherford stated she is sorry Carol Putnam is leaving the City; that she has helped her in her district with Stormwater projects and all have benefited from her tenure here. She stated that it is her hope Ms. Putnam's replacement continues to do the job she has done and that she really regrets her leaving.

COMMITTEE REPORTS

Councilwoman Hurley stated a meeting of the Education Committee will be scheduled at another time for the Superintendent of Schools to address the Committee to make certain the Mayor's initiative discussed earlier today "fits" into his schedule.

Councilman Hakeem reported that a joint meeting of the Budget and Finance and Economic Development Committees met earlier today; that some of the items recommended for approval will be on next week's agenda. He stated the Committee also approved a Chamber initiative for the City to participate in to the "tune" of \$37,500 for an economic study of our region by a noted Planner. He stated the last item was in regard to tax equity which will be part of the discussion Councilwoman Hurley alluded to for a discussion with school system officials regarding how the \$8 million funds are used that the City puts into the system. He stated the Mayor will be working with the Council on this project.

Councilman Franklin reminded Council members of the **Public Works Committee scheduled for Tuesday, October 19 beginning at 4 p.m.**

Councilman Crockett scheduled a meeting of the **Economic Development Committee for Tuesday, November 2 immediately following the Public Works Committee** for a presentation by UTC officials.

HEARING RESULTS: REGINALD FINLEY

Councilman Eaves stated a hearing was held last night which resulted in termination of Officer Reginald Finley.

GPS STUDENTS

Chairman Lively recognized the presence of several GPS students who were present to observe and take notes of the meeting for one of their classes. Each student stood and introduced themselves.

MARGARET CHASTAIN

Margaret Chastain addressed the Council regarding Section 2-144 of the City Code adopted in 1986 regarding the Probationary Period of a new City employee. After distributing copies of the Section, Ms. Chastain stated that her concern is that if an employee is employed under a six-month probationary period, there is nothing to stop them from being promoted. She asked why there is a probationary period if this occurs and gave a hypothetical example of a non-sworn person newly employed in the Police Department. She stated if a position is posted the non-sworn person on six months probation can apply for the position and be promoted in less than the six months probation period required. She stated since there is nothing to stop them from being promoted why does the City Code have the six months probationary clause? She stated it is her feeling the Council should look into this matter to see if someone can be promoted before the six months probationary period is up; that she would like for the Section to reflect *"that no one could apply for a promotion until they have completed six months probation after initial hiring"*.

Chairman Lively suggested that the matter be placed in the Budget and Personnel Committee for discussion.

DR. GRACE HEWELL

Dr. Grace Hewell, representing Chapter 22 of AARP, expressed a sense of urgency regarding a document she received from Washington which related to available grant monies. She introduced Pauline Elkins, President of Chapter 22, and stated her Chapter joins the Council and Regional History Museum in paying tribute to Councilwoman Hurley as a "Woman of Significance". She thanked the Council for accepting her suggestion that legislation concerning environmental justice be pursued in giving guidance and direction in the area of environment. She made reference to having been in touch with former Senator Brock in regard to his policy paper and what will be done in building the work force through education in using the resources of our nation for the year 2000. She stated she had received a notice from EPA which indicated grants on environmental education will be given and that the deadline is November 27. She stated this is the most comprehensive proposal she has seen in her professional career and focuses on all people in all age groups.

DR. GRACE HEWELL (Continued)

Councilwoman Hurley stated the City has a new grants office with Carla Askonas as the Coordinator. She asked Dr. Hewell to leave the document with her and that she would get it to Ms. Askonas.

Dr. Hewell stated that she has a copy for Councilmen Hurley and Hakeem; that this is an ideal piece of legislation and adds to her continuous praise of Councilwoman Hurley's work for Chattanooga and this Council.

PAULINE ELKINS

Pauline Elkins stated Chapter 22 of AARP meets the first Tuesday of each month at Senior Neighbors at 10 a.m. She stated the urgency about this request is the deadline, which is November 22. She stated her Chapter is very interested in the City of Chattanooga getting some of the funds. She stated she and Dr. Hewell will leave the documents with Councilmen Hurley and Hakeem and that they expect great things of the Council.

Councilman Hakeem stated that he thought the Council asked that this matter be handled in the Economic Development Committee; that he will work along with Councilman Crockett.

Ms. Elkins reiterated that she wants the City of Chattanooga to get the money!

It was indicated that the grants committee will be meeting on Thursday morning and the document will be given to them.

HIGH SPEED RAIL PUBLIC MEETING

Councilman Crockett announced that on Thursday, October 21 at the Public Library between 6 and 8 p.m., members of the consulting engineering team and others of the committee who are working on the regional initiative for a high speed rail will hear comments on potential environmental impact for the proposed magnetic levitation system between here and Atlanta. He stated there will also be meetings in Atlanta, Marietta and Chattanooga next week and there will be an opportunity for public comment.

PUBLIC WORKS COMMITTEE MEETING

Councilman Franklin stated in regard to the special meeting held last evening, the Council listened to the three companies that are proposing to manage the water system in the event it comes to pass. He stated next week in Public Works Committee, there will be a Resolution designating the best proposal and an alternate in case a contract cannot be negotiated with the best proposal for the operation, which will include transition and acquisition services.

COOLIDGE PARK GRAND OPENING

Councilwoman Hurley invited everyone to the grand opening of Coolidge Park. She stated the Park has been operating very successfully since the middle of July. She stated she wants to recognize the Tonya and Lyndhurst Foundations as primary funders of the celebration; that this will be a celebration of all the philanthropy we have enjoyed in creating so many of the public places in Chattanooga. She stated the celebration will begin at noon on Saturday, October 16, and will continue through 9 p.m. in the evening; that it is a wonderful opportunity for everyone to come out and thank these major benefactors who have made the many wonderful places for us all to meet and gather and play!

Councilman Taylor stated Councilwoman Hurley has been working tirelessly to bring this to reality; that he also wants to invite and encourage everyone to come out because it is a community park. He stated when persons pass by and see different families enjoying themselves, regardless of color or race, community involvement and revitalization are apparent.

TITLE VI COMPLIANCE

Admin. Freeman stated he was not able to be present during departmental reports to address the Council. He stated he wanted to reiterate something that was discussed in the Parks and Recreation Committee earlier today. He stated with regard to Title VI and the City's non-compliance, he sent a letter to the Mr. Samuels of TDOT outlining the City's record of compliance. He stated he is available to answer questions or concerns regarding the subject; that Council members have been given a copy of the letter forwarded to Mr. Samuels.

Councilman Taylor asked if the communication is a rebuttal to what appeared in today's paper which indicated that we will not receive federal funds.

Admin. Freeman stated the City is in compliance; that he has not understood where the City would be out of compliance. He stated the State spends over \$1 billion in transportation and the City only receives about \$400,000. He stated they generally operate their own programs and thinks if the State has problems with Title VI it should be the State Department that is in non-compliance rather than the City.

Councilman Taylor asked if we addressed that issue. Admin. Freeman responded "yes"; that we sent them a letter.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, October 19, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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