

**City Council Building
Chattanooga, Tennessee
February 3, 2004
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Chairman Franklin gave invocation.

MINUTE APPROVAL

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

**APPOINTMENT OF STEVE PARKS AS CHIEF OF
POLICE**

Councilman Lively stated this afternoon the Safety Committee met with Steve Parks, the Mayor's appointee as the new Chief of Police. He stated after questions by Council members, the recommendation from Committee is for approval by the full Council.

On motion of Councilman Lively, seconded by Councilman Littlefield, Steve Parks was approved as the City's new Chief of Police.

**APPOINTMENT OF STEVE PARKS AS CHIEF OF
POLICE (Continued)**

Mayor Corker wished Chairman Franklin "happy birthday" and stated that he wanted the people who have come to support the new Chief to be recognized. (Several persons in support of Chief Parks raised their hands at this time). He stated he has had no better day during his Mayoral term than Friday; that the support Chief Parks has from the Police Department to calm our community is outstanding. He expressed appreciation to the Council for their support and working with him to cause this happy result.

Chief Parks introduced his wife, Diane, a Manager with the Chamber of Commerce. He expressed appreciation for the appointment by Mayor Corker and the support of the Council. He stated he was comfortable in saying that as he stands before them there is a unified police department that is focused on making people safe in this city and reducing crime. He stated he is ready to go to work and looking forward to it! He again expressed thanks for the Council's support.

HAPPY BIRTHDAY!

Councilman Littlefield Chairman Franklin "happy birthday" on the occasion of his 45th birthday.

(AT THIS POINT CHAIRMAN FRANKLIN EXCUSED HIMSELF FROM THE MEETING. VICE CHAIRMAN BENSON TOOK CHARGE OF THE MEETING.)

REZONING

2003-080: Neal Spurling

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the applicant has requested withdrawal of this request as it is involved in the second case listed on tonight's agenda.

On motion of Councilman Lively, seconded by Councilman Littlefield,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 600 AND 606 HAMILTON AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-
3MD MODERATE DENSITY ZONE**

was withdrawn at the request of the applicant.

REZONING

2003-107: City of Chattanooga

Jerry Pace stated that the caption read by the Clerk of the Council included the manufacturing zone and indicated that the caption had been corrected. He stated that meetings have been ongoing for some months with Hill City and residents of the North Chattanooga area; that they have gone through a study a few months ago for a plan for their community. He stated out of that plan came recommendations to have portions of property or the area down zoned or rezoned to R-1 to reflect the existing development of the neighborhood. He stated the area is generally residential with several vacant lots broken down 50-50 between developed and undeveloped properties. He stated there is commercial along Dallas Road, mini-storage warehouses and offices. He stated a study was done a year ago that had a vision for this area as to how the residents wanted to see the area develop and grow.

A map was displayed by PowerPoint showing the boundaries of the plan that include single family, R2, commercial and industrial zoning. He stated the existing R-2 zoning does not match the single-family developments in the area and the recommendation from Staff is to rezone the area to R-1 and leave the commercial and industrial uses along Dallas Road. He stated there is one commercial area near Woodland and Market Street that will go from C-2 to R-1 and will continue the use because it will be grand fathered-in; that if it ever ceased to be used as a salvage yard it would revert to R-1.

Mr. Pace continued by stating that the owner occupancy rate is not as high as it should be as there are a lot of rental properties in the area. He stated there are 244 lots in the study area and of those 52% are presently vacant with 48% under some type of use. He stated the zoning and uses are out of adjustment; that at the Planning Commission hearing several owners requested to be left out or not be zoned R-1. He stated the first request came from the property owner toward the south of the boundary that is presently zoned R-3 for single-family bungalows or multi-family uses. He stated the second request is off Woodland, is surrounded by single-family homes and is presently vacant. He stated the third request off Dallas Road near a commercial node is vacant and very steep; that houses have no access by driveway to their property and have to park across the street or another location and walk to their homes. He stated the Councilpersons representing this area went out and looked at the properties. He stated there are people present in opposition to a portion of this plan.

Vice Chairman Benson indicated that this is a blanket zone initiated through RPA and the neighborhood association.

REZONING (Continued)

Councilman Lively stated that he knows people from both sides of the issue wish to speak; that he got involved at the "tail end" due to the change in districts. He stated the more he heard the more he become confused and it seemed there were as many people against it as for it. He stated in looking at this it made very little sense that the entire area was zoned R-2 and by the same token it was his thought it made just as little sense with the whole thing zoned R-1. He stated that he, Jerry Pace and Councilmen Robinson and Taylor road every street and looked at every house in the neighborhood and have come up with their idea. He stated they realize everyone is not going to be satisfied with this, but it is their hope everyone can live with it; that their thought is that the most important thing is to bring most of the properties back to R-1 to improve the community. He stated all he wants is to reach some type of compromise where the developers can live with it and the neighborhood association can live with it. He stated there were a couple changes they agreed on located in the lower right hand corner of the boundary that should be R-1.

Mr. Pace stated the lower corner property is presently zoned R-3 and there are five single-family residents and a couple multi-family units in the middle of the block on Manning; that the rest of the area is single-family residential.

Councilman Lively stated others that have been left out have agreed on those; that on the west side of Dallas it was the consensus that the entire strip would be left out due to the fact it is not accessible from Dallas.

Mr. Pace responded "correct".

Councilman Lively expressed hope that both sides could live with this. He indicated that nothing stays the same and this will start everyone out on an "even playing field". He stated that he would like to see the properties developed into something where they can look at the development by its quality rather than controlled by zoning. He stated it does not make a lot of sense to downzone everything to R-1.

Councilman Page expressed appreciation for Councilman Lively's comments. He stated that he looked at this in great detail and the question that came to him from someone owning property in the area is in regard to their wish to not be included. He stated he does not have a "dog in this fight"; but he does have sensitivity if people have land that they prefer not to be included.

REZONING (Continued)

Mr. Pace stated that RPA sent out a mailing and several were at the Planning meeting for the public hearing; that notification went to each property owner and whether they received them and read them, he does not know; that great strides were made to notify every property owner. He stated there are four-or-five persons present tonight who have concerns with this; that Mr. Crooks has had several meetings and sent out mailings to neighborhood people to inform them of what is going on. He stated he has not heard from anyone other than the ones he had contact with and does not know if anyone is in objection tonight other than the ones who are present.

Councilman Page stated a statement was made regarding people wishing to be excluded and asked if they have been excluded.

Mr. Pace stated that is not the Staff's recommendation; that the recommendation came from Planning. He stated last week Councilman Benson pointed out the Planning Commission's recommendation was to get it to the Council in this form rather than leaving it at Planning. He stated Planning voted down Staff's recommendation to downzone to R-1; that it is now before the Council to make adjustments either to leave the properties in or out. He stated the adjustments could be made in the legal description prior to second and third reading next week; that whatever the Council wishes to do adjustments can be made.

City Attorney Nelson stated that he would like to note that a number of properties already being used that might not be in conformity to the new plan, can continue to be used for that purpose; that so long as those uses are legal they will be grand fathered-in. He stated whatever properties are down zoned can continue to be utilized in the same manner they are used now.

Vice Chairman Benson stated what the Planning Commission did was to send the plan here to the Council. He stated there was some concern about down zoning a property purchased at a certain level on the opposite side of R-1; that all will start from "square one" and then if someone has something other than speculative zoning they can have design control for the possibility of going back to R-2.

Mr. Pace expressed agreement with Councilman Benson's comments and stated sometime we get too rigid and draw lines too sharply; that adjustments are needed for flexibility to move with the community.

REZONING (Continued)

Vice Chairman Benson stated that Planning is hoping for a level "playing field" so that from here on each one would be looked upon on an individual basis.

Mr. Pace stated that it was his thought this would help protect single-family property owners that live there; that their fear is that duplexes or rentals will add to loss of property value. He stated having duplexes and development at a higher density could be an asset rather than detriment.

Jim Crooks of 612 Forest Avenue stated that he lives close to the affected area and owns property in the area. He stated he has spoken before the Council several times about his opposition to this plan. He stated that he sent out a mailing to every property owner and the people that are for this plan do not live in this area and none own property there. He stated the people he sent letters to contacted him and only one person is for this. He stated that a concern was expressed with regard to rentals; that this down zoning does not get rid of rental property and as a builder it is his thought down zoning everything to R-1 is not the smart thing to do; that the steepness of lots will not be cost effective and 50% of the land is vacant, now. He stated if it is down zoned there is the possibility it will never be developed; that if he could get higher density it would be more cost effective to build. He stated that he knows many are concerned about property values and Forest Avenue is an extremely mixed-use area. He stated property values have "gone through the roof" and there are millions of dollars of property on Forest and rental properties. He stated having rental property does not affect property value one way or the other; that he is concerned with the blanket rezoning. He stated there are some individuals from other areas that do not own property that are for this and it is his hope the Council would dismiss this motion of down zoning tonight and vote against it. He stated that he has spoken to several Council members and what is really needed in this instance citywide is a new type of zoning for urban neighborhoods, something that would include design review. He stated to keep the character of older housing down zoning does not give them that; that there is C-7 on Frazier that allows for nice projects and other allowances. He stated if the Council could come up with a zoning that would lead the way for creative things he would not have a problem with a different type of down zoning.

Neal Spurling stated that he owns land at 600 and 606 Hanover Avenue and purchased the property a year ago and the zoning was R-2 and tonight the R-2 will be taken away. He stated that his property will not be worth half what he paid for it and from that standpoint he stands to lose tonight.

Vice Chairman Benson informed Mr. Spurling that his property has been excluded.

REZONING (Continued)

Mr. Pace stated those are two of the lots Councilman Lively excluded that would be left out.

Mr. Spurling expressed that he misunderstood.

Rick Lee, an Architect, stated that he does all the work for Wise Properties on properties they own in the area. He stated one thing he found out in getting to know members of the community is that we want the same thing they do. He stated apartments are not necessarily a bad thing coming into a residential neighborhood; that their intention or goal is to improve property values, which is what they are trying to do in the area. He stated if the ultimate goal is to address concerns of the neighborhood, design review is where it needs to start. He offered his and Mr. Wise's services and expressed they would be happy to submit a design that would make property more valuable and what is happening around them more valuable.

Mr. Wise stated that he looked at this type of investment to make money and he cannot develop with single-family and come out as well as he would if he developed multi-family. He stated that he has invested and owns a lot of property in the area and if this piece he is looking at gets down zoned to R-1 he will not develop it and the property owners will not get as much money as they would if it remained the zoning it is. He expressed his thinking that this is wrong.

Vice Chairman Benson stated that it is his hope Mr. Wise understands if his property is down zoned and he comes back with a specific proposal it can be zoned back.

Mr. Wise expressed that he understood that as he goes through the zoning process regularly. He indicated that it is much easier to down zone than to up-zone.

Mr. Pace stated the R-3 on Frost is not affected in this area and the R-2 parcels Mr. Wise is concerned about on Woodland, three of the properties are excluded.

Hattie Darby, President of the Hill City Neighborhood Association, stated that they worked hard with the RPA to get the community down zoned. She stated she and others have lived all their lives in Hill City and most are homeowners. She expressed thanks to the Council and RPA.

REZONING (Continued)

Linda Bennett stated that she serves as President of the Northside Community Association and her association and Hill City have been involved in this plan, which was created by the Association for the neighborhood. She expressed agreement that there could be something in place to give more flexibility to create something of a design review. She stated one of the problems and unique situations on the Northside is spot zoning and they have to go back and down zone due to chronic situations. She stated there is no vehicle that allows a community to work with a developer to make sure what is being developed does not have a negative impact on the community.

Bob McNutt stated that he lives at 505 Lytle Street and that most of North Chattanooga was down zoned ten years ago which included all mixtures and protected most of the vacant land. He stated Market Street was given the most valuable zoning that was R-1, which has been the reason why everything has just "taken off". He expressed that he has talked with a number who have projects that would not go under the blanket R-1 and that it is too bad the area did not get the design review years ago. He stated if they could have some type of process that would protect what they have R-1 would do that and if there was some type of a process on a case-by-case basis that might be the best solution. He stated tonight we do not have that zone; that he would support adopting this and take each one on a case-by-case basis.

Councilman Taylor stated that he had a chance to tour the area and expressed his wish that there was a mechanism to deal with this; that at the present time they are looking at revamping zoning, which is what they are working toward at this time. He stated he did tour the complete area and wanted to make sure he has the right interpretation of what is being excluded – that the Dallas Road area that is steep and the bottom pieces change to R-1 and the two lots on the steep hill on Woodland would revert.

Mr. Pace stated that they would stay the same; that everything stays the same except the lower one.

Councilwoman Robinson stated that she and Councilmen Lively and Taylor took an extensive tour and in talking with some of the property owners and visiting with Bob McNutt of CNE, the subject came up several times that the kind of zoning we had is really not addressing the way we are going. She welcomed the opportunity to revise the whole question and get people that can help develop the kind of urban zone that would allow good quality multi-use buildings and residences.

REZONING (Continued)

Councilwoman Robinson continued by stating that downtown is so popular and attracting many who want to come and live close; that if we "ring" ourselves with R-1 only, there is no way to grow. She stated there are mixed-use projects getting ready to go on Frazier and some of those, particularly when they are on a commercial edge, can be very good and quite valuable. She proposed that they get with the Planning Commission and start exploring the feasibility as to how to go with an urban mix for future use. She stated this, for now, is a good place to start and if this is done right, it will give developers and property owners an opportunity to come back with this new zoning, which is more forgiving and acceptable to the people who live around it who will understand that this means a "stamp of approval" for design review and a lot of participation with more quality development.

Vice Chairman Benson asked Mr. Pace if RPA has initiated action for an urban zone. Mr. Pace responded that they are "working on it".

Councilman Littlefield stated that he noticed that a neighborhood friend raised her hand in opposition to this matter and indicated that it was his thought the area in question involved property she was concerned with; that this is where the cooperative housing development was proposed some months ago that he spoke with Councilwoman Robinson about. Councilwoman Robinson indicated that it is (the property).

Mr. Crooks stated that he does not understand what is in or out.

Councilman Littlefield clarified that between now and the second and third reading they can go over the map and make sure it is understood correctly.

Mr. Pace stated we do have property that is left in and still zoned R-2; that Mr. Wise has made the gesture he would work with the neighborhood to give a good product. He stated he does not know if Mr. Spurling would volunteer to work with the developer on this. At this point Mr. Spurling indicated that he would.

Mr. Pace stated that the recommendation the Council is making is that the property at the very lower right at Manning Street presently zoned R-3 would go to R-1 and the remainder of the properties identified on the map in orange would remain R-2 with the exception of property along Dallas Road remaining R-2.

At this point, Vice Chairman Benson asked if those in attendance who object to the amended plan to raise their hand.

REZONING (Continued)

Mr. Pace stated the only one excluded in this is Don Wiley; that within Mr. Wiley's block is a multi-family unit and a lot that is vacant. He stated the remaining lots are single-family homes.

Vice Chairman Benson indicated that Mr. Wise is excluded.

Don Wiley of 109 East Manning Street stated one lot is large and is the only buildable lot in this area as the whole area is on a big slope. He stated if that is not excluded, he could only build one residential home. He stated that he planned to build three-or-four town homes and that he has always had a plan. He stated the town homes would have been similar to the ones that were approved by Planning a few weeks ago; that now he can go back and build a \$50,000 house but would rather have a \$400,000 unit. He stated he would put in any type of design review yet he is the only one excluded out of this. He stated it would be a detriment to the community if he were excluded.

Vice Chairman Benson informed Mr. Wiley that he is not excluded; that he can come back with a proposal that is not speculative.

Mr. Pace displayed a map to show the lot Mr. Wiley referenced.

Councilman Hakeem asked the City Attorney if one of the conditions in regard to properties that may be left out could be that some type of design standard be put in place.

City Attorney Nelson stated first, if the property were left out, there would not be any conditions and, secondly, it would depend upon what the design standards are. He stated in the last two decisions by the Tennessee Supreme Court one of them held that you could not zone for aesthetic purposes but subsequent to that, there was another case in which the Tennessee Supreme Court seemed to indicate otherwise. He stated you have to take a look at what ever the standards are that we come up with, whether it falls within safety and structural matters, size of houses and things like that, or whether it is strictly aesthetic.

Councilman Hakeem stated that concerns him; that we take a person at their word as to what they are going to do and how. He stated persons have come before us previously and told us they would do "x" and did "y" and that concerns him. He stated a part of what concerns him is that Mr. Crooks either misunderstood or his statement needs to be clarified. He stated that Mr. Crooks informed us that he had made contact with all the property owners in this area and only one was in opposition. He stated many persons raised their hands in support of this rezoning.

REZONING (Continued)

Mr. Crooks responded that they do not own property; that they live close by but do not own property.

Ms. Darby stated when they went to Planning, they whole area was planned with Hill City and the Northside Neighborhood Associations.

Councilman Hakeem stated if this is going to be considered by the Council he would rather have it in the plan where some type of standards or guidelines can be imposed, as opposed to not being in the plan and having no input or control.

Mr. Pace indicated that he did not understand.

Councilman Hakeem stated for those properties that are considered not to be in the plan, for them to be in the plan they have to be R-1.

Mr. Pace stated properties considered to be excluded from down zoning or R-1 are in the plan; that if they are presently zoned R-2 the recommendation of the Council is to rezone and down zone the majority of the area to R-2, excluding those properties and still left in the Plan that are R-2 or R-1.

Councilman Hakeem stated properties not in the plan, which are five or six properties, are R-2. He asked if they could be in the plan and still be R-2. Mr. Pace responded "yes".

Councilman Hakeem asked if there could be conditions placed on those properties.

Mr. Pace indicated that the City Attorney has advised the Council that as far as conditions are concerned, they could not contain aesthetics as to how they are built. He stated that he (City Attorney) cited two rulings by the Tennessee Supreme Court.

Councilman Hakeem asked Mr. Pace to give him an example.

Mr. Pace stated that the C-7 on Frazier has standards of height, façade, windows, doors on the front and the size of the lot that tells the developer what can be built on that property. He stated in R-1 or any other zoning, the ordinance does not have standards of design control; that C-7 is the only zone now that has design standards written into them.

REZONING (Continued)

Councilman Lively stated in looking at the compromise, for everyone that voiced opposition those properties are exempted except only one gentleman (Mr. Wiley). He stated there is only one multiple, which is included and the use can continue; that he is trying to point out if a person comes with a plan of what is planned and it is not speculative, something might be done with it. He stated Mr. Wise and others have definite plans for their property, which is why they were left out and it was felt their projects would fit into the neighborhood. He stated that it is his hope this is a compromise everyone can live with.

Ms. Bennett stated Councilman Hakeem's question about the community not having a voice concerns her; that someone could say they would build today and decide later not to; that there is nothing that binds them to the neighborhood to get that done.

Councilman Lively stated that he has looked at some of the projects they have been built and in his opinion the projects have greatly improved the areas; that most builders he has watched are either real sorry or real good. He stated all the builders that are present tonight are very good and he knows what they develop will be something desirable that would fit in. He stated that it is his thought we are "beating a dead horse".

Councilman Lively stated that Bob McNutt, Linda Bennett and the builders are on the right track; that they need something in the plan for design and urban zoning to get through all this without it becoming a great controversy.

Vice Chairman Benson stated none of the plans are "in concrete" and can be tweaked later.

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

Councilman Hakeem asked for clarification of what was on the table; that the plan presented to the Council tonight by Mr. Pace has the amendments regarding the properties. Mr. Pace responded "yes".

Vice Chairman Benson indicated that some properties have been excluded.

Mr. Pace stated some have been excluded that will remain R-2 that are still in the plan.

Councilman Hakeem stated the motion is to accept the plan but to exclude the five-or-six parcels.

REZONING (Continued)

Mr. Pace responded "correct"; that this is similar to what was done in Bushtown with the compromises made.

Councilman Hakeem stated the difference here is there are broader pieces of property that can have an impact on the neighborhood. He stated there are clusters in Bushtown and this area is spread out; that it is his contention if this is not a part of the plan the community has no say so or input. He stated that he hears what is being said about the gentlemen and their good projects, yet he has seen people come before this body and say they are going to do "x" and end up doing "y".

Mr. Pace stated that if the area is down zoned to R-1 and if someone came back with a rezoning request to R-2, right now it would not be conditioned other than for single family, even if it went back to R-2.

Councilman Hakeem inquired as to the C-7 zone. Mr. Pace stated the conditions within C-7 are listed within that particular ordinance.

Councilman Hakeem asked why these properties couldn't be in the C-7 zone. Mr. Pace stated C-7 is a special district adopted by the Council some two-to-three years ago.

City Attorney Nelson clarified that C-7 is a commercial zone. Mr. Pace injected that the C-7 could also have residential uses in it. Councilman Hakeem then added, "If conditions and guidelines are on it". Councilman Taylor stated this rezoning involves a special boundary and "called for the question".

On motion of Councilman Page, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PROPERTIES WITHIN THE AREA BEING GENERALLY BOUNDED ON THE SOUTH BY MANNING STREET, ON THE NORTH BY OXFORD STREET, ON THE EAST TO THE REAR PROPERTY LINES OF PARCELS WITH FRONTAGE ON FOREST AVENUE AND MISSISSIPPI AVENUE, AND ON THE WEST TO NORTH MARKET STREET, DALLAS ROAD AND HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-1 RESIDENTIAL ZONE

passed first reading, **Councilman Hakeem voted "no"**.

AMEND LEASE AGREEMENT

Vice Chairman Benson reported that this matter was discussed in the Budget and Finance Committee for the past two weeks and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Littlefield,

**A RESOLUTION OF THE CITY OF CHATTANOOGA, TENNESSEE,
AUTHORIZING CERTAIN AMENDMENTS TO THE CONFERENCE CENTER
COMPLEX AND PARKING GARAGE LEASE AGREEMENT AND
AUTHORIZING CERTAIN ACTION RELATING THERETO**

was adopted.

BONDS

On motion of Councilman Littlefield, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF BONDS IN
THE AGGREGATE AMOUNT NOT TO EXCEED SIXTEEN MILLION
DOLLARS (\$16,000,000.00) OF THE CITY OF CHATTANOOGA,
TENNESSEE, FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE
COSTS OF: STREET EXTENSIONS; STREET IMPROVEMETNS AND
INFRASTRUCTURE; ROAD IMPROVEMENTS; INSTERSECTION
IMPROVEMENTS; STREETSCAPES; NEIGHBORHOOD IMPROVEMENT
PROJECTS; SIDEWALKS; STREET PAVING; BRIDGE REPAIRS; TUNNEL
REPAIRS; ENVIRONMENTAL REMEDIATION; INTERCONNECTION OF
ARTERIAL SIGNAL SYSTEMS; LOOPS AND PAVEMENT MARKINGS;
METERING DOWNTOWN SIGNALS; NEW TRAFFIC SIGNALS; PARKING
METERS; TRAFFIC SIGNAL MODERNIZATION; EQUIPM ENT
REPLACEMENT; NEIGHBORHOOD TRAFFIC MANAGEMENT;
EMERGENCY POWER; GUARD RAILS; REPLACEMENT OF
CONSTRUCTION EQUIPMENT; LANDSCAPING EQUIPMENT, VEHICLE
AND TRUCK REPLACEMENTS; DRAINAGE IMPROVEMENTS; PURCHASE
OF ROLL-OFF CONTAINERS; RENOVATION AND IMPROVEMENT OF
RECREATION CENTERS; CIVIC FACILITIES; PARK WATER LINE AND PUMP
REPLACEMENTS AND IMPROVEMENTS; BUILDING ROOF REPLACEMENT,
TENNIS COURT REHABILITATION; ADA REPAIRS; ZOO IMPROVEMENTS;
GREENWAYS; PHONE SYSTEM UPGRADES; CITY HALL RENOVATIONS;
CARTA - LOCAL MATCHING FUNDS; INFORMATION SERVICES
RELATIVE TO RECORDS, WEB DESIGN, NETWORK UPGRADES,
BACKUPAND STORAGE EQUIPMENT, MANAGEMENT SOFTWARE AND
TELECOMMUNICATIONS HARDWARE; FIRE APPARATUS, FIRE STATION
AND BUILDING RENOVATIONS, EXPANSION AND REPLACEMENT;
SOLID WASTE EQUIPMENT, GAS SYSTEM AND METHANE MITIGATION;
AND FIXING THE MAXIMUM RATE OF INTEREST SUCH BONDS SHALL
BEAR**

was adopted.

CONTRACT

Councilwoman Robinson stated this matter was discussed in last week's meeting of the Parks and Recreation Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH EASTMAN CONSTRUCTION COMPANY, RELATIVE TO RENOVATION OF THE GLENWOOD RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00)
was adopted.

AMEND RESOLUTION 23507

On motion of Councilman Lively, seconded by Councilman Hakeem,
A RESOLUTION RESCINDING RESOLUTION NO. 23507, ADOPTED SEPTEMBER 4, 2002, AND ENCAPTIONED "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 THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00)"
was adopted.

AMEND RESOLUTION 22096

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION RESCINDING RESOLUTION NO. 22096, ADOPTED APRIL 6, 1999, AND ENCAPTIONED "A RESOLUTION DECLARING SURPLUS CERTAIN PROPERTY LOCATED AT CENTRAL AVENUE AND MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING THE CONVEYANCE OF SAID SURPLUS PROPERTY TO THE INNER CITY DEVELOPMENT CORPORATION (ICDC)", AS THE INNER CITY DEVELOPMENT CORPORATION (ICDC) NO LONGER EXISTS
was adopted.

OVERTIME

Overtime for the week ending January 30, 2003 totaled \$16,721.79.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **JAMES D. NELSON, MARCUS L. RICE, JOANNA R. PHILLIPS, WILLIAM D. JACKSON, BRIAN C. DAVIS** – Promotion, Senior Firefighter, Pay Grade F2A/Step 3, \$31,055.00 annually, effective February 6, 2004.
- ✍ **TIMOTHY L. MAYS** – Promotion, Senior Firefighter, Pay Grade F2B/Step 2, \$42,151.00 annually, effective February 6, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **JIMMIE L. DOTSON** –Resignation, Chief, effective February 1, 2004.
- ✍ **BEVERLY COSLEY** – Position Eliminated, Director, Community Outreach, effective February 1, 2004.
- ✍ **ED BUICE** – Position Eliminated, Director, Media Relations, effective February 1, 2004.

PURCHASES

On motion of Councilman Littlefield, seconded by Councilman Hakeem, the following purchases were approved for use by the Public Works Department:

SIGNCAD SYSTEMS, INC. (Only "one bid")
R0069043/B0001067

Sign Cutting System and Software, per City Ordinance 10913

\$15,995.00

SUPERIOR FORD MERCURY (Best bid)
R0072633/B0001210

Sports Utility Truck

\$20,896.00

PURCHASES (Continued)

MARSHAL MIZE FORD (Best bid)
R0072634/B0001207

Half-Ton Truck
\$17,200.00

STOWERS MACHINERY (Lowest and best bid)
R0072554/B0001156

Tandem Drive Motor Grader
\$39,388.00

STOWERS MACHINERY (Lowest and best bid)
R0072553/B0001150

Two (2) Four Wheel Drive Loader
\$88,524.00 (\$44,127.00 each)

STOWERS MACHINERY (Best evaluated bid)
R0072555/B0001155

Skid Steer Loader
\$18,460.00

STOWERS MACHINERY (Lowest and best evaluated bid)
R0072556/B0001153

Loader Backhoe
\$49,435.00

EAST BRAINERD LUMBER COMPANY (Lower and better bid)
R0070218/B0001197

Lumber
Not to exceed a maximum of
\$30,000.00 annually

BOARD APPOINTMENT

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following Board appointment was approved:

VARIANCE AND SPECIAL PERMITS BOARD:

- ☞ Reappointment of **VERONICA DUNSON** for a term ending October 1 2006 representing District 5.

REFUNDS

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refunds for 2002 and 2003 tax year due to a portion being vacant land and payment submitted in error, respectively:

Chattanooga State Technical Community College Foundation	\$ 6,733.48
Lovemans on Market, LLC	31,430.92

Councilman Pierce inquired as to how payment was received in error. Admin. Eichenthal explained that frequently the actual property owner and the holder of the mortgage pay taxes; that the error is caught, which is what happened in this case.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchase was approved for use by the Finance and Administration Department, Purchasing Division:

BLC PRINTING (Lowest evaluated and best bid)
R0056123/B0001200

Citywide Printing Services

(Price information available and filed with minute material)

NORTH RIVER CIVIC CENTER GRAND OPENING

Councilwoman Robinson reminded everyone of the grand opening of the North River Civic Center scheduled for Friday, February 20 at 2 p.m.

FEBRUARY 10 ELECTION

Councilman Page reminded everyone of the important election coming up a week from today. He indicated one of the things on the ballot is the sales tax referendum of a half-cent (1/2) for the unincorporated areas. He stated no one on this Council or within this room could vote on that as it is primarily for the unincorporated areas of Hamilton County. He referenced that the former Blue Ribbon Tax Committee recommended this and the Council encouraged the County to pass the half-cent sales tax countywide, which would lock in an additional \$2.4 million for education in Hamilton County. He asked residents of the unincorporated areas to vote for additional funding for education.

COMMITTEES

Councilman Littlefield stated that the **Legal and Legislative Committee will meet on Tuesday, February 10 at 3 p.m.**, as usual.

Councilman Hakeem stated items for next week's agenda regarding public works matters were approved today and that the next scheduled meeting of the **Public Works Committee will be held on Tuesday, February 17 at 4 p.m.**

BOBBIE BRYANT

Bobbie Bryant of 1806 Oak Street stated that she listened to tonight's presentation of the plan for the Hill City area and noticed there was a lot of discussion about leaving certain people out. She stated it is her hope that her remarks on January 30th will be taken into consideration about her property not being in the Bushtown Neighborhood Plan. She stated that she talked to several on her street who knew nothing about this plan; that people who have their own property should be able to do what they want. She referenced a letter that she presented to the Council the last time she was before them that was not a part of the minutes about redistricting. She inquired as to the Councilman for the Hill City area.

Councilman Lively responded that he has that district, now.

BOBBIE BRYANT (Continued)

Ms. Bryant stated that she wanted the Council members to know that they are operating unlawfully; that she elected Councilman Pierce as her district representative and not Councilman Hakeem. She stated Councilman Hakeem was "in" on the planning meetings for the neighborhood plan and asked if Council members operate like they want and "at will". She inquired as to when the redistricting became effective and asked for a response. She stated that she wants her letter to be a part of the minutes. *(A copy of Ms. Bryant's letter is filed with minute material of this date).*

Vice Chairman Benson stated that the City Attorney responded to Ms. Bryant's question on her previous visit to the Council.

Ms. Bryant again inquired as to when the redistricting became legal.

Vice Chairman Benson stated that the City Attorney would meet with her following tonight's meeting and asked that she have a seat.

SHIRLEY DEAKINS

Shirley Deakins of 222 Baker Street asked that whoever her Councilperson is to consult with her; that she would like to have some intelligence and participation regarding her property and an understanding of what is being done and not being done. She stated that she was not faulting her Councilperson, yet with gerrymandering no one ever knows. She stated that she does not like the idea of a selective, capricious bunch, nor the idea of people getting into a house by coming in through the basement door or chimney. She stated the players involved in all this "tom foolery" are the ones that benefit and discredits others of having intelligence and integrity, which is an insult and a harmful thing that impacts us economically, as well. She asked that the Council members take back their power and stay away from implied power situations. She asked that they not complicate the judiciary or "rubber stamp" the executive (branch). She stated that she has a problem with the process and has had a problem with it for thirty years; that she needed to tell the Council this with love and respect. She stated we are "in a mess" in regard to taxes; that there will be no "tomorrow" economically. She stated the dollar is not being "backed" and we are held up by the ability of two-thirds of the people to consume when we are being "skinned alive", taxed and not allowed to make money. She stated as part of a demographic group of people, 80% are in this "fix". She begged the Council to "get serious" about doing things differently from the internal standpoint of integrity.

JUANITA SMITH

Juanita Smith of 205 Stewart Street stated that she bought a house from CNE seven years ago and the foundation is falling. She stated representatives of CNE came out and examined it two years ago and placed seven jacks under her house. She stated she is now \$55,000 in debt with them about this house that she thought was a secure structure; that if she takes out another loan she will be over \$100,000 in debt. She stated she is a single parent doing the best she can with her boys that she is trying to raise. She stated that she thought CNE was about helping people on low income, yet they are putting her in more debt and the more she borrows the more she is in debt. She stated she cannot get any help; that she works and bought the house in good faith because she thought she was buying a good house, however it is no good because the whole foundation is falling down on the right side. She stated they did not stabilize it after putting seven jacks under it.

Councilman Hakeem stated that Ms. Smith contacted him and apologized for not getting back with her in a timely manner. He stated that he talked with CNE and what he has been told is there was a figure of \$4,000 to correct the problem.

Ms. Smith indicated that the cost is more than that.

Councilman Hakeem asked if an engineer has been to her home to see what was going on and gave a higher figure.

Ms. Smith stated that an inspector from CNE was used and they did not inspect that part when she bought the house.

Councilman Hakeem asked if the engineer Ms. Smith had come to her home gave a higher figure as to what it would take to repair the house. Ms. Smith responded "no"; that CNE came up with that figure.

Councilman Hakeem again stated that \$4,000 is the number he was given. Ms. Smith indicated that that is the figure they are telling Councilman Hakeem.

Vice Chairman Benson stated that this is not a matter for the total Council and asked Councilman Hakeem to speak with Ms. Smith following the meeting.

Councilman Taylor stated his basic concern is for Ms. Smith to foster a meeting with CNE for clarification.

BEVERLY FALLON

Beverly Fallon stated that she is an officer and on the Board of the Citizens Police Academy Alumni Association. She expressed thanks to the Council for all their hard work in getting a police chief that is from Chattanooga and on the force. She stated it is felt they have one of the best police departments in the nation and again expressed thanks and appreciation.

KEVIN MUHAMMAD

Kevin Muhammad, representing the Honorable Louis Farrakhan of the National of Islam and spokesman for the Hardy Family, stated that he resides at 1900 East Twelfth Street and was present to discuss and be on record expressing their discontent and disapproval of the appointment of Steve Parks as the new Police Chief. He read from a prepared statement that indicated they are more concerned than before of the possibility of foul play regarding the police investigation of Tory Hardy's death. He stated the police did not contact the family until eight days after the shooting; that if Tory had been the suspect he would have been arrested for possessing a weapon without legal authority. He stated that there was no police officer or elected official, including Mayor Corker, at Tory's wake or funeral. He stated the chief investigating officer is Steve Parks, the Mayor's selection for Police Chief, which raises additional concerns about an attempt by the Mayor to contact the family through a third party on yesterday. He stated the family's legal representative is John Wolfe and they do not want Tory's death to be used to anyone's advantage. *(A copy of Mr. Muhammad's statement is filed with minute material.)*

Mr. Muhammad continued by stating that it is their belief Steve Parks is the wrong man and indicated that they would like for some type of oversight committee to be established to do an investigation of Steve Parks' investigation of the Tory Hardy case; that it is their hope this would be resolved immediately. He stated the Council is now parties of this investigation and are responsible for bringing closure to this case. He stated anything short of an arrest or notifying the family of an arrest is unacceptable.

Deloris Williams of 3030 Dodson Avenue stated that Councilman Hakeem is her Councilman and it would have been very nice to have had a visit or telephone call, card or something (from him). She stated that she saw him parking across the street when the funeral process was pulling off; that they just need some consideration from people in the City.

KEVIN MUHAMMAD (Continued)

Terry Nicholson, Tory Hardy's mother of 2211 Elmendorf Street, stated that she was present to look in each of the Council members' faces to let them know her son attended a City function, was raising his two-year old son and had talked to a recruiter about going to defend the flag. She stated that she wanted all the Council members to know the guy they put in as Police Chief to please contact him and let him know they are considered Tory's friends. She stated Tory told her he did not think the City cared about him, that the police department does not care about him and his friends are saying the same thing. She stated we are sitting on a "boiling pot" right now; that she has told everyone to just give it a chance to believe the system will work, which was the way she raised Tory. She stated what made her upset from the start is that a police officer walked in her house and told her had the situation been reversed her son would have been arrested by now, yet this boy fired at a City function in a "code orange" and something should be done; that her baby's "blood is still crying out on the street"! She asked that the Council keep check on this; that since the exhumation she has not heard from anyone and has been told forensics will take a year before it comes back.

As a parent, Vice Chairman Benson expressed great sympathy for what Ms. Nicholson is going through and stated a new police chief has been approved and has his own administration. He stated that the Council was given all the definite information they felt was needed to make certain the new Chief would try to remedy some past problems and hopefully prevent any from ever occurring again. He asked that the Chief be given a chance and thanked them for coming.

ADJOURNMENT

Vice Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, February 10, 2004 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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