

**Municipal Building
Chattanooga, Tennessee
June 20, 2000**

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

INVOCATION

Invocation was given by City Attorney Nelson.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: HIGHLAND
PARK CRIME WATCH UPDATE**

Chairman Hakeem stated this presentation involves a tool that could be used in other parts of the City and residents of the Highland Park area would like to share it with the community.

Judith Schorr stated that it is a pleasure to present Highland Park's crime and safety plan as hundreds of hours have gone into the plan; that a great team of neighborhood residents were involved that included renters, homeowners, persons of all ages, African-Americans and Hispanics. She presented Council members with a brief summary of the 77 page document. She stated in 1994 she came before the Council and presented a "skeleton" of a plan; that in 1996 a revised plan was brought forth, which was still another "skeletal" plan. She stated in the spring of 1999 they partnered with Tennessee Temple and put substance into the plan and great things began to happen with the passive park, streetscape and many other things that help a neighborhood overcome the perception of crime and improve the area.

**SPECIAL PRESENTATION: HIGHLAND
PARK CRIME WATCH UPDATE (Continued)**

Mrs. Schorr stated in November of 1999 the Community Impact Fund brought them together to develop the crime and safety plan; that it is a five-year plan that any neighborhood in the City can use. She stated one part of the plan calls for more block captains; that the plan inspires them and is something to work for. She stated they met with their "coach" today and half of the plan is either in progress, ongoing or has been completed. She stated it is a good plan, workable and they are excited about it. She expressed thanks to the Council for ten years of support!

Chairman Hakeem expressed thanks and asked Uneva Shaw, President of the Neighborhood Association, and others in attendance in support to stand. He stated what this neighborhood has been about are people helping people; that there are some things not necessary for every neighborhood to go through; that Highland Park is a neighborhood that has been persistent for ten years and if they are not vigilant the negatives will come back. He stated partnerships have been formed through the religious community and the City and all are working in concert (together). He stated real estate values in the neighborhood are on the upswing and people are coming in to buy land and homes because of the positives. He expressed thanks for the efforts of everyone in Highland Park.

**SPECIAL PRESENTATION: YOUTH
COUNCIL PROPOSAL**

Chairman Hakeem stated this presentation involves the youth of our city. He stated we often make decisions for them and tell them what is best for them. He stated today young people have a voice and input into the decisions we make that affect their lives. He stated two young people have stood out; that they have moved forward to make a change and have something done. He asked the young people to come forward, stating that both are from the Chattanooga School for the Arts and Sciences (CSAS).

Dennis Clark stated that he is a junior at CSAS and that Robyn Burns will be a senior in the fall. Ms. Burns distributed information regarding their proposal for a Chattanooga Student City Council Advisory Board. He stated they are excited about the proposal as it gives youth an opportunity to interact with City leaders and voice their views on issues.

Robyn Burns explained the tentative selection progress by indicating that every high school within the Chattanooga city limits would be represented on this Board by two students: one junior and one senior. She stated the students would be selected by faculty recommendation and then elected by the student body.

**SPECIAL PRESENTATION: YOUTH
COUNCIL PROPOSAL (Continued)**

Ms. Burns stated members are expected to be committed to the board and attend every meeting; that the only criteria is that the student be enrolled in a City school and remain enrolled during the term of service. She stated there is the possibility of including a Merit Member between the ninth and twelfth grades; that they will not be elected and the only qualification is that a letter of recommendation must come from the school faculty. She stated Board meetings are open to the public at all times.

Mr. Clark stated that the main purpose is for young people to interact with the City's leaders and it is proposed that the City Council serve as mentors to the students serving on the Board; that it is important to have the full support and guidance from city leaders. He stated that the procedure calls for the Board to serve similarly as the City Council if not the same.

Chairman Hakeem thanked Ms. Burns and Mr. Clark and indicated that they represent the best in our school system; that they took the initiative, did the research and brought the plan to the Council. He stated the Council means it when it is said this will be their (young people's) project. He stated that he has talked with the Superintendent of Schools who has assigned Anne McGintis to work with them in this effort and that he talked with the Mayor's Office and Jerry Mitchell who has assigned some of his people from Parks and Recreation to work with them, as well. He stated some of the personnel from Parks and Recreation are present this evening in an effort to hear the presentation. He stated there might be some modification to involve the private and parochial schools, as there is an effort to have broad interaction.

Barbara Readnower of the Parks and Recreation Department stated that Janice Hester called them to inform them of the presentation. She stated this is a program that is very similar to what they have been working on and is the reason they want to work in a program like this with young people. She stated they would like to meet with them and make sure they are a partner with them so this could be a "win-win" situation with the School Board. She stated that they have plans to implement a program with similar missions and goals and would like to work with leaders like Ms. Burns and Mr. Clark to get the message out. (Ms. Readnower and one of her co-workers distributed information regarding their program, a copy of which is filed with minute material of this date.)

REZONING

2000-081: Barry Evans

The applicant was not present; opposition was in attendance.

REZONING (Continued)

Councilman Eaves stated that he did not know where the applicant was; that Mr. Evans' neighbors involved him that the Evanses are on an extended vacation; that he would like to see the project go forward.

Chairman Hakeem asked Councilman Eaves if he would like to defer the matter. Councilman Eaves stated he would like to defer this, as it is a good project and was passed on first reading. He stated he would like to give Mr. Evans an opportunity to come before the Council, as the RT/Z zone is a good buffer between the commercial that is going up out there.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL UNPLATTED TRACTS OF LAND LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled four weeks (July 18).

AMEND ZONING ORDINANCE: NORTH CHATTANOOGA URBAN NEIGHBORHOOD OVERLAY DISTRICT

Councilwoman Hurley made the motion to move Ordinance 6(l) up on the agenda; Councilwoman Rutherford seconded the motion; the motion carried.

John Bridger expressed congratulations to the persons present, which included the neighborhood association, stakeholders and those who participated in the public meetings. He stated this process has been a while in the making and he will continue to work to improve this to make it the best for North Chattanooga. He explained the boundaries of the plan and stated that he would like to cover three things, which include the process and where we are, information about what it does and does not do, and focus on two key points, which are flexibility and having a neighborhood focus. He stated this started with the neighborhood association initially in the fall of 1998; that the association members were concerned about the quality of development in the neighborhood and impact on its character. He stated a series of meetings within the association were held to help understand what the character of the neighborhood was like and how new development could contribute. He stated based on the meetings they did have an issue and asked the City Council to ask the Planning Agency to investigate development of a tool that would help respond to some of the issues.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Mr. Bridger stated a meeting was organized in June of 1999; that notification was sent with 100 people attending; that the top three issues were that new construction and major renovation should be compatible; neighborhood cleanup needed to improve and that trees and sidewalks were important elements. He stated using that information they formed a neighborhood advisory group and people were asked to bring recommendations from elected officials. He stated they worked through a six-to-nine month process to develop a tool; that they developed a draft and had a second meeting in March; that they went through the same notification process, news articles were published and ideas were presented to get community feedback. He stated there was a survey as a follow-up and 90% responded positively; that after the meeting between March and May is when the matter was heard in Planning, there were written comments, meetings with organizations and modifications were made. He stated the third public meeting was held at the Planning Commission in May of this year. He stated that there is currently not a zoning type that works well in an urban neighborhood as the setbacks are very large and many of the urban neighborhoods have small lots that cannot meet setback criteria.

Mr. Bridger stated the second area applies to basic design criteria that deal with compatibility issues, buildings, fencing, openings, porches, parking, and roof pitch. He stated within the basic standards there are sets of principles that wrap around the standards that provides for neighborhood-based decision-making and creates a design review committee of those who reside in the neighborhood. He stated this does not apply to the interior of buildings, the rear of people's yards, street sides visible to the public and does not include paint colors, nor does it make reference to mandatory material choices. He stated the only exception involves commercial buildings that have great impact; that residential buildings are not forced to use one material over the other and the choice of materials is left to the residents. He stated this was not a rigid thing; that they wanted to be sure they had flexibility as an applicable tool for the neighborhood.

Mr. Bridger made reference to the language of the proposal with regard to "shall"; that 75% are "shoulds" and "mays"; that they wanted to be sensitive to site and block contact. He stated the plan takes into consideration the steep topography, as there cannot be set back requirements for every parcel. He concluded his remarks by stating that there was a fairly elaborate inclusive process and there is the need to continue to improve. He stated they have been vigilant as Staff and will continue to involve the neighborhood stakeholders to make it the best tool possible.

Councilman Pierce stated that he was informed that this matter would be tabled one month and the Council is a now listening to it. He stated he is not in a position to vote "for" or "against" the matter.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Councilwoman Hurley stated that in discussing this with her colleagues, this is the normal procedure. She stated she did say that she thought there were more people who wanted more explanation and it is possible she might make the motion to do so (defer). She stated that since all are here and are prepared to speak it is the Council's custom to let them speak.

Todd Mahler, President of the North Chattanooga Neighborhood Association, was present along with Joy Hamilton, the Association's newsletter editor. He stated a lot of people say they have not heard about this; that it has been in the process for two years and started back in 1998. He stated at that time 900 newsletters were sent out and every other month thereafter, as well as fliers. He stated the newsletters were also placed local businesses. He stated with the rise in property value and some new development there was a need to protect what we had; that they met and for the remainder of the year and had meetings regarding this. He stated in February of 1999 a seven-week course was started and everyone was invited either by newsletter or other mailings. He noted that they did not have a good turn out and sought the assistance from Planning. He stated other meetings were held with good turnout and it was felt they had done all they could to get the word out; that this is something they want and need as they have a great neighborhood. He stated some are against and some are for the proposal and he respects that; that he does think it is something for the betterment of the community and something they need and will help keep what they have. He stated the main thing is that they feel they have sent so many mailings; that Planning sent out 2000 letters and 900 newsletters were sent to everyone. He stated everyone knew about it and (he) does not know why now, at the end when things are being wrapped up, it is being said some don't know about it. He stated the neighborhood association backs this 100% and asked those in support to stand.

Joy Hamilton, the Neighborhood Association's Newsletter Editor, stated that the main thing was that there have been five mailings basically getting people involved in this. She stated the Design Center sent out two large mailings and the Association turned over their mailing list to the Design Center to make sure everyone interested was involved. She stated it was mentioned on Talk Radio that no one can tell them how to paint their house; that this is not the case. She stated they have notified the neighborhood and really wanted everyone to be involved.

Mike Langley of 622 Forest Avenue stated that he and Bob McNutt serve on the Planning Commission together; and several years ago they got together with the property owners in the area and talked about the issues John Bridger discussed. He stated his family has been in real estate since 1958 and fought for property rights of property owners. He stated the continuity of use in property is important to the continuity of values and values are why we buy homes.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Mr. Langley stated in some areas before the forties houses were built in some areas with no restrictions; that most everyone has certain restrictions to their property. He stated in most subdivisions another step of government is to come in and tell what property owners can and cannot do; that he is present because he feels strongly enough as a property owner and lives in the neighborhood that this plan is a whole lot less restrictive than what is found in most subdivisions today. He stated he and others have worked a year in committee that included a vast cross section of North Chattanooga; that they have talked with several agencies and organizations within the City who stated it was nothing out of the ordinary. He stated all they are asking for is a reasonable solution to be able to help and assist in developing this area and to do it in a manner in keeping with the North Chattanooga history.

Councilman Eaves stated earlier it was stated that 90% of the people were in favor. He asked if the 90% was in reference to persons who responded or persons who attended. John Bridger stated that the 90% represents those who responded; that 100% attended the public meetings.

Councilman Eaves asked how many homes were represented. Mr. Bridger stated there are 1500-1600 properties; that ten percent or a little less, which would be about eight percent, is typical for public meetings.

Councilman Eaves inquired as to the makeup of the review committee. Mr. Bridger stated that the Committee will be appointed by the City Council; that the Mayor will make recommendations to the City Council; that some will be property owners and professionals who reside in the neighborhood. He stated the goal is to have as much neighborhood representation on the review committee as possible.

Councilman Eaves inquired as to the procedure for electing neighborhood representatives. Mr. Bridger stated that the Council appoints two residents at-large and five professionals will represent the professional associations; that all will come through the Mayor's office for confirmation by the Council.

Chairman Hakeem stated he is hearing two things regarding the Board and asked if the citizens will come from North Chattanooga or what? Mr. Bridger responded, "yes"; that they would be from the neighborhood at-large; that they should be residents of the neighborhood. He stated if there are architects or realtors who live in the neighborhood they will be considered; that if they cannot find someone in the neighborhood they will look elsewhere.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Chairman Hakeem stated he does not mean to criticize and asked why there are more professionals than residents? Mr. Bridger stated if that is an improvement they can make that change; that the C-7 district has a similar makeup. He stated if there is a better way they are interested (in improving).

Jim Crooks of 612 Forest Avenue spoke in opposition to the request and stated that he is a resident rental property owner and construction professional with a local non-profit agency. He stated he bought his dream house in September of 1998; that it was in terrible condition when he purchased it and is slowly restoring it to its original condition. He stated he is opposed to this plan for three reasons: money, money, money! He stated fifteen years ago North Chattanooga and St. Elmo were similar; that nine years ago St. Elmo adopted the historic zoning to stop the “death of revitalization” that was taking place. He stated during that same period of time, property values and overall conditions in North Chattanooga have improved, not to mention property tax revenues. He stated if this Ordinance is passed revitalization will slow down or cease. He stated he has been involved in many rehabilitation efforts in St. Elmo and it always costs more money, always takes longer and the property owner always gets less for their construction dollar with the net results being neighborhoods that become stagnant, which leads to only one reason: money, money, money! He quoted from several sections within the proposed plan with reference to paint color and changing the exterior appearance of buildings, requirements for submittal of plans requiring services of an architect/licensed engineer and the money and burden on the homeowners, particularly the elderly and those on fixed income. He stated a \$500 project could end up costing \$2,000 because of the submittal requirements. He distributed photos to the Council regarding new and old rehabilitation projects taking place in the area, indicating that none of the projects shown in the photos would pass the Ordinance as proposed and written. He begged the Council to vote against this to help keep North Chattanooga the diverse neighborhood it is now for those who live there and love it. (At the conclusion of his remarks, Mr. Crooks asked those present in opposition to stand.)

Chairman Hakeem asked Mr. Crooks if he understood that the proposed plan is not for historic zoning. Mr. Crooks indicated that he knew it was not for historic zoning.

Chairman Hakeem asked if it was thought this plan is more restrictive. Mr. Crooks responded that it is equally restrictive in some aspects as historic zoning as there are “hoops to jump through”; that the criteria is different but the “hoops” are the same.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Todd Frederico expressed thanks to Councilman Eaves for his insight into what Mr. Frederico thinks the danger of the whole proposal is; that he believes people pushing hardest for this think they have the interest of North Chattanooga at heart. He asked that everyone look into the future and know they will “run the show” and will not have to worry about abuses of power. He stated the review board proposed guarantees, as stated in paragraph 1605, that the board will be made up of two permanent members to be paid as gatekeepers; that the board will screen the requests. He stated they will have the power to make requests “exercises in frustration”; that residents could spend lots of money in submittal requirements. He made reference to other sections of the plan regarding drawings, plans, and photos and the possibility of a six-week time element prior to getting a hearing before the board. He stated the latest proposal makes reference to various professional associations being represented on the board and that nominations are to be made by submission of the Mayor for conformation by the Council. He stated this will still be the “good old boy system”; that the residents on the board will be hand picked by the Mayor and Council persons to represent their interests and not the property owners’. He stated if the City Council feels the citizens of North Chattanooga cannot be trusted with their own property, why trust a group of well-connected “good old boys” who don’t live in the zone? He urged the Council to vote down this proposal, as it would become a burden on the average property owner.

Chairman Hakeem asked Mr. Frederico if he sees what is being proposed as more restrictive than the present zoning? Mr. Frederick stated that he is not an expert in this field; that the 27-page document proposes to pass more rules as to how a person acts with their property. He stated he is not trying to be smart and does not know if the more restrictive “hoops” would be higher or smaller.

Chairman Hakeem stated that he did not think Mr. Frederico has a high opinion of government; that in Chattanooga, government has attempted to respond to the citizens. He stated the Neighborhood Services, Parks and Recreation and other departments are striving to be responsive. He indicated to Mr. Frederico that he does not what him to think because government is involved it is necessarily bad. Mr. Frederico indicated that Chairman Hakeem’s point was well taken; that twenty years “down the road” he knows who will “run the show”.

Nancy Preslar stated that she does not live in North Chattanooga, but has a daughter who does who is a homeowner. She stated she did not participate in any of the meetings; that she first learned about the regulations recently. She stated one of the reasons she chose North Chattanooga for her daughter’s first home was because of the diversity and wonderful eclectic nature of the neighborhood; that it is a wonderful place.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Mrs. Preslar expressed agreement that the original intent behind this Ordinance was quite wonderful; that she does not want someone coming in and building a lean-to next to her; that she is willing to trust the neighborhood to say the neighborhood will continue to grow and improve without another overlay. She made reference to the language in the Ordinance regarding “shall” and “should”; that “should” is a very strong thing and requires you to “jump through all the hoops”. She stated that she is a lawyer and her husband is a professional and does not understand what some of this requires them to do; that she is very concerned as there is an 80 year old lady down the street, a friend who is illiterate and handicapped a few streets over with a ramp on his house on the front and wonders how he will get through this. She stated if this goes into effect, little-by-little the wonderful diversity would gradually be replaced by affluent people or developers who can afford this. She stated we might end up with aesthetically appealing property but will have lost the people; that she is more concerned about people than guidelines. She stated she is willing to accept a privacy fence that is too tall or something else aesthetically not pleasing; that she is not willing to accept those in exchange for diversity and freedom to do as they choose and are financially able.

Councilwoman Hurley asked Mrs. Preslar if North Chattanooga is where she lives. Mrs. Preslar stated that she lives on Signal Mountain; that her daughter lives in North Chattanooga.

Councilwoman Hurley indicated that there are design review regulations on Signal Mountain and knows that they have them. Mrs. Preslar responded that Councilwoman Hurley was correct regarding the regulations on Signal Mountain and indicated, “Those are the choices we make”. She expressed that Councilwoman Hurley was insulting her for where she lives.

Robert Tebit stated that he lives in North Chattanooga but does not live in the affected area. He stated we are looking at a number of 600 households and talking about 3200 adults; that the percentage is getting smaller the whole time. He stated everyone is not interested in being in an association and do not attend meetings; that we have ordinances in effect and this does not make them any better; that it just complicates them.

Councilwoman Hurley asked Mr. Bridger to address the matters that were brought up.

John Bridger stated in regard to the application process, it is realized not everyone has access to an architect, which is a cost factor; that the Staff helps people with those things. He stated as far as “hoops”, that basically the way it works is that it is better than historic zoning; that in this process the Staff approves in five-to-ten days, which is typical for a building inspection department.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Mr. Bridger stated the other thing he wanted to “touch on” is that this is considered a work in process and input is welcome; that some things come in at the last minute and that is the way the public process works. He expressed that he looks forward to working with the “other side” in the neighborhood to make it better, too; that he would like to make it the best it can be.

Councilwoman Hurley stated that this is a highly charged issue and people will be upset either way we go, which is fundamental to the Democratic process. She stated all of us are proud of the neighborhoods in our districts; that the North Chattanooga Neighborhood Association was created one year, or perhaps, two year prior to Highland Park’s. She stated they are outstanding examples of citizen groups that have the interest of the community at heart and gives them credit for curbside recycling, credit for Coolidge Park, credit for the first step taken, which was as controversial as this, in rezoning and down zoning the same footprint of North Chattanooga. She stated that was a seriously emotion charged decision; that there were people who felt if the neighborhood was down zoned to R-1 everything previously described would occur and that progress would be stopped. She stated one of the people who thought that ten years ago has acknowledged it was one of the single more important steps taken in the revitalization of North Chattanooga. She stated she is equally proud of North Chattanooga as those who spoke as she grew up on Mt. Vernon Avenue; that she would like for North Chattanooga to remain very much as it was which is basically what one of the underlying principles of this whole effort has been.

Councilwoman Hurley expressed agreement with some of what had been said and indicated that she was not arguing with the resident from Signal Mountain as much was heard from the County Commission during the Signal Mountain/Taco Bell issue. She stated she wants to give the neighborhood of North Chattanooga the same opportunity to sustain and maintain the wonderful neighborhood quality that exists as there is on Signal Mountain because she has lived in both places. **At this point she made the motion to defer the vote for thirty days** for several reasons and asked all participates to sign a sheet John Bridger will have outside the Assembly Room. She indicated that a meeting will be held soon, hopefully, next week in an effort for questions that are not part of this format to be answered; that there is reasonable basis for some compromise.

Councilman Pierce stated in delaying the matter thirty days now that we have heard both sides, he wondered how much discussion would be in open meeting rather than behind closed doors.

Councilwoman Hurley assured everyone that every meeting will be open; that there never has been or will be any meetings behind closed doors. She stated in thirty days a presentation of the compromises will be made.

**AMEND ZONING ORDINANCE: NORTH
CHATTANOOGA URBAN NEIGHBORHOOD
OVERLAY DISTRICT (Continued)**

Councilman Pierce stated he is certain the City Attorney will rule against him; that at the beginning of the meeting he inquired as to whether the matter would be tabled thirty days; that he does not know who (Councilmen) will or will not be present in thirty days. He stated there could be Council persons that were not here tonight and some of those present tonight might not be here in thirty days. He asked if this happens, would the matter be tabled another thirty days?

Councilwoman Hurley asked that the matter be deferred until July 18.

Chairman Hakeem asked that the residents not become discouraged; that the effort is for the community to come together with a plan.

On motion of Councilwoman Hurley, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, TO CREATE A NEW
CHAPTER WITHIN ARTICLE V, SECTION 1600, ENTITLED NORTH
CHATTANOOGA URBAN NEIGHBORHOOD OVERLAY DISTRICT**

was tabled until July 18.

COUNCIL VOTING

Chairman Hakeem clarified for everyone in attendance that it takes five affirmative votes to approve any matter. He stated if there are not five votes the matter will come back on next week's agenda. He stated with the six Council members present there could be a 3-3 or 4-2 vote, and if there are not five votes, the matter will appear on next week's agenda.

AMEND CONDITIONS

On motion of Councilmen Eaves and Lively Ordinances 6(g) and (h) were moved forward on the agenda; the motion passed.

2000-098: Patten Golf, Inc.

Pursuant to notice of public hearing, the request of Patten Golf, Inc. to amend conditions imposed in Ordinance No. 10499 on property located at 1073 Mackey Avenue came on to be heard.

The applicant was not present; opposition was in attendance.

AMEND CONDITIONS (Continued)

Councilman Hakeem stated that the applicant asked that this matter and the following one be postponed. He stated he does not know who is present from the neighborhood; that someone from the neighborhood was talked to in an effort to inform citizens this would be postponed.

At this point Councilmen Eaves and Hurley made the motion to table the matters one week.

Councilman Eaves stated he has talked to many people and returned phone calls to the neighborhood network regarding this. He stated he called and asked them to, in turn, inform the remainder of them so that they would not have to come down to the Council meeting tonight. He stated Chairman Hakeem approached him, as he has been asked by the applicant about postponing this matter one week. He stated he asked questions and found that three of our City Council members were going to be absent which would not give a representative vote as was indicated to those he called. He stated persons he spoke with indicated they would call the other people. He stated he spoke with Mrs. Cobble and Mrs. Walker and well as many others; that he has a full page of names of persons upstairs in his office that he called. He expressed that he was sorry for those who were not informed, but he was told they would try to get the word out to everyone to keep them from coming down.

A gentleman from the audience asked if there are enough votes to decline this matter if it is voted to deny. Chairman Hakeem informed the gentleman that it takes five votes to take any action whether considered positively or negatively; that he does not know if it could be guaranteed there would be five votes to deny or approve this matter, as there are only six Council members present.

The gentleman indicated that the makeup of his neighborhood is 70% elderly who require rides to this meeting. He expressed appreciation to Councilman Eaves for his efforts, indicating that it is impossible to return every phone call; that he was one of the lead spokesmen from the group and did not hear about this until 3:30 p.m. this afternoon.

Councilman Eaves asked the gentleman if he received a call from him; that if the gentleman called him he (Eaves) returned the call.

The gentleman indicated that he understood; that he was not being critical; that he is very anxious because of the makeup of the neighborhood. He stated it is very important to have these people here at the meeting.

At this point, Chairman Hakeem asked the gentleman to come to the podium and identify himself. The gentleman identified himself as David Montgomery, of 7801 Dudley Road. Councilman Eaves immediately indicated that he did speak with Mr. Montgomery and informed him the matter would be tabled and would not be discussed.

AMEND CONDITIONS (Continued)

Mr. Montgomery stated that he called; that the misunderstanding came when they thought there would not be a City Council meeting as someone from the Council Office told him that. He stated because of the makeup of the neighborhood, there are several elderly people who cannot and do not drive that want to be here; that they want the same showing here to voice opposition as the previous group had which is their only concern right now. He stated they think it will be a fair meeting and wants the Council to see the opposition. He made reference to a petition from the neighborhood.

Chairman Hakeem stated he would like to clarify two points. He asked Mr. Montgomery if he knew at 3:30 p.m. this afternoon that the matter would be deferred one week.

Councilman Eaves interjected that he told Mr. Montgomery the matter would be deferred and for him not to say he did not know.

Mr. Montgomery stated that they were not aware; that they were not sure.

At this point, Councilman Eaves "called for the question".

Chairman Hakeem stated that the Council Office was closed last Tuesday; that if Mr. Montgomery called today or earlier there is no one in the Council Office that would have told him there would not be a Council meeting today.

Mr. Montgomery indicated that he was told there would not be a meeting tonight. A female from the back of the Assembly Room indicated that someone named Shirley also told her there would not be a Council meeting tonight.

Chairman Hakeem clarified that no one from the Council's staff could have given that kind of information. At this point he called for the question and stated the matter would appear on next week's agenda.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10499 ON PROPERTY
LOCATED AT 1073 MACKEY AVENUE, BEING MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

was tabled one week.

REZONING

2000-099: Patten Golf, Inc.

Pursuant to notice of public hearing, the request of Patten Golf, Inc. to rezone a tract of land located at 1071 Mackey Avenue came on to be heard.

The applicant was not present; opposition was in attendance.

On motion of Councilman Eaves, 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 1071 MACKEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO O-1 OFFICE ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled one week.

REZONING

2000-030: Edith Redish

Pursuant to notice of public hearing, the request of Edith Redish to rezone a tract of land located at 515 Tremont Street came on to be heard.

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

Jerry Pace stated that this request was originally for C-5 for a boutique selling clothing and other apparel. He stated the area is predominantly residential with R-1 and R-3; that the house has been rehabbed and was previously a structure used for drugs and other detrimental purposes prior to purchase. He stated the request has been reviewed and some of the policies for the overlay zone apply and Ms. Redish has done some of the things voluntarily. He stated the recommendation from Planning was for approval subject to the proposed use only with no back out parking.

Councilwoman Rutherford stated that she is totally in favor of this request; that the information Council members have make reference to "C-2" as opposed to "C-5". City Attorney Nelson indicated that the correct "C-5" zone would be inserted prior to second and third reading.

REZONING (Continued)

On motion of Councilwoman Hurley, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT AOF LAND LOCATED AT 515 TREMONT STREET BEING ON THE NORTHWEST LINE OF TREMONT STREET, NORTHEAST OF LYTLER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2000-090: Sandra Coffey

Pursuant to notice of public hearing, the request of Sandra Coffey to rezone a tract of land located at 7737 Standifer Gap Road came on to be heard.

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

Mr. Pace stated that this property is located in East Brainerd at the intersection of Standifer Gap and Jenkins Roads; that the use in this area is single family residential. He stated the City Limit line runs down as the right-of-way to Standifer Gap and down back of the property line. He stated the request is for R-4 for office use; that the property to the northeast corner is in Hamilton County and on the southeast and southwest is residential. He stated the recommendation from Staff and Planning was for approval.

On motion of Councilman Eaves, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7737 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2000-092: Charles K. Lockwood, Sr.

Pursuant to notice of public hearing, the request of Charles K. Lockwood, Sr., to rezone several tracts of land located in the 2000 block of Taylor Street came on to be heard.

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

Mr. Pace stated the property for this request is located in East Chattanooga in the North Avondale area along Bragg Street. He stated there is M-1 zoning to the north and east across the railroad track from the requested site and there are residential structures in the area. He stated the Staff and Planning Commission recommended denial of the request.

Charles Lockwood, applicant, stated some years ago there was a request to rezone lot ten down to the railroad for a new facility for his office; that he operates Lockwood Auto and Wrecker Center and has been in business 41 years. He stated he was told if he could get the property owners to agree there was a desire to rezone all of the property instead of part of it. He stated all he needs is Lot 10 down to the railroad to build a new office and restrooms. He stated instead of rezoning the whole piece of property he would only like Lots 10 and 14 directly across the salvage yard to build new facilities for operation and “come into the twentieth century” for his business.

Chairman Hakeem asked Mr. Lockwood for clarification, that his effort is to put up a new office? Mr. Lockwood responded “yes”; that the reason why the Planning Commission said they did not want to rezone part but the whole area; that he purchased the property from the City recently and he owns the rest. He stated it is not necessary for him to have the whole part rezoned but needs to build a new office repair center for a more modern building on Lots 10 – 14.

Chairman Hakeem asked Mr. Pace if Mr. Lockwood is going to build a new building would he need the M-1 zone? Mr. Pace responded “no”; that he can do it in an O-1 zone.

Councilman Pierce asked Mr. Lockwood if he was asking for just office use or a mechanic shop, as well. Mr. Lockwood stated his plans are for a service center, restroom and office.

Councilman Pierce stated the request presented before Planning was for a wrecker service including a mechanical shop and that is considered a request for a zoning change and that is what he (Pierce) is hearing now. He stated he is hearing that he plans to put an office up front and then get “side tracked”. At this point he made the motion to deny the request.

REZONING (Continued)

On motion of Councilman Pierce, seconded by Councilwoman Hurley,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE
SEVERAL TRACT OF LAND LOCATED IN THE 2000 BLOCK OF
TAYLOR STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**
was denied.

REZONING

2000-093: Robert Whitmire

Pursuant to notice of public hearing, the request of Robert Whitmire to rezone a tract of land locate at 3311 Fourth Avenue came on to be heard.

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

Mr. Pace stated this request is located in East Lake; that it is a brick structure surrounded by C-2 on the three sides at the intersection corner. He stated the surrounding zoning is R-2; that the structure has had a dry cleaners located in it for a number of years; that the building across the street is a small neighborhood grocery and more vacant C-2 property. He stated the recommendation from Staff was for denial; that the Planning Commission recommended approval with conditions there be no outside storage and the easement retained.

Robert Whitmire, applicant, stated that he owns the property and would like to rezone it to have more of a variety of renters. He stated the property was used for the last four years as a commercial laundry and since then they have moved out and he has had a hard time renting the building. He stated he would like to rent the building as a machine shop or sheet metal shop; that he has a contract if the property is rezoned for a light manufacturing shop with six employees, which is a much smaller operation; that the proposed renter has indicated he will comply with any kind of code restrictions. He stated there will be no outside storage as everything will be inside.

Councilwoman Rutherford made the motion to deny the request, however, it failed due to lack of a second.

REZONING (Continued)

On motion of Councilman Lively, 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 3311 FOURTH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

did not garner enough votes for passage with Councilmen Pierce and Rutherford voting “no”. Chairman Hakeem indicated that the matter would be placed on next week’s agenda for consideration.

REZONING

2000-094: Fidelity Trust Company

Pursuant to notice of public hearing, the request of Fidelity Trust Company to rezone a tract of land located at 21 West 28th Street came on to be heard.

On motion of Councilman Pierce, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 21 WEST 28TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

It was at this time after passage of the alternate version that the applicant’s representative, Paul Mallchok, requested that the original version be considered.

Councilman Lively indicated to Mr. Mallchok that that could be detrimental.

At this point Councilwoman Rutherford made the motion to rescind the previous motion for approval of the alternate version; Councilwoman Hurley seconded the motion; the motion passed. The Clerk of the Council then read the original version of the Ordinance.

REZONING (Continued)

Mr. Pace stated that the property is located in South Chattanooga and the uses in the area are M-2, M-3 and R-3. He stated property located adjacent to the newly constructed neighborhood community park is in conjunction with the Wheland Foundation developing it. He stated the Planning Commission and Staff recommended denial because of the proximity to the new park in the M-2 zone, which allows for storage; that adjoining property to the west and north are all zoned M-2. He stated this could affect the R-3 residential zone across the street and to the west of the area. He stated the recommendation from Staff was to deny the request; and Planning recommended approval with conditions.

Paul Mallchok of Fidelity Trust was present representing the owner of the property, Wheland Automotive Industries. He expressed sorrow for the confusion over this; that as late as this afternoon a potential purchaser was involved who is in the paper recycling business that learned of the conditions and indicated they do not want to move forward with the purchase of the property under the conditions. He stated the concerns have to do with buying a piece of property that will limit the possibility of use; that the party on whose behalf he is present asked that he point out zoning or the specific use by a specific entity in this case felt it would be arbitrary and would impact the purchase of the property. He stated for that reason he is asking for the original rezoning from M-3 to M-1 and no conditions as reflected in the second version. He stated the rezoning is for a paper recycling company and there is plenty of room for expansion of the building to at least quadruple in size and meet all setbacks. He stated the exterior or outside storage is something they felt was too restrictive for use of the property; that M-1 is the appropriate zone they are asking for.

Councilman Pierce stated that he felt the previous motion to approve was a “winner”; that after hearing the reason for Planning’s recommendation for denial, he is in the position to make the motion to deny. Councilman Pierce’s motion for denial failed for lack of a second.

At this point, Councilwomen Hurley and Rutherford made the motion to approve the first version requesting M-1.

Councilwoman Hurley stated it is not at all unusual to rezone for a single purpose; that she was on the Planning Commission when this matter was discussed and was of the impression the conditions were accepted. Mr. Mallchok stated at the time they were accepted.

Councilwoman Hurley stated she understands the value of Wheland Company and the land given by Wheland Company, reiterating that it is not at all unusual for this body to define a special use of property.

Mr. Mallchok expressed his understanding and agreement and indicated that he will be in contact with the buyer.

REZONING (Continued)

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 21 WEST 28TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE
AND WHO9LEALE ZONE TO M-1 MANUFACTURING ZONE**
did not garner enough votes for passage with Councilmen Pierce and Eaves voting “no”.
Chairman Hakeem indicated that the matter would be placed on next week’s agenda for
consideration.

REZONING

2000-095: Mark Henry

Pursuant to notice of public hearing, the request of Mark Henry to rezone a tract of land located at 10 East Morgan Lane came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this property is located in the City of Chattanooga north of Red Bank along Dayton Boulevard at the intersection of Dayton and East Morgan Lane. He stated the request is for C-2 for a small tree service; that the surrounding property to the east is residential; that R-2 goes back of Dayton Boulevard and the remainder is R-1. He stated there is commercial zoning along Dayton Boulevard across the street from the requested site; that the site to the south of the property is zoned C-2 but is presently used for residential. He displayed photos of the site through PowerPoint presentation and indicated that Morgan Lane is very narrow and is barely 15 feet wide, as two cars cannot pass; that in 1998 half of the property was rezoned for C-2. He stated the Staff and Planning Commission recommended that the request be denied at the time because of the North Suburban Area Plan and the C-2 to the south that is used for residential, as well as the C-2 across the street that is vacant; that the residential character of Dayton Boulevard should be maintained. He stated the recommendation from Planning was for approval with conditions.

Mark Henry, applicant, was present along with his wife, JoAnn, and a neighbor, Margie Penney. Mrs. Henry distributed photos of the site, as well as a petition signed in favor of Mr. Henry’s request. Mr. Henry stated the signatures on the petition are the local people that live on Hetzell Lane and Morgan Lane. He stated he owns a small tree service that he and two others work; that there is no traffic and all his business is conducted on the telephone with no people coming in causing a lot of traffic.

REZONING (Continued)

Mr. Henry stated that he has two trucks parked inside so the neighbors would not see them and there will not be any trucks parked in the rear; that there will be two garage doors on the front of his garage off Dayton Boulevard and he will not be entering off Morgan Avenue, except for his personal vehicle. He reiterated that the trucks will be parked inside once the doors are installed; that he purchased the property because it was something he could afford and could, hopefully, get rezoned. He stated he started his tree business when he got out of college because he could not find a job and was “stuck with it”; that this is not a temporary thing and is a business he takes very seriously. He stated when he purchased the property he knew there was an attempt to get it rezoned in 1998 by three sisters; that he did not buy the house for resale as he plans to make it his home. He stated when he started in the tree business he started out of his parents home and knows what it is like to be a part of a community; that he took time to clean the property and took truckloads of brush out and has maintained the yard and grass, which is something people in the neighborhood like. He stated he has gone ahead and started a road so that the Morgan Lane side will look like a house and plans to “dress it up more”.

Mr. Henry continued by stating the surrounding community is used for landscaping, which is not zoned C-2 but was grandfathered into C-2. He stated the neighbor in the rear supports him because he does not want duplexes; that the other property is a day care center zoned R2 with 10-15 people coming in every morning and afternoon to pick up or drop off children

Margie Penney stated she has lived on Hetzell Street for 24 years and it is only accessible off East Morgan Lane. She stated that the problem is that the neighborhood does not understand what Mr. Henry is doing as it has not been explained to them. She stated it has been said by those in opposition that there will be more traffic, but there will not be any; that those in opposition have not talked to Mr. Henry in person, so how would they know the “story” as they are getting it “second hand”. She stated this is not a “fly by night” business that will move in and be gone; that this is Mr. Henry’s chosen career and he is already well established; that he is highly recommended and has provided his services to many houses on her street. She stated this young man should be applauded for what he is trying to do and the neighbors should be helping him and not blocking him as he has taken an eyesore in the community that has been here 30 years and cleaned it up. She stated everyone should be proud he is willing to “sink his money” into improving the property; that he is doing the community a favor.

Dean Reece of 5727 Hetzell Lane presented a petition with thirty names of residents that live in the neighborhood. She stated she is not concerned with traffic on Dayton Boulevard; that she is concerned a business is encroaching into the residential area. She stated that she understands that Mr. Henry has two trucks as she has seen him hauling some type of machine that picks up trees and loads them on a truck and one that does stump removal. She stated Mr. Henry had more equipment than the two trucks as he has trucks with lifts and it is hoped his business grows.

REZONING (Continued)

Mrs. Reece continued by stating that Mr. Henry knew the community was residential when he purchased the property and knew that the community did not want a business in the neighborhood; that she has fought the commercial use along Dayton Boulevard that encroaches the back of her property. She stated she does not think this is the suitable place for this and is not big enough for a tree service as the lot is not large enough if he intends to grow. She stated she would appreciate the Council's denial of the request.

Willard Lewis of 36 East Morgan Lane stated he has been a resident of the area for many years and had a petition of names of many persons who signed. He stated some of the residents have been in the area as much as 70 years. He displayed photos of the narrowness of Morgan Lane and stated Mr. Morgan has seven or eight out buildings adjacent to the property that are trash. He stated he is a firm believer in maintaining the integrity of the neighborhood, as some cannot live in an exclusive neighborhood; that they need to preserve their homes and not have businesses involved. He stated he would like to maintain the community as a neighborhood without a business.

Thelma White stated she lives directly across from this young man and her driveway runs into Mr. Henry's. She stated her dad built the house she lives in and does not want to sell it for commercial and does not want a business; that there are many elderly people in the area, too. She stated Mr. Henry has indicated he would not be using Morgan Lane; that he has already made a driveway on Dayton Boulevard and was told by her neighbors that Mr. Henry has parked in her driveway. She asked that the Council deny the request.

Mr. Pace asked the applicant if it is his intent to live at the location. Mr. Henry responded "yes".

At this point Councilman Lively made the motion to deny the request and indicated that his motion is regard to the Staff's version.

On motion of Councilman Lively, 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 10 EAST MORGAN LANE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**

did not garner enough votes for denial with Councilmen Pierce and Hakeem abstaining. Chairman Hakeem indicated that the matter would be placed on next week's agenda for consideration.

REZONING

2000-103: Elizabeth Trimble

Pursuant to notice of public hearing, the request of Elizabeth Trimble to rezone a tract of land located at 1010 South Highland Park Avenue came on to be heard.

The applicant was present; there was opposition in attendance.

Mr. Pace stated this request is located in Highland Park and the area is predominantly zoned R-1 single-family use; that to the south of the requested site is R-4 and a day care center is located on the parcel. He stated this is part of the Highland Park Neighborhood Association area that was down zoned a year or more ago. He stated the Staff recommended approval subject to conditions and the Planning Commission recommended denial.

Stephon Trimble stated he is a resident of the Highland Park community and purchased this building to put in an apparel shop for the community so those in the community who do not have transportation could walk and purchase some of the items they need as far as clothing and school wear. He stated the building is presently vacant and is under construction; that he is waiting for approval to get the project underway.

Mary Norwood of the Highland Park Neighborhood Association spoke in opposition to the request, stating that the Association is opposed for a number of reasons with the first being parking; that cars cannot be parked behind the building unless it is a compact vehicle. She stated the neighborhood has had a plan in effect for a number of years, now, and the plan calls for commercial to be on the outer perimeters of the neighborhood or on Bailey Avenue. She stated it is felt this would be spot zoning and if this is done for Mr. Trimble, who is a very nice young man, we would have to do it for everyone hereafter. She requested that the matter be denied.

Mr. Trimble stated this would not be a highly trafficked area for parking; that neighborhood people would more than like walk to the business; that a few cars, not many, would approach the shop. He stated he does not see a problem with parking.

Councilwoman Rutherford inquired as to what the Association sees as the use for this building; that it does not appear to be suitable for housing.

Uneva Shaw stated what the Association sees is retail that might be there in the future, but is not visualized at the present time; that with their revitalization effort this is the thing they want to “tackle”. She stated it is their thinking futuristically, yes, it needs to be something retail or maybe even a restaurant, but at this present time spot zoning is their main problem.

REZONING (Continued)

Councilman Pierce inquired as to how long this building has been vacant. Mrs. Shaw responded “probably 20 or 26 years.”

Councilman Pierce stated the longer the building is vacant the more deteriorated it will become; that his question is in reference to Councilwoman Rutherford’s (question), what other use could there be? He stated he cannot see talking about the future; that maybe five years from now we will come back and zone it and why not now? He asked the reason Mesdames Norwood and Shaw would like denial if it is thought this will be done in a few years, wanting to know if denial is because of the property owner?

Mrs. Shaw stated that the reason goes back to spot zoning; that the neighborhood is firm not to allow spot zoning. She stated many requests will encroach into the interior of the neighborhood and they feel strongly in sticking to the plan. She stated they do have a vision of the future and know they can reach that and will take incremental steps to get there, not leaps. She stated in order to get there they have to take “baby steps” and this is one of them not to allow spot zoning.

Councilwoman Rutherford asked Mr. Pace to explain the C-5 zoning and what can go in the zone as it seems this would not be considered a spot zone since it is looking at neighborhood commercial; that the neighborhood should be thrilled it is not an applicant that wants to sell alcohol.

Mr. Pace stated by nature of its name, neighborhood commercial zone, *“a small commercial enterprise would have to be compatible with the residential properties within the immediate vicinity”*; that businesses within the C-5 zone *“shall be for retail service and others of such nature as to be a profit or convenience to the majority of the neighborhood residents”*. He stated those are things that would serve the residents that live there, not a general C-2 commercial, which would be a more intense use.

Chairman Hakeem stated that he thinks it is “real” when the neighborhood says what could possibly be there in the future; that we are looking at one case that has been there some length of time; that he does not know what we are about if we allow spot zoning, then, how can you stop another. He stated the neighborhood has fought for ten years to get where it is today, and in a sense of speaking, with the “stroke of a pen” we are potentially turning that around and he does not know if that is what the Council is trying to do; that they are trying to build and enhance the neighborhood.

Mr. Trimble reiterated that he lives in this area on South Holly Street, right down the street from Mrs. Norwood. He stated his intent is to build up the community, as it is his community, as well; that that is why he purchased the building so that the community could prosper.

REZONING (Continued)

Chairman Hakeem stated that he heard what Mr. Trimble was saying; that he does not recall his being active in neighborhood activities in Highland Park; that in rebuilding the neighborhood, he is not sure Mr. Trimble is part of it.

Mr. Trimble clarified that he has not been to the meetings but does live in the area.

Councilwoman Hurley stated at the end of the Planning Commission meeting everyone left with the understanding this would be recommended for denial; that here are now two recommendations, one from Planning and one from Staff. She stated the way this is set up no one would know that; that this is set up as it if were a compromise position agreed to by the Planning Staff and that was not the case. She stated maybe everyone understands that; that typically they have gotten into a routine of accepting the second one as it if were some type of compromise supported by the Planning and Staff; that in this case the Planning Commission unanimously opposed it and she needed to say that.

Mr. Pace stated the effort is to say exactly what the Staff and Planning Commission have recommended.

On motion of Councilman Lively, 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 1010 SOUTH HIGHLAND PARK AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

did not garner enough votes for denial with Councilmen Pierce and Rutherford voting “no”. Chairman Hakeem indicated that the matter would be placed on next week’s agenda for consideration.

CLOSE AND ABANDON

2000-089: Steve Randolph

Councilwoman Rutherford stated Ordinances 6(j) and (k) were discussed in today’s Public Works Committee meeting and are recommended for approval.

The applicant was not present; there was no opposition.

CLOSE AND ABANDON (Continued)

On motion of Councilwoman Rutherford, seconded by Councilman Lively;

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED NORTHEAST FROM ALLIN STREET, NORTHWEST OF DODSON AVENUE, MORE PARTICULARLY DESCRIBED EHREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

CLOSE AND ABANDON

2000-101: Chris Farris

On motion of Councilwoman Rutherford, seconded by Councilman Lively,

AN ORDINANCE CLOSING AND ABANDONING WESTRIDGE ROAD AND AN UNOPENED ALLEYWAY LOCATED SOUTHEAST OF TENNESSEE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

FY 2000-2001 OPERATING BUDGET

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

AN ORDINANCE, HEREINAFTER ALSO KNOWN AS “THE FY 2000/2001 BUDGET ORDINANCE”, TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND ENDING JUNE 30, 2001, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES

passed first reading.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, SO AS TO ADD SECTION 25-33, RELATIVE TO PROHIBITING SKATEBOARDS AND AGGRESSIVE SKATES ON PUBLIC STREETS AND SIDEWALKS IN THE DOWNTOWN AREA
passed first reading.

SPECIAL POLICEMAN

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOHN J. KILLEFFER, III AS A SPECIAL POLICEMAN FOR THE CHATTANOOGA-HAMITON COUNTY AIR POLLUTION CONTROL BUREAU TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CHANGE ORDER

Councilwoman Rutherford stated that Resolutions (b), (c), (d), (i) and (j) were discussed in today's Public Works Committee and are recommended for approval.

On motion of Councilman Eaves, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO IMPROVEMENTS TO WILLIAMS STREET BETWEEN 31ST STREET AND 33RD STREET, WHICH WILL SERVE AS AN INDUSTRIAL ACCESS ROAD FOR CHATTEM, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-EIGHT THOUSAND, THREE HUNDRED EIGHTY DOLLARS (98,380.00) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-FIVE THOUSAND, EIGHT HUNDRED SEVENTY-FOUR DOLLARS (\$265,874.00), INCREASING THE CITY'S SHARE BY FIFTEEN THOUSAND, ONE HUNDRED TWENTY-ONE DOLLARS (\$15,121.00) FOR A FINAL SHARE NOT TO EXCEED ONE HUNDRED FIVE THOUSAND, FIVE HUNDRED FIFTEEN DOLLARS (\$105,515.00)
was adopted.

CHANGE ORDER

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4, CONTRACT NO. CSO-2-98, CENTRAL AVENUE CSO CONTROL FACILITY, SCHEDULE II, WITH CROWDER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED SIX THOUSAND, EIGHT AND 81/100 DOLLARS (\$106,008.81), FOR A REVISED CONTRACT AMOUNT OF TEN MILLION, SIX HUNDRED NINETY-NINE THOUSAND, NINE HUNDRED FIFTEEN AND 28/100 DOLLARS (\$10,699,915.28), AND WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY TWENTY-ONE (21) DAYS FOR A FINAL COMPLETION DATE OF JANUARY 21, 2000

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, CONTRACT NO. CSO-2a-99, CENTRAL AVENUE CSO CONTROL FACILITY, SITE PIPING INSTALLATION, WITH CASH CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIXTY THOUSAND, FOUR HUNDRED FORTY-SIX AND 06/100 DOLLARS (\$60,446.06), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE MILLION, ONE HUNDRED EIGHTEEN THOUSAND, EIGHT HUNDRED NINETY-FOUR AND 43/100 DOLLARS (\$3,118,894.43)

was adopted.

CONTRACT: FRIENDS OF THE ZOO

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH THE FRIENDS OF THE ZOO FOR THE CONSTRUCTION OF THE CHIMPANZEE EXHIBIT FOR AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000.00)

was adopted.

**CONTRACT: LEVITT & MILLS
ASSOCIATES**

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH LEVITT & MILLS ASSOCIATES FOR LANDSCAPE ARCHITECTURAL SERVICES FOR LAKE HILLS PARK, BELLVIEW AVENUE, FOR A TOTAL FEE NOT TO EXCEED FOURTEEN THOUSAND SIX HUNDRED TWENTY FIVE DOLLARS (\$14,625.00)

was adopted.

**AWARD OF CITY-FUNDED
NEIGHBORHOOD GRANTS**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE AWARD OF CITY-FUNDED NEIGHBORHOOD GRANTS IN THE TOTAL AMOUNT OF TWO HUNDRED TWENTY-THREE THOUSAND, THREE HUNDRED AND 40/100 DOLLARS (\$223,300.40) TO VARIOUS NEIGHBORHOOD ORGANIZATIONS AND ASSOCIATIONS, MORE PARTICULARLY DESCRIBED HEREIN

was adopted.

APPROPRIATION

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE CONTINGENCY FUND TO THE URBAN LEAGUE FOR SUMMER YOUTH ACTIVITIES

was adopted.

CONTRACT: EAST TENNESSEE GRADING, INC.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. BL-1-00, MODIFICATIONS TO CITY LANDFILL AT BIRCHWOOD, CONSTRUCTION OF PHASE IV LINER (AREA 2), TO EAST TENNESSEE GRADING, INC. FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION, FIVE HUNDRED TWENTY-SIX THOUSAND, TWO HUNDRED NINETY-EIGHT DOLLARS (\$2,526,298.00)

was adopted.

TEMPORARY USE: CALIFORNIA JUICE BAR AND EATERY

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING CALIFORNIA JUICE BAR AND EATERY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 438 MARKET STREET FOR PLACING THREE (3) TABLES AND TWELVE (12) CHAIRS ON THE SIDEWALK IN FRONT OF THEIR MAIN ENTRANCE TO ACCOMMODATE CUSTOMERS OUTSIDE THE BUILDING, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the weeks ending June 9, 2000 (\$28,097.58) and June 16, 2000 (73,644.47) totaled \$101,742.05.

PERSONNEL

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

ERNEST CLIBREY – New Hire, Crew Leader, Sr., TN Riverpark-Downtown, Pay Grade 8/Step 1, \$20,803.00 annually, effective June 16, 2000.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Parks and Recreation Department:

COATING & APPLICATION (Change Order #1)

Purchase Order P0012217/R0041293

Roof Replacement

\$93,660.00 – Original Council approval 4/20/99
4,587.00 – Change Order #1
\$98,247.00 – Total Contract

STEIN CONSTRUCTION (Lower and better bid)

Requisition R0046856/B0000465

Tennis Court Renovation

\$116,203.00

PERSONNEL

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

RODNEY D. WATSON, GERALD D. ROBINSON, JACKIE H. NATION – Employment, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$15,230.00 annually, effective May 17, 2000.

JOHN H. ALLISON – Employment, Concrete Worker, Citywide Services, Pay Grade 6/Step 1, \$18,574.00 annually, effective May 31, 2000.

EARL R. HILL, SR. – Retirement, Heavy Equipment Operator, Citywide Services, effective May 31, 2000.

JOHN T. CARD – Resignation, Crew Worker, Citywide Services, effective June 1, 2000.

CHARLES LEWIS – Resignation, Equipment Operator, Citywide Services, effective May 19, 2000.

PERSONNEL (Continued)

ROBERT L. BELL – Dismissal, Crew Worker Senior, Citywide Services, effective June 7, 2000.

SAMIR S. SEHNOUDA – Promotion, Engineering Project Coordinator, Engineering, Pay Grade 20/Step 2, \$35,887.00 annually, effective June 2, 2000.

JAMES ALBERT CLEM – Compulsory Medical Leave Without Pay, Construction Inspector, Engineering, effective June 6 - September 6, 2000.

PURCHASES

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

EAGLE POINT SOFTWARE (Single Source)
Requisition R0043923

Software Package per TCA 6-56-301

\$12,925.00

STOWERS MACHINERY (Only bid)
Requisition R0040371/B0000470

Scraper

\$40,860.00

RED WING SHOE CO. (Responsive bid meeting the needs of the City of Chattanooga)
Requisition R0050503

Citywide Safety Shoes Requirements Contract

(Price information available and filed with minute material)

PURCHASES (Continued)

SOUTHERN FLUID POWER (Per Section 2-342, Paragraph V, Chattanooga City Code)
Contract 0011203P

Hydraulic Hose Fittings Contract Extension for an additional Twelve Months

WES BLAKEMORE (Best bid)
Requisition R0048558/P0014253

Intermittent Hauling of Dewatered Wastewater Sludge (*Rescind previous award to Waste Transportation due to their withdrawal and admittance of inability to provide services*)

\$8.10/ton

LEE SMITH, INC. (Best bid)
Requisition R0048269/B0000462

Dump Truck

\$51,016.58

NEWTON CHEVROLET (Only bid)
Requisition 0048273/B0000467

Pick-Up Truck

\$34,950.00

THE CUTTING EDGE (Best bid)
Requisition R0048242/P0014397

Brainerd Levee Mowing Services

\$4,700.00

PERSONNEL

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

FREDDIE L. BROOKS – Reinstatement, Firefighter, effective June 8, 2000.

PERSONNEL (Continued)

JAMES E. APPLEBERRY, THADDEUS E. MORTON – Promotion, Battalion Chief, Pay Grade F5/Step 6, \$47,582.00 annually, effective June 16, 2000.

JAMES C. ADAMS, MARVIN D. HUDGINS – Promotion, Captain, Pay Grade F4/Step6, \$39,346.00 annually, effective June 16, 2000.

CECIL W. BARBER – Promotion, Captain, Pay Grade F4/Step 11, \$47,215.00 annually, effective June 16, 2000.

LAMAR L. HENRY, KENNETH R. LEVI, WILLIAM A. MELHORN – Promotion, Captain, Pay Grade F4/Step 8, \$42,493.60 annually, effective June 16, 2000.

RANDY L. JACKS – Promotion, Captain, Pay Grade F4/Step 7, \$40,919.80 annually, effective June 16, 2000.

ROBERT E. LACKEY – Promotion, Captain, Pay Grade F4/Step 10, \$45,641.20 annually, effective June 16, 2000.

WILLIAM A. DAUTRICH, DOUGLAS F. RANDOLPH – Promotion, Lieutenant, Pay Grade F3/Step 10, \$39,272.80 annually, effective June 16, 2000.

BENITA S. OWENS – Promotion, Lieutenant, Pay Grade F3/Step 8, \$35,564.40 annually, effective June 16, 2000.

JEFFREY J. ROREX – Promotion, Lieutenant, Pay Grade F3/Step 9, \$37,918.60 annually, effective June 16, 2000.

HOTEL PERMIT

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following hotel permit was approved:

TRAVEL INN, 1713 Cummings Highway, Chattanooga, Tennessee

FIRE ACADEMY

Chief Coppinger invited Council members for the graduation of 28 cadets scheduled for Thursday, June 22 at 6 p.m. He also introduced Council members to Jim Appleberry and Thaddeus Morton, newly promoted Battalion Chiefs.

PERSONNEL

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

PATRICIA H. STREIP – Hire, Accreditation File Assistant, Pay Grade 6/Step 1, \$18,574.00 annually, effective June 16, 2000.

CYNTHIA CLARK – Hire, Police Records Technician, Pay Grade 3/Step 1, \$15,230.00 annually, effective June 16, 2000.

CRAIG NABORS, WILSON S. LOPEZ, LADARIUS PRICE, MAGGIE BARYS, JEREMY EAMES, BRIAN D. COOPER, PATRICIA WIDELL – Hire, Police Service Technician, Part-time, \$8.94/hour, effective June 16, 2000.

RHONDA NUNLEY – Medical Leave of Absence, Police Officer, effective June 5 – July 5, 2000.

STEVE ARCHER – Resignation, Animal Services Officer, effective July 1, 2000.

PATRICK L. KUSHMAN – Resignation, Police Officer, effective June 28, 2000.

POLICE ACADEMY

Chief Dotson extended an invitation to Council members to the graduation of eleven entry policemen who were transferred in from the states of Ohio, Georgia and surrounding areas scheduled for Thursday, June 22, at 6 p.m.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchase was approved for use by the Chattanooga Police Department:

**REMOTEE [Proprietary purchase per Ordinance No. 10913, Section 2, Paragraph (b)]
Requisition R0047960/B0000469**

Bomb Robot

\$100,854.00

PERSONNEL

The following personnel matter was reported for the Department of Finance, City Court Division:

PHILLIP W. BROWN – New Hire, City Court Officer, Pay Grade 11/Step 4, \$27,768.00 annually, effective June 7, 2000.

REFUNDS

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refunds for 1999 property taxes:

SECRETARY OF VETERANS AFFAIRS – Map #100L-C-027, \$1,003.44

SMITH FLETCHER CONSTRUCTION – Map #148H-B-017, \$1,366.17

WEEKS CONSTRUCTION CO. – Per #1018621, \$8,726.12

BOARD APPOINTMENTS

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

CHATTANOOGA HOUSING AUTHORITY BOARD OF COMMISSIONERS:

--Appointment of *ANNE HENNISS and ANN WADLEY* for terms ending June 1, 2005.

BOARD OF SIGN APPEALS:

--Appointment of *BRIAN MICKLES*, representing District 2, for a term ending July 1, 2003.

LIQUOR STORE LICENSES

Admin. Boney presented applications for liquor store licenses and indicated that one is a change of ownership in Councilman Lively's district and the other is a rare new license in Councilman Taylor's district.

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following Liquor Store licenses were approved:

LIQUOR STORE LICENSES (Continued)

RIVERSIDE WINE & SPIRITS WAREHOUSE (Harry H. Root, IV, applicant), 600 Manufacturers Road, Chattanooga, TN (*New license*)

KEN'S LIQUOR STORE (Charles R. Williams, applicant), 6016 Dayton Boulevard, Chattanooga, TN (*Change of ownership*)

PERSONNEL

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

JAMIE ALLISON – Resignation, Neighborhood Relations and Support Services, effective June 2, 2000.

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Neighborhood Services Department:

CHATTANOOGA/HAMILTON COUNTY TRADE & CONVENTION CENTER (Single Source)
Requisition R0045793

2000 Neighborhood Conference per TCA 6-56-301

\$43,170.40

HEARING: TOM SKYLES

City Attorney Nelson stated that the hearing for Tom Skyles needs to be rescheduled. Councilman Pierce stated that he received a call at the last minute on last Friday to cancel the hearing; that as a result of the last hearing he requested that the hearing begin at 3 p.m. in the afternoon.

Chairman Hakeem inquired as to whether the 3 p.m. hour would be feasible. City Attorney Nelson indicated that the 3 p.m. time would not present a problem for his office and did not know of any reason no one else could meet at that time.

HEARING: TOM SKYLES (Continued)

Councilman Lively asked if the time could be rescheduled for 4 p.m. rather than 3 p.m. Councilman Pierce stated that he has no problem with the 4 p.m. hour; that he is trying to comply with the public and make it comfortable for them.

The hearing for Mr. Skyles was rescheduled for Monday, July 17, 2000 beginning at 4 p.m.

COMMITTEES

Councilman Eaves scheduled a meeting of **the Safety Committee for Tuesday, June 27 immediately following the Public Works Committee meeting.**

SISTER BEY

Sister Bey indicated that there has been no trash pick-up in Bushtown and trash has been out almost four weeks containing couches, mattresses and garbage in the Fifth Street and Highland Park Avenue areas. She stated she couldn't understand how persons can come in her yard and pull her car out of her driveway and say it is an eyesore and suggested that the eyesore is the trash that has not been collected.

Chairman Hakeem inquired as to the brush and trash that is still on the streets, as well as in the Glenwood area.

Admin. Marcellis stated that the areas mentioned are usually taken care of the second week of the month and is the area they are currently working in. He stated they are running approximately three days behind and indicated they should be finished in this area by Wednesday and begin working in Area 3.

REBECCA ROBINSON

Rebecca Robinson stated she was present on behalf of the people she cares about and asked for an apology from the Council. She stated this past weekend at the end of Riverbend there was a big storm that cancelled the last act; that the storm lasted for a long time and after everyone thought it was over the show went on later than the time scheduled. She stated a lot of people within in the area were of the impression the Riverbend activities cut off about twelve midnight; that it was in the early morning hours that a lot of elderly people she cares about were awakened.

REBECCA ROBINSON (Continued)

She stated sound travels because the City is usually quiet and there was a lot of music and fireworks; that she knows Riverbend only happens once a year and understands the extenuating circumstances. She stated she thought it would be a good thing for the Council to apologize as a lot of people were offended. She stated a lot of the people in the area affected are not millionaires, but they are millionaires to her; that she would like for the officials to take a few minutes to apologize to those that this could have offended.

Chairman Hakeem stated he would like to get more details; that he did not know about the time the programs took place that Ms. Robinson spoke of. He also stated that he did not know the area to which she made reference to where people were offended.

Councilman Pierce stated that he feels that Ms. Robinson was basically talking about the people living in the downtown area; that he has no problem apologizing for what happened, yet, what happened was beyond the Council's control. He stated Riverbend is held once a year and it is a lot of fun to people; that people had assembled to hear Alabama and see the fire works and questions what would have happened if either had been cut short. He stated based on what Ms. Robinson is saying he has no problem apologizing to the citizens who were discomforted in the downtown area.

Ms. Robinson stated that she understands why the activities continued; that many people feel they are overlooked and they do not matter. She stated saying "I'm sorry" goes a long way.

Councilwoman Rutherford stated that she had the huge misfortune of being present; that she was on stage and could not leave and it was 1:30 a.m. when Alabama finished and the fireworks started. She stated it was explained to her that the Market Street Bridge was loaded with fireworks and there was no way to put traffic on the bridge until it had all gone off. She stated she was amazed that two spotlights were shown on the audience and it was pouring down rain and there were thousands, maybe tens of thousands, sitting out there. She, too, stated that she was sorry it was inconveniencing to some, but that the apology should come from the Friends of the Festival, as Riverbend is not the Council's activity.

Ms. Robinson stated that an apology from both would help; that the only thing she is saying is that she understands the necessity for the activities; that some people have a problem with it, however she does not; that it could be a nuisance.

Chairman Hakeem stated to those who may have been offended an apology is extended, as it was not the intent (to offend).

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, June 27, 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)**