

**City Council Building  
Chattanooga, Tennessee  
August 13, 2002  
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Hakeem, Lively, Page, Pierce, Robinson and Taylor present; Councilmen Benson 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.

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Chairman Littlefield gave invocation.

#### **MINUTE APPROVAL**

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

#### **SPECIAL PRESENTATION: HOWARD RODDY – BLUE RIBBON TAX EQUITY COMMITTEE**

Councilman Page stated a few months ago the City Council and Mayor delegated and authorized formation of a Blue Ribbon Tax Equity Committee to study the allocation the City makes to public education. He stated this evening the recommendations of that Committee will be presented by Howard Roddy who worked with the Committee the last few months. He expressed thanks to Mr. Roddy and Committee members for their leadership and dedication to service.

Howard Roddy expressed thanks to Councilman Page and Council members and indicated that it was a pleasure to serve the Council and the citizens of Chattanooga; that it has been a few months of very hard work. At this point he introduced members of the Committee who were present: Cindy Dearing, Everett Fairchild, Clifford Hendrix, Geri Spring, Harry Tate and Hicks Armor. He stated Bill Raines, another Committee member, was on vacation and could not be present.

**SPECIAL PRESENTATION: HOWARD RODDY – BLUE  
RIBBON TAX EQUITY COMMITTEE (Continued)**

Mr. Roddy stated all members of the Committee worked very hard and “left no stones unturned” in formulating the report. He expressed thanks to the Mayor and his office staff, beginning with Jim Boney, Nelda Slade, Ken Jordan and Todd Womack, as well as the Council’s Management Analyst, Randy Burns. He stated Dr. Register came before the group and made an outstanding report in terms of the status of school costs and the impact on schools. He stated Dr. David Brodsky of UTC came to advise the Committee, as well. He expressed appreciation to each individual for their invaluable assistance in preparing the report.

Mr. Roddy assured the Council he was not before them to ask for a tax increase as was stated in the newspaper. He stated as a study issue the education question they were charged in addressing was the half cent sales tax passed in 1996 and enacted by six of the ten municipalities in Hamilton County; that only the City of Chattanooga is allocating half of the half-cents to education. He stated the Committee agreed that the half-cent tax should be countywide so that all ten municipalities would have to contribute toward our Board of Education and, subsequently, to schools.

Mr. Roddy stated in 1999 the County Commission renewed its commitment to education when they approved a property tax increase providing an additional \$17.4 million annually to education. He stated since 1997, two previous attempts to pass the countywide half-cent sales tax have failed; that a local-option sales tax that passed county wide requires all municipalities to contribute and the State law further requires that fifty percent of the revenue be used for public education. He stated Hamilton County is considered the second wealthiest county in the state according to the Basic Education Program (BEP), the state’s funding formula, which is based on tax valuation and does not take into consideration the large number of urban students in Hamilton County.

Mr. Roddy stated the Committee’s recommendations are as follows:

- ☞ *The Committee recommends that the sales tax be implemented countywide. This would result in an additional \$1.5 to \$3 million that could support public education needs.*
- ☞ *In the event that the sales tax does not pass countywide, the Committee recommends that the City Council adopt a sunset process for the allocation of the half-cent sales tax to public education. The City’s commitment of \$8.459 million (FY 2001-2002) would cease by July 1 2005. The City Council would determine how the money is reallocated.*

**SPECIAL PRESENTATION: HOWARD RODDY – BLUE  
RIBBON TAX EQUITY COMMITTEE (Continued)**

- ✍ *The Committee recommends re-evaluating the Task Force Facilities Report. The Report was prepared in 1997 and changes have occurred. The Committee acknowledged that several new schools have been built inside the city limits replacing dilapidated and outdated facilities. Any long-range plan needs to be reviewed periodically to be certain the report is still valid and current.*
  
- ✍ *The Committee recommends a periodic review by the Hamilton County delegation of the Tennessee Legislature and other state leaders to insure the proper distribution of the BEP formula for counties such as Hamilton.*

Mr. Roddy concluded his report by stating that the Committee concludes that the \$8.459 million contributed by City residents is inequitable for City taxpayers and that we are the stakeholders in public education and all citizens must assume fiscal responsibility for quality education. He stated current funding and programs dedicated to urban and at-risk students must continue with the expectation that test scores will improve. He expressed thanks to the Council for giving the Committee an opportunity to serve. *(A complete copy of the Committee's report is filed with minute material of this date.)*

Chairman Littlefield expressed appreciation for the Committee's work.

Councilman Hakeem also expressed appreciation for the time put forth and the professionalism in putting the report together. He stated that it is his belief there is an effort put forth by the county to look at this countywide. He asked if the matter could be delayed for a while so that education can take place.

Mr. Roddy responded "yes" and stated that Dr. Brodsky was brought in from UTC who gave a history of this issue. He stated that the referendum failed three times (in 1996, 1998 and 2000), and the Committee's concern would be whether there would be ample time to education citizens in the unincorporated areas, the four municipalities that have not enacted it. He stated there would have to be a concerted effort among our school board, county government, parent-teacher organization, business and others to make sure our citizens understand.

Councilman Pierce echoed Councilman Hakeem's concern and expressed appreciation to the Committee for their work. He stated that he is a little concerned about the sunset clause. He stated this has been going on since 1996; that we are talking about \$8.5 million, yet we are really talking about \$50 million that has been contributed that the City is not obligated to give.

**SPECIAL PRESENTATION: HOWARD RODDY – BLUE  
RIBBON TAX EQUITY COMMITTEE (Continued)**

Councilman Pierce made reference to the two new inner-city schools, stating that he is leery about the timing for this. He stated 2005 is an election year for the Council and all would be leery about making such a move at this time. He stated that it is his thought the City tax payers are being burdened with a bill that the whole county should be sharing. He stated the City does not resent what we do for education, yet thinks the money could be used in other means, still toward education but not necessarily toward the School Board. He stated that the City supports education in many other ways with the school patrol, the officers in all the inner city schools and the scholarship funds we give that the county does not participate in; that he sees a lot more than \$8.5 million being contributed. He stated that he is prepared to vote tonight if it is brought forward.

Mr. Roddy stated that that was the Committee's thinking; that the City's support of schools has been tremendous and the Committee would like to see this enacted as soon as possible, however it has failed three times and does not feel there was an adequate campaign to help its passage. He stated with the next election only four months away (November) the Committee is afraid if it failed again or is enacted immediately that would result in a property tax countywide affecting citizens of Chattanooga. He stated if we could rally support among business, government and schools and campaign to give adequate time to get the unincorporated areas, as well as the municipalities that have not passed it, there would be a better chance of its passage. He stated they also found through Dr. Brodsky that previous efforts were poorly funded. He stated that he is happy to see County Commissioner JoAnne Favors present tonight and wants the Council to recognize that they (County) have built a lot of schools and have been using the City's funds wisely. He referenced the school resource officers the City has continued to fund in addition to the \$8.5 million.

Chairman Littlefield stated on that point he wanted to emphasize that we have been long suffering in continuing to fund the School Resource Officers' program, which is an excellent example. He emphasized for the recording media that this is the last year the City intends to continue funding the School Resource Officers and it is hoped the county will acknowledge that and pick up the burden next year in spite of what might be able to be done with funding.

Councilman Page again thanked Mr. Roddy and the Committee for their work over the last few months. He stated that he understands Councilman Pierce's comments and does not want to "pull the rug" from anyone. He expressed thanks to Councilmen Robinson and Taylor who assisted in naming the Committee, along with the Mayor.

**SPECIAL PRESENTATION: HOWARD RODDY – BLUE  
RIBBON TAX EQUITY COMMITTEE (Continued)**

Councilwoman Robinson stated that this is the theme we echo again and again as we go about the business of governing. She stated Chattanooga and all the municipalities make up this county and comprise Hamilton County. She stated we are all Hamilton Countians no matter what city or municipality we live in; that when we talk about Hamilton County schools, it seems only fair we all “step up to bat” to help educate our children. She stated we need to be about the business of educating our youth as they are our future.

Chairman Littlefield expressed genuine appreciation for the Committee’s work and efforts that have expanded in producing this report; that it is brief and filled with facts. He stated Council members did not find anything to disagree with and accept it with appreciation.

Mr. Roddy stated something needs to take place countywide for the City no longer needs to have that burden.

Chairman Littlefield thanked Commissioner Favors for her presence and offered an opportunity for her to address the Council anywhere in the midst of the Council meeting.

**CLOSE AND ABANDON**

**MR-2002-041: Regina Sawyer**

On motion of Councilman Lively, seconded by Councilman Hakeem,

**AN ORDINANCE AMENDING ORDINANCE NO. 11283, ADOPTED JULY 15, 2002, CLOSING AND ABANDONING A FIFTY FOOT (50') WIDE RIGHT-OF-WAY LOCATED IN THE 1800 BLOCK OF MOREHOUSE STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, BY PERMITTING THE ELECTRIC POWER BOARD, COMCAST CABLE COMMUNICATIONS, INC. AND THE CITY OF CHATTANOOGA TO RETAIN THEIR RESPECTIVE EASEMENTS**

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

## REZONING

### **2002-054: BEL Food Group, LLC**

Pursuant to notice of public hearing the request of BEL Food Group, LLC to rezone a tract of land located at 5607 Highway 153 came on to be heard.

The applicant was present; considerable opposition was in attendance.

Jerry Pace, Director of Operations for the Regional Planning Agency (RPA), stated that he received a request from the applicant to address the Council to ask for a deferral of this case.

Chairman Littlefield stated that the Council would like to have the case discussed; that several people in opposition are present and the Council would hear from them and the applicant in proper order.

Mr. Pace stated this case is located in Hixson along Highway 153 at Sutton Drive for a request from R-1 to C-2 commercial for a small restaurant, Zaxby's Chicken. He stated along Highway 153 is a mixture of C-2, R-4 and R-1 uses with R-3, as well. A PowerPoint photo was shown of the latest proposed site plan and additional landscaping with a 30-foot landscaped area between Sutton Drive and the paved parking area for the restaurant. He stated the matter has been to Planning with a great deal of debate; that the recent adoption of the North River/Hixson Plan calls for this area to be in a corridor mixed-use intended to lower the intensity of office and professional buildings with no mention of any retail allowed. He stated commercial does not meet the intent of the Plan and the request comes with a recommendation from Staff and Planning for denial.

Atty. John Anderson was present representing the applicant and clarified that the Planning Commission recommended approval of the request. Mr. Pace acknowledged Atty. Anderson's correction.

Atty. John Anderson, of Grant, Konvalinka and Harrison, firstly addressed the request made of the City Council on July 22 by letter requesting that this matter be deferred. He stated Mr. Pace indicated that the matter was before Planning on July 8 and the Staff made the recommendation for denial. He stated in light of the fact Councilman Benson was on the panel that day, he suggested -- even though there was opposition and Planning recommended approval -- that the appropriate forum would be to take it to the Leadership Committee composed of twenty-two individuals. He stated it was suggested that the Staff and Leadership Committee would be the appropriate thing to do to amend, stay within the "spirit" of the Plan or say it was not to be part of the Plan.

## **REZONING (Continued)**

Atty. Anderson stated in talking with his clients, he made the request of this body on July 22 to defer until September 17 for an opportunity to do what Councilman Benson suggested. He stated indication was given that the matter had been advertised at the time and the applicant would need to come to the Council meeting to request deferral; that he is making that request because that is something Councilman Benson requested, and as everyone knows, he (Benson) has been involved in the Hamilton Place Plan and did a great job. He stated that he (Benson) made a very eloquent plea for the matter to go back before the Leadership Committee. In order to make the process work like Councilman Benson indicated, he respectfully requested an opportunity to do that.

Councilman Page indicated that Everett Fairchild was in the audience and inquired as to whether it would be appropriate for him to address the Leadership Council's position at this time?

Chairman Littlefield stated that the Council needs to dispense with the issue of whether the matter would be going forward.

Councilman Page stated Mr. Fairchild represents the Leadership Council and would like for him to approach the Council.

Everett Fairchild stated that he chaired the Leadership Committee and since they had their last meeting they have had two occasions to have members of the Planning Committee together. He stated that he was made aware this matter would be forthcoming and the consensus he has gotten from members of the Committee he spoke with is that they prefer not to start changing the Plan within less than two months after its adoption. He stated the consensus of the Committee he spoke with also indicated that the Plan left room for this body to make the decisions on zoning that might be exceptions to the Plan and the Committee does not feel they are in a position to exert that authority; that the preference was that this not be a Leadership Committee item for discussion.

Councilwoman Robin asked those in attendance in opposition to this request to stand. A considerable number of the audience stood at this time.

Atty. Anderson expressed respect for Mr. Fairchild contacting several members of the Committee and indicated that the six or seven he contacted would be interested in having an opportunity to look at this. He stated the concern he has is if the Committee is unwilling to consider taking this back and the recommendation made by Councilman Benson, this leaves the applicant in a Catch 22 situation as to who to go to about working on this Plan.

## REZONING (Continued)

Atty. Anderson stated he does not want to argue the case at this point, that this rezoning request meets the spirit of the Plan, as well as the corridor mixed-use. He reiterated that the response from members he spoke with was different.

**Councilman Page made the motion to hear the request this evening pending the Leadership Committee not wanting to hear it again; Councilman Lively seconded the motion; the motion carried.**

At this point Chairman Littlefield declared the hearing on the request would continue.

Atty. Anderson read the letter that was sent to the Leadership Committee to accomplish what Councilman Benson suggested. He stated that Zaxby's intent was to have five restaurants in this area by 2006, thereby creating 200 new jobs and \$120,000 annually in new sales and property tax to the City without taking into account Hamilton County's tax. He stated this plan meets the goals and "spirit" of the North River/Hixson Plan; that there would be a heavily landscaped buffer to visually obscure Zaxby's and sounds from the neighborhood. He stated there would be a 30-foot buffer along Sutton Drive, no access from Sutton Drive into Zaxby's and minimum construction on the site, which would include an irrigation system. He stated that Robert Johnson, the current property owner, agrees to rezone the balance of the property to R-4 and the lighting plan for light spillage on Sutton Drive in the rear will be enacted. He stated Zaxby's has agreed to install a new hood ventilation system similar to what is used at the Georgia Dome which does not vent outside but remains inside itself; that the hood is sufficient to remove all particulate aroma from that area being exhausted.

Atty. Anderson asked that the Council consider this rezoning for Zaxby's with these conditions in place. He stated some have suggested Zaxby's find a new location and they have been diligent in doing that. He stated that there are no sites in Northgate Mall with out parcels, the former Wal-Mart has no out parcels and the existing Wal-Mart has exclusive restrictions against other chains operating. He stated the Hixson Pike area that is zoned commercial does not have property meeting the standards set forth by Zaxby's, which requires 1.2 acres to allow for landscaping. He stated the Plan has prohibited availability of any other property along two main commercial corridors in the Hixson area. He respectfully requested that this property be rezoned C-2 with these conditions to be used only as a restaurant.



## REZONING (Continued)

Sharon Goforth of 906 Sutton Drive spoke in opposition and stated her house is two houses up or behind this piece of property where they want to put in this restaurant. She stated she has lived at this address since 1987, and since that time they have been "fighting" about every year to keep out commercial zoning of this property because the bottom line is this is their neighborhood! She stated the residents do not feel it is appropriate and luckily they now have the Hixson/North River Plan which addresses this type of land use as not being appropriate for this property. She expressed kudos to the rest of the residents of the area who feel the same way she does and thanked Councilmen Robinson, Page and Lively for attending the meetings when the Plan was discussed. She stated they did not get paid for the nights they spent away from their families; that Mr. Anderson gets paid a fee every time he talks for Zaxby's, which is right.

Ms. Goforth continued by asking that the Council remember that she and others in attendance are the residents of the area and they cannot compete with what Mr. Anderson talked about. She stated this would bring jobs to Hixson, yet emphasized that this is a neighborhood. She stated as far as Mr. Anderson's request for deferral, they have been "fighting" this since 1987! She stated the agreement in 2001 was that no new options would be brought until the Plan was complete. She stated in February of this year they noticed new rezoning signs wherein a new petition had been brought against the agreement they had in 2001. She stated now they have a Plan and the Plan says commercial is not appropriate for this property and they agree wholeheartedly with that. She asked that the Council deny this petition.

Atty. Anderson stated neither he nor his client were part of any discussion in a 2001 contract; that subsequent to that they did not have any knowledge of that agreement and cannot speak to it. He stated that he hoped each and everyone would take into account that BEL Food Group is the applicant here tonight and not him. In reference to Ms. Goforth's comment, he stated "yes" he is getting paid and that he is here because of the complexity of zoning laws and regulations in the City and BEL Food Group asked for his help as a professional. He stated John Anderson is not the applicant; that he is the lawyer for the applicant and does not want his client to be punished for any animosity he might "bring to the table". He asked that the matter be deferred and stated that it is his thought it would be the very appropriate thing to do to take a look and see; that the Leadership Committee should have an opportunity to do that. He expressed appreciation for Mr. Fairchild's comments as Chair and indicated that he would like to hear from the whole Committee. He respectfully requested the property be rezoned C-2.

## REZONING (Continued)

Chairman Littlefield stated that he speaks for the Council that no one considers this matter personal; that most Council members have been doing this for some time and have had to tell neighborhoods and others things they did not want to hear. He stated if it were personal all would be in trouble; that the Council bears no animosity to lawyers.

**Councilman Lively** assured Atty. Anderson there was no animosity toward him; that as far as Zaxby's is concerned, this property has been on the agenda every year and turned down every year! He stated that Shannon Brown is a fine man and knows he would do everything he says he would do. He stated that he, Councilmen Page and Robinson and the people who put together this Plan agreed this should not be commercial and he cannot "see" going against the Plan. He stated that he knows plans change and "down the road" ten years from now things could be different. At this point he **made the motion to deny the request, Councilman Page seconded the motion.**

Atty. Anderson stated in developing land in this area, within the next couple months a matter will be before the Council for rezoning for a shopping center. He stated that it is his hope the Council will take the same attitude toward the Plan as they did tonight for that forthcoming request.

On motion of Councilman Lively, seconded by Councilman Page,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5607 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**

was denied.

## CLOSE AND ABANDON

**MR-2002-058: Temple Baptist Church**

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Pierce,

**AN ORDINANCE CLOSING AND ABANDONING PART OF TWO (2) UNNAMED ALLEYS AND PART OF MARGARET STREET, 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

### **2002-108: Marvin Berke and Ronald Berke**

Councilman Hakeem stated on yesterday a meeting was held between the applicant and the neighborhood and as a result, the desire is to defer this matter two weeks to afford parties to get together and come up with a resolution for a win-win situation for both.

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2151 GLASS STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-3  
RESIDENTIAL ZONE**  
was deferred two weeks (August 27, 2002)

## REZONING

### **2002-111: RiverCity Properties, LLC**

Pursuant to notice of public hearing, the request of RiverCity Properties, LLC to rezone a tract of land located at 126 Dalton Street and 117 Barton Avenue came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated the request is for RT-1 and is located in North Chattanooga. He stated the area is zoned R-2 with single family housing located on smaller lots in the area, commercial to the south and C-7 along the River front. He stated the request reflects a site plan showing three town homes to be built. He stated Planning and Staff recommend approval subject to conditions as listed in the ordinance.

Councilwoman Robinson stated this is a good project that is next door to a similar development on various unused lots. She stated a lot of care has gone into this project and it is compatible with adjacent property.

## REZONING (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Page,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 126 DALTON STREET AND 117 BARTON AVENUE,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL  
ZONE AND RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

## AMEND CONDITIONS

### **2002-113: Mike Price**

Pursuant to notice of public hearing the request of Mike Price to amend conditions imposed in Ordinance No. 11246 on property located at 7380 Applegate Lane came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated that the Council Clerk read the caption for this ordinance that references 7380 Applegate Lane and indicated that the condition is for the entire subdivision. He stated this is something the subdivision has been working toward so that all conditions contained within the ordinance apply to the entire properties in that subdivision and Mr. Price's property is included in that whole area. He stated that RPA and the applicant have been working with Councilman Benson and the entire neighborhood; that they have met with the building codes inspector and all have agreed upon the conditions. He asked that the matter be passed on first reading and he (Pace) would get with the City Attorney's office to make sure the right caption and description of the conditions are placed within the ordinance prior to next week's second and third reading.

City Attorney Nelson suggested that the caption be changed to reflect "*... at or near 7380 Applegate Lane ...*" if there is to be a change in the legal description as it does include the entire subdivision.

Mr. Pace stated that the legal description is correct; that only the caption should be changed.

At this point, City Attorney Nelson made the caption change in open meeting.

### AMEND CONDITIONS (Continued)

On motion of Councilman Lively, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN  
CONDITIONS IMPOSED IN ORDINANCE NO. 11246 ON PROPERTY  
LOCATED AT OR NEAR 7380 APLEGATE LANE, BEING MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

### CLOSE AND ABANDON

**MR-2002-119: East Brainerd Youth Athletic Association, Inc.**

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF TWO (2)  
UNOPENED FORTY FOOT (40') WIDE RIGHTS-OF-WAY LOCATED EAST  
OF JENKINS ROAD AND NORTH OF LONG DRIVE, 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

**2002-125: Barbara K. Newton**

Pursuant to notice of public hearing, the request of Barbara K. Newton to rezone a tract of land located at 1119 Roselawn Drive came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this property is located in the East Brainerd area. He stated the existing use fronting East Brainerd Road is a veterinary clinic and a Dragon's Museum; that the property off Roselawn is adjacent to property zoned C-6 where the applicant built a building that she would like to bring into compliance. He stated the recommendation from Planning and Staff is for approval.

## REZONING (Continued)

On motion of Councilman Hakeem, 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 1119 ROSELAWN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-6 COMMERCIAL ZONE**

passed first reading.

## REZONING

### **2002-130: Dr. Jonathan Karl Christianson**

Pursuant to notice of public hearing, the request of Dr. Jonathan Karl Christianson to rezone a tract of land located at 310 South Germantown Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this property is located along South Germantown Road near I-24. He stated the area is generally R-1 single family to the east and north and an R-4 area on the south zoned a few years ago for office use. He stated directly across the street is an O-1 area that is in East Ridge where Navaho Drive comes into South Germantown. He stated this area did go through downzoning a few years back where R-2 properties were downzoned at the request of the residents to R-1 to protect the community. He stated at the time of the downzoning, the R-4 zone was in place up to Navajo and the request was to have the same alignment as the City for East Ridge with the office zone across the street to reflect the same use on each side of Germantown. He stated Navajo Drive was put in place for special documentation and conditioned that R-4 would not go beyond Navajo; that it was almost an agreement it would be limited to office use in the R-4 zone in that area. He stated the request comes with a recommendation for denial from Planning and Staff.

John Anderson of Grant, Konvalinka and Harrison was present representing Dr. Christianson. He stated that he talked with Messrs. Pace and Leach at Planning, looked at the zoning law and the plan affecting the area and indicated that he owns property in this area and is fully aware of the downzoning a few years ago from R-2 to R-1 and the purpose for the downzone. He stated the downzoning was not related to any R-4 zoning and there is nothing in the minutes of this body and Planning he could find indicating R-4 would stop at Navajo.

## REZONING (Continued)

He stated the minutes of this body a couple years ago talked about wanting to maintain the integrity of the neighborhood for neighborhood uses, including all office use along Germantown and encouraging development within this area as a neighborhood center. He stated based on that, the request is that the matter be deferred for thirty days to further discuss with RPA Staff since we could not find the basis for R-4 stopping at Navajo based on the plan. He stated there are two properties between Navajo owned by Dr. Christianson and for sale and respectfully request ed deferral of this matter until September 17.

Chairman Littlefield stated that he is not in a position to make a motion one way or the other; that he did have a very honest exchange of view on this and lives in the area; that his phone started ringing when the proposal was first requested by the applicant. He stated that he is certain the applicant feels what he is doing is something he (applicant) feels is right and appropriate for the neighborhood; however, this is basically a well organized neighborhood with neighborhood associations on both sides of the area. He stated a representative from the Hill Top neighborhood was most adamant this should not start of this side of the road. He stated the City of East Ridge stated the process of rezoning property along Germantown on the other side of Germantown in the City of East Ridge, which made it necessary for the City to respond by giving equal treatment on the other side of Navajo to even it off. He stated he does not think any one wants to see this on either side. He stated that he was very involved in the downzoning effort back before he was in politics while he was a Planner in Planning at that time. He stated at that time the City requested every single property owner to sign to have their property zoned from R-2 to R-1 and every single owner signed. He stated there are a lot of investments in this and for that reason it is his thought the Planning Commission action and Staff was appropriate. He stated he does not see any opposition present tonight however there was opposition at Planning.

Atty. Anderson stated there was only one person in opposition at the Planning meeting who lives on Lerch Street; that no one else was at that meeting.

Chairman Littlefield stated that is reflective of the fact that they had the understanding and assurance that their concern would be honored by the people who are responsible.

Councilman Pierce inquired as to the wording Atty. Anderson made reference to.

## REZONING (Continued)

Mr. Pace stated he does not think the wording is in place; that it is his thought the recommendation for denial would “stand” no matter what because it is reflective that there be no zoning of R-4 at Navajo Drive. At this point he stepped down from his position with RPA and spoke in terms of his involvement with the neighborhood and as a member of the Hill Top Neighborhood Association. As a resident, he stated the Association is adamantly opposed to rezoning this property.

Atty. Anderson stated Dr. Christianson spent a considerable amount of money for the property, indicating that he was not representing him at that time; that if he had been, he might have told him not to do it until this body had acted on it. He stated there are no indications in the plan or whatever that says Navajo is the stopping point; that had that been in fact in writing, Dr. Christianson might not have put any money in this. He stated that the point that is important to make is that this is Mr. Pace’s passion; that he is a property owner in that area, too, and has lived in the area for a considerable time. He stated that it is his thought it is important to maintain the integrity of the neighborhood, but in all fairness Dr. Christianson did not understand Navajo to be the stopping point; that if Planning had said it he would not have made the investment. He stated it is fair to defer the matter thirty days.

Chairman Littlefield expressed appreciation for Atty. Anderson’s passionate presentation on behalf of Dr. Christianson.

Councilman Taylor inquired as to Atty. Anderson’s request for a thirty day deferral.

Atty. Anderson stated that he would like the opportunity to talk with professional (RPA) staff. He stated that he would like to think in matters of zoning there is always a solution to address concerns of the neighborhood as well as that of the property owner. He stated that he would like that opportunity; that it may well turn out to be exactly the same in thirty days; there is no opposition tonight as no one showed up.

Chairman Littlefield again expressed appreciation to Atty. Anderson for his presentation and willingness to “hang tough” in situations like this. He stated that he had a long conversation about this and there is a long history of similar cases this side of the road being turned down.



## REZONING (Continued)

Mr. Pace again commented as a resident of the area and not in his capacity with the RPA. He stated that he wanted to address the comment Atty. Anderson made with regard to there being no plan in place. He stated we do not have a plan for every parcel of land in Chattanooga; that sometimes they have to use common sense in making judgments.

Chairman Littlefield stated there has been plenty of discussion on this matter and stated the motion to deny was "on the floor". He reiterated that the Council's decision is not a personal one in reference to Atty. Anderson.

After the vote was taken and upon exiting the Council Assembly Room, Atty. Anderson expressed that he was sorry he wasted the Council's time.

On motion of Councilman Pierce, seconded by Councilman Page,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 310 SOUTH GERMANTOWN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

was denied.

## AMEND CHARTER

City Attorney Nelson stated the initial \$50 limitation on fines was put on the City Charter and the State Constitution around the turn of the last century and has not been changed since. He stated there is a valid question put on by the Tennessee General Assembly to change the State Constitution this year so as to remove the \$50 fine limitation from the Constitution and authorize the State Legislature to accept the fines for municipal Charter changes or breach of their ordinances.

On motion of Councilman Lively, seconded by Councilman Page,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROVISIONS OF THE CHARTER LIMITING THE MONETARY AMOUNT OF FINES, INASMUCH AS THE LIMITATION IS PROVIDED FOR BY THE CONSTITUTION OF TENNESSEE**

passed first reading.

## AMEND CHARTER

City Attorney Nelson stated there is a provision of the Charter which prohibits the City from constructing, operating or maintaining off-street parking facilities, except in conjunction with city buildings and city facilities, in which cases the City is still authorized to build off street parking. He stated when we use bonds to finance parking facilities, the Charter provision limits us to revenue bonds which are much more expensive than general obligation bonds and costs the tax payer more in the long run. He stated the provision permits the City to operate off street parking and finance them through general obligation bonds.

Chairman Littlefield stated in 1981 he remembers asking for a federal grant to help underwrite the parking garage located across from the county and they had to "jump through all types of hoops". He stated this could save taxpayers money in the future.

On motion of Councilman Lively, seconded by Councilman Pierce,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROVISION OF THE CHARTER REGARDING THE CITY BUILDING, OWNING AND OPERATING OFF-STREET PARKING FACILITIES**

passed first reading.

## AMEND CHARTER

City Attorney Nelson stated this is the provision we want to put before the voters to equalize the City and county's procedure in collecting delinquent taxes; that in the last County Trustee race, one of the issues was that they wanted to see if consideration could be given with regard to tax collection procedures.

On motion of Councilman Pierce, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE, RELATIVE TO COLLECTION OF DELINQUENT TAXES**

passed first reading.

## AMEND CHARTER

City Attorney Nelson stated that the Charter requires that City Court have sessions daily except Sunday; that it has been there because City Court used to handle criminal cases and we had to take criminal defendants before the Magistrate within 24 hours; that a judge had to be available within 24 hours. He stated several things have happened since that time; that the City Court no longer handles criminal cases and the Hamilton County Commission has power of magistrate to act and set bonds subsequently carried out by the City Court Judge. He stated this will be placed on the ballot amending the present provision we have to have City Court sessions seven days a week to provide sessions every day except holidays and weekends.

On motion of Councilman Pierce, seconded by Councilman Hakeem,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND THE PROVISIONS OF THE CHARTER REQUIRING DAILY SESSIONS OF CITY COURT**

passed first reading.

## AMEND CHARTER

City Attorney Nelson stated before there were zoning provisions in the Tennessee Code Annotated, the City had a provision put into its Charter that authorized the City to appoint a City Planning Commission. He stated the Tennessee General Assembly has not empowered the Hamilton County Planning Agency to act as the City's Planning Commission and we do not need the provisions. He stated the first one was one that was for a mandatory referral to the Planning Commission for all matters considering public rights-of-way and others and it is hard to make a referral is they no longer exist. He stated secondly, it requires repealing provisions to make recommendations on zoning boundaries, districts and resolutions, as we have the same infirmity there and also for the third. He stated since the organization no longer exists it makes it hard for us to comply with mandatory provisions of the Charter.

### AMEND CHARTER (Continued)

On motion of Councilman Lively, seconded by Councilman Pierce,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROVISION OF THE CHARTER (1) REQUIRING PRIOR APPROVAL OF PUBLIC BUILDINGS, IMPROVEMENTS AND FACILITIES BY THE CITY PLANNING COMMISSION (WHICH NO LONGER EXISTS); (2) REQUIRING SAID CITY PLANNING COMMISSION TO MAKE RECOMMENDATIONS ON ZONING BOUNDARIES, DISTRICTS AND REGULATIONS; AND (3) PROVIDING FOR CHANGES IN SUCH BOUNDARIES, CHANGES AND REGULATIONS**

passed first reading.

### AMEND CHARTER

City Attorney Nelson explained that the current provision shows twenty-five cents for one thing, fifty cents for another and several other varying amounts during a time when those amounts really meant something. He stated rather than have to come back to voters time-after-time, we ask that the City Council be permitted to set fees and court costs and that would, of course, be limited to the law which would not let us charge any more than local Sessions Courts do. He stated there is a practical matter of general State law.

On motion of Councilman Hakeem, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AMEND THE PROVISION OF THE CHARTER RELATING TO COURT COSTS SO AS TO PERMIT THE AMOUNTS TO BE SET BY ORDINANCE**

passed first reading.

**AMEND RESOLUTIONS 21041 AND 22001**

Mr. Pace explained that this resolution expands to incorporate the downtown plan now underway. He stated the word “*District*” should be inserted in the caption and body of the Resolution, as opposed to the word “zone”; that the area is referred to as the Central Business District.

City Attorney Nelson made the correction in the caption in open meeting.

On motion of Councilman Pierce, seconded by Councilwoman Robinson,  
**A RESOLUTION TO AMEND RESOLUTION NO. 21041, AS ADOPTED ON JULY 16, 1996, AND RESOLUTION NO. 22001, AS ADOPTED ON DECEMBER 8, 1998, TO EXPAND THE BOUNDARY OF THE CENTRAL BUSINESS DISTRICT AREA, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

was adopted.

**CONTRACT: BARGE, WAGGONER, SUMNER AND CANNON, INC.**

On motion of Councilman Pierce, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF COMMUNITY SERVICES TO EXTEND THE CONTRACT WITH BARGE, WAGGONER, SUMNER AND CANNON, INC., RELATIVE TO TECHNICAL SERVICES, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)**

was adopted.

**CONTRACT: YERBEY CONCRETE**

On motion of Councilman Pierce, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT GRW-1-02, NORTH AND SOUTH CHICKAMAUGA GREENWAY PROJECT, TO YERBEY CONCRETE FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED SEVENTY-EIGHT THOUSAND TWO HUNDRED EIGHTEEN DOLLARS (\$178,218.00)**

was adopted.

**AGREEMENT: TDOT**

On motion of Councilman Pierce, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO THE 3<sup>RD</sup> STREET AND 4<sup>TH</sup> STREET EXTENSION, CONTRACT NO. 20021138, PROJECT NO. STP-M-9202(74) AND AUTHORIZING AN INITIAL PAYMENT OF TWENTY-SIX THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$26,560.00) TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION AS THE CITY'S PORTION FOR PRELIMINARY ENGINEERING COSTS was adopted.**

**CHANGE ORDER**

On motion of Councilman Hakeem, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE 4<sup>TH</sup> STREET BOULEVARD BUILDING DEMOLITION, CONTRACT NO. RW-101, WITH D. H. GRIFFIN WRECKING COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SIX THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$6,375.00), FOR A REVISED CONTRACT PRICE NOT TO EXCEED ONE HUNDRED TEN THOUSAND FOUR HUNDRED NINETY DOLLARS (\$110,490.00)**

was adopted.

**CHANGE ORDER**

On motion of Councilman Lively, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO MOCCASIN BEND WASTEWATER TREATMENT PLANT, SOLIDS HANDLING SYSTEM IMPROVEMENTS, FILTER PRESS SYSTEM PROCUREMENT, CONTRACT NO. 28K (EP-4) WITH U. S. FILTER/JWI, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-FIVE THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$45,375.00), FOR A REVISED CONTRACT PRICE NOT TO EXCEED SEVEN MILLION EIGHT HUNDRED FIFTEEN THOUSAND SIX HUNDRED FIFTY-SIX DOLLARS (\$7,815,656.00)**

was adopted.

**AMEND CONTRACT: TDOT**

On motion of Councilman Page, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 TO CONTRACT NO. OI-181 FOR LP PROJECT 50, FEDERAL PROJECT NO. STP-M-9202(55), WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO THE DEVELOPMENT AND CONSTRUCTION OF BIKE LANES AND ROUTES BASED ON THE PRIORITY ONE PROJECTS LISTED IN THE CHATTANOOGA AREA BICYCLE MASTER PLAN, IN THE AMOUNT OF FOUR HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$418,715.00), WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION REIMBURSING THE CITY FOR EIGHTY PERCENT (80%) OF THE PROJECT COST**

was adopted.

**TEMPORARY USE: DELTA ENVIRONMENTAL CONSULTANTS, INC.**

On motion of Councilman Pierce, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING DELTA ENVIRONMENTAL CONSULTANTS, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 4026 SHALLOWFORD ROAD FOR INSTALLATION OF A MONITORING WELL AT THE FORMER SCOTCHMAN #203, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC.**

On motion of Councilman Lively, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 1608 WILLIAMS STREET, BETWEEN 16<sup>TH</sup> STREET AND 17<sup>TH</sup> STREET, FOR A ROOF OVERHANG, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: CHATTANOOGA  
NEIGHBORHOOD ENTERPRISE, INC.**

On motion of councilman Page, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING CHATTANOOGA NEIGHBORHOOD  
ENTERPRISE, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT  
1609 LONG STREET, BETWEEN 16<sup>TH</sup> STREET AND 17<sup>TH</sup> STREET, FOR A  
ROOF OVERHANG, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**MASTER FIELD ENGINEERING AGREEMENT**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING, RATIFYING AND CONFIRMING THE  
CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT ENTERING INTO A  
MASTER FIELD ENGINEERING AGREEMENT BETWEEN THE CITY OF  
CHATTANOOGA AND NEW AGE TECHNOLOGIES, INC. RELATIVE TO  
PROFESSIONAL COMPUTER NETWORK ENGINEERING SERVICES FOR A  
TOTAL FEE NOT TO EXCEED FOURTEEN THOUSAND DOLLARS  
(\$14,000.00)**  
was adopted.

**BLUFF VIEW ARTS DISTRICT**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION DESIGNATING THE BLUFF VIEW ARTS DISTRICT AND  
AUTHORIZING THE IDENTIFICATION OF SUCH DISTRICT**  
was adopted.

**OVERTIME**

Overtime for the week ending August 9, 2002 totaled \$105,094.75.

**PERSONNEL**

The following personnel matters were reported for the various departments:



## PERSONNEL (Continued)

### PUBLIC WORKS DEPARTMENT:

- ✍ **KENNETH H. JOHNSON** – Hire, Concrete Worker, Citywide Services, Pay Grade 6/Step 1, \$19,843.00 annually, effective August 7, 2002.
- ✍ **CHARLES E. HAYWOOD** – Retirement, Crew Worker, Citywide Services, effective August 2, 2002.

### CHATTANOOGA POLICE DEPARTMENT:

- ✍ **LEE WIGMORE, STEVEN M. VAN BUSKIRK** – Resignation, Police Cadet, effective August 8, 2002.
- ✍ **WILLIE TRUEITT** – Resignation, Police Officer, effective August 16, 2002.
- ✍ **DEVONA S. BROWN** – Rehire, Police Service Technician, Pay Grade 5A/Step 1, \$18,674.00 annually, effective August 9, 2002.
- ✍ **MELVIN DOUGLAS WOODS** – Transfer, Police Service Technician, Pay Grade 5A/Step 1, \$18,674.00 annually, effective August 9, 2002.

### DEPARTMENT OF FINANCE, INFORMATION SERVICES DIVISION:

- ✍ **ALEXANDER BENTLEY** – Hire, Network Technician, Pay Grade 9/Step 1, \$23,313.00 annually, effective August 9, 2002.

### HUMAN SERVICES DEPARTMENT, HEAD START DIVISION:

- ✍ **CINDY BARNWELL** – Hire, Teacher Assistant, \$13,572.00 annually, effective August 5, 2002.
- ✍ **WILLIAM DELANEY** – Hire, Family Services Assistant, \$12,353.25 annually, effective August 5, 2002.
- ✍ **PAMELA GARRISON** – Hire, Teacher, \$18,548.40 annually, effective August 5, 2002.

### PERSONNEL (Continued)

- ✍ **SONYA HUCKEBA** – Hire, Family Services Assistant, \$11,411.40 annually, effective August 5, 2002.
- ✍ **FAITH LACY** – Hire, Teacher, \$17,199.00 annually, effective August 5, 2002.
- ✍ **SHIRLEY MOON** – Hire, Teacher Assistant, \$13,041.60 annually, effective August 5, 2002.
- ✍ **TRACEY MOORE** – Family Services Supervisor, \$16,543.80 annually, effective August 5, 2002.
- ✍ **GLORIA NYARKO** – Teacher Assistant, \$12,792.00 annually, effective August 5, 2002.
- ✍ **ROSE ROBINSON** – Teacher, \$18,372.90 annually, effective August 5, 2002.
- ✍ **AMANDA TUCKER** – Teacher, \$17,890.60 annually, effective August 5, 2002.
- ✍ **ANGELA WASHINGTON** – Teacher Assistant, \$11,193.00 annually, effective August 5, 2002.

### BOARD APPOINTMENT

On motion of Councilman Hakeem, seconded by Councilwoman Robinson, the following Board re-appointment was approved:

#### BOARD OF SIGN APPEALS

- ✍ Re-appointment of **BRAD ALLEN** (District 4) for a term to expire July 31, 2005.

### BEER BOARD CLARIFICATION

City Attorney Nelson stated in answer to Councilman Pierce's question last week, the Ordinance does specify that any new members to the Board must be appointed from the same district as the retiring member is from. He stated this was brought up in Committee today and deserves discussion as to how we want to continue to handle this matter. He stated it should be referred to a Council committee.

## **BEER BOARD CLARIFICATION**

Chairman Littlefield stated the matter would be referred to the Legal and Legislative Committee.

Councilman Pierce indicated that he would not be present for next week's Council meeting and asked that the discussion be delayed one week.

Chairman Littlefield stated the matter would be taken up whenever Councilman Pierce is available; that there are other matters for discussion before the Legal and Legislative Committee. He stated the Police Department has matters for discussion before the Committee that is scheduled for next week.

## **COMMITTEES**

In the absence of Councilman Benson, Chairman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 20 at 3 p.m.** to address a few safety matters.

Councilman Lively scheduled a meeting of the **Budget and Finance Committee for Tuesday, August 20 immediately following the Public Works Committee meeting** for presentation of the capital budget.

Councilman Pierce inquired as to whether this would be a complete capital budget report or whether the Council would be getting information in "bits and pieces"? Councilman Lively indicated this would be the Public Works Department's capital budget.

Councilman Pierce stated the Council approved a capital budget for the Fire and Police Department and now Public Works is coming forth, again wondering if the Council is to approve the capital budget in "bits and pieces".

Admin. McDonald stated the entire capital budget is to be presented and would not just be requests from the public works department. He stated the Mayor asked public works to assemble all the capital budget requests this year and Jeff Pfitzer was appointed to "man" that responsibility. He stated Mr. Pfitzer will make the primary presentation and it will be for the entire city.

**SISTER BEY**

Sister Bey addressed the Council regarding the Charter changes, stating that the Council "messed it up"! She stated as an honorary member of the Tennessee General Assembly and the Security Council she will not let the City Council get away with it! She indicated that she has written the President regarding seizure of property and indicated that she wants back at least one of the two cars that were removed from her yard. She stated the City is going up on taxes and she cannot afford it, as she is on a fixed income. She suggested that the Council "get their act together" and stop playing "mind games" with people.

**ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, August 20, 2002 at 6 p.m.

---

**CHAIRMAN**

---

**CLERK OF COUNCIL**

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