

**City Council Building  
Chattanooga, Tennessee  
September 3, 2002  
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Lively, Page, Pierce, Robinson and Taylor present; Councilman Franklin was absent due to recuperating from a recent surgical procedure. 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 Hakeem gave invocation.

**MINUTE APPROVAL**

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

**AMEND ORDINANCE NOS. 11216 AND 11282**

**MR-2001-153: Americo Group By Thomas Kale**

Councilman Pierce made the initial motion to approve this request.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that he had discussion with a property owner in this area who did not realize this matter was before the Council tonight. He stated there are questions regarding access, as a resident is presently using the right-of-way to his property facing St. Elmo Avenue. He asked if the matter could be deferred one week?

Chairman Littlefield stated that all this relates to is Bellsouth's request to retain their easement.

**AMEND ORDINANCE NOS. 11216 AND 11282**  
**(Continued)**

Councilman Taylor made the motion to defer the matter in an effort to redefine the boundaries; Councilwoman Robinson seconded the motion.

At this point, Councilman Pierce withdrew his motion for approval.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,  
**AN ORDINANCE AMENDING ORDINANCE NO. 11216, ADOPTED  
DECEMBER 4, 2001, AND ORDINANCE NO. 11282, ADOPTED JULY 9,  
2002 CLOSING AND ABANDONING ALL RECORDED RIGHTS-OF-WAY  
IN AN AREA BOUNDED BY WEST 33RD STREET ON THE NORTH, WEST  
35<sup>TH</sup> STREET ON THE SOUTH, BROAD STREET ON THE EAST AND ST. ELMO  
AVENUE ON THE WEST, BY PERMITTING BELLSOUTH TO RETAIN THEIR  
FULL EASEMENT ON WEST 34<sup>TH</sup> STREET**  
was deferred one week.

**REZONING**

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

The applicant was present; considerable opposition was in attendance.

Mr. Pace stated there was considerable discussion regarding this matter last week. He stated that he and one or two Council members met with members of the neighborhood last Friday and placed a conference call to the applicant in Louisiana. He stated questions still remain regarding the property being requested for rezoning from M-1 to R-3 for a development in the East Chattanooga community along Glass Street. He stated the Staff and Planning Commission recommended approval of the request; that it was felt a downzoned use would be compatible with the neighborhood. He stated there are objections from the neighborhood for the development, reiterating that the matter generated a lot of discussion last week.

Marvin Berke, owner of the property, stated that the site is presently zoned M-1 and that he had a number of inquiries about the M-1 uses from persons who had called him. He stated that he turned them all down as he felt the proper use for this property would be this development to enhance the area and the City.

**REZONING (Continued)**

Mr. Berke stated when the opportunity came up with the developers it was thought this was the perfect thing for this area. He stated everyone talked about East Chattanooga being "down" and needing revitalization and it was thought this development should "go in". He stated from last week's discussion, the developer is planning for 110 units with the idea of putting in nice apartments with a swimming pool and clubhouse. He stated pictures of the plan were distributed last week, as well as an artist's rendering of the project. He stated that he sat through three meetings prior to last week and listened to the neighborhood's sometimes-vehement argument; that there are some who want this project and others who did not. He stated on one or two occasions Council members were present and he does not want to talk about any motive as to why anyone would oppose this project. He stated that he cannot fathom why anyone would appose something that would revitalize the area!

Mr. Berke stated last week's meeting and telephone call never got past the "first round"; that the "first round" was that the neighborhood wanted this project downsized from 110 units to 55. At this point he distributed a letter from Mr. Reichard, the developer, addressing the 55-unit request. He stated the question of whether there would be 110 units or 55 units is not something that can be negotiated; that the State set out the requirements for their money. He stated if the rezoning is not granted for this project, Chattanooga will lose the benefit of an investment of over \$7 million in the community and East Chattanooga will lose the benefit of affordable housing for people making \$30,000 per year. He stated that he does not know what else they can do; that they met with residents and the developer cannot comply with their demands. He stated they cannot say they would build only 55 units, as they would lose money.

Mr. Berke stated this area needs to be revitalized and anyone driving through that area would know that. He stated as a young boy he grew up nearby and played in the area and it is a shame what has happened in the last 50-plus years. He stated that he does not want to question anyone's motives and does not think this is the time to do that. He stated all he wants to tell the members of the Council is that this is something that needs to be passed for the City and for East Chattanooga; that it gives housing to people that would be fully air conditioned with many amenities similar to those in more affluent areas of the City. He stated that he personally would not come back for any further rezoning; that this is an important decision and does not think it is a matter that needs to be handled emotionally. He stated it should be handled with great thought, as it is very important!

**REZONING (Continued)**

Thera Beamon stated that she works with the East Chattanooga Community Development Corporation (CDC), is a member of Mt. Canaan Missionary Baptist Church located at 2800 North Chamberlain and works in the East Chattanooga area. She stated that she works in the East Chattanooga area but lives in Hixson in District 3, Councilman Page's voting district. She stated that she would like to bring to the Council's attention several issues at hand that could be a learning experience for all parties involved, not only the East Chattanooga CDC but all neighborhood associations throughout the City for developers coming into our City. She stated it appears when the application was filed with the State there was no input whatsoever from the East Chattanooga CDC and they were not made aware a developer was interested in putting housing there. She stated if they had been at the "table" on the front end they probably would not be present tonight.

Ms. Beamon stated that she keeps hearing there are 110 units, indicating that that is only Phase I of the project. She stated there is a Phase II to this project for housing up to 173 units. She stated East Chattanooga has its fair share of tax credit housing at this time. She asked the Council if this is something they would want in their community and why East Chattanooga is being targeted? She stated out of all the land in Chattanooga that is vacant, why this neighborhood for tax credit shelter. She stated that she heard the developer say in one meeting that there is plenty of vacant land on the south side of town, but it was not good enough for him, so he chose to come to East Chattanooga; that he saw this land and it was perfect! She stated the community is constantly being "ripped off" by people coming in and growing their businesses overnight. She asked who would want to put in this type of development in an area where there are four nightclubs within a one-mile radius and a liquor store?

Ms. Beamon stated that they want single-family homes, something people can be proud of. She stated they do not want someone to come in and make millions for a fifteen-year period and then abandon the project, thereby "sticking" them with it. She asked what would become of this after the tax credits run out? She stated there are many things to look at before there is a rush decision. She admitted that it is a wonderful project and they would love to have it in their community, but not 110 units and definitely not 173 units. She stated they would be more than happy to start out with 55 units and see where that takes them. She stated there are tax credit apartments on North Chamberlain with 60 units and there is not one tax credit apartment project in Chattanooga that has 110 units! She stated this project started out being three stories high and in one of the community meetings there was objection to it being three stories and the developer agreed to make it two stories.

**REZONING (Continued)**

Ms. Beamon continued by stating residents in East Chattanooga are opposed to this. She stated there is not a grocery store in that area for residents of East Chattanooga and no goods or services available whatsoever. She stated in Hixson she can go around the corner to a drug store and shopping mall; that she has everything "at her fingertips". She stated in East Chattanooga residents have to travel five miles to get goods and services, as there are none in the community. She asked why continue to put "people on top of people" when there are no goods and services provided?

Chairman Littlefield inquired as to whether the applicant might want to withdraw the request for the possibility of working this out?

Mr. Berke indicated that that could not be done; that the project would be lost if it is not done within the next three weeks. He stated September 30 is the last day to get it accomplished. He stated that he never heard of the CDC until he filed for this; that he has never filed for a zoning change in his life. He stated it is not a question of having a shopping center; that this is not going to be a shopping center. He stated this is a very beneficial project for the community and it is up to the Council, now. He stated if the Council thinks this is a good project, regardless of any political implications, the Council should vote for it.

Councilman Benson stated that he has known Mr. Berke for a long time and they have been good friends. He stated when this first went through Planning, reducing the zone from M-1 to R-3 seemed like a good idea to bring in housing and revitalize the area. He stated the letter that was distributed leaves a certain wrong impression with him; that he agrees with Ms. Beamon that they should have been involved on the front end for a clear understanding. He stated 110 subsidized housing units in that area and then a second phase the developers plan for another 63 units is a lot of people! He stated this has gotten him into somewhat of a "spot"; that it is similar to a project that was proposed on Standifer Gap with Rainbow Creek wherein there would be so many people "sitting on top of each other" and not helping each other; that it would have pulled the neighborhood and everyone down. He stated there are a lot of problems; that it is his thought the applicant would be better off trying to work with the community and put manufacturing in there. He stated they have told us they would rather have that than the density of subsidized housing; that they already have a tremendous load to improve the quality of the community. He asked Mr. Berke if he would like to reconsider withdrawing the request?

**REZONING (Continued)**

Mr. Berke stated he would not submit another application if the Council votes this down and these people would lose monies. He reiterated that he did not know such an organization existed and was contacted about selling the land. He stated that the way he understands it is that everything was non-negotiable on the part of the CDC when the developers said they had no choice. He stated they cannot do anything less than 110 units; that they are willing after that to discuss the issue of putting more in; that they would get input and determine from that point if we really put anything else in.

Councilman Taylor stated last week there was discussion regarding tax credits for single-family homes.

Mr. Berke stated that he did not understand it that way; that he understood that the State would not allow that. He stated that he has not done any investigating because that is what he was told.

Councilman Taylor stated that this lets us know work needs to be done on the State level; that other states recognize the value of single-family housing. He asked if there is a neighborhood plan for revitalization for the area?

Councilman Hakeem stated at this juncture this area is included as part of the District 9 Plan that has already taken place. He stated the neighborhood plan process is about to get started.

Councilman Taylor stated having a community plan is so valuable as far as revitalization; that he is leaning more toward the neighborhood as far as the stakeholders and landowners in redeveloping their communities and having input for things to go forward. He asked for a show of hands from persons present from the area in favor and against the project -- no one in attendance raised their hands in favor of the project; however, several raised their hand signifying "against".

Councilman Pierce stated that he does not hold Mr. Berke accountable for what has happened; that the developer should have knowledge of the type of things across the State and would need to communicate with the community more before presenting a project of this multitude. He stated that he understands very well how he (applicant) got ten percent of the share across the State basically because of the number of units. He stated that he questions how many before had this many units and expressed hope that Mr. Berke understands what is going on and is not blamed for marketing and trying to sell his property.

**REZONING (Continued)**

**At this point, Councilman Pierce made the motion to deny the request; Councilman Taylor seconded the motion.**

Councilman Lively stated any other time this would be an absolute “no brainer” in changing zoning from M-1, a more liberal zone, to R-3, a more restrictive zone. He stated that he cannot understand why anyone would not be for this project and that he intends to vote for it.

Councilman Page stated that the thing that makes him question the viability of this project is the process; that otherwise, he is like Councilman Lively that this is somewhat of a “no brainer”. He stated the question he has relates to the number of units; that he heard the people say if they had been involved they probably would not be here. He stated he does not understand their asking for 110 and the projection for an additional 63. He asked representatives of Planning if the recommendation for approval was based on the number of units and the projected plan? He also asked if the additional number of units would require them to go back to the “table” to get the additional units approved for that location?

Mr. Berke stated in reference to the first question the only thing approved at the State was for 110 units. He stated with regard to providing services to the area, Mr. Pace has done a professional job and it is his thought the Staff and Planning have determined they could support this project.

Councilman Page inquired as to the additional units, whether the Council would be approving 110 units or 173?

Mr. Berke stated that tonight is the first time he has heard anyone ever say 173 units. He stated that it is his belief, as he understands it, that the question came up as to how many could be built there. He stated that he was told the number would be according to the amount of acreage under the zoning laws they could build. He stated his understanding is they never had any intent to build 173 or 163.

Councilman Page stated that he understands the zoning change and wondered if the stipulation for the number of units needs to be put on it?

Mr. Pace stated that the R-3 zoning would allow 164 units for the 9.11 acres totally. He stated there was no limit placed at Planning on the number of units we would recommend. He stated the recommendation was that the zoning be changed to R-3 to develop the maximum number of units; that the condition could be added as to there being so many units.

**REZONING (Continued)**

Councilman Page asked if the matter is denied could the R-3 zone be recommended with 110 units? Mr. Pace stated that would be acceptable.

Mr. Reichard of R&R (developers) in Louisiana stated that the only thing asked when the discussion was held on Friday was the addition of the 63 units; that they are asking for senior citizen units. He stated it is sad to say this has occurred this way.

Mr. Pace stated his application would not be a case that would come back before the Council for the additional units.

Councilwoman Robinson stated in reading over the letter that was distributed stating why the number 110 was chosen for the apartment community all of the four reasons listed point to the staffing of a full time manager and maintenance man. She asked if it would be possible if one of the compelling reasons was to give up on the idea of a full time manager and maintenance man; that if that is the only number that is "running this" to take a look at what the staff would be and then possibly the 55 unit property would work out. She stated in an effort to work with the residents they could provide management and maintenance services on a part-time basis or rent one of the units.

Mr. Berke stated this is the number the Tennessee Housing Authority has given them and is the only thing that could be built there under that particular grant; that the East Chattanooga Development Corporation does not want them there without some type of incentive.

At this point, Councilman Taylor "called for the question" on the motion for denial.

On motion of Councilman Pierce, 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 2151 GLASS STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-3  
RESIDENTIAL ZONE**

**was denied; Councilman Lively voted "no"; Councilman Page abstained.**



### AMEND CITY CODE

City Attorney Nelson stated that this Ordinance basically prohibits consumption of alcoholic beverages in public areas all throughout the City. It declares that it will be unlawful for any person to drink or consume any alcoholic beverage or beer or have an open container of alcoholic beverage or beer in or on a public street, public sidewalk, public park, public school ground or any other public place. It also provides that teen social clubs would have to have posted on the property "no drinking permitted" on the premises. He stated any private parking lots held open to use by the public is also covered unless the owner gives consent to use the property for the consumption of alcoholic beverages.

Chairman Littlefield added that research was done as to how Nashville, Knoxville, Charlotte, North Carolina and other cities comparable to our size handle this. He stated it was found these cities have been operating such a provision for some time; that it is not something new.

Councilman Benson stated that the Legal and Legislative Committee worked on this for several weeks and had the involvement of the Neighborhood Network Association and various community groups. He stated that the Committee came to this final decision that was unanimously accepted to prohibit open containers throughout the entire City unless it is a permitted event.

Councilman Taylor inquired as to whether there was a law prior to this? City Attorney Nelson responded "no".

Chairman Littlefield indicated that this does not affect persons on their own private property; that persons can stand in their yards with an open container, however they cannot get on the sidewalks with it!

On motion of Councilman Benson, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
 SECTION 5, ARTICLE III BY ADDING A NEW SECTION 5-87 RELATIVE TO  
 OPEN CONTAINERS OF AND TO THE CONSUMPTION OF ALCOHOLIC  
 BEVERAGES AND BEER IN PUBLIC PLACES AND ON CERTAIN PRIVATE  
 PROPERTY**  
 passed first reading.

### 2002/2003 CAPITAL IMPROVEMENTS BUDGET

Councilman Lively stated this matter was discussed in the Budget and Finance Committee and approval is recommended.

**2002/2003 CAPITAL IMPROVEMENTS BUDGET**  
**(Continued)**

On motion of Councilman Lively, seconded by Councilman Taylor,  
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING  
FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR  
2002/2003**  
passed first reading.

**AMEND ORDINANCE NO. 11285**

On motion of Councilman Lively, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 11285, SO AS TO  
APPROPRIATE, AUTHORIZE AND ALLOCATE ONE MILLION SEVEN  
HUNDRED FIFTY THOUSAND DOLLARS (\$1,750,000.00) FROM THE  
UNRESERVED FUND BALANCE OF THE STORMWATER OPERATING FUND  
TO THE STORMWATER CAPITAL FUND SO AS TO PROVIDE FUNDS FOR  
THE CONSTRUCTION OF CERTAIN STORMWATER PROJECTS**  
passed first reading.

**RENOVATION OF CARR STREET PROPERTY**

Councilman Taylor reported that Resolutions 7(a) – (f) were discussed in the Health, Education, Human Services and Housing Opportunities Committee and approval is recommended.

On motion of Councilman Pierce, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE  
SUCH DOCUMENTS AS MAY BE NECESSARY SO AS TO FACILITATE THE  
RENOVATION OF THE PROPERTY KNOWN AS THE CARR STREET  
APARTMENTS**  
was adopted.

**ISSUE OBLIGATIONS**

On motion of Councilman Lively, seconded by Councilman Taylor,  
**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF  
CHATTANOOGA TO ISSUE OBLIGATIONS IN AN AMOUNT NOT TO  
EXCEED SIX MILLION DOLLARS (\$6,000,000.00) TO FINANCE THE  
COSTS OF VARIOUS PROJECTS APPROPRIATED IN THE INTERIM  
CAPITAL BUDGET, ORDINANCE NO. 11271**  
was adopted.

**AGREEMENT: TWH ARCHITECTS, INC.**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING AND RATIFYING PAYMENTS MADE BY  
THE CITY FINANCE OFFICER IN CONJUNCTION WITH DESIGN AND  
RENOVATION OF THE CITY HALL CAMPUS AND AUTHORIZING THE CITY  
FINANCE OFFICER TO ENTER INTO AGREEMENTS WITH TWH  
ARCHITECTS, INC.**  
was adopted.

**EXECUTE DOCUMENTS FOR SALE OR REAL  
PROPERTY**

On motion of Councilman Taylor, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE  
ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF  
CERTAIN REAL PROPERTY LOCATED AT 305 NORTH GREENWOOD  
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, TO JOHN  
GILBREATH FOR A CONSIDERATION OF THREE THOUAND FIVE  
HUNDRED DOLLARS (\$3,500.00)**  
was adopted.

**DECLARE SURPLUS**

On motion of Councilman Hakeem, seconded by Councilman Taylor,  
**A RESOLUTION DECLARING CERTAIN REAL PROPERTIES LOCATED AT  
4526 OAKLAND AVENUE AND THE 4500 BLOCK OF WEST 47<sup>TH</sup> STREET,  
MORE PARTICULARLY DESCRIBED HEREIN, AS SURPLUS AND  
AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL  
DOCUMENTS NECESSARY TO FACILITATE THE SALE OF SAID PROPERTIES  
TO W. A. S. PROPERTIES, LLC, FOR A CONSIDERATION OF FIVE  
HUNDRED DOLLARS (\$500.00) FOR THE DEVELOPMENT OF SINGLE  
FAMILY HOUSING**  
was adopted.

**EXECUTE DOCUMENTS**

Councilman Pierce inquired as to W. A. S. Properties, LLC? Chairman Littlefield indicated that it is the company owned by Will Smith, owner of the hot dog restaurant downtown.

**EXECUTE DOCUMENTS (Continued)**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF CERTAIN REAL PROPERTY LOCATED AT 2011 WILSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, TO W. A. S. PROPERTIES, LLC FOR A CONSIDERATION OT TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**  
was adopted.

**PAYMENT AUTHORIZATION**

Councilman Hakeem stated Resolutions (g) – (p) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND TWO HUNDRED ELEVEN AND 04/100 DOLLARS (\$17,211.04) TO THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA, FOR A WATER QUALITY BASELINE STUDY FROM 1997 TO 2001.**  
was adopted.

**CONTRACT: EAST TENNESSEE GRADING, INC. AND WASTE RESOURCES**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT MR-1-2002 FOR MISCELLANEOUS SEWER REPAIRS TO EAST TENNESSEE GRADING, INC. AND MAYSE CONSTRUCTION COMPANY FOR A COMBINED CONTRACT AMOUNT OF ONE MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$1,145,000.00); AND TO WASTE RESOURCES FOR EMERGENCY SEWER REPAIRS FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**  
was adopted.

**EASEMENT**

On motion of Councilman Pierce, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM HAMILTON COUNTY GOVERNMENT ON PROPERTY LOCATED AT 410 EAST 4<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO COMPLETION OF WORK ASSOCIATED WITH THE WIDENING OF 4<sup>TH</sup> STREET AS PART OF CONTRACT NO. RW-1-01**  
was adopted.

**EASEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM HAMILTON COUNTY GOVERNMENT ON PROPERTY LOCATED AT 414 GEORGIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO COMPLETION OF WORK ASSOCIATED WITH THE WIDENING OF 4<sup>TH</sup> STREET AS PART OF CONTRACT NO. RW-1-01**  
was adopted.

**EASEMENT**

On motion of Councilman Page, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FORM THE UNITED STATES POSTAL SERVICE, TAX MAP NO. 1380-B-001.02, TRACT NO. 12A, RELATIVE TO COMPLETION OF WORK ASSOCIATED WITH THE WIDENING OF SHALLOWFORD ROAD AS PART OF CONTRACT NO. RW-3-00**  
was adopted.

**TRANSFER OF DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT**

On motion of Councilman Pierce, 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 TAX MAP NO. 118N-D-008, TRACT 609E, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY CORPS OF ENGINEERS**  
was adopted.

**TRANSFER OF DEED OF PERPETUAL CHANNEL  
IMPROVEMENT EASEMENT**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**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 TAX MAP NO. 118N-F-001, TRACT 608E, BY  
HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY CORPS  
OF ENGINEERS**  
was adopted.

**TRANSFER OF DEED OF PERPETUAL CHANNEL  
IMPROVEMENT EASEMENT**

On motion of Councilman Taylor, seconded by Councilman Page,  
**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 TAX MAP NO. 135E-N-002, TRACT 801E, BY  
HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY CORPS  
OF ENGINEERS**  
was adopted.

**TRANSFER OF DEED OF PERPETUAL CHANNEL  
IMPROVEMENT EASEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF  
PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM RIVIERA  
VILLAS, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION  
PROJECT, TAX MAP NO. 135E-N-023, TRACT NO. 800E, FOR A TOTAL  
CONSIDERATION OF ELEVEN THOUSAND FIVE HUNDRED SEVENTY-FIVE  
DOLLARS (\$11,575.00)**  
was adopted.

**TEMPORARY USE: CHATTANOOGA COFFEE COMPANY**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE CHATTANOOGA COFFEE COMPANY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF GEORGIA AVENUE BEHIND 1010 MARKET STREET FOR PLACEMENT OF A SIGN OVER THE GEORGIA AVENUE SIDEWALK, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**GRANT: U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

On motion of Councilman Benson, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF PERFORMANCE REVIEW TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH ADMINISTRATION, RELATIVE TO THE PROVISION OF RELAPSE PREVENTION AND SUBSTANCE ABUSE TREATMENT SERVICES, IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00)**  
was adopted.

**THREE-YEAR CAPITAL IMPROVEMENT PLAN**

Councilman Pierce stated that he has no problem "approving" or "adopting" Resolutions and Ordinances, yet expressed that he was uneasy in approving one matter and then adopting another. Chairman Littlefield stated that it could be done in either order.

Councilman Pierce asked the significance of approving and adopting? City Attorney Nelson stated if the Council agrees a matter is approved and adopted as official.

Chairman Littlefield stated that a plan is nothing but a plan; that a plan is not a budget. He stated a budget has funding assigned and money is appropriated.

Councilman Pierce stated that he has the City Attorney's opinion; that he still does not see approving and adopting.

**THREE-YEAR CAPITAL IMPROVEMENT PLAN**  
**(Continued)**

Jeff Pfitzer stated this matter was presented to the Budget and Finance Committee over the last few weeks. He stated the request is for adoption by Resolution of a three-year plan for use as a guiding document that illustrates the intent to move in this direction in future years as far as expenses are concerned. He clarified that there is no funding attached to this.

Chairman Littlefield stated that he had a conversation relating to this matter this morning as it relates to future revisions. He stated there are a lot of plans and they are amended from time-to-time. He stated all the Council is doing is putting on record that the plan has been looked at and it seems to be a good framework to use to go forward. He stated toward the end of the three years, it is likely the plan will have changed substantially. He stated that he is glad the words "*subject to future revision*" were included in the document.

Mr. Pfitzer further clarified that they would begin on a five-year capital improvement plan for this upcoming year; that the idea is to keep a five-year planning document that is renewed every year for planning purposes.

On motion of Councilman Lively, seconded by Councilman Benson,

**A RESOLUTION APPROVING AND ADOPTING A THREE-YEAR CAPITAL  
IMPROVEMENT PLAN SUBJECT TO FUTURE REVISION, A COPY OF  
WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE**

was adopted.

**OVERTIME**

Overtime for the week ending August 30, 2002 totaled \$25,917.38.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ✍ **RODERICK GILBERT** – Crew Worker, Return from Compensatory Medical Leave, Citywide Services, effective August 23, 2002.



**PERSONNEL (Continued)**

- ✍ **DAVID MASSENGALE, GARY LANSDEN** – Promotion, Crew Worker, Senior, Citywide Services, Pay Grade 5/Step 2, \$19,583.00 annually, effective August 21, 2002.

**CHATTANOOGA FIRE DEPARTMENT:**

- ✍ **EDWARD L. SCOTT** – Retirement, Firefighter, effective September 20, 2002.

- ✍ **CHATTANOOGA POLICE DEPARTMENT:**

- ✍ **FREDERICK ALLEN** – Resignation, Police Officer, effective September 5, 2002.

**CHATTANOOGA HUMAN SERVICES:**

- ✍ **AMANDA FORGEY** – Hire, Teacher, Head Start, \$22,094.06 annually, effective August 6, 2002.
- ✍ **CATHERINE HARRISON** – Termination, Nurse, Head Start, effective August 8, 2002.
- ✍ **STEPHANIE WHITT** – Termination, Teacher Assistant, Head Start, effective August 8, 2002.
- ✍ **LAVONNE GRIFFIN** – Teacher, Family Leave, Child Care, effective August 23 – October 17, 2002.
- ✍ **LINDA KING** – Teacher, Family Leave, Head Start, August 9 – November 1, 2002.

**PURCHASE**

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchase was approved for use by the Finance Department, Purchasing Division:

**PURCHASE (Continued)**

**TRIAD ELECTRIC (Best Evaluated Bid)**

**R0037715, P0018103**

Citywide Electrical Labor Requirements Contract

\$64.60/hour

**BOARD APPOINTMENTS**

On motion of Councilman Lively, seconded by Councilman Taylor, the following Board appointments were approved:

**BOARD OF SIGN APPEALS:**

Re-appointment of **CHARLES O'MARY** (representing District 1) and **REGINALD FERGUSON** (representing District 8) for terms to expire July 31, 2005.

**BOARD APPOINTMENT**

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

**AIR POLLUTION CONTROL BOARD:**

Appointment of **DR. VINCENT A. VISCOMI** for a term ending July 21, 2005.

**BOARD APPOINTMENTS**

City Attorney Nelson stated that the Statute as it relates to the Health, Education, Housing and Facilities Board and the Industrial Development Board require that the Council elect the members to the Boards. He stated there is a need for members of the Council to move on the nominees as forwarded by the Mayor.

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the following persons were elected per State Statute:

**BOARD APPOINTMENTS (Continued)**

**HEALTH, EDUCATION AND HOUSING FACILITIES BOARD:**

Appointment of **ROGER SMITH** and **JERRY KOHNAHIA** for terms ending May 15, 2008.

**BOARD APPOINTMENT**

On motion of Councilwoman Robinson, seconded by Councilman Benson, the following person was elected per State Statute:

**INDUSTRIAL DEVELOPMENT BOARD:**

Appointment of **Pat Murphy** for a term ending May 26, 2008.

**GIFT ACCEPTANCE**

City Attorney Nelson stated that the Discovery Museum is offering free admission to members of the Police and Fire Departments for the week of September 7-15 and that the Museum will be closed September 11. He stated since this is a benefit to individual officers the matter is before the Council for approval.

**On motion of Councilman Benson, seconded by Councilman Lively, acceptance of the gift was approved.**

**COMMITTEES**

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, September 10 beginning at 3 p.m.**

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, September 17 at 4 p.m.**

Councilwoman Robinson reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, September 10 at 4 p.m.**

**COUNCIL AGENDA FOR SEPTEMBER 10, 2002**

Councilman Taylor inquired as to whether the first reading for the Volunteer Behavioral Health Care Systems' rezoning request would be removed from the agenda?

Chairman Littlefield stated there was a discussion about that earlier. He stated some people would probably come, which would give the opportunity to explain the legal issue making that a moot point.

Councilman Taylor asked if the matter should be kept on the agenda? Chairman Littlefield stated even if people come the matter can be disposed of quickly. He stated there is a legal opinion on the issue and copies of the opinion are available and discussion regarding the Task Force.

Councilman Taylor stated that there were some circumstances and the Task Force is moving forward; that he is looking for great things to come out of the Task Force.

**SISTER BEY**

Sister Bey addressed the Council regarding Resolution 7(d) on tonight's agenda regarding the sale of property at 305 North Greenwood Avenue, stating that no one met with persons in the neighborhood and no one knows anything about this. She stated that she was tired of the deception and wanted to know who John Gilbreath is and his intentions for this property.

Councilman Benson explained that this matter was discussed in Committee today and the intent is to put a parking lot there.

Chairman Benson offered a drawing of the proposed parking lot, stating that the matter was advertised and has gone through the normal process. He stated there were several pieces of property advertised for sale as surplus.

Sister Bey wanted to know who advertised these properties as many residents "got stuck in the urban renewal deception".

Chairman Littlefield gave the drawing to Sister Bey for her information.

**ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, September 10, 2002.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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