

**City Council Building
Chattanooga, Tennessee
September 18, 2001
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Lively gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: CONGRESSMAN WAMP

Chairman Hakeem recognized Congressman and Mrs. "Zach" Wamp stating that the Congressman has been very effective and an asset not only to Chattanooga but the total region.

Congressman Wamp thanked the Council members for allowing him to speak and stated that it is a privilege to bring encouragement from the Nation's Capital one week after the tragic event in the history of our country. He stated out of the darkness comes light and out of evil, good; that he is seeing solidarity of unity not seen in his lifetime. He stated the Word says, ". . . one can change a thousand and two can change 10,000 . . ." ; that people are coming together for a common purpose and it is happening all across the country and world. He stated evil has been isolated and good is on the rise; that the United States will come back from the tragedy and will be even stronger than before.

CONGRESSMAN WAMP (Continued)

Congressman Wamp stated that he was present to brief the Council on the Moccasin Bend National Park proposal. He stated scheduled for subcommittee action next Tuesday in the House of Representatives is a proposal that involves more than 900 acres, and does not include the Moccasin Bend Golf Course, which is excluded from the park boundaries. He stated that he has been nurturing the Park Service and minority with majority staff to get a consensus on the legislation; that he is closing in on the very last few details to have consensus of all those participating in the process. He stated that he is scheduled to go before the County Commission tomorrow to give this same message. He stated that the City and County would have to convey over 400 acres of land to the federal government; that the 902 acres includes the Moccasin Bend Health Center, which has been grandfathered-in with no time limit. He stated as long as the Center operates in its current use it can continue within the park boundaries, however, the land has to be conveyed.

Councilman Wamp stated at some point in the future he would ask that the Councilperson representing the Moccasin Bend District area come forth with a Resolution in support of the legislation so that he can tell them on next Tuesday that he has the Council's full support of the concept. He stated that he needs to encourage the National Park Service that he has the support of the City and County and spoke with the Mayor and County Executive today. He stated that he is not asking for anything in the form of a Resolution this evening and is only giving a report; that in the coming weeks with the beginning of the legislative process the matter goes before the subcommittee, the full committee in a couple weeks, the full House of Representatives will deliberate this fall and it is anticipated that it will be before the Senate early next year. He stated when the full Resolution comes before the Council it will specify what land we are talking about, reiterating that the City and county own substantial land on Moccasin Bend and this would be the land between the golf course and the Mental Health Center.

Councilwoman Robinson commented on Congressman Wamp's exemplary leadership in getting this matter before Congress and helping Chattanooga realize the dream it has held for nearly sixty years; that if it were not for him we would not be this close to that reality. She expressed her full support for the effort and clarified that Councilman Taylor represents the Moccasin Bend area due to the readjustment in the boundaries several years ago.

Councilman Taylor also expressed appreciation for Congressman Wamp's service and stated that the Moccasin Bend matter has been a major concern of residents of that community. He indicated that he has made an effort to keep residents of that area abreast of the progress involving the issue.

CONGRESSMAN WAMP (Continued)

Councilman Benson asked for clarification as to whether the Congressman was asking for a Resolution tonight for presentation next week?

Congressman Wamp responded "no"; that he had given notice that a Resolution could not be presented tonight as the subcommittee has not met. He stated the Resolution would be needed in the future and that his reason for being present tonight was only to brief the Council.

Chairman Hakeem expressed appreciation to Councilman Wamp for his presence and the update.

AMEND BUDGET ORDINANCE

On motion of Councilman Lively, seconded by Councilman Benson,

AN ORDINANCE TO AMEND ORDINANCE NO. 11175, KNOWN AS THE BUDGET ORDINANCE, SO AS TO ADD A NEW SECTION THERETO TO PROVIDE THAT CITY EMPLOYEES WHO ARE CALLED TO ACTIVE DUTY DURING THE NATIONAL EMERGENCY FOLLOWING THE ATTACKS ON THE WORLD TRADE CENTER AND PENTAGON ON SEPTEMBER 11, 2001, SHALL BE PAID THE DIFFERENCE BETWEEN THEIR CITY PAY AND THEIR TOTAL MILITARY PAY, LESS COMBAT PAY, UP TO \$850.00 PER MONTH FROM THE TIME THE CITY EMPLOYEE IS CALLED UP UNTIL RELIEVED FROM ACTIVE DUTY STATUS, NOT TO EXCEED 1 YEAR AND TO TEMPORARILY EXTEND PAID MILITARY LEAVE FOR SUCH EMPLOYEES UP TO A MAXIMUM OF 30 DAYS AND AUTHORIZING THE CITY FINANCE OFFICER TO APPROPRIATE THE NECESSARY MONEY FROM OTHER AVAILABLE FUNDS

passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilman Franklin, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 705, BY INSERTING NEW LANGUAGE RELATIVE TO PERMITTED ACCESSORY USE OR STRUCTURE TO A DWELLING UNIT AND AMENDING ARTICLE VI, SECTION 102, BY DELETING SUBSECTION (1) AND INSERTING A NEW SUBSECTION (1) RELATIVE TO ACCESSORY BUILDINGS OR STRUCTURES

passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VIII,
SECTION 107, BY INSERTING NEW LANGUAGE RELATIVE TO THE
CRITERIA FOR BOARD OF APPEALS FOR VARIANCES AND SPECIAL
PERMIT ACTIONS**
passed first reading.

CLOSE AND ABANDON

MR-2001-019: Belleau Woods Subdivision

Councilman Franklin stated this matter was discussed in Public Works Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Taylor,
**AN ORDINANCE CLOSING AND ABANDONING A SANITARY SEWER
EASEMENT LOCATED WEST OF TRIANGLE FARM ROAD IN THE 2700
BLOCK OF THE PROPOSED EXTENSION OF PERSHING ROAD, AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**
passed first reading.

REZONING

2001-097: John Gibson

Pursuant to notice of public hearing, the request of John Gibson to rezone a tract of land located at 2005 Lyerly Street came on to be heard.

The applicant was present; opposition was in attendance.

Jerry Pace, Director of Operations with the Planning Agency, briefed the Council on this request by stating that the property is located in the Oak Grove and South Highland Park community. He stated the surrounding zoning includes R-2, C-2, and M-1. He stated the Staff recommended denial as it was felt the request encroaches quite a bit toward the residents on the east side and the Planning Commission recommended approval.

REZONING (Continued)

John Gibson, applicant, stated that his request is for commercial zoning.

Gary Ball of the Ridgedale Merchants Association and Louise Hammonds of the Oak Grove Neighborhood Association were present in opposition.

Mr. Ball stated that he was not necessarily present in opposition, but was present with regard to concern that the community has been left out of the discussion regarding this matter. He stated they saw the yellow placards and are concerned because they do not know what, if anything, is going to change with the property. He made reference to the incidence of prostitution on the other side of the property last evening and expressed concern that there is a lack of care for the entire area. He stated that it would be appropriate for the applicant to attend Mrs. Hammonds' next Association meeting and explain more of what he plans to do.

Louise Hammonds stated there are extreme problems in that area with drug dealers and prostitution and they would like to see the area cleaned up. She stated everyone in the community should be a part of the discussion regarding this request.

Chairman Hakeem stated the matter could possibly be resolved through discussion between the community and Mr. Gibson.

Councilman Littlefield inquired as to the reason for the Staff's recommendation?

Mr. Pace stated that the Staff's recommendation for denial was due to the residents along the east side of Lyerly; that the only plan in place for this area is the Horizon Plan, a very general land use plan, which calls for residential use. He stated it was felt, also, that the flea market use has encroached this area; that there has been some deterioration over the years between Lyerly and Dodds Avenue and on northward. He reiterated that the Staff felt the residential neighborhood deserved some protection from encroachment of commercial.

Councilman Littlefield recalled that this has been going on since his service on the City Commission years ago and is not a new issue; that it is one the City has tried to contain with regard to the expansion of commercial zoning. He stated this really not a commercial zone; that it is a vacant lot used for commercial purposes and tends to erode people's confidence in residential nature. He stated considering that the neighborhood has shown a willingness to discuss, they should have that opportunity.

REZONING (Continued)

At this point Councilman Lively made the motion to defer the matter four weeks to coincide with the Neighborhood Association's meeting; Councilman Taylor seconded the motion.

Councilman Benson stated that he visited the site with Councilman Hakeem and representatives of the Planning Agency. He expressed agreement with the motion to defer, reiterating that the motion's intent is for both sides to get together as they need to work together. He stated the wrong type of commercial activities can come into residential areas and Mr. Gibson should go and meet with these people. He stated if the neighborhood is not willing to go along with the proposal, he would be against it. He stated that he "goes along" with the motion to defer now; otherwise, he would vote "no".

Councilman Page inquired as to whether there has been any discussion regarding what would be constructed?

Mr. Pace stated nothing would be constructed; that the request is for the purpose of a flea market to continue using the property as it has been used in the past as was stated on the application.

Chairman Hakeem asked if the C-2 zone would afford many other uses? Mr. Pace responded that conditions for use could be placed on the property.

Councilman Franklin stated in keeping with the character of the neighborhood, if, after discussion, the neighborhood is immune to try to coexist, the zoning should be restricted to that use only or some consideration thereof so the residential integrity will continue.

Councilman Taylor inquired as to the current use of the property. Mr. Pace stated that the busiest time is on the weekend when goods are sold; that traffic goes through a portion of the residential area. He stated the two lots requested in this request face entirely on Lyerly Street; that it is his assumption it would be used as a flea market.

Chairman Hakeem clarified that Mr. Gibson is to meet with the Neighborhood Association to work out an agreement or understanding and come back to the Council for consideration in four weeks (October 16).

REZONING (Continued)

On motion of Councilman Lively, 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 2005 LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was deferred four weeks (October 16, 2001).

REZONING

2001-100: James D. Lee

Pursuant to notice of public hearing, the request of James D. Lee to rezone a tract of land located at 8207 and 8217 Patterson Road came on to be heard.

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

Mr. Pace stated that this request is located in the East Brainerd area off Graysville Road along Patterson Road. He stated all uses around the rezoning is R-1, R-5 and another RT-Z. He stated the original site plan submitted showed a one road cul-de-sac townhouse located along each side; that it was felt the lots were fairly large residential single family lots that back into the middle of a small narrow residential street. He stated the Staff recommended denial based on the single-family neighborhood with large lots and the Planning Commission made the recommendation to approve subject to conditions.

Robert Andrews was present representing Mr. Lee and stated that he collected signatures of five of the adjoining property owners who have signed a statement that they do not object to Mr. Lee's going forward with the plan. He stated the original plan has been revised to reflect twenty-two units as opposed to the former twenty-three (units). He stated regulations state that the maximum density for this zoning would be eight units per acres; that twenty-three units would have gone over the eight units, and the twenty-two units now proposed go slightly under. He distributed photos of the area and how the units would look.

Councilman Benson inquired as to the five signatures Mr. Andrews referenced.

REZONING (Continued)

Mr. Andrews stated that the four property owners who actually adjoin the property signed and one gentleman managing a house signed, also. He stated they asked Mr. Lee to landscape the periphery and build a privacy fence and he agreed to do so.

Councilman Benson stated Mr. Lee has a fine building reputation.

Chairman Hakeem asked for clarification that Mr. Lee agrees to installing the privacy fence? Councilman Benson responded, "he (Lee) certainly does".

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958 AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 8207 AND 8217 PATTERSON ROAD, MORE
 PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO
 RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN
 CONDITIONS**

passed first reading.

REZONING

2001-113: George B. Harless, Jr.

Pursuant to notice of public hearing, the request of George B. Harless, Jr. to rezone a tract of land located in the 1900 block of Lyerly Street, 1900 block of Kelly and the 2200 block of East 21st Street, came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is located near the previous case on Lyerly and indicated that the uses in the area include R-2, M-1 and commercial uses on 23rd Street; that the large commercial area to the west is the original location of the flea market. He stated the Staff recommended denial of lots 34, 35 and 37 along Kelly and approving lots 38 and 39, which are the last two lots on the south on Kelley Street. He stated the Staff recommended approval of lots 1-10 and 17-20 along Baskette Street between 19th and 21st Streets and denying lots facing Lyerly Street, as recommended in the previous case.

REZONING (Continued)

In referencing the PowerPoint presentation regarding the area, Mr. Pace stated the bare area is where the existing flea market is presently in use and is not zoned correctly for a flea market. He stated the proposal is to cover those areas which are presently in use as a flea market; that the Planning Commission made the recommendation to approve and the Staff recommended denial of a portion and approval of another portion as previously stated.

Chairman Hakeem asked for clarification as to whether the property is currently being used?

Mr. Pace responded, "yes" that it is already being used; that the lots have a tree canopy and to the north along 21st Street the recommendation is for approval; that trees on lots 20 and 21 that front 21st Street are to remain to act as a screen buffer. He stated basically the recommendation is to approve what is presently being used.

George Harless, Jr., applicant, stated when Mr. Gibson applied for zoning he was astounded to find out that the property he has been operating for twenty-seven years was not zoned properly; that he would only like to get it zoned properly and within the law.

Gary Ball and Louise Hammonds were present in opposition.

Louise Hammonds of the Oak Grove Neighborhood Association stated that she keeps hearing this property is being used as a flea market; that the flea market has been gone for quite awhile. She stated people living in little shacks are also using the property and prostitutes were there on Sunday night as one threw a brick at her car! She stated they do not get much protection from the prostitutes and it seems that (prostitutes) they have all the rights in their community. She stated the area is a breeding ground for crime.

Gary Ball stated that he spoke at Mrs. Hammond's Neighborhood Association meeting the other night. He stated a community plan was completed for the Ridgedale area a number of years ago and this area probably needs to embark on that, as well. He stated this shows that Mrs. Hammonds is dealing with crime and the problems of trying to stay in a community and not understanding all the ramifications of not having a plan in place and how zoning disrupts everything in the community. He stated they have not been "up to speed" on how to deal with it and are in a "battle zone".

Ms. Hammonds stated she has lived in the area for 37 years and watched the flea market operate; that there is no flea market there, now.

REZONING (Continued)

Mr. Harless stated that there were 70 or 80 vendors there this past weekend on Saturday and Sunday; that City and county taxes have been submitted, which proves he operates a flea market. He stated he has been there 27 years and has never heard of a merchants association; that he owns quite a bit of property there. He stated until this evening, it was the first time he knew there was an Oak Grove Community Association and it seems they would have contacted him!

Chairman Hakeem immediately reminded Mr. Harless that he is the one wanting to have the property rezoned, not the community association.

Mr. Harless stated businesses are closed up in the area and there is a crime problem in the whole area; that he does not think there are prostitution booths at the flea market.

Chairman Hakeem stated if it is acceptable to the Council his recommendation would be to defer this matter four weeks to afford an opportunity for Mr. Harless to meet with the community. He asked that the Planning Agency coordinate the meeting with the neighborhood so there could be input from Planning.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 1900 BLOCK OF LYERLY STREET, 1900 BLOCK OF KELLY STREET AND THE 2200 BLOCK OF EAST 21ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
was deferred four weeks (October 16, 2001).

REZONING

2001-116: Peggy Pope

Pursuant to notice of public hearing, the request of Peggy Pope to rezone a tract of land located at 4206 Wilkesview Drive came on to be heard.

The applicant was not present; there was no opposition.

REZONING (Continued)

Mr. Pace stated this request is located in the Highway 58 area, northeast of 153. He stated there are several duplexes (R-2) along Wilkesview Drive, as well as R-4. He stated the Staff and Planning Commission recommend approval even though the Highway 58 study is going on; that this is a reasonable request of residential and retention of the duplex zone.

Councilman Page made the motion to approve this request as presented stating that it is contiguous.

Mr. Pace clarified that there was no opposition at the Planning Commission.

On motion of Councilman Page, 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 4206 WILKESVIEW DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE

passed first reading.

REZONING

2001-117: Chestnut Properties, LLC

Pursuant to notice of public hearing, the request of Chestnut Properties, LLC to rezone tracts of land located at 1424 and 1428 Chestnut Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated that this request is located in the southside area of downtown; that all surrounding use in the area is M-1 manufacturing. He stated the Staff and Planning Commission recommend approval with conditions that are normally attached to all southside rezoning requests for C-3.

On motion of Councilman Littlefield, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1424 AND 1428 CHESTNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

MR-2001-121: John Malone for Dean Construction, LLC

Councilman Franklin stated this matter was discussed in Public Works Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED 20 FOOT WIDE RIGHT-OF-WAY LOCATED IN THE 3900 BLOCK FO WILKINS LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

2001-122: Mose & Garrison Siskin Memorial Foundation

Pursuant to notice of public hearing, the request of Mose & Garrison Siskin Memorial Foundation, to rezone a tract of land located at 1101 Carter Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Littlefield, 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 1101 CARTER STREET MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CHANGE ORDER

Councilwoman Robinson stated that this Resolution was discussed in today's Parks and Recreation Committee meeting and approval is recommended.

CHANGE ORDER (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO WORK ON THE MOUNTAIN CREEK ROAD PROJECT, WITH WISE CONSTRUCTION COMPANY WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FOURTEEN THOUSAND SIX HUNDRED NINETY AND 00/100 DOLLARS (\$14,690.00), FOR A REVISED CONTRACT PRICE OF TWO HUNDRED EIGHTY-SIX THOUSAND SIX HUNDRED NINETY AND 00/100 DOLLARS (\$286,690.00)

was adopted.

PAYMENT AUTHORIZATION

Councilman Franklin stated Resolutions 7(b) – (q) were discussed in today's Public Works Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF FOUR HUNDRED SEVENTY-EIGHT THOUSAND SIX HUNDRED DOLLARS (\$478,600.00) TO THE U. S. ARMY CORPS OF ENGINEERS, FOR THE CITY OF CHATTANOOGA'S SHARE TO INITIATE CONSTRUCTION ON THE HAMILTON COUNTY STREAMBANK STABILIZATION PROJECT, SITE #5, STARTING FROM RIVERMONT PARK AND ENDING AT CRUTCHFIELD BAR

was adopted.

CONTRACT: TDOT

On motion of Councilman Littlefield, seconded by Councilman Franklin
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE RELOCATION OF SEWER LINES RELATIVE TO THE THIRD STREET BRIDGE REPLACEMENT FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-NINE THOUSAND ONE HUNDRED TWENTY-FIVE AND 00/100 DOLLARS (\$199,125.00)

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM RANDALL AND
CAROLYN PIERCE, RELATIVE TO THE TENNESSEE RIVERBANK
STABILIZATION PROJECT, PARCEL 400E, FOR A TOTAL CONSIDERATION
OF NINE HUNDRED DOLLARS (\$900.00)**

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM DAVID F.
MOORE, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION
PROJECT, PARCEL 402E, FOR A TOTAL CONSIDERATION OF TWO
THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM BARBARA H.
MURRAY, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION
PROJECT, PARCEL 403E, FOR A TOTAL CONSIDERATION OF SIX
THOUSAND EIGHT HUNDRED DOLLARS (\$6,800.00)**

was adopted.

**ACCEPT PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ACCEPT A PERPETUAL CHANNEL
IMPROVEMENT EASEMENT FROM J. FRANK HARRISON, RELATIVE TO
THE TENNESSEE RIVERBANK STABILIZATION PROJECT, PARCEL 500E-1
AND 500E-2**

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Littlefield, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM MICHAEL
OWENS, ET UX, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION
PROJECT, PARCEL 602E, FOR A TOTAL CONSIDERATION OF TWO
THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00)**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Franklin, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM CAROLINE K.
ELIAS, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION
PROJECT, PARCEL 603E, FOR A TOTAL CONSIDERATION OF TWO
THOUSAND DOLLARS (\$2,000.00)**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Pierce, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM JEFFERSON B.
CRONAN, ET UX, RELATIVE TO THE TENNESSEE RIVERBANK
STABILIZATION PROJECT, PARCEL 607E FOR A TOTAL CONSIDERATON
OF TWO THOUSAND DOLLARS (\$2,000.00)**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Franklin, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACT 400E, LOCATED ON GLENN ROAD,
BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY
CORPS OF ENGINEERS**

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACT 402E, LOCATED ON EDGEWOOD
LANE, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S.
ARMY CORPS OF ENGINEERS**

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACT 403E, LOCATED ON EDGEWOOD
LANE, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S.
ARMY CORPS OF ENGINEERS**

was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACTS 500E-1 AND 500E-2, LOCATED ON
FARM WARD ROAD, BY HAMILTON COUNTY IN COLLABORATION WITH
THE U. S. ARMY CORPS OF ENGINEERS**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACT 602E, LOCATED ON ENCLAVE BAY
ROAD, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S.
ARMY CORPS OF ENGINEERS**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Page, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACT 603E, LOCATED ON ENCLAVE BAY
ROAD, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S.
ARMY CORPS OF ENGINEERS**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT TRANSFER**

On motion of Councilman Franklin, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL
CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF
HAMILTON COUNTY IN ORDER TO CARRY OUT A RIVERBANK
PROTECTION PROJECT FOR TRACT 607E, LOCATED ON ENCLAVE BAY
ROAD, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S.
ARMY CORPS OF ENGINEERS**

was adopted.

PRELIMINARY PUD SPECIAL EXCEPTIONS PERMIT

2001-124: Cummings Cove, LLC

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT
DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED
PLANNED UNIT DEVELOPMENT KNOWN AS CUMMINGS COVE GOLF
CLUB PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED
IN THE 700 TO 800 BLOCK RANGE OF BLACK CREEK ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

FINAL PUD SPECIAL EXCEPTIONS PERMIT

2001-124: Cummings Cove, LLC

Mr. Pace asked that this Resolution be deferred until a final site plan can be attached.

On motion of Councilman Littlefield, seconded by Councilman Lively,
**A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT
DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT
DEVELOPMENT KNOWN AS CUMMINGS COVE GOLF CLUB PLANNED
UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN THE 700 TO 800
BLOCK RANGE OF BLACK CREEK ROAD, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT
DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was deferred until a final site plan can be attached.

OVERTIME

Overtime for the weeks ending September 7, 2001 (\$99,417.32) and September 14, 2001 (\$27,755.93) totaled \$127,173.25.

PERSONNEL

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

WILLIE R. IDLETTE, JR. – Resignation, Landfill Technician, Waste Resources, effective August 27, 2001.

WILLIAM EL SEAY – Resignation, Crew Supervisor, Senior, Waste Resources, effective September 3, 2001.

RONALD T. SIMPSON – Involuntary Demotion, Crew Worker, Citywide Services, Pay Grade 3/Step 11, \$24,079.00 annually, effective August 15, 2001.

BOBBY G. CRUTCHER – Demotion, Crew Worker, Citywide Services, Pay Grade 3/Step 6, \$19,419.00 annually, effective September 5, 2001.

GREGORY K. HENSON – Released from Duty, Crew Supervisor Senior, Citywide Services, effective August 29, 2001.

EARL MITCHELL – Released from Duty, Crew Worker, Citywide Services, effective August 29, 2001.

ROBERT COREY – Return from Family Medical Leave, Equipment Operator Senior, Citywide Services, effective August 14, 2001.

PETER J. BATES – Resignation, Sanitation Worker, Citywide Services, effective September 11, 2001.

DARREL L. HAMBRICK – Dismissal, Crew Worker Senior, Citywide Services, effective August 15, 2001.

KENNYA J. TREMBLE – Return from Family Medical Leave, Crew Worker, Waste Resources, effective September 4, 2001.

BENNIE L. GRAHAM – Suspension (3 days without pay), Equipment Operator Senior, Citywide Services, effective September 24-27, 2001.

PERSONNEL (Continued)

KENNETH E. ROBINSON – Suspension (3 days without pay), Equipment Operator Senior, Citywide Services, effective October 1-4, 2001.

MYRON C. BURTON -- Resignation, Crew Worker, Citywide Services, effective September 13, 2001.

DAVID R. BERENS -- Retirement, Equipment Operator Senior, Citywide Services, effective September 28, 2001.

PERSONNEL

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

TRACY L. SMITH – Resignation, Firefighter, effective September 5, 2001.

DAVID HULLANDER – Family Medical Leave, Lieutenant, effective September 18, 2001.

WAYNE WALKER – Retirement (27 years of faithful service), Lieutenant, effective September 20, 2001.

HOTEL PERMITS

On motion of Councilman Lively, seconded by Councilman Taylor, the following hotel permits were approved:

KNIGHTS INN – 2100 South Market Street, Chattanooga, TN

MOTEL 6 – 2440 Williams Street, Chattanooga, TN

THE CHATTANOOGAN – 1201 South Broad Street, Chattanooga, TN

COMFORT SUITES – 2931 Williams Street, Chattanooga, TN

RAMADA LIMITED – 30 Birmingham Highway, Chattanooga, TN

BLUFF VIEW INN – 412 East 2nd Street, Chattanooga, TN

SUPER 8 MOTEL – 20 Birmingham Highway, Chattanooga, TN

HOTEL PERMITS (Continued)

NORTHSIDE MOTEL – 442 Cherokee Boulevard, Chattanooga, TN

COMFORT INN – 7620 Hamilton Park Drive, Chattanooga, TN

HAMPTON INN – 1920 Hamill Road, Chattanooga, TN

FAIRFIELD INN – 2350 Shallowford Village Drive, Chattanooga, TN

CHATTANOOGA CLARION – 407 Chestnut Street, Chattanooga, TN

BLUFF VIEW INN – 411 East 2nd Street, Chattanooga, TN

GIFTS APPROVAL

Chief Coppinger asked Council approval to accept various gifts received, which include \$5 gift certificates from an anonymous donor, a rug from an anonymous donor for Fire Station #1 and a flow meter for the Regional Training Center valued at \$2,000.

On motion of Councilman Lively, seconded by Councilwoman Robinson unanimous approval was given for acceptance of the gifts.

Chief Coppinger stated there has been an overwhelming outpour of support from citizens regarding the fire service locally in conjunction with what has occurred in our country, and indicated thirty-to-fifty firefighters have volunteered to go to New York. He stated the Department has been in contact with TEMA, FEMA and New York and the request has been not to send anyone at this point; that they will get back with them if volunteers are needed. He reiterated that there has been an outpouring of firefighters willing to go to New York, which speaks highly of the Department.

Councilman Benson stated that he does not know of anyone who has any more respect for fireman and policemen over the entire nation, now. He stated that he did not vote against the gifts; that he did vote “no” the previous time because there could sometimes be an apparent conflict of interest. He stated on some occasions people make gifts to fire stations and it might leave the perception that people who do not make gifts were lacking in the same quality of service. He stated in the past a chemical company gave a television, which he voted against. He asked if the Department inspects the chemical companies? He stated this practice should be looked at to make certain there is no conflict of interest.

GIFTS APPROVAL (Continued)

Chief Coppinger responded "yes" to Councilman Benson's question regarding the inspection of the chemical companies. He stated that members of the Department are well aware of the situation when gratuities are offered and are careful to make certain a conflict does not occur. He clarified that the company that donated the television is not subject to inspection by the individuals that received it. He stated anyone on the administrative staff, such as the Fire Marshall, would not be allowed to accept any kind of gift from anyone in the private sector. He stated no one individual receives the gifts; that the televisions stay in the station for use by everyone there.

Chairman Hakeem asked that this matter come before the Safety Committee for more discussion at some point in time.

Councilman Benson stated that he does not want Chief Coppinger to take his remarks in the wrong context, reiterating that no one has more respect for firefighters than he and expressed his pride in the department.

Chief Coppinger expressed thanks to Councilman Benson and indicated that he would pass his comments on to members of the Department.

MEMORIAL SERVICE

Chief Coppinger announced that a memorial service is scheduled for Monday, October 8 at 9 a.m. at the Firefighter's Fountain for the "fallen" firefighters in Chattanooga and that recognition will also be given to their "brothers" and "sisters" who have "fallen" in New York; that there are still some 300 firefighters missing.

PERSONNEL

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

MICHAEL FAVORS – Suspension (14 days without pay), Police Officer, September 11 – 27, 2001.

RONALD D. LEE -- Retirement (29 years of dedicated service), Police Lieutenant, effective September 20, 2001.

PERSONNEL

The following personnel matters were reported for the Department of Finance:

DAVID M. SCOGGINS – Family Medical Leave, Equipment Mechanic I, Fleet Maintenance, 12th Street Division, effective August 16 – November 16, 2001.

ALAN L. EGGARS – Retirement, Network Technician, Information Services, effective September 6, 2001.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchase was approved for use by the Department of Finance, Information Services Division:

4EVRNEW, INC. (Lowest and best bid)
Requisition R0041799/P0016238

Requirement Contract for Maintenance for Desktop & Laptop Computers, Servers and Printers

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

HEARING: OFFICER MICHAEL FAVORS

City Attorney Nelson stated the request to appeal a fourteen-day suspension has been received from Officer Michael Favors.

A hearing for Officer Favors was scheduled for Monday, October 15 beginning at 3 p.m. with Councilmen Lively (Chair), Benson and Robinson serving as the panel.

LAWSUIT AUTHORIZATION

City Attorney Nelson asked for authorization to file a lawsuit to be handled by Ward Crutchfield against the TML Pool regarding a case which arose out of Big Ridge Elementary School at the time the City turned property over to the county. He indicated that this matter was covered in today's meeting of the Legal and Legislative Committee.

LAWSUIT AUTHORIZATION (Continued)

On motion of Councilman Littlefield, seconded by Councilman Taylor, the City Attorney was duly authorized.

COMMITTEES

Councilman Franklin reminded Council members of the meeting of the Public Works Committee scheduled for Tuesday, September 25 at 4 p.m.

Councilman Littlefield stated an hour long meeting of the Legal and Legislative Committee was held today wherein discussion at length centered around the pending brush and trash changes to the **City Code**; that there was brief discussion regarding the noise ordinance with hopeful consideration within two weeks. He stated the Mayor was present and informed the Council of his desire for a committee made up of himself, the County Executive, possibly the Chairmen of the Council and County Commission and one other individual. He stated there was some discussion and ultimate action as the Committee approved a motion to authorize the Mayor to move forward with negotiations with the County and recommended that we authorize that as a full Council.

On motion of Councilman Littlefield, seconded by Councilman Taylor, authorization was duly given.

Councilman Pierce inquired as to the purpose of the committee?

Councilman Littlefield stated that the purpose is to determine the plan for development of the VAAP, primarily, and the brownfields. He stated a number of things were discussed; that the substance of the action is to move ahead with the development of VAAP, both the 900 acres and 200 additional acres. He stated the Mayor informed us that the county is moving toward selection of an engineer to enable both the City and county to apply for economic development administration assistance for some of the infrastructure needed. He stated in the budget passed recently a one-year portion of that money enables us to match money with the county to get some of the work underway. He stated there was a bit of discussion as to what terms we should supply resources toward recruitment of new industry and whether it should reside with the Council. He stated the substance of his motion is simply to move ahead with the development of VAAP with selection of a committee to serve both the City and county and for the eventual redevelopment of brownfields.

COMMITTEES (Continued)

Councilman Lively stated that the Safety Committee met today concerning the matter of animal control pursuant to a request by Judge Williams. He stated after some discussion, Paul Miller of Animal Services was given authority by the Committee to establish a fact-finding committee of professional and community people and come back to the Committee within a ninety-day period with some type of recommendation.

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, September 25, immediately following the Public Works Committee.**

Councilwoman Robinson stated a meeting of the Parks and Recreation Committee was held earlier wherein it was announced that a public meeting would be scheduled at a later date to review the operation and use of city-owned community centers.

HIGHWAY 58 STUDY

Councilman Page invited the Council and general public to the second meeting regarding the Highway 58 land use study at St. John Church at 6 p.m. on Tuesday, September 25.

DISTRICT 2 MEETINGS

Councilwoman Robinson announced two meetings scheduled for District 2 to begin discussion regarding the old and now vacant North Chattanooga fire hall. She stated the meetings are scheduled to take place at the Northside Presbyterian Church at 6:30 p.m. on Thursday, September 20 and September 27.

THOMAS MORRELL

Thomas Morrell stated that he has followed the Council for the last few weeks and commended each for their conscientiousness in the decisions they make. He stated that the thing that concerns him is that it is obvious that each Council member does not have the foundational understanding of the components of the republic that were put in place many years ago. He stated as of 1913 the republic was replaced by claims of democracy, which is really commerce; that everything the Council does is commerce.

THOMAS MORRELL (Continued)

Mr. Morrell stated that he did not wish to be the bearer of bad tidings and is not against anybody; that the wages of commerce is death; that the most profitable commercial vendor is war and will end in bloodshed, yet, there is an antidote to that. He stated the system the Council is maintaining is not a righteous system, it is an unrighteous system and is not producing saints; that it is producing criminals as was indicated earlier tonight. He challenged the Council to go back and understand the foundational principles of the republic the founding fathers put in place and paid for with their lives and blood. He stated all he could say is that we do not come to the shed blood of Christ; that the only thing left is bloodshed. He concluded his comments by stating that we do not need a forced venue as a commercial venue is forced; that we need a peaceful venue as the Prince of Peace provided 2000 years ago on Golgotha.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, September 25, 2001 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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