

**City Council Building
Chattanooga, Tennessee
February 8, 2000**

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

INVOCATION

Invocation was given by Randy Burns.

MINUTE APPROVAL

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

AMEND ORDINANCE NO. 10590

Councilwoman Hurley made the motion to accept the amendments to this Ordinance; Councilman Franklin seconded the motion; the motion passed.

On motion of Councilman Eaves, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 10590, AND TO
APPROVE SETTLEMENT OF ANNEXATION LITIGATION WITH THE
CITY OF COLLEGEDALE, TENNESSEE**

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

AMEND CITY CODE

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS “THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE” BY PROVIDING FOR INCORPORATION BY REFERENCE OF NATIONAL ASSOCIATION OF CORROSION ENGINEERS STANDARD RP0294-94 “RECOMMENDED PRACTICE DESIGN, FABRICATION, AND INSPECTION OF TANKS FOR STORAGE OF CONCENTRATED SULFURIC ACID AND OLEUM AT AMBIENT TEMPERATURES”

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

(Councilman Crockett joined the meeting at this point.)

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS “THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE” BY PROVIDING FOR REVISIONS TO FUEL-BURNING EQUIPMENT AND INCINERATOR PERMIT FEES; AND BY ADDING A NEW RULE FOR SULFURIC ACID PLANTS AND OLEUM MANUFACTURING PLANTS; AND BY ADDING A NEW RULE FOR OLEUM TRANSFER OPERATIONS

passed second reading; **Councilman Eaves voted “no”**. On motion of Councilman Taylor, seconded by Councilman Crockett, the Ordinance passed third and final reading and was signed in open meeting; **Councilman Eaves voted “no”**.

REZONING

1999-210: Rivershore Properties

Pursuant to notice of public hearing, the request of Rivershore Properties to rezone a tract of land located in the 5700 block of Lake Resort Drive came on to be heard.

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

REZONING (Continued)

Jerry Pace stated this rezoning request is located along Lake Resort Terrace on 4.6 acres of land. He stated the zoning surrounding the tract to the west and south is R-1 and the remainder of the site is zoned R-3 for apartments; that the marina is to the south with commercial zoning along the inlet. He stated the recommendation from Planning is for approval of the R-3 with conditions.

Porter Yarbrough of Berry Hunt and Yarbrough Real Estate Development and Brokerage Firm was present representing Aronov, the developer of the project from Montgomery, Alabama, along with Jack McDonald, the present property owner. He stated the property in question is zoned C-2 and the request is to downzone to R-3. He stated the density would allow this development on the R-3 portion; that the developer has a reputation and builds mainly Class A apartments and is one of the largest developers in the southeast. He stated it is felt by purchasing commercial land and spreading the units out they would be able to come up with a higher quality development, and by adding the four acres of commercial to the overall site would give them 280 units on the land as well as on the other. He stated the land in question that is C-2 has four acres that will house 24 units total, a clubhouse for the development and a swimming pool.

Councilman Hakeem inquired as to the four acres and 24 units. Mr. Yarbrough stated that there will be two buildings on the four acres plus a clubhouse and pool which is already zoned R-3 and the other (tract) is zoned C-2. He stated there is a Golden Gallon on Lake Resort Terrace adjacent to it; that the marina has boat trailers stored below the site. He stated this property is also part of the overall tract and it is a steep piece of property; that they are hold back putting buildings there and plan to put in walking trails which will go out to the River.

Councilwoman Rutherford stated she wanted to be sure she understood; that on her drawing there are 56 units and asked how many actual living units will be on the four acres.

Mr. Yarbrough stated if the Council members' forms say 56 units he could be in error; that 48 is what the Engineer said. He stated there will be two buildings of 24 units each which could be 48, then suggested that the number reflect 56.

Councilwoman Rutherford asked if the total development involves 280 units? Mr. Yarbrough stated that the site plan shows 300 units; that 280-300 units is what we are talking about. He stated 280 is a satisfactory number and a big enough number; that the site plan actually shows 300 units.

Councilman Hakeem stated that he knows others wants to speak and would like to have clarification on the number of units. Ms. Coppinger with Crye-Leike Realtors stated that

the development is spread out for more green space to make it a nicer development rather than spread the units over the entire parcel.

REZONING (Continued)

Betty Smith of 5706 Queen Mary Lane stated that she lives across the street from the property. She stated that she and those in the community have spoken at length and are in support of a letter from Councilman Crockett to Ron Wilkerson of Aronov. She stated residents of the area would like to be able to work with the developer and to have a quality development that will possibly enhance the area and not be a problem. She stated it is their intent to try to do their best to cooperate and would like to have the opportunity to do so. She stated most of the residents have been there for 25 years or more and love the ridge and the area; that they would like to keep some sense of community. She reiterated that they are in support of the letter they were given tonight that Councilman Crockett wrote to Mr. Wilkerson.

Councilman Pierce indicated that Council members are not aware of the letter. Councilman Crockett indicated that he would mention the letter later; that it was just sent this afternoon.

Councilman Hakeem stated if he understands what is being said, that in regards to the present R-3 the community is more inclined to see the development spread out more or are they more inclined to see it within the present R-3 in a more crowded situation.

Ms. Smith responded that the community would like to see a development that would not be an attraction to their situation that they have on the ridge.

Councilman Hakeem asked if the residents have had an opportunity to speak with the developer or if they are familiar with the design that has been outlined thus far?

Ms. Smith stated they have seen the design and a booklet; that they have met with the engineer at their meeting last Thursday who asked that they put together some of the concerns, issues and suggestions that they have. She stated their community met last night and tried to get those concerns and issues down in a form that could facilitate conversation between them and be used so that this could be a good situation for everyone.

Councilman Taylor stated that he is hearing that there is some type of working relationship presently. Mr. Yarbrough stated that they had been meeting with the neighbors and Councilman Crockett; that the letter from Councilman Crockett outlines some additional review of the development and the neighbors between now and March 20, which are acceptable to the developer. He stated he has been in conversation today with Councilman Crockett and others and is willing to go forward in bringing the neighborhood in which will be done prior to bringing the matter back for second and third reading on March 20. He stated a meeting with the Planning Staff and the neighbors has to happen prior to that time.

REZONING (Continued)

Councilman Taylor asked if they are working with the neighborhood association and will continue to do so throughout the process? Mr. Yarbrough responded “yes”; that Aronov wants to be a good neighbor. He stated by going through this additional process it would be a good public relations thing; that Aronov does not want to be obligated to accept them; that they will listen and consider them.

Councilman Taylor stated one thing this Council has worked to do is be in support of neighborhoods in regard to developments coming in to their community because they have to live in the community. He stated the neighborhood will definitely have to be a part of this and, hopefully, they will be included on the front end to make this a community plan and project. Mr. Yarbrough stated that is the whole point.

Councilman Pierce expressed appreciation for the openness and willingness to meet and continue to negotiate. He asked if there have been any ongoing meetings from the time this application was made for rezoning nine days ago; that he understood it to be said that the community met last night.

Ms. Smith stated the community has been together three or four times; that the people from Crye-Leike and the owner came to the first meeting. She stated there was the unfortunate situation of the Thanksgiving, Christmas and New Year holidays that prevented some meetings from taking place; that they did try to get together and did agree to meet with the developer last week; that the engineers from the company attended, also. She stated the community has been together four or five times and came together last night for concrete ideas to make it a better, smoother process.

Councilman Crockett stated the community, landowner and realtors that are handling the transaction, and all of the Planning staff, City Attorney Nelson, the Fire Chief, Traffic Engineer, Public Works Administrator and several hundred people from the community attended the first meeting. He stated that it has been a good process; that two meetings of large size have been made and issues were looked at that ranged from traffic. He stated this would introduce an immediate traffic impact of about twice what the traffic growth was for the last decade; that Traffic Engineering has done that study and it is felt that the road will handle it; that it is now down to things like turning lanes that Planning suggested. He stated the Fire Chief has been out to look at response times and with that number of high-density apartments and response times that are sometimes well over ten minutes, there is a legitimate concern.

Councilman Crockett continued by stating that everyone has worked hard through the process; that they are fortunate to have a developer of such quality. He stated in speaking with the developer, whom he has not met face-to-face, he (developer) is in agreement, as

is the community, to have a planning exercise sometime before March 20 to really get ideas on the table.

REZONING (Continued)

City Attorney Nelson indicated that the date for second and third reading would be on **March 21**, as opposed to March 20.

On motion of Councilman Crockett, 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 IN THE 5700 BLOCK OF LAKE RESORT DRIVE, BEING ON THE SOUTHEAST LINE OF LAKE RESORT DRIVE NORTHEAST OF LAKE RESORT TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading; **second and third reading will be heard March 21.**

CLOSE AND ABANDON

1999-220: Mark Guhne and John Thomas Farrow, Jr.

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

Mr. Pace stated this is an unopened alley; that the recommendation from the Planning Commission was for approval subject to a condition.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED STREET LOCATED SOUTHWEST FROM GRAHAM ROAD, SOUTHEAST OF JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO A CERTAIN CONDITION

passed first reading.

REZONING

1999-223: Chattanooga Neighborhood Enterprise, Inc.

Pursuant to notice of public hearing, the request of Chattanooga Neighborhood Enterprise, Inc. to rezone tracts of land located at 1603 and 1605 Williams Street came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

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 TRACT
OF LAND LOCATED AT 1603 AND 1605 WILLIAMS STREET, BEING
ON THE NORTHWEST LINE OF WILLIAMS STREET SOUTHWEST
OF WEST 16TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2000-003: M & M Holdings

Pursuant to notice of public hearing, the request of M & M Holdings to rezone a tract of land located at 7731 Lee Highway came on to be heard.

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

On motion of Councilman Franklin, seconded by Councilman Eaves,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 7731 LEE HIGHWAY, BEING ON THE
NORTHWEST LINE OF LEE HIGHWAY NORTHEAST OF BONNY
OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
C-1 HIGHWAY COMMERCIAL ZONE TO M-1 MANUFACTURING
ZONE**
passed first reading.

REZONING

2000-009: Harry Gross

Pursuant to notice of public hearing, the request of Harry Gross to rezone a tract of land located at 7531 Shallowford Road came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7531 SHALLOWFORD ROAD, BEING ON THE NORTHEAST LINE OF SHALLOWFORD ROAD NORTHWEST OF ASHFORD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2000-012: Walter Barger

Pursuant to notice of public hearing, the request of Walter Barger to rezone a tract of land located at 2007 Huff Place came on to be heard.

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

Councilmen Hakeem and Pierce made the initial vote to approve the request pursuant to the Planning Commission's version subject to conditions.

Councilwoman Rutherford inquired as to why this request was recommended for denial. Jerry Pace stated that the Staff recommended denial and the Planning Commission recommended approval subject to conditions. He stated the Staff felt that this would generate similar requests in the future and would have a negative impact on the residential area. He stated this house is on the very edge of the residential development; that the site sits above Gray Street from the other R-4 and commercial zones. He stated the Staff felt approval would encourage future encroachment upon the residential character of the neighborhood.

At this point, the Council voted on the motion by Councilmen Hakeem and Hurley and the motion passed, after which the applicant requested to speak. The applicant, Walter Barger, indicated that he felt the restrictions were unfair.

Chairman Lively explained to Mr. Barger that he would be taking a chance getting another motion passed; that the other recommendation is for denial.

Mr. Barger indicated that the basic thing had to do with parking in front of the building, which is what he really needed.

REZONING (Continued)

Councilman Hakeem informed Mr. Barger that he could take a chance if he wanted to (in having the request approved).

Councilmen Hakeem and Pierce withdrew their motions for approval.

Mr. Barger stated he operated a mechanical contracting business for 26 years and indicated that the Council must understand one thing, which is that he is concerned and serious about the dignity of this small two-block area that provides economical benefits for him in his retirement. He stated that the restriction was that the Staff did not like the idea of his providing a couple of gravel parking spaces in front of the building and made reference to two wrecked cars in the front and back of one of the residences in the area.

Mr. Barger stated he wants to eliminate or reduce the at-curb parking; that it is felt he needs the parking space at the front as opposed to the rear. He stated there is space in the rear; that parking in the front is needed for the safety of his secretary who works late, and he would rather that she park in the front as opposed to the rear. He stated if he puts in two gravel spots in the front it would be compatible with 80-90 percent of the rest of the neighborhood. At this point he distributed photographs of the area where parking occurs in the front yards of residents on the block. He stated parking in the front would not be a negative impact as off-street parking goes all up the street. He asked for gravel parking in front for off-street parking; that next door parking is done in a crossways fashion in the front yard.

Councilman Pierce stated in past experience off-street parking was not allowed. He asked Admin. Marcellis if off-street parking is allowed where there is a need to back out into an intersection.

Admin. Marcellis stated he is not sure how this may be developed as there should not be back-out parking; that it would be better to park parallel and use the driveway and head back out and not directly back out into the street.

Councilman Pierce stated that that is his impression. He stated whether off-street parking is around this property, across the street or whatever, it is not anything the City endorses. He stated Mr. Barger might use his space for parking and no one would say anything; that he does not think it could comfortably be approved knowing it is a violation. He stated the basic reason he is familiar with this is that he made application for a piece of commercial property and the only way to allow an upgrade was to eliminate all parking because of off-street parking into a main intersection; that he had to eliminate the project completely because it did not have parking. He informed Mr. Barger that he did not see anything wrong with a one-way driveway where the cars would park one behind the other.

REZONING (Continued)

Mr. Barger stated the driveway would be in a spot that would normally be a driveway; that there is only one garage in the whole block; that 80-90 percent pave off-street parking. He stated that he feels strongly about this and hopes he can convince the Council that he is interested and concerned about safety and upgrading of this area.

Councilman Hakeem stated some of the questions he had Councilman Pierce addressed; that it seems as though the conditions that have been outlined are acceptable at this point. He stated there seems to be too much “if” in what we are doing. At this point he **made the motion to deny the request.**

Councilwoman Rutherford inquired as to the reason for parking in the front yard besides the safety issue. Mr. Barger stated it would reduce the encouragement of at-curb parking which has been a real problem in the past.

Councilwoman Rutherford asked if persons can park in the rear. Mr. Barger responded, “Yes, they can”.

Councilwoman Rutherford asked Mr. Barger if the only reason he wants parking in the front yard is for his secretary’s safety. Mr. Barger stated that is the basic reason; that it would look a lot better and more compatible than the way it is now.

Councilwoman Rutherford stated that everyone has their pet peeve, and parking in the front yard is one of hers, which is one of the trashiest things that can be done in a neighborhood. She asked if there is not a back entrance the secretary can use. Mr. Barger responded “yes”. Councilwoman Rutherford informed Mr. Barger that either he accept the condition or she will second Councilman Hakeem’s motion to deny.

Councilman Taylor inquired as to the working hours for Mr. Barger’s business. Mr. Barger stated that it is difficult to say, as this is rental property. He stated he would say that the hours are basically 8 a.m. until 5 p.m., normal working hours.

Councilwoman Hurley stated she is probably in agreement with Councilwoman Rutherford; that if he accepted the conditions when the first motion was made this would have been approved. She stated one point that should be made is that Highland Park and other neighborhoods are improving and the argument that other properties do not look the way we wish they would is not an argument for keeping the property all looking poor. She stated she could not agree more, that parking in front yards sets a character for a neighborhood and Highland Park is trying hard and succeeding in becoming a different neighborhood. She stated that she joins Councilwoman Rutherford in **Hakeem’s seconding Councilman motion for denial;** that Mr. Barger should have accepted the conditions.

REZONING (Continued)

Councilman Crockett stated he concurs with his colleagues on the parking; that parking at the curb or in the rear makes the neighborhood look more like a neighborhood. He stated he would have trouble with the conditions; that a note from the applicant indicates that he is concerned about the neighborhood; that he has not heard anything that would change the Council's original vote other than parking and restrictions put on it that says he cannot have that. He asked that the first motion be considered; that he cannot support turning this down after voting on it ten minutes ago.

Councilman Franklin stated as a former member of the Board of Variances and Appeals for the City, any business that is located in a residential area that requires a variance for off-street parking, there is no way they would approve such a request. He stated in addition to that, it would set a precedent even though there are a number of homes in the area that park in their own front yards; that private property owners and those with residences have the privilege of parking in their own front yard. He stated this would open up the gamut for additional businesses to have that same type of parking whether it is with gravel or asphalt. He "called for the question" on the motion to deny.

Councilman Taylor asked for clarification from the applicant and asked if the applicant is saying he is not willing to accept parking in the rear at all. Mr. Barger responded "no"; that he did not say that.

Councilman Taylor asked Mr. Barger if he would accept parking in the rear. Mr. Barger responded, "If that is what he can get."

Councilman Hakeem stated the motion to deny stands and asked that the question be called.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS HE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2007 HUFF PLACE, BEING ON THE NORTHWEST LINE OF HUFF PLACE NORTHEAST OF EAST 23RD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS was denied; Councilman Crockett voted "no".

REZONING

2000-013: Larry Armour

Pursuant to notice of public hearing, the request of Larry Armour to rezone a tract of land located at 1736 Gunbarrel Road came on to be heard.

REZONING (Continued)

Chairman Lively reminded Council members that the applicant has requested that the matter be tabled one week.

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 AT 1736 GUNBARREL ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled one week.

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

REZONING

2000-016: Northpoint Land Company And LLBJ, LLC

Pursuant to notice of public hearing, the request of Northpoint Land Company and LLBJ, LLC to rezone a tract of land located at 1949 Northpoint Boulevard came on to be heard.

Chairman Lively stated that the applicant was requesting that this matter be tabled until March 28.

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 AT 1949 NORTHPOINT BOULEVARD, BEING ON THE NORTHEAST LINE OF NORTHPOINT BOULEVARD NORTHWEST OF HIXSON PIKE, MORE PARTIUCLARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled until March 28.

REZONING

2000-017: Herman & Sandra Kelly-Kellikare

Pursuant to notice of public hearing, the request of Herman and Sandra Kelley-Kellikare to rezone a tract of land located at 2526 Kelley Road came on to be heard.

REZONING (Continued)

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

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 2526 KELLEY ROAD, BEING ON THE
SOUTHEAST LINE OF KELLEY ROAD SOUTHWEST OF PINWOOD
AVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**
was denied.

REZONING

2000-018: Jerry W. Brown, Sr.

Pursuant to notice of public hearing, the request of Jerry W. Brown, Sr. to rezone tracts of land located at 601 and 603 Airport Road and 209 and 211 Nowlin Lane came on to be heard.

The applicant was present; there was no opposition.

The Clerk of the Council read the Staff version for rezoning to R-4. City Attorney Nelson indicated that the R-4 special zone is the Staff's version and that the C-2 version is the zone recommended by the applicant and the Planning Commission.

Mr. Pace stated that the property is located along Airport Road to the east of the property on the west side of Airport Road. He stated this is a mixed-use area with a lot of M-2 zoning to the west and C-2 to the north on Pinehurst Avenue. He stated across the street is R-2, a church and a mobile home park, as well as a large M-1 tract that houses the East Brainerd Lumber Yard. He stated the Staff recommends approval of R-4 and the Planning Commission and applicant request approval of C-2.

Hugh Siniard, broker and owner of Central Real Estate, was present representing Mr. Brown. He stated that he would like to request this property be zoned C-2 because of the changing nature of the area near the airport. He made reference to the expansion of the airport and the various other uses in the area, which are unattractive; that he is of the opinion that he can add value to the neighborhood by putting some type of retail outlets on this property.

Councilman Hakeem asked Mr. Siniard if there are plans for the property or if he is seeking zoning for marketing purposes?

REZONING (Continued)

Councilman Franklin asked Mr. Siniard if he has made it a point to talk to persons in the mobile home park across the street where there is an Association; that they are concerned about development in and around their area.

Mr. Siniard stated that the mobile home park is owned by East Brainerd Lumber Company (Mr. Frank Kinser); that the property has been there many years and is on the decay and in a run down situation.

Councilman Franklin stated that he is familiar with the mobile home park as he has been there within the last two-to three months; that there are storm water problems. He stated he is curious as to whether any conversation has been held with them to make them aware of what is going on..

Mildred Delay of Central Real Estate stated they have spoken with all the neighbors in this block and there is no opposition at all; that they have said for them to do whatever is best for their neighborhood.

Councilman Franklin again asked if anyone has spoken with residents of the mobile home park. Ms. Delay responded “no”; that they did not approach the mobile home park; that they communicated with all the people who live around the area.

Councilman Pierce stated he would like to “piggy back” on Councilman Hakeem’s question as to whether there is a site plan or if the rezoning request is just for marketing purposes? Ms. Delay stated at this point the request is for marketing purposes; that people have expressed interest in the C-2 category.

Councilman Pierce inquired as to the present plan. Mr. Siniard stated the request is just for marketing; that there is no prospect or purchaser. He stated they would like C-2 for whatever zoning C-2 would permit whether for office building, clinics, hospitals, or small retail stores.

Councilman Franklin stated that he understands that the property in question is on the other side, and indicated that he also understood what has been said about the decay of the area owned by the Lumber Company. He asked if they are getting ready to evict the mobile home people from their property. Mr. Siniard stated he could not say that; that from the appearance there is some vacant land and there needs to be some renovation.

Councilman Franklin again indicated the storm water problems that are prevalent and stated that it is his hope that in the plans to develop there will be some conversation with persons in the mobile home park. Mr. Siniard stated he would be glad to; that he has done business with Mr. Kinser for thirty years.

REZONING (Continued)

Councilman Franklin stated that he is not talking about Mr. Kinser, but the residents that live in the mobile home park; that they have an association, and he has been in contact with them in regard to storm water issues. He stated if they are living there, regardless as to whether it is single family or mobile home, they are still residents of the area; that he, personally, does not have a problem with it but would feel more comfortable if there was some conversation with them. He asked that there not be any discrimination just because they are mobile home residents.

Mr. Siniard stated he would be glad to follow Councilman Franklin's instructions.

Councilman Franklin stated he would feel more comfortable if they do that and **suggested that the matter be tabled one week** so that there could be conversation with them; that he would feel more comfortable.

Councilwoman Hurley asked if the people that have been talked to know the choices; that they say "do whatever is best for our neighborhood," but do they know the choices for R-4 and commercial? Ms. Delay stated commercial is all around them, now.

Councilwoman Hurley again asked if they know the choices? Mr. Delay stated that they told them; that she and Mr. Brown personally visited them.

Councilwoman Hurley stated that the planner recommended housing and the real estate company wanted commercial. Ms. Delay stated that the planner did not recommend housing; that they recommended C-2.

Councilwoman Hurley stated that the staff recommended R-4 which is not as wide open as C-2.

Councilman Hakeem stated that he has great concern, and the Council in general, about rezoning property, which could be perceived as a speculative move and is not something the Council has set precedence in doing. He stated when people bring to us a change, they normally have prospective plans they can put before us; that even if the matter is deferred one week to talk with the neighborhood, he wants to make it clear he would still have a problem with it.

Councilwoman Rutherford stated there is none in this town who is better respected in the real estate area than Mr. Siniard and his Company; that he has sold many pieces of that property and really feels when they say "you do what is right" she thinks they were speaking from the conviction of previous dealings with Central Realty. She stated she would like to see that property go C-2 and thinks it would be an improvement to that area which is a hodge podge right now. She stated that she thinks the Council will see Airport Road become commercial and what she personally would like is to approve C-2 on first reading and then defer second and third until Mr. Siniard can get with the mobile home association.

Councilman Franklin stated with all due respect, he would like **to amend his original motion to defer the matter two weeks as opposed to one week.**

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Mr. Siniard stated that the two weeks would rush them, as there are a couple of mobile home parks in the area.

Jerry Brown, the applicant, stated that he has been in the area many years and has worked with the airport people; that they told him they want that area developed and commercial zoning would do that, not residential. He stated he talked with them many times and does not want to call names; that he has tried the property on the market and that is the way the market is going and the airport and city people voted. He stated he wants the property moved into commercialized zoning to support the airport.

Councilman Taylor asked for clarification as to whether the two week deferral includes a site plan, as well; that Mr. Siniard should come back with a site plan as well as meet with the neighbors.

Councilman Franklin asked Mr. Siniard if he has information as to what will be developed or if it was on a first come, first served basis.

Mr. Siniard stated that he would like to have a nice development of retail outlets or smaller businesses; that a major shopping center cannot go in there but smaller businesses like a barber shop, beauty shop or smaller operators could benefit.

Councilman Franklin asked if Mr. Siniard is overseeing the development of the property. Mr. Siniard replied that he is the broker in the sale of the land and is not financially involved at this time.

Councilman Taylor stated the Council would be setting a precedent that we have never done in changing the land without any site plan.

Councilwoman Rutherford "called for the vote".

Councilman Franklin stated that the Council would need to have **some type of proposal** or something to go along with this request and will make that **a part of the motion to table for two weeks.**

Chairman Lively clarified Councilman Franklin's motion to reflect that the matter would be tabled two weeks so the applicant would have an opportunity to come back with a site plan and have an opportunity to talk with residents of the mobile home parks.

Councilman Hakeem stated he is trying to understand if this is something we have done previously; that to talk about changing the zoning with even just a site plan he thought was unheard of with the Council.

Councilman Pierce stated that he feels the Council is asking for something that is impossible; that Mr. Siniard cannot bring back a site plan unless he has a potential buyer. He stated until there is a developer for the property there is not going to be a site plan; that he has told us what he would like to see there.

REZONING (Continued)

Councilman Pierce stated too much is being asked and the Council should either vote the matter “up” or “down” and stop jockeying around and do what we feel is in the best interest of the entire community.

Councilman Eaves “called for the question,” please!

On motion of Councilman Franklin, seconded by Councilman Eaves,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 601 AND 603 AIRPORT ROAD, AND 209 AND 211 NOWLIN LANE, BEING ON THE NORTHWEST LINE OF AIRPORT ROAD BETWEEN NOWLIN LANE AND PINEHURST AVENUE, AND THE NORTHEAST LINE OF NOWLIN LANE NORTHWEST OF AIRPORT ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO R-4 SPECIAL ZONE

was tabled for two weeks (February 22).

REZONING

2000-021: Jerry Hagan

Pursuant to notice of public hearing, the request of Jerry Hagan to rezone a tract of land located at 2906 Kirkman Road came on to be heard.

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

Mr. Pace stated this property is located on the east side of Kirkman Road, south of Bonny Oaks Drive in the East Brainerd area near Lee Highway. He stated there is a predominant use of R-1 and it is felt this request is a spot zone and would be out of character with surrounding uses. He stated the recommendation from the Planning Commission and Staff is for denial.

Jerry Hagan introduced himself and his son, Michael, who distributed photos of the area to the Council so that all could have an idea as to how the area looks with regard to the quality and value of the homes. He also distributed photographs of the type of housing he is proposing.

Councilwoman Rutherford inquired as to the square footage. Mr. Hagan stated the homes would be 900-1400 square feet; that he is talking about RZ-1 and does not want it confused with the RTZ zone; that there is only one RZ-1 zoning in the City of Chattanooga to-date.

REZONING (Continued)

Mr. Hagan again clarified that the RTZ zone is not what he is seeking; that he has no intention of trying to do townhouses or duplexes and displayed a poster to the Council for a better concept of RZ-1 zoning.

At this point City Attorney Nelson read from the Zoning Policy book to differentiate between the RZ-1 and RTZ zonings.

Mr. Hagan stated that he is proposing to build detached single family housing in an area that is predominantly single family homes and wanted to make sure no one thought he was trying to build townhouses or duplexes. He stated the houses could basically be identical twins in the regular RZ-1 zoning; that what is different is that his yards will not have gardens and weeds because they are small, which is one of the advantages. He stated he is proposing a development on Kirkman Road with eight houses; that he could probably get more than eight but does not feel the site justifies more than that number; that he would be happy to limit the numbers on that site. He stated there is nice landscaping in the cul-de-sac area that adjoins Mr. Ogle's property and would want to put in some nice landscaping along the rear of the property line on the other side backing up to other peoples' property, except the very back which is a wooded area.

Mr. Hagan continued by stating that the site is level, visibility is good, and it will not create a traffic burden and again stated that he welcomes limiting the number. He stated his plan is one that can serve the land by its very nature, as it will help control sprawl and that he is not trying to set a precedent. He stated there are 24 houses along Kirkman Road and most of them are appraised on the tax record under \$70,000. He distributed photos of the Applebrook development that he developed where in there are four married working couples, three retired couples, two single retired women, six single men and six single women; that people chose not to move into an apartment or townhouse and the homes are under the \$100,000 price range. He asked for the Council's support.

Kirk Johnson spoke in opposition to the request and stated he lives at the corner of Kirkman and Tyner Roads; that Kirkman High School was named after his grandfather, who built the house he lives in in 1924. He stated the type of development Mr. Hagan is proposing is not the type of development that fits into this community; that if he requested an R-1 zone he could build three houses, which would really be enough. He stated the lot he bought had a house on it until it burned a couple of years ago, and it was put back on the market. He stated many people wanted to purchase the lot to build a house, but speculation drove the price up, and they could not get it. He presented a petition signed by everyone on Kirkman Road, including Ralph Pennington, former principal of Kirkman High School. He concluded his remarks by asking those present in opposition to stand and stated that Kirkman Road is a good place to raise a family.

REZONING (Continued)

Mr. Hagan stated that he hoped the Council would have a more open type forum to give someone a little insight as to whether the matter would be approved or not to prevent “locking someone out” for nine months. He stated his next best scenario is something that cannot happen; that he could build three houses on the land with two flag lots and one house facing the street.

Chairman Lively cautioned Mr. Hagan by stating that the Council did not want him to do “horse trading”; that the matter would be zoned or not zoned; that Mr. Hagan is talking about something that is not relevant to this request.

Mr. Hagan stated if the Council considers doing rezoning for the first 140 feet he could still put three houses on the property which would make the street look nicer than having two flag lots and one house.

Councilman Eaves stated that at Mr. Hagan’s request he looked at the property and was familiar with it prior to this request. He stated in all deference to Mr. Hagan’s request and his idea, he appreciates what he is trying to do; that he feels what he would like to attempt to do on a small piece of property would be detrimental to that neighborhood. He stated as was pointed out, there are flaws here and there; that nevertheless, people live where they want to and that is their home and the way they want to live. He stated maybe sometime in the future we might get Planning to take an overall look at it toward other type of zoning, maybe RTZ; that at this time what is being proposed would be detrimental. He expressed agreement with Planning’s recommendation for denial and made the motion to do so.

On motion of Councilman Eaves, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2906 KIRKMAN ROAD, BEING ON THE SOUTHEAST LINE OF KIRKMAN ROAD SOUTHWEST OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE

was denied.

(Councilman Crockett rejoined the meeting at this point.)

**SPECIAL POLICEMAN: MICHAEL
MCELRATH**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL
MCELRATH AS A SPECIAL POLICEMAN FOR THE CHATTANOOGA
METROPOLITAN AIRPORT AUTHORITY, TO DO SPECIAL DUTY AS
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

**SPECIAL POLICEMAN: LAMONT
CHAPMAN**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE APOINTMENT OF LAMONT
CHAPMAN AS A SPECIAL POLICEMAN FOR THE CITY OF
CHATTANOOGA, NEIGHBORHOOD SERVICES DEPARTMENT, TO DO
SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

SPECIAL POLICEMAN: DANIEL HENDY

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE APOINTMENT OF DANIEL
HENDY AS A SPECIAL POLICEMAN FOR THE CITY OF
CHATTANOOGA, NEIGHBORHOOD SERVICES DEPARTMENT, TO
DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS**
was adopted.

AGREEMENT: HAMILTON COUNTY

Councilman Franklin stated Resolutions 7(d) and (e) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Crockett, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO ENTER INTO AN AGREEMENT WITH HAMILTON COUNTY, RELATIVE TO THEIR PROVIDING GIS SOFTWARE AND MAPPING AND A DEPARTMENT-WIDE WORK ORDER SOFTWARE SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

was adopted.

AGREEMENT AMENDMENT: COMQUEST, LLC

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT WITH COMQUEST, LLC, FOR PROVIDING ADDITIONAL ENGINEERING SERVICES TO CONTRACT NO. CSO-6-99, M. L. KING CSO CONTROL FACILITY, WHICH AMENDMENT INCREASES THE CONTRACT BY THE AMOUNT OF SIXTY-THREE THOUSAND, FOUR AND 03/100 DOLLARS (63,004.03) FOR A REVISED CONTRACT AMOUNT OF THREE HUNDRED THIRTY-EIGHT THOUSAND, FOUR HUNDRED FIFTY-FOUR AND 03/100 DOLLARS (\$338,454.03)

was adopted.

OVERTIME

Overtime for the week ending February 4, 2000 totaled \$31,749.29.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Human Services Department:

VICARS RECREATION INC. (Single Source per TCA 6-56-301)
Requisition No.0044268

Playground Equipment

\$26,414.00

PERSONNEL

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

WATH LIM – New Hire, Recreation Specialist, Recreation, Pay Grade 9/Step 3, \$24,110.00 annually, effective February 4, 2000.

GERALD PERRY, GERALD D. CRUTCHER, ROBERT D. RICHARDSON – New Hire, Recreation Specialist, Recreation, Pay Grade 9/Step 1, \$21,918.00 annually, effective February 4, 2000.

WES MOORE – New Hire, Golf course Ranger, Pay Grade 3/Step 1, \$15,230.00 annually, effective February 9, 2000.

TRAVIS D. MIDDLEBROOKS – Termination, Crew Worker, Riverpark Downtown, effective January 21, 2000.

PURCHASE

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

C & S CONSTRUCTION (Lowest and best bid)
Requisition No. R0046781

Renovation to East Lake Park Concessions Building

\$24,585.00

PARKS AND RECREATION NATIONAL
MAGAZINE COVERAGE

Larry Zehnder stated that the Chattanooga Parks and Recreation Department received national coverage on the cover of this month's *Parks and Recreation* magazine, which has a distribution of approximately 50,000 throughout the country. He stated the Department is not only featured on the cover there is a twelve-page article dealing with the development of the Riverwalk, and many of the parks within our system. He stated this is a real tribute to the City and the Department.

PERSONNEL

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

CORNELL GREEN – Suspension (4 days without pay), Equipment Operator, Citywide Services, effective January 26-27, 2000 and February 2-3, 2000.

WESLEY B. WILSON – Dismissal, Crew Worker, City-wide Services, effective January 26, 2000.

BILLY R. MCCOY – Disability, Painter, Waste Resources, effective February 1, 2000.

ELESTER D. MOSS – Resignation, Crew Worker Senior, Citywide Services, effective February 17, 2000.

PURCHASES

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

TRAFFIC PARTS, Inc. (Lowest and best bid)
Requisition No. R0046328

Blankout Signs

(Price information available and filed with minute material)

JEN HILL (Lowest and best bid)
Requisition No. R0039080

Erosion Control and Turf Reinforcement

(Price information available and filed with minute material)

INDUSTRIAL RUBBER & SAFETY
P0009993

Contract Extension for Rubber Books per Section 2-342, Paragraph V of the Chattanooga City Code

(Price information available and filed with minute material)

PURCHASES (Continued)

TRI-STATE SECURITY AGENCY
P0010942

Contract Extension for Security Guard Service Books per Section 2-342, Paragraph V of the Chattanooga City Code

(Price information available and filed with minute material)

PERSONNEL

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

DARRENE WATSON – Resignation, School Patrol Officer, effective January 3, 2000.

KIRBY CARR – Resignation, Police Service Technician, effective December 31, 1999.

ALICE WALKER – Resignation, School Patrol Officer, effective January 31, 2000.

PRINCESS S. HUDSON, MARY L. ROGERS – Hire, Police Records Clerk Pay Grade 3/Step 1, \$15,320.00 annually, effective February 11, 2000.

SHELLEY KINCER – Hire, Police Services Technician, Pay Grade 3/Step1, \$15,230.00 annually, effective February 11, 2000.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Police Department:

TOWER CONSTRUCTION (Lowest and best bid)
Requisition No. R0047926

Renovation of Police Service Center

\$119,188.00

PURCHASES (Continued)

BEELER IMPRESSION PRODUCTS (Lowest and best bid)
Requisition No. R0047084

Badge Identification System

\$12,812.00

ADVANCED ELECTRONICS, INC. (Lowest and best bid)
Requisition No. R0047074

Advanced Electronics

\$14,843.85

REFUNDS

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

MARK MAYNOR -- Map No. 100E-A-039.02, \$1,422.58

EUGENE SHATLOCK – Map No. 159B-C-020, \$2,199.27

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Crockett, the following purchase was approved for use by the Finance and Administration Department for City Court:

ADD-RITE BUSINESS SYTEMS
Requisition No. R0027370/B0000399

Kardex Systems Lektriever 77

\$15,389.99

BOARD APPOINTMENT

On motion of Councilman Taylor, seconded by Councilman Crockett, the following Board appointment was approved:

BOARD OF VARIANCES AND SPECIAL PERMITS

- ? Appointment of **MILTON JACKSON**, representing District 7, for a term ending August 15, 2001 (completing the unexpired term of Carlton Campbell)

LEASE AGREEMENT APPROVAL

City Attorney Nelson asked for authorization to execute approval of assignment on a lease in a previous agreement; that the authorization would be fulfilling the original agreement.

On motion of Councilman Eaves, seconded by Councilman Franklin, the City Attorney was so authorized.

ALTON PARK CHARRETTE

Councilman Taylor invited Council members and the viewing public to the Alton Park Charrette planning process scheduled February 11-15 at Franklin Middle School, with the kick-off beginning at 5:30. He expressed thanks to everyone who has worked in this effort, as well as the media in getting the word out.

COMMITTEES

Councilwoman Rutherford reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, February 15 beginning at 4 p.m.** She indicated that she will be out of the City and asked Councilwoman Hurley to chair the meeting.

Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee immediately following the Parks and Recreation Committee** to discuss the donation of property by R. L. Stowe Mills, Inc.

**CITY/COUNTY MEETING NEGOTIATIONS
AND MEDIA COVERAGE**

Councilman Pierce stated that he wanted to raise the issue of a matter that occurred during the weekend in regard to what transpired last week between the Chairmen of the Council and County Commission.

**CITY/COUNTY MEETING NEGOTIATIONS
AND MEDIA COVERAGE (Continued)**

Councilman Pierce stated that he received a call from the press, which was a surprise, to comment on something he was not aware of; that he feels each Councilperson has a right to negotiate with whomever they want, but not in the name of the Council. He stated that he feels what happened and going to the press to release what Chairmen Lively and Coker decided without consulting other Commissioners and Council members does not show good leadership on any of our parts; that he hopes things like that will not happen in the future. He stated there have been few things the City and County have been able to communicate on and in giving his statement to the press he did not feel the “full story” was written or what he said was expressed.

Councilman Pierce continued by stating that he does feel both governments need to negotiate together, and it should be done openly. He openly stated that he does not feel the urban plan is non-negotiable; that if we want to talk about tax equity and tax districts we should. He stated if anyone intends to form a committee tonight or any other time to deal with the issue, he feels it is something that should be dealt with by the entire Council and Commission and should not be a select group. He stated all should have the right to participate in the negotiations.

Chairman Lively stated that he respects Councilman Pierce’s opinion; that he did mail a letter to each on the Council on Thursday and the article appeared in the paper Sunday; that Councilman Pierce apparently did not receive his mail on time. He stated he and Commissioner Coker talked over a cup of coffee and decided that in their opinion the County and City were getting further and further apart; that all the communication between the two groups is nothing but taking “pot shots” in the media. He stated they felt that if they could sit down and discuss their concerns there could be a resolution; that the City has some very serious concerns with the county taxing policies and apparently they have concerns regarding the growth plan; that when you talk things out it is found that both parties are not as far apart as they thought they were. He expressed regret that Councilman Pierce took offense to that; that they agreed that each would establish a committee from their respective bodies to try to meet with the Mayor and County executive and at least find a starting point to reach an agreement or compromise to address the real tough issues coming up. He stated as Chairman he feels he has a right to appoint a committee.

Councilman Pierce stated that he has no objection to the two having a meeting to discuss matters with each other; that all have that right. He stated that his objection was that the matter went to the press and information was released; that half of the members of the County Commission were not informed of anything, either. He stated the letter that was mailed was delivered to his mailbox on Saturday and (he) does not go into his mail over the weekend; that he read it Monday after he talked to the press.

Chairman Lively clarified that Councilman Pierce did receive the letter prior to Sunday. Chairman Pierce stated that he received the letter over the weekend and does not know when.

**CITY/COUNTY MEETING NEGOTIATIONS
AND MEDIA COVERAGE (Continued)**

Chairman Lively stated that the letter was mailed on Thursday afternoon. Councilman Pierce indicated that he wanted to express his position.

Chairman Lively stated that he didn't know whether his comments would "go anywhere or not," that he understands Chairman Coker is having difficulty finding three people that will serve on a committee. He stated he has asked three on the Council to serve; that there were several who have been willing to serve. He stated he has asked Councilmen Franklin, Hakeem and Hurley if they would serve on the committee, if one is ever formed, to address these issues and try to get some type of dialogue started with the County to end this senseless argument that keeps going on.

Councilman Pierce raised concerns about the committee; that he does not know if it is an open committee that was appointed; that even in the Mayor's negotiation, this Council gave him permission to negotiate certain things. He stated he does not think this Council has approved anyone negotiating with the County and feels we are going about it the wrong way. He expressed appreciation to the Council persons' willingness to serve; that it is his position that there should be a meeting that nine elected persons from the City, as well as the County, should be a part of. He stated to have a select group is not fair; that he is now hearing that the County is having a problem selecting three persons because they do not want to negotiate. He stated we have tried to work with the County on the urban plan, and we have not gotten any cooperation; that we are compromised to the point we said we would vote both in the City and the area being annexed. He stated that he does not think there is anything to compromise for; that if the County wants to pull their tax districts together with or without the committee, let them present it to us and decide within the Council and not one or two make the decision.

Chairman Lively stated if Councilman Pierce read the letter, it did not say, "Make a decision," it said, "address issues".

Councilwoman Rutherford expressed agreement with some of what Councilman Pierce said; that the process should be started with all of us and as the process goes along, if we need to form a committee we can; that she thinks each should be entitled to express those concerns.

Chairman Lively expressed total agreement and indicated that was tried. He stated the Mayor tried to get a meeting together between and Council and Commission and the Commission would not do it.

Councilwoman Rutherford stated that she knows some are not willing to do so at this point; that we may never get all eighteen together. She stated she would like an opportunity to discuss the matter and does not want to be left out of a process as important as this. She expressed respect

for the three persons appointed and thinks they will do a fine job; that all of us have our own concerns and we need a forum in which we can express them.

**CITY/COUNTY MEETING NEGOTIATIONS
AND MEDIA COVERAGE (Continued)**

Councilman Crockett stated that he could not agree with this; that the gravity of this issue is one we have dealt with for a long time. He stated that he thinks rather than start with the answer about whether we should be taxing districts or a separate taxing area for Chattanooga, separate from the County or whatever, or if boundaries are a part of the problem we have, the discussion should not be centered around where the boundaries are; that it is not what we do or what policies we pursue that guarantee our future prosperity; that there has not been time to get into that issue. He stated that he thinks the thing we could do as joint bodies is really come to some type of consensus on what are the issues on everyone's mind without debating the answers or position, but identify the issues. He stated we should start with the bodies as a whole and those general points; that he thinks all of us should be involved. He stated this is an 18 person deal and even broader than that given the number of municipalities; that there have been a lot of people involved over the last year.

Chairman Lively stated that no one heard him; that that was tried with regard to getting the two full bodies to meet and it was rejected on the other end. He stated that would suit him greatly if we could establish dialogue between the two bodies.

Councilman Hakeem stated that it has been stated that the issues are important to all of us; that his attitude is that he refuses to allow issues of this magnitude to divide us; that he thinks we have come a long way in trying to work with the other people to do things here in the City of Chattanooga. He stated if it calls for a committee of the whole we might need to consider it; that it is not worth it for us to leave here feeling we are not fully participating or representing our districts if it is going to divide us. He stated that he feels we can wait and see if the Council will come back with the full Commission and meet, but feels we need to continue to be together; that he sees the potential of a rift coming among us.

Councilwoman Hurley expressed agreement; that she believes that has been the spirit of this if she understood the letter when she received it; that this was a counter offer to the offer the Mayor and County Executive had made about a ten-day effort to get both bodies together. She stated that she thinks and hopes we trust each other; that there is nothing any three or five would discuss that would not be openly shared and represented to the body as a whole. She stated that she hopes both can be done in having both groups together which would identify the issue; that she thinks they should be identified in rather specific terms and that is the best way to approach them. She stated if there needs to be a smaller work group, there will have to be the development of financial information. She stated as she sat on the sidelines of the tax equity committee that the Mayor and Vice Chairman participated in, there is substantial disagreement. She stated this is a very complicated effort that will need all of the County Commission and us. She commended Chairman Lively for his efforts to bring about some conversation; that she thinks the citizens of this County and City and other municipalities want us to be discussing this

with each other; that she is certain everyone is tired of everyone shooting cannon shots over each other's back.

Chairman Lively stated he would go back to the County Commission Chairman and request a committee of the whole for both sides and in that way we will have done our part. He stated they know we are willing to sit down and talk.

EDWARD L. ROBINSON

Edward L. Robinson of 116 Arlington Terrace stated Councilman Taylor is familiar with his complaint of long standing. He addressed the Council regarding the ditch behind his home and stated people have been out to investigate and the last time the storm water commission referred him to Mr. Kilgore. He stated Mr. Kilgore could not give him an answer to his complaint, and he is present to find out if there is anything that will be done soon.

Councilman Taylor asked Admin. Marcellis to address this issue.

Admin. Marcellis stated that Councilman Taylor asked the Department to “relook” at this a week or two ago; that he communicated back with Councilman Taylor this week that the Department would start in the next couple of months and finish by the month of June redoing the ditch behind Arlington Terrace; that they are in the process or doing the whole neighborhood. He stated it will be a three month job in the area of storm water and preventive maintenance and the ditch is part of that. He reiterated that before the end of June we should be in the area and working on Arlington Terrace.

Mr. Robinson expressed thanks to Admin. Marcellis and the Council.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, February 15, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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

