

City Council Building  
Chattanooga, Tennessee  
September 11, 2007  
6:00 p.m.

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Pierce, Rico, Robinson and Rutherford present. Special Counsel Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

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

Following the Pledge of Allegiance, Councilwoman Bennett gave invocation.

#### **MINUTE APPROVAL**

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

#### **LIFT CONDITIONS**

**2007-128: Palmetto 8, LLC**

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITION  
NOS. 1 AND 2 IMPOSED IN ORDINANCE NO. 11521 (CASE NO. 2004-  
012) ON TRACTS OF LAND LOCATED IN THE 800 BLOCK OF EAST 8<sup>TH</sup>  
STREET AND FLYNN STREET, MORE PARTICULARLY DESCRIBED HEREIN**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2007-129: Palmetto 8, LLC**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A TRACT OF LAND LOCATED AT 832 EAST 8<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**AMEND ZONING ORDINANCE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1001(2) AN ARTICLE VI, HEIGHT AND AREA EXCEPTIONS, RELATIVE TO BUILDING SETBACKS IN COMMERCIAL AND MANUFACTURING ZONES THAT ABUT THE R-4 SEPCIAL ZONE**  
passed first reading.

**REZONING**

**2006-053: Danny & Charlene Lamons**

Pursuant to notice of public hearing, the request of Danny and Charlene Lamons to rezone a tract of land located at 7116 Bonny Oaks Drive came on to be heard.

The applicant was not present.

Councilman Benson stated that the Planning Commission was strong in their recommendation for denial; that there is no one present in opposition.

**Councilwoman Rutherford** stated that this request is located in her district and she has worked with the Regional Planning Agency (RPA) on this matter. At this point she **made the motion to deny the request; Councilman Rico seconded the motion.**

REZONING (Continued)

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 7116 BONNY OAKS DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was denied.

CLOSE AND ABANDON

**MR-2007-090: City of Chattanooga c/o William Payne**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE CLOSING AND ABANDONING A FIFTY-FOUR INCH  
(54") SANITARY SEWER EASEMENT LOCATED AT 600 RIVER TERMINAL  
ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

CLOSE AND ABANDON

**MR-2007-095: Franklin Associates Architects, Inc.**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**AN ORDINANCE CLOSING AND ABANDONING AN EXISTING BRICK  
SEWER LINE AND MANHOLE LOCATED AT 710 EAST 4<sup>TH</sup> STREET, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2007-109: Mount Canaan Baptist Church**

On motion of Councilman Rico, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 700  
BLOCK OF WEST ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND  
AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2007-121: University of Tennessee at Chattanooga c/o Janet Spraker**

Pursuant to notice of public hearing, the request of UTC c/o Janet Spraker to rezone a tract of land located at 701 East Martin Luther King Boulevard came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 701 EAST MARTIN LUTHER KING BOULEVARD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM C-3 CENTRAL BUSINESS  
ZONE AND R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**  
passed first reading.

**REZONING**

**2007-123: Everette V. Dyer**

Pursuant to notice of public hearing, the request of Everette V. Dyer to rezone a tract of land located at 1612 Kirby Avenue came on to be heard.

The applicant was present; there was no opposition.

**REZONING (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1612 KIRBY AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND R-4 SPECIAL  
ZONE TO R-1 RESIDENTIAL ZONE**  
passed first reading.

**REZONING**

**2007-126: Ed Wiseman**

Pursuant to notice of public hearing, the request of Ed Wiseman to rezone a tract of land located at 737 McCallie Avenue came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Pierce, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED AT 737 MCCALLIE AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE  
TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**LIFT CONDITIONS**

**2007-132: Ken DeFoor**

Pursuant to notice of public hearing, the request of Ken DeFoor to lift conditions imposed in Ordinance No. 11841 (Case No. MR-2006-084) on a tract of land located at 7315 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

**LIFT CONDITIONS (Continued)**

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS  
IMPOSED IN ORDINANCE NO. 11841 (CASE NO. MR-2006-084) ON A  
TRACT OF LAND LOCATED AT 7315 SHALLOWFORD ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**LIFT CONDITIONS**

**2007-134: Ken DeFoor**

Pursuant to notice of public hearing, the request of Ken DeFoor to lift conditions imposed in Ordinance No. 11932 (Case No. 2006-218) on a tract of land located at 7315 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS  
IMPOSED IN ORDINANCE NO. 11932 (CASE NO. MR-2006-218) ON A  
TRACT OF LAND LOCATED AT 7315 SHALLOWFORD ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2007-137: Phillip Mucci**

Pursuant to notice of public hearing, the request of Phillip Mucci to rezone a tract of land located at 1507 Kirby Avenue came on to be heard.

A representative for the applicant was present; opposition was in attendance.

Greg Haynes, Director of Development Services with RPA, stated that the request is for R-2 for use of an existing duplex. He stated the duplex was a legal, nonconforming use and has been out of use for more than one hundred days.

## REZONING (Continued)

Mr. Haynes stated the applicant lives across the street and the intent is to bring back use as a duplex to improve the neighborhood. He stated the Staff's concern was that this is a spot zone and the study that was done in Highland Park rezoned these areas back to R-1, even though Planning recommends approval. He stated Planning heard comments from the applicant and understood the good intent of trying to improve the neighborhood.

**Brian and Erica Jacobs** were present representing the applicant. He stated that they live across the street and are one of three owners of the property. He stated that they want to make an appeal to the Council; that they moved to Chattanooga from Oregon five years ago for the primary reason to attend UTC and complete their undergraduate degrees. He stated they accomplished that and decided two-and-a-half years ago to purchase a house in Highland Park near downtown; that they have fallen in love with the downtown area and are passionate about the changes occurring and wanted to be a part of it, thus the move to Highland Park. He stated that they looked at the property every day as it is in horrible disrepair; that they bought it at an auction under the pretense it was a duplex and had saved money to invest and renovate it and to their dismay found it had to be downzoned to R-1. He stated their plea is to be allowed to use the structure as originally intended as a duplex; that it is apparent it is designed as a duplex and is a cinder block home. He stated that they realize asking for R-2 in Highland Park is contentious but asked that the Council reconsider.

Mr. Jacobs stated that another point he wanted to make was that he appreciates the position of those in Highland Park wanting to downzone homes to R-1 as it makes an overall positive impact on the neighborhood. He stated that he can only address this from a personal experience by living in the block and knowing the block is struggling; that he is one of three people that own homes on the block and everyone else are renters and there are multi-dwellings. He stated that they are projecting a rental fee of \$500-\$600 for each side; that upgrading this property would alleviate the possibility people are fearful of; that they will make sure those renting would be qualified people others would want to be neighbors with.

**Jay Craven**, Vice President of the Highland Park Neighborhood Association, spoke next and stated that he hated being in opposition; that they do not oppose anything they are doing except this is spot zoning. He stated the Highland Park Board has determined it would be in the best interest to oppose due to setting a precedent; that they had a lot of struggle to get to R-1 zoning in the Highland Park area and are trying to do a study now to get the rest done.

## REZONING (Continued)

Mr. Craven stated that he really has no qualms about what Brian and Erica want to do with this property but they do not want to “open a door they can not close”. He stated they are afraid similar requests will come in the future.

Councilman Benson stated that this was weighed heavily at Planning; that what we have is a house built to be a duplex that has been unoccupied for a length of time and has lost the potential for the grandfather status. He stated these people across the street would like to fix it up and upgrade the community and were upgrading it thinking it was a duplex. He stated that we know what it is and know what they have; that if we do not zone this it will be a “pig in a poke” situation in that community. He stated he does not know how they will “chop it up” and make it as a single family residence and what to do to cut their losses in this. He stated they seem to be good citizens and informed Mr. Craven if the Council votes against this the unknown is out there and we do not know what it will be.

Mr. Craven stated that they know what this is but do not know what will happen next.

Councilman Benson stated that is what worries the Council.

Mr. Craven responded, “us, too”.

Councilman Benson stated that we know what kind of citizens own this house and asked if Mr. Craven wants the Council to vote them out.

Mr. Craven stated if they could review on a case-by-case basis they would be all for it.

Councilman Benson stated that the reason and purpose for this Council is that they can take things on a case-by-case basis and this is an unusual set of facts and he does not think this is precedence setting too much. He stated there are a lot of controlling conditions that we do not have on an unknown, which is why we changed our minds at Planning.

Councilwoman Bennett stated that there was a similar situation in North Chattanooga a few months ago where there was the same nonconforming use. She stated it was a real struggle and the request was denied, but it was a struggle as the property had been built as a duplex but in a single family community. She stated that this troubled her at the time because the individual buying the property was not fully disclosed as far as zoning.

## REZONING (Continued)

Councilwoman Bennett stated that it troubles her that the Council repeatedly sees citizens thinking they made a decision and find themselves in problems not expected.

Councilwoman Rutherford stated that this really makes her sick to know this has been done, but so many times she has sat on the Council and said this is spot zoning and the Council does not do it. She stated not three months ago Councilman Pierce had a request that the Council turned down because it was a spot zone. She asked Special Counsel McMahan if the Council were to rezone what kind of precedent is that setting for us that we have to do in the future.

Special Counsel McMahan stated that the only precedent is a neighborhood with mixed-single family; that most multi-family use is zoned from the perspective another multi-family is nearby then later seek rezoning to R-2.

Councilman Pierce stated that it is his thought if the Council goes back and rezones back to R-2 it would be setting a precedent across the city; that most of our inner city neighborhoods have requested these down zonings. He asked the Council to consider the Avondale area where 65% is rental property and most are duplexes that are dilapidated; that it is a known fact residents have come to the city to stop work of this nature where someone has purchased two-or-three units, renovates them and the landlord is stopped because they could not complete it due to zoning. He stated that he is sorry the purchasers did not get an understanding this was R-1 property when they bought it but this happens in Avondale and all other neighborhoods.

Mr. Haynes pointed out that for a down zoning to occur after a rezoning study usually the reason is to get everything on an equal basis; that there is a difference between spot zoning and vacant property. He stated spot zoning has structures on it built for that use at some point in the past and when it is rezoned backed to R-1 it is always a good decision to make. He stated the difficulty staff has is trying to stick to a basic principle to try to avoid any spot zoning left with a structure built for duplex use and if it is denied it is left with having to convert it to single family. He stated Councilwoman Bennett mentioned the North Chattanooga situation which had four units requesting R-3MD which was denied. He stated this case has some opposition but also has an applicant who convinced Planning he has good intentions to renovate and improve. He stated there is a duplex on the end of the corner and one next door; that the street has a mixture of uses with some new single family structures.

**REZONING (Continued)**

Mr. Jacobs expressed thanks to the Council for their consideration. He stated he is not an investor or property manager and does not own any other properties nor does he intend to; that he wanted to make a positive difference on the street and a good financial investment in the neighborhood and future. He stated he is working on upgrading and renting the property at \$500-\$600 per side and does feel the prejudiced display against R-2 works against the best interest of neighborhoods. He stated the real problem is low investment in Highland Park not the number of residents who live there; that he knows what he has available to invest would only suffice as maintaining this structure as a duplex, otherwise he would end up having to put it on the market for \$60,000 and that opens the door for someone else to buy and rent out to someone for less money. He stated that he believes in the process of zoning and rezoning and asked for approval for R-2.

Councilwoman Robinson stated these cases are always difficult as this is an area where there is a plan that has been adopted by the Council and worked out by the residents. She stated there is a strong neighborhood association in the Highland Park area which is something the Council gives a lot of weight to in these cases. She stated that she heard in Mr. Jacobs' comments that this property was purchased at an auction which means the purchaser might not have gotten all the information if it were for sale; however, it is her thought it does set a precedent. She stated the neighborhood struggled and agreed to get a level of stability. She expressed that she feels bad about this situation but also feels the neighborhood created a plan to live there and the neighborhood association spent a long time to get where they are now and this is a step back.

**Councilwoman Gaines made the motion to defer the request two weeks** to reevaluate the matter and meet with the neighborhood association. She stated that she has not met with Mr. Jacobs but has communicated with Mr. Mucci. She stated she is concerned with this plan and did not understand from Mr. Mucci that he was not aware of the zone at the time. **Councilwoman Rutherford seconded the motion.**

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1507 KIRBY AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL  
ZONE**

was deferred two weeks (September 25).

REZONING

**2007-138: Chattanooga Neighborhood Enterprise**

Pursuant to notice of public hearing, the request of CNE to rezone tracts of land located at 1605, 1609, 1611 and 1623 Madison Street and 611 East 17<sup>th</sup> Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1605, 1609, 1611 AND 1623 MADISON STREET AND  
611 EAST 17<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM  
R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO  
CERTAIN CONDITIONS**

passed first reading.

REZONING

**2007-139: Chattanooga Neighborhood Enterprise**

Pursuant to notice of public hearing the request of CNE to rezone tracts of land located at 1800, 1802, 1804, 1808 and 1810 Madison Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1800, 1802, 1804, 1808 AND 1810 MADISON  
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1  
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO  
CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2007-140: Chattanooga Neighborhood Enterprise**

Pursuant to notice of public hearing, the request of CNE to rezone tracts of land located in the 600 block of East 17<sup>th</sup> Street and the 1700 block of Madison Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 600 BLOCK OF EAST 17<sup>TH</sup> STREET AND THE 1700 BLOCK OF MADISON STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2007-142: GVH Shallowford Associates**

Pursuant to notice of public hearing, the request of GVH Shallowford Associates to rezone a tract of land located at 2245 Hickory Valley Road came on to be heard.

The applicant was present; there was no opposition.

**Councilmen Rutherford and Franklin made the motion and second to approve the request on first reading.**

**Atty. Dick Crotteau** of Miller and Martin introduced "Bud" Shearer and expressed his pleasure with the Council's speedy action. He stated two conditions were imposed at Planning and "Bud's" son was there and when he was asked if the building could be reoriented 90 degrees he said he would look at it. He stated this causes a little bit of a problem; that the condition that states it is for a "*specified use only*" they are in favor of that but reserve the right to reorient where the proposed drug store with the drive-in would be; that it is better to have it oriented as it was presented and not reoriented so high volume traffic can enter and exit onto Hickory Valley. He stated they would like to have it approved without that condition.

## REZONING (Continued)

**Councilwoman Rutherford** stated this is located within her district; that she has met with the developers and has talked to a number of neighborhoods in that vicinity. She stated she was not able to attend the Planning meeting and did not know that this was conditioned this way. She **made the motion to amend the previous motion to remove the condition regarding the location of the building.**

Councilman Pierce asked if this would be done without giving any thought to what will happen by doing it; that he would think the motion would be to defer two weeks or pass on first reading and have it amended next week.

Councilman Benson stated that it is his belief the person at Planning asked that this be done was Vance Travis. He stated he would have to abstain as he can not vote against Planning's recommendation unless it is explained.

Mr. Haynes stated that the recommendation came from Staff and supported by Planning. He stated this is not a big deal on this zoning; that the reason why it is there is to try to orient the longest portion of the building away from residential which begins on Brookwood Drive. He stated they were trying to orient the building to give a little protection to the residential area.

Councilman Benson stated that he represents the Brookwood area and as he recalls Mr. Haynes emphasized it would make Brookwood and Mahala Acres a little less exposed.

Mr. Haynes responded "right".

Councilman Benson stated that he can not vote for anything that will expose them to commercial activity.

Mr. Haynes stated that the site plan shows the longest portion faces Hickory Valley, making it long on Hickory Valley and short on Shallowford.

Councilwoman Rutherford stated when she met with the developers it was agreed how lighting would be and where the dumpster would be located. She stated she has met with people in that general area and most of Hickory Valley is commercial; that to her the deal is if direct traffic is on Hickory Valley it would be much safer to have traffic directed on Shallowford. She stated as she understands it now if we reposition the building traffic will be toward Shallowford. She stated if this can be approved on first reading more research could be done during the next week.

**REZONING (Continued)**

“Bud” Shearer stated that they want traffic to come down Shallowford and turn in to the drive-in and go out on Hickory Valley which faces the shopping center across the street.

Councilman Benson inquired about curb cuts on Shallowford and Hickory Valley; that the problem has to do with Hickory Valley Christian School where it has been noted there are a lot of people and traffic piles up. He stated he would not be able to vote for it as it endangers that School as much as anything.

Mr. Shearer stated in all due respect he did not think it would be that much of a problem.

Councilman Benson stated that at this time he does not know and can not vote for this.

Councilwoman Bennett “called for the question” at this point.

Councilwoman Rutherford advised Messrs. Crotteau and Shearer to meet with any Council members that will take the time to meet.

Councilman Benson stated that the school people have been on him for six months about the dangers out there.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2245 HICKORY VALLEY ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-S  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed first reading.

**AMEND CONDITIONS**

**2007-143: City of Chattanooga c/o Steve Leach**

Pursuant to notice of public hearing, the request of the City of Chattanooga c/o Steve Leach to amend Condition Nos. 1, 2, and 3 imposed in Ordinance No. 11572 (Case No. 2004-093) on a tract of land located at 1020 Godsey Drive came on to be heard.

## AMEND CONDITIONS (Continued)

The applicant was present; opposition was in attendance.

Mr. Haynes stated that this request amends conditions in a previous closure that referenced a new road construction at Godsey to cut across the property. He stated the condition reflected that design and that has since changed and will not cut across property; that it will be parallel to the left. He stated the conditions to be amended reference "*reserving a 60 foot right-of-way*" which has been **changed to** "**50 feet and a ten foot utility easement**", and a second condition that referenced "*no building with 55 feet from the centerline of the reserved right-of-way*" that has been **changed to** "**50 feet**". He stated the last condition remains the same with regard to the easements necessary to allow development of the property.

**Adm. Leach** stated this is the first phase of the extension from Hamill to Hixson Pike; that the Council approved some funds for this first phase which allows for development by the developer without the restrictions placed under the assumption the road will go in a different location. He stated this is simply to allow the road to be straightened out and the property not be penalized by the old requirements on a previous zoning and allows us to go forward with this project.

**Dr. Bill Matthews** stated he was present representing all of the doctors in the building next to the proposed road. He stated that their objection has been in the way this has been handled, first of all; that he was before the Council in 2004 when then Councilman Littlefield denied it to Mr. Yarbrough and now it has moved toward them. He stated that they really think the road is probably going to be done which will pretty much be a "funnel in a bottleneck". He stated no one is for it except the people that want it. He stated what they simply request is if the road is built to give them a buffer and not put any heavy-type equipment on their property or disturb their land. He stated one of the doctors specifically asked them to move over three-to-five feet and the response was that it could not be done. A photo of the site was shown by PowerPoint and Dr. Matthews noted that he and the other doctors have 40 feet to turn and go around the back of the building to see their patients and one way for personnel. He asked if there is any way to have any blockage or whether there is a plan to put up a buffer; that this has been asked and requested and all they keep getting is "no".

Dr. Matthews continued by stating that he had a long discussion with Mr. Johnson and there has been talk of eminent domain, which is a pretty strong word. He stated from the standpoint of easements they have 400 feet from one area to the railroad and do not understand why the city can not build what is wanted over there; that it is intuitive and he does not understand that.

## REZONING (Continued)

Dr. Matthews stated that they have denied the easements and are not going to sign; that some of them want to get an injunction and stop the whole road as it is their thought it is like building a bridge in the middle of the Tennessee River with no exit point or ramps; that it is just naked out there. He stated North Point Boulevard can not connect and there is no easement from the railroad as Northern-Southern has not given an easement. He stated that he had a conversation with Councilman Page and it is his thought the "train has left the station". He stated that they are not asking to stop the road per se; that they are asking what is wrong with them having property rights and what is wrong with being left alone on their side to see their patients and take care of people. He stated none of them understand this other than just being forced down their throats. He stated they are asking for someone to "step up to the plate" and reevaluate the concept of the entire road; that security is one of their issues, also. He stated that he is asking the Council to be judicious and not just "rubber stamp" something.

**Dan Johnson** spoke next and stated after reconstruction of the easement this does not parallel with Dr. Matthews' property; that the city does not want any of his property. He stated that the offer was made to build a chain link fence but he did not want that, a wooden fence or concrete wall. He reiterated none of Dr. Matthews' property is needed as all the rights-of-way for the road goes through other property owners; that it is a pretty fair and simple approach.

Adm. Leach stated they have been trying to work with the physicians group regarding the easement which is not a part of this zoning matter; that it affects property on each side of the road and not the rest.

On motion of Councilman Benson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITION  
NOS. 1, 2 AND 3 IMPOSED IN ORDINANCE NO. 11572 (CASE NO.  
2004-093) ON A TRACT OF LAND LOCATED AT 2010 GODSEY DRIVE,  
MORE PARTICULARLY DESCRIBED HEREIN**  
passed first reading.

## REZONING

### **2007-145: City of Chattanooga by RPA Staff**

Pursuant to notice of public hearing, the request of the City of Chattanooga by RPA Staff to rezone specific C-2 , C-3, M-1 and M-3 properties within the South Broad Street area came on to be heard.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC C-2 CONVENIENCE COMMERCIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-3 WAREHOUSE AND WHOLESALE ZONE PROPERTIES WITHIN THE SOUTH BROAD STREET AREA, MORE PARTICULARLY DESCRIBED HEREIN, TO URG URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO THE ATTACHED ZONING STUDY**  
passed first reading.

## REZONING

### **2007-147: City of Chattanooga c/o Mayor's Office**

Pursuant to notice of public hearing, the request of the City of Chattanooga c/o Mayor's Office to rezone tracts of land located in the 2900 and 3000 blocks of Alton Park Boulevard came on to be heard.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 2900 AND 3000 BLOCKS OF ALTON PARK BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**  
passed first reading.

### LIFT CONDITION

MR-2007-055: Earthworx, LLC

On motion of Councilman Rico, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 11540 CAPTIONED, "AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE OPENED 5500 BLOCK OF CLEAR CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS" TO LIFT CONDITION NO. 2 REQUIRING A CUL-DE-SAC**  
passed first reading.

### AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE AN AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF CHATTANOOGA, INC., IN SUBSTANTIALLY THE FORM ATTACHED HERETO, FOR USE OF THE SOUTH CHATTANOOGA RECREATION CENTER FOR A TERM OF ONE (1) YEAR, RENEWING AUTOMATICALLY FOR ADDITIONAL ONE (1) YEAR TERMS UNLESS EITHER PARTY GIVES THE OTHER WRITTEN NOTICE AS PROVIDED IN THE AGREEMENT**  
was adopted.

### AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH BARGE, WAGGONER, SUMNER AND CANNON, INC. FOR FINAL DESIGN AND ENGINEERING SERVICES FOR THE SUMMIT PARK PROJECT IN A TOTAL AMOUNT NOT TO EXCEED EIGHT HUNDRED FIVE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (805,467.00), SUBJECT TO APPROVAL OF THE FINAL AGREEMENT BY THE CITY ATTORNEY'S OFFICE**  
was adopted.

**USE OF FROST STADIUM**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO CONTRIBUTE ONE-DAY USE OF FROST STADIUM TO FRIENDS OF THE LIBRARY FOR A FUNDRAISING AUCTION TO BENEFIT "CLUB LIB" YOUTH READING PROGRAM**

was adopted.

**AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO EXECUTE A LICENSE AGREEMENT WITH EASTGATE TOWN CENTER, LLC FOR TEMPORARY USE OF CERTAIN FACILITIES LOCATED AT 5600 BRAINERD ROAD, EASTGATE TOWN CENTER, CHATTANOOGA, TN 37411, FOR THE OPERATION OF THE EASTGATE SENIOR ACTIVITIES CENTER FOR A TERM OF ONE (1) YEAR**

was adopted.

**DONATION**

On motion of Councilman Franklin, seconded by Councilwoman Gaines,

**A RESOLUTION AUTHORIZING ACCEPTANCE OF THE DONATION OF IN-KIND ADVERTISING VALUED AT APPROXIMATELY EIGHT THOUSAND THREE HUNDRED TWENTY DOLLARS (\$8,320.00) PER MONTH FROM WSMC-90.5 FM TO THE DEPARTMENT OF EDUCATION, ARTS & CULTURE FOR THE "EAC MINUTE"**

was adopted.

**GRANT**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A TENNESSEE ARTS COMMISSION GRANT FROM THE STATE OF TENNESSEE IN THE AMOUNT OF ONE THOUSAND THREE HUNDRED EIGHTY-THREE DOLLARS (\$1,383.00) TO FUND AN ARTS/HISTORY PROJECT AT HERITAGE HOUSE IN APRIL 2008**

was adopted.

**CONTRACT**

On motion of Councilman Franklin, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT WITH THE CHATTANOOGA CONVENTION CENTER FOR USE OF FACILITIES TO HOST THE 9<sup>TH</sup> ANNUAL NEIGHBORHOODS AND CODES CONFERENCE SCHEDULED FOR OCTOBER 17-19, 2007 FOR AN AMOUNT NOT TO EXCEED THIRTY-EIGHT THOUSAND DOLLARS (\$38,000.00)**

was adopted.

**ACCEPT PAYMENT**

On motion of Councilwoman Gaines, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A PAYMENT FROM PARK MILLS PROPERTIES, LLC IN THE AMOUNT OF TWENTY-FOUR THOUSAND SEVENTY-NINE AND 26/100 DOLLARS (\$24,079.26) AS REIMBURSEMENT TO THE CITY FOR MATERIALS TO INSTALL A TRAFFIC SIGNAL AT THE ENTRANCE OF GREENLIFE GROCERIES ON MANUFACTURERS ROAD**

was adopted.

**ACCEPT PAYMENT**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A PAYMENT FROM ONS PARTNERSHIP IN THE AMOUNT OF SIXTEEN THOUSAND FIFTY-TWO AND 84/100 DOLLARS (\$16,052.84) AS REIMBURSEMENT TO THE CITY FOR MATERIALS TO INSTALL A TRAFFIC SIGNAL AT THE ENTRANCE OF GREENLIFE GROCERIES ON MANUFACTURERS ROAD**

was adopted.

**TEMPORARY USE**

On motion of Councilman Franklin, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING FRED J. BENNETT TO USE TEMPORARILY THE 3300 BLOCK OF ROSSVILLE BOULEVARD TO 36<sup>TH</sup> STREET AND 3501 CLIO AVENUE TO 36<sup>TH</sup> STREET TO INSTALL A GATE IN THE ALLEY OF THE CITY RIGHT-OF-WAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

TEMPORARY USE

On motion of Councilwoman Gaines, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING FOXWOOD HEIGHTS ASSOCIATION TO USE TEMPORARILY THE RIGHTS-OF-WAY BETWEEN WILCOX BOULEVARD AND RICHARD AVENUE AND WILCOX BOULEVARD AND MCCORD AVENUE TO INSTALL A GATEWAY AND BEAUTIFY THE SURROUNDING AREA, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING JOHN WILLIAMS TO USE TEMPORARILY 5000 ROSSVILLE BOULEVARD TO REPLACE THE FRONT STORE ROOF, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

PRELIMINARY/FINAL PUD

**2007-120: University of Tennessee at Chattanooga (UTC) c/o Janet Spraker**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION APPROVING A PROPOSED PRELIMINARY AND FINAL INSTITUTIONAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR AN INSTITUTIONAL PLANNED UNIT DEVELOPMENT, KNOWN AS UNIVERSITY OF TENNESSEE AT CHATTANOOGA INSTITUTIONAL PLANNED UNIT DEVELOPMENT 2007 CAMPUS PLAN, ON A TRACT OF LAND LOCATED AT 615 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

PRELIMINARY PUD

2007-135: C. T. Williams Contractors

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION APPROVING A PRELIMINARY RESIDENTIAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED RESIDENTIAL PLANNED UNIT DEVELOPMENT, KNOWN AS THE RIVERVISTA PLANNED UNIT DEVELOPMENT, LOTS 1-7, ON TRACTS OF LAND LOCATED IN THE UNIT BLOCK OF RIVERVISTA DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH EARTHWORX, LLC RELATIVE TO THE CHATTANOOGA STORM SYSTEM AS-FOUND GIS – PHASE V FOR PROFESSIONAL MAPPING AND GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000.00)**  
was adopted.

ACQUISITION OF LAND

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ACQUISITION OF A TRACT OF LAND LOCATED IN THE 1200 BLOCK OF KING STREET, TAX MAP NO. 145E-Q-008, AS REFERENCED IN CASE NO. MR-2007-172, ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM THOMAS L. JOHNSON FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$195,000.00), PLUS REASONABLE CLOSING COSTS, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID ACQUISITION**  
was adopted.

## OVERTIME

Overtime for the week ending September 7, 2007 totaled \$9,546.21.

Councilman Benson encouraged Council members to look at the overtime report as it is listed by positions in various departments. He stated when he was employed with the school system professionals did not get overtime. He asked who is not subject to overtime in excess of forty hours.

Adm. Madison responded that some city personnel are classified as exempt and non-exempt; that non-exempt employees receive overtime and exempt employees do not.

Councilman Benson stated that he is surprised at some on the list; that administrators receive overtime.

It was clarified at this time that Councilman Benson was looking at the name of the department and not a job title; that it involved persons within a division of administration and not an individual title.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **GERALD D. MADDEN** – Return from FMLA, Crew Worker, City Wide Services, effective August 27, 2007.
- **DANIEL L. CHANDLER** – Retirement, Heavy Equipment Operator, City Wide Services, effective August 27, 2007.
- **FRANK EDWARD BALES** – Hire, Plant Operator Senior, Waste, Pay Grade 12/Step 1, \$29,277.00 annually, effective August 24, 2007.
- **JOYCE ANN SNYDER** – Hire, Office Assistant Senior, Waste, Pay Grade 5/Step 1, \$20,650.00 annually, effective August 31, 2007.
- **JOEL RICHARD MEEKS** – Leave of Absence (30 days), Equipment Operator Senior, Traffic, effective September 18 – October 30, 2007.

**PERSONNEL (Continued)**

- **KEVIN S. TONEY** – Lateral Transfer, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,650.00 annually, effective September 7, 2007.
- **JENNY SHUGART** – Hire, Planner (Historic Preservation), Land Development, Pay Grade 14/Step 2, \$33,374.00 annually, effective September 14, 2007.
- **ALEX V. FREEMAN** – Lateral Transfer, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,650.00 annually, effective September 7, 2007.

**CHATTANOOGA POLICE DEPARTMENT:**

- **JESSE D. BOUNT, SHIRLEEN L. GONZALES** – Hire, Communications Officer, Pay Grade 11/step 1, \$28,010.00 annually, effective August 31, 2007.
- **CAROL SIVLEY** – Promotion, Safety & Training Coordinator Senior, Pay Grade 15/Step 1, \$33,078.00 annually, effective August 31, 2007.

**PURCHASES**

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

**INGRAM EQUIPMENT COMPANY, LLC (Best bid)**  
**R0101253/B0004413**

Jetter/Vacuum Truck

\$200,158.00

**T. T. WILSON COMPANY AND HOME DEPOT (Best bids)**  
**R0100357/B0004331**

Masonry Material

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

### **PURCHASES (Continued)**

Councilwoman Gaines inquired as to the amount for the masonry material purchase, noting that the departmental purchase transaction report indicated "attached" information that was not included in Council members' notebooks.

Adm. Leach explained that each bid item had an individual price per item and gave the example that items bid from Home Depot would total \$12,424.70.

### **ACQUISITION OF PROPERTY BY FIRE DEPARTMENT**

Councilman Franklin stated as he reviewed the capital budget he noticed over the last two years that the fire department has been trying to acquire property and/or build new fire centers in areas where centers are less than adequate, such as the fire station on Dodson Avenue. He asked if we have property for that to build on that site.

Chief Flint stated that the department has been in negotiations with the county school system and just received approval to receive more land than where the current station is located on Dodson.

Councilman Franklin asked if the land is in conjunction with the Hardy School.

Chief Flint responded "yes".

Councilman Franklin stated that he was aware the department was looking at two-or-three sites and asked if the East Lake site was the first or the Dodson site.

Chief Flint stated Dodson was the number one priority and the second site was in East Lake; that they are working with the school system to acquire property for it also.

Councilman Franklin asked Adm. Madison if money has been appropriated for the sites; whether it is in the 2007-08 budget for the site.

Adm. Madison stated the 2007-08 capital budget is still in discussion; that there has been no appropriation for this property, only preliminary discussions. She stated there is a small amount for one in the capital budget for land acquisition and design already, but not enough to build a fire hall.

Councilman Franklin asked if it was just for land acquisition only. Adm. Madison responded "yes".

### REFUNDS

On motion of Councilwoman Bennett, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds due to amended report from TMA post audit and gross receipts tax, respectively:

|                                       |                   |
|---------------------------------------|-------------------|
| <b>THE FRESH MARKET</b>               | <b>\$1,974.40</b> |
| <b>R. SHUPTRINE PRODUCTIONS, INC.</b> | <b>1,555.65</b>   |

### HEARING: OFFICER SHAWN CUNNINGHAM

Special Counsel McMahan stated that a request has been made to reschedule the hearing for Officer Cunningham for an opportunity for Chief Cooper to attend the meeting:

**The hearing for Officer Shawn Cunningham was rescheduled for Monday, October 29 beginning at 9 a.m. with the same panel and alternate (Councilmen Rico, Robinson and Benson; Councilwoman Bennett as alternate).**

### COMMITTEES

Councilman Franklin reminded Council members of the meeting of the **Parks and Recreation Committee** scheduled for **Tuesday, September 18** immediately following Public Works.

Councilman Rico reminded Council members of the **Public Works Committee** meeting scheduled for **3 p.m. on Tuesday, September 18**.

Councilwoman Rutherford scheduled a meeting of the **Education, Arts and Culture Committee** immediately following **Parks and Recreation** on **Tuesday, September 18**.

### MAHMOOD ABDULLAH

Mahmood Abdullah greeted Council members and announced the establishment of an organization for the community called the Chattanooga Community Council.

### **MAHMOOD ABDULLAH (Continued)**

Mr. Abdullah stated that the organization was established because they found a lot of wrong doing within the city. He referenced an article in last week's newspaper regarding CNE and the wrong they have done; that in their investigation there is a lot of wrong doing in the city. He stated that he is a resident of Alton Park and he came before the Council a year-or-so ago about his property; that there were code violations that did not exist and his business is not open today because of that. He made reference to funds that had been misappropriated, fraud and other federal funds. He expressed that he was so hurt as a result of the findings and want to know why the black community is not being given their fair chance and opportunity for construction; that there is just too much going on.

Later in the meeting he again mentioned the acts of fraud and the investigation of money that has been taken. He stated the city has approved more money to CNE and there are women in the community with sewage problems they (CNE) will not fix. he stated in regard to Hope Vi leaders have given money to certain organizations and they are not doing what they should do; that they are being given "hush money". He stated they plan to start a newspaper and come up with a television show of their investigations and bring in the federal government. He stated there is a 65-year old woman with a sewage problem who has gone to CNE and they will not help; that people are being pushed out of their houses. He stated they are so many violations and people are tired of this. He stated there are drugs in the community and nothing is being done and the Chattanooga Community Council is for the entire city. He apologized for not "coming off" well when he initially spoke and expressed hope that Almighty God would continue to bless Council members; that he leaves them in peace.

### **MALIK RACHMAN AKBAR**

Malik Rachman Akbar stated that he is trying to establish his construction business and first and foremost he is tired of seeing the community being torn down by drugs and gang members. He stated he is constantly at their meetings and he has been telling them the only thing they have to do is get together and talk to someone. He stated that he is around and they talk to him and he wants someone to "step in". He stated if someone sees something someone is doing that is wrong a photo should be taken and shown to the police. He stated they would look into it and run them off. He stated that he has little children that respect him and come to him; that someone is needed to "step up".

### **MALIK RACHMAN AKBAR (Continued)**

Councilman Benson advised Messrs. Abdullah and Akbar that if they have specifics they should inform the proper authorities; that they both spoke in generalities. He stated in order to start anything specifics are needed.

Councilwoman Robinson stated with regard to the 65-year old lady with the problem with the sewer, our public works administrator is here tonight and they do test houses for these kinds of leaks. She stated there is a fund available to help those unable to upgrade their connections and she is certain Adm. Leach would be happy to speak with them tonight before they leave.

Mr. Abdullah expressed thanks and stated they are in need of a black community newspaper; that they will document everything they need to show wrong doing in this city.

Councilwoman Gaines asked if Mr. Abdullah was speaking of the home on Glenwood Drive where there is a 65-year old woman.

Mr. Abdullah responded "one of them, yes".

### **SHIRLEY DEAKINS**

Councilman Benson announced that Shirley Deakins would be undergoing serious surgery on tomorrow; that she is sort of our "Paul Revere" of problems. He expressed hope for a speedy recovery.

### **KHALID HASHMI**

Khalid Hashmi referenced the Neighborhood Codes Conference resolution that was approved on tonight's agenda and stated that it is unfortunate there are several indictments in the Neighborhood Services Department; that a federal investigation is going on. He stated a federal investigator, David King, has personally informed him the city is not in compliance and the city does not have a policy for code inspections. He stated most of the inspectors are not certified and a Review Commission is not in place. He stated the city is not willing to talk about it and there are other issues he declines to talk about in good faith at this time. He suggested that the Conference be postponed until the policies are in place and the inspectors are certified. He congratulated those associated with the new neighborhood association (Chattanooga Community Council) and expressed his certainty that they will do a lot of good for the community.

**KHALID HASHMI (Continued)**

At this point Mr. Hashmi attempted to reference a troubling audit dated December 29, 2006 and Councilman Pierce immediately interrupted.

Councilman Pierce that he wanted to short-circuit Mr. Hashmi because he (Hashmi) has filed complaints against the city and HUD is investigating at this time. He stated until that complaint is completed he is not interested in hearing the report from Mr. Hashmi. He stated his report and this group that spoke earlier are together basically because the properties surrounding the properties he owns have been targeted, he (Hashmi) says, by CNE.

Chairman Page stated that he understands the concern.

Mr. Hashmi stated that he is not present with an agenda and stated that he wanted to draw attention to the report by the auditor and wanted to know if each Council member has read it.

Chairman Page asked Mr. Hashmi to leave a copy and asked if he had anything else.

Mr. Hashmi encouraged Council members to read the document; that federal grants are referenced in the report and he sees a problem with that. He stated that he does not have any thing else and came in good faith.

**ADJOURNMENT**

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, September 18, 2007 at 6:00 p.m.

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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)**