

**City Council Building
Chattanooga, Tennessee
October 17, 2000**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

REZONING

2000-176: City of Chattanooga

On motion of Councilman Franklin, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1301 MARKET STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2000-177: Larry Yother, Author Yother & Dayton Boulevard Motors

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 600, 700 AND 800 BLOCKS OF BOY SCOUT
ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL
ZONE TO C-1 HIGHWAY COMMERCIAL ZONE**

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

REZONING

2000-180: Lincoln Trust Company – Larry Armour

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 7000 BLOCK OF JARNIGAN ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE**

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

REZONING

2000-181: Frank Martin

On motion of Councilman Lively, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 324 PATTEN CHAPEL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE
ZONE**

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

REZONING

2000-185: Joe Guthrie/Southeast Local Development Corporation

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 1100 BLOCK OF CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

2000-190: S. Reginald Ruff, III

On motion of Councilman Taylor, 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 4625 ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2000-191: Jerry Hagan

Jerry Pace of the Planning Agency stated that at the Planning Commission meeting the Staff recommended R-4; that Mr. Hagan was asked if he would accept the R-4 zone with the condition there be no residential use for the property and he agreed. He stated last week the Council approved the R-4 zone; that there was opposition to the request at Planning but not at the Council meeting. He stated to uphold the wishes of the community with regard to there not being any residential use that condition should be added to his request for the R-4 zone.

REZONING (Continued)

Mr. Pace stated Mr. Hagan is not present and he is not sure any action should be taken on this tonight; that it might be better to defer the matter until next week so that Mr. Hagan can be informed.

Councilman Eaves stated that he would not want to do anything without Mr. Hagan being notified; at this point he made the motion to defer the matter one week.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7388 AND 7390 APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE
was tabled one week.

AMEND ZONING ORDINANCE

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 116, 126, 166, 209 AND 256, ARTICLE VIII, SECTIONS 107(13)(b)(1) AND (2), AND ARTICLE VIII, SECTION 107(13)(c)(3), RELATIVE TO THE LOCATION STANDARDS AND SITING REQUIREMENTS OF COMMERCIAL TOWERS

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

REZONING

2000-152: Jefferson Place Associates, LLC

A representative for the applicant asked that this request be withdrawn.

On motion of Councilwoman Hurley, 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 1910 ROSSVILLE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-3
RESIDENTIAL ZONE**

was withdrawn at the request of the applicant.

REZONING STUDY

2000-178: Chattanooga City Council

City Attorney Nelson distributed booklets to each Council member outlining the history of this rezoning as it relates to the most recent chapter thereof. He stated Tab 1 of the booklet describes how a zoning change is adopted, which states:

A proposed change or amendment may originate with the City Council, with the Planning Commission or on petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. Following the receipt of a recommendation from the Planning Commission, the City Council shall give at least fifteen (15) days' prior notice of the time and place for a public hearing which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City. The cost of such notice will be born to the petitioner.

Provided, however, that a petition for rezoning or to close and abandon shall not be accepted for a period of nine (9) months following denial of a previous petition involving the same property or any part thereof.

REZONING STUDY (Continued)

City Attorney Nelson reiterated that there are three methods by which zoning can to be amended: by City Council, Planning Commission or by petition.

City Attorney Nelson referred the Council to Tab 2 of the booklet regarding the State law as it relates to amendments to zoning ordinances. He stated TCA 13-7-204 states “ . . . ***The zoning ordinance, including the maps, may from time-to-time be amended; but no amendment shall become effective unless it is first submitted to and approved by the Planning Commission, or if disapproved, receives the favorable vote of a majority of the entire membership of the chief legislative body***”. He stated before adopting a change in zoning the ordinance must be submitted to the Planning Commission and the Planning Commission can either accept or reject the amendment and it is then passed on to the City Council who can either accept or reject it.

City Attorney Nelson made reference to Tab 3 which were the minutes of the May 23, 2000 meeting of the City Council where the Council had started the rezoning process for amending the zoning ordinance or whether it was to be done as a study. He stated all are aware that in the past there were many instances where studies have been requested and the zoning followed to implement the study. He stated they are separate types of documents; that one is adopted by Resolution and the zoning code and ordinance only can be amended by Ordinance.

He made reference to Page 17 of the minutes under Tab 3 and noted this is where the process started. He stated the minutes reflect (under the caption **ZONING STUDY FOR NORTH SHALLOWFORD ROAD**) that “. . . ***Councilman Eaves stated that he understood they were about through with Igou Gap Road, and he moved that the Planning Commission Staff be requested to do a study and make a recommendation on the North Shallowford Road Area. This was seconded by Councilwoman Rutherford. Councilman Crockett stated that he understood that this was complex, and he wondered about the timing; that he was sure there was no bigger issue in town than this one***”. He stated on the following page (page 18) of the last sentence of the second paragraph, “. . . ***Councilman Crockett verified that the Council could initiate zoning***”.

City Attorney Nelson then directed Council members to Tab 4 of the booklet and the minutes of August 14, 2000 of the Chattanooga-Hamilton County Regional Planning Commission.

REZONING STUDY (Continued)

City Attorney Nelson stated at the bottom of the first page under the caption ***REZONING, CLOSURES, ABANDONMENTS AND SPECIAL PERMITS***, case number 2000-178 was called regarding ***the 7200 and 7300 blocks of Shallowford Road; 2300, 2400 and 2500 block of Gunbarrel Road; 2300 block of Timberlane Trail; 2300 block of Napier Drive; and the 7300 block of McCutcheon Road, City of Chattanooga Zoning Study***. He stated dropping down a paragraph it makes reference to ***“ . . . Barry Bennett made the staff presentation regarding this zoning study . . . ”***

City Attorney Nelson stated two pages over on page 3 of the Planning Commission minutes the last paragraph states that ***“ . . . Mr. Robert McNutt made the motion to defer this request until the September Planning Commission meeting to have further discussion and review further alternatives . . . and the motion carried . . . ”*** He stated under Tab 5 of the Hamilton County Web page, the bottom of the third page states, ***“ . . . Week of August 14, 2000, Shallowford Road: The Planning Commission deferred for 30 days a proposed zoning plan that would allow more development north of Hamilton Place Mall and Shallowford Road and west of Gunbarrel Road.”***

City Attorney Nelson continued by stating Tab 6 includes minutes of the Chattanooga-Hamilton County Regional Planning Commission dated September 11 wherein discussion begins at the bottom of page 4 with the same case number and wordage. He stated the last paragraph states, ***“ . . . Mr. Barry Bennett said the Planning Commission met a couple weeks ago for a special session to discuss this study area . . . ”*** He stated on the next page it states, ***“ . . . Councilman Don Eaves said he suggested a study. He desired input from Planning. He reviewed the history of the request. He did not remember the City Council asking for any additional study. . . ”*** He stated at the bottom of the page of the minutes, ***“ . . . Commissioner Harold Coker made the recommendation for the study to be sent to the City Council with all five alternatives for them to decide which one best fits their zoning policies . . . ”***

City Attorney Nelson concluded his remarks by stating that this matter was then sent to his office and he originally drafted a Resolution as a zoning study to come up last week with the Fortwood, Bushtown and Alton Park zoning studies; that a week later he was informed that the matter should be presented as a rezoning ordinance. He stated the matter was advertised and it had to be advertised for tonight's meeting to have the two weeks advertising period as required by State law.

REZONING STUDY (Continued)

City Attorney Nelson stated under Tab 7 is a Resolution of Planning signed by Barry Bennett where it stated by adopting zoning alternatives A,B,C,D the City Council changes the zoning of the affected property.

City Attorney Nelson stated it comes to the question as to whether the Council initiated a zoning change by its action of May 23 or whether it initiated a zoning study by that action. He stated if there is a change we may adopt an Ordinance tonight or a Resolution authorizing a study; that we need to proceed with a Resolution and the zoning will follow.

Councilman Eaves asked if this needs to be changed? He asked the City Attorney if a vote is needed by the Council now to call this a rezoning? City Attorney Nelson stated he is not asking for anything; that he wants the Council to be aware of the law and the facts.

Councilman Eaves asked if that satisfies the law? He stated that he sees this as a log of "gobbledgeop". He stated if this is what we need to do to satisfy the law, let's do it.

Chairman Hakeem asked if the request was for a zoning change and not a study? Councilman Eaves responded, "it was" (for a zoning change).

Councilman Pierce stated that that has been the question that has concerned him from day one. He stated on May 23, if he is not mistaken, the Council voted for a zoning study, as well as for the Bushtown and Alton Park areas. He stated two weeks ago the study came back and the Council passed the study in the form of a Resolution. He stated he was surprised when he saw this item come back in the form of an Ordinance. He asked someone from Planning who authorized the change from a Resolution to an Ordinance, and from a Plan to an Ordinance?

Barry Bennett stated whenever the Planning Staff is directed to do a zoning study, the study can take the form of one or two forms; that it can come back to the Planning Commission and Council either with a recommendation to actually change zoning property or in the form of a recommended policy for zonings, which would result in persons being able to come in on a case-by-case basis and be reconsidered. He stated the Staff has done zoning studies in both ways for North Chattanooga and Highland Park.

REZONING STUDY (Continued)

Chairman Hakeem reiterated that the question was where did the authorization come from to take the form of the zoning Ordinance that is before the Council?

Mr. Bennett stated they were directed to do a zoning study; that the Staff recommended that the Council consider changing zoning for the area rather than adopting a zoning policy to enable Planning to propose conditions on zoning, restrictions and require a site plan.

Chairman Hakeem asked Mr. Bennett if he and the Staff decided which direction this would take? Mr. Bennett stated that the Staff was directed to do so; that they recommended doing zoning rather than a policy.

Councilman Pierce asked if the Staff authorized making this change? He stated it is funny this comes in the form it is in; that if it this is not a recommendation from the Planning nor the Staff, he feels when this body makes a request and the minutes plainly say this is a "study", that is what Planning should bring back – a study. He stated what the Council has is rezoning that actually will be used in zoning (property). He stated there is one tenant who has requested a zoning at this point and questioned whether this whole thing surrounds one property owner or one potential developer. He stated in looking at the plan it represents one piece of property for MC Properties; that each of the alternatives has MC Properties in it. He asked what this is all about?

Mr. Bennett stated the Staff was directed to do a study; that their recommendation weighed on the principles in conjunction with working with the City Traffic Engineer's Office and what was the most appropriate land use for this area. He stated several alternatives were offered, as with any study, in an effort for the Council to determine what they feel is the best approach for this area; that there are an infinite number of zones possible for such a large area. He stated recommendations were made and additional recommendations were sent by memorandum representing what the Staff feels is the most appropriate zoning solution for this area based on specific land use strategy. He stated no one single property was considered from the Staff's perspective; that as a matter of fact the proposed recommendation tonight cuts back on that property considerably and expands the residential area by a significant margin.

REZONING STUDY (Continued)

Councilman Pierce asked what Planning's recommendation is at this point? He stated in hearing what the City Attorney stated we are well within our rights to pass on zoning. Mr. Bennett stated that he could not answer Councilman Pierce's question; that it is up to legal counsel.

Councilman Pierce inquired as to the Staff's recommendation. Mr. Bennett stated in the recommendation tonight the Staff has prepared all the considerations from input at last week's Committee meeting and from subsequent discussions with people in the neighborhood in an alternative proposal that they feel most closely represents the situation as it exists in that area. He stated it includes expanding the residential area on the west side of Gunbarrel by a significant margin and includes reducing by almost half that amount of commercial development proposed under the other alternatives.

Councilman Pierce stated the Council cannot discuss that plan without it going before the Planning Commission; that it has not gone through the proper procedures.

Councilman Crockett expressed empathy with Councilman Eaves as most of the zoning is in their two districts. He stated he cannot empathize with this one because he does not believe there is an equivalent to this one in the City that is as complex that affects as many people as this one does. He reiterated that he does not envy Councilman Eaves' position, the residents or anyone in figuring this one out. He stated that as we started this he thought we were trying to do a land use study that might give us some glimmer of what could go out there; that it was not his understanding or his intent to vote for something that was doing a downzoning. He stated the Council has studied and downzoned significant tracts of land, such as the Tunnel Boulevard area, but went through a pretty lengthy process because so many property owners were involved; that those were downzonings and not upzonings.

Councilman Crockett stated it is his thinking if the Council is going to get an answer on this we have to take as methodical approach as we can; that doing a plan with just drawing of colored photos and putting in O-1, R-2 and C-2 is just 20 minutes of work. He stated some pretty sophisticated kind of things have been done involving a lot of people as was done for Eastgate, the Southside and M.L. King areas where there was planning and we tried to figure out what would and could work; that we brought the best people we could find anywhere and combined with them and our own folk.

REZONING STUDY (Continued)

Councilman Crockett stated he is not sure that was done in this case and he is not sure what we were doing. He stated that he is sure that it would be real premature to bring these things to a vote on zoning, particularly this evening, when we have not been presented the plan; that most have not seen any of them. He stated he would support continuing this process and have some meetings if we are going to do it; that he would not do another plan or study if everybody was not agreeable on it on the front end and were going to take what came honestly out of it and live with it. He stated if everyone could live with it he could see investing money and doing the right thing for a genuine planning effort. He stated he cannot consider this zoning case tonight, as it is not advantageous for the developer, applicant or residents.

Councilwoman Hurley stated that her comments pick up a little from Councilman Crockett's remarks. She stated some of the technicalities make this very different; that one is that if this were about rezoning we normally post and it seems there ought to be some reasonable explanation for what the zoning is about. She stated in this case there are five-or-six options; that rezonings are usually noted by the yellow signs indicating that the area is going from R-4 to whatever and citizens can call to inquire. She stated in this case citizens could not call and there was absolutely no way Planning could say what this was all about; that they could say this might be going to C-2 or O-2 or R-2, which was one of her issues as was indicated by Councilman Crockett which suggested there might be legal ramifications.

Councilwoman Hurley expressed that the Planning Commission, on which she sits on behalf of the Council, abdicated its responsibilities; that they have the legal responsibility which they did not fulfill to recommend. She stated that some of the options provide a buffer that goes right through some people's property; that two of the gentlemen here the last time said half of the property, in looking at the map, is a buffer; that property may be C-2 or O-1. She asked who pays for the buffer if it is not one large development, which she does not favor. She stated in the abstract who and what options or specific action is available once we downzone or upzone someone's property if the front and back footage is O-1? She stated that she shares Councilman Eaves' frustration about this and it is her thinking that this is fraught with an awful lot of questions.

REZONING STUDY (Continued)

City Attorney Nelson stated Councilman Eaves asked what we could do; that we could do one of several things: (1) adopt a Resolution tonight that would authorize a general plan that has been submitted to Planning; that there is no doubt it has been as it has been reflected in their minutes. He stated they did abdicate their responsibility and did not recommend either approval or disapproval.

City Attorney Nelson stated in option two (2) to make zoning unquestionably legal he would recommend that the Council adopt a motion after hearing from Barry as to what the next alternative is so the Council can discuss it. He stated as one Council member put it this is fraught with legal questions.

Councilman Lively stated that he, too, was surprised when he saw this in the form of an ordinance, because the only thing the Council talked about was a plan. He stated he came prepared to cast his vote in favor of one of the plans and had made up his mind to do that; that he thinks the Council is "treading on thin ice" if we try to pass an ordinance tonight. He expressed agreement with the City Attorney; that we could end up in longer court battles if we go back and adopt a plan as an ordinance. He reiterated that it was his thinking that the Council was going to adopt a Resolution and that way those applying for zoning will feel somewhat more comfortable in applying for zoning because it would be within the plan. He stated he was not expecting an ordinance to rezone all this property; that he thinks it is too risky to attempt legally.

Councilman Taylor asked Planning representatives to describe the participation from the neighborhood groups. Mr. Bennett responded that they met with representative groups from both sides of the issue.

Councilman Taylor asked if there was great or small participation? Mr. Bennett stated when they met with each of the groups and discussed the various proposals and alternatives they got input from the person(s) representing the groups.

Councilman Eaves stated that he thought there might be a possibility tonight of doing something to observe all the legalities and take care of the Council being able to pass zoning; that he thought the Council would ultimately take care of the residential area.

REZONING STUDY (Continued)

Councilman Eaves expressed that he did not think anyone fully understands the information on this; that if we do this and put a plan in place it will stop the constant, constant "drum beat" of trying to do something with that triangle thereby not doing something to the residential area but protecting the area. He stated most of what he has heard tonight is what he calls "clouding the issue"; that if zoning is put in place, everyone at this time knows what they can and cannot do. He stated that it would stop people and realtors from coming in and telling citizens there now to "sign up with me and get 'pie in the sky'" and "get big money". He stated that this would keep them from keeping the pressure going, and going and going and people in the surrounding area from coming, and coming and coming (to the Council meeting) trying to defend their area.

He stated that is what this is trying to do and trying to do it tonight and "put it to bed" so that people will not come up here time-after-time as they are here tonight and have been before. He stated an awful lot of people from a mile to 8/10 of a mile from this zoning understand all the ramifications of it. He stated that he is 70 years old and whether he comes back or not or half of this Council comes back, sooner or later a group of people sitting where the Council is are going to throw up their hands and say zone it! He stated the people he is trying to protect now will catch it badly and property values will devalue. He stated he does not understand; that he keeps hearing things about his motives and his motive is this: to "put this to bed" before he dies of old age. **At this point, he made the motion to approve Plan D as a zoning Ordinance.**

Councilwoman Rutherford asked the City Attorney Nelson if the five or six plans are to be referred back to Planning?

City Attorney Nelson stated that he would suggested that Councilwoman Rutherford hear from Barry Bennett; that if the Council wants to implement zoning out there the Council should take one of the plans and recommend it back to Planning with the understanding they consider all plans, but at least one going forward and then bring them back.

Councilwoman Rutherford asked if the Council sends the plans plus the one Barry talked about tonight back to Planning, in a month will Planning come forth with a recommendation from one of the plans? City Attorney Nelson stated that he "would hope so".

REZONING STUDY (Continued)

Councilwoman Rutherford stated that is what the process should be, and at that point then vote on the plan; that Planning recommends rezoning that can be put into effect if it goes to the Planning Commission.

City Attorney Nelson stated whether Planning recommends zoning or not, this Council can adopt a rezoning once submitted; that in other words, the Council does not have to wait for Planning's approval, they can approve but the Council can still adopt.

Councilwoman Rutherford asked for clarification that the adoption would be as a plan. City Attorney Nelson responded it would be "as a zoning amendment".

Councilman Crockett stated there is a motion on the floor and repeated again that he would like for the study to come back just as the Orchard Knob, Bushtown and South Chattanooga studies, and like the one done for M.L. King and Eastgate. He stated this is the most complex thing in the City and has received less of that kind of attention and process. He stated we should have that kind of process and people resources involved rather than just "throwing" this back at Planning.

Councilman Pierce stated that he had to respond when there is talk about the various developers continuing to make applications for specific zoning in certain areas; that he thinks when everyone "came on board" on the Council, the primary job was zoning. He stated after each and everyone leaves, the primary job will still be zoning; that zoning will continue and until we decide to quit letting businesses come into residential areas then we will continue to have them (zoning issues). He stated that is what the Council has done on several occasions to this property; that a line has been drawn at Shallowford for no further intrusion. He stated somebody needs to know what "no" means; that he does not think developers understand when you say "no". He stated the Council voted the first of the year and turned down the same ordinance to get this property rezoned; then what happened, a "back door" approach was presented, which is another way of circumventing what the Council had already done. He stated the rezoning was turned down and the developer was told they could not come back within nine months and now before the nine months has ended the matter is back. He stated it is up to this Council to let the developers know when we say "no" we mean "no"!

REZONING STUDY (Continued)

Councilman Taylor stated that Councilman Crockett brought out a good point as far as putting enough time and energy into looking at this area than we have given previously; that the right people should be brought in to make sure we look at this area in a real good professional manner. He stated the community should also be a participant in the process, which is going to be the "key" if anything happens; that there has to be community participation.

Chairman Hakeem asked Mr. Bennett if it was his understanding that the Council asked Planning Staff to do an East Brainerd Study of the entire East Brainerd community? Mr. Bennett stated that the Resolution passed by the City Council asked the Regional Planning Agency (RPA) to do an overall study for the perimeter around the Hamilton Place area.

Chairman Hakeem asked for clarification as to whether the study area was Hamilton Place or East Brainerd? Mr. Bennett stated that the study area was pretty much around the mall area.

Chairman Hakeem stated that if he was not mistaken the study was an East Brainerd study in addition to . . . Councilman Taylor immediately suggested that the minutes be "pulled" for clarification of the study area.

Councilman Lively recalled that there was a request for a study of the East Brainerd area and that particular night it was mentioned that there was going to be zoning cases coming forth in the business district and the Council asked that that be done first and then on out into the residential neighborhood.

Mr. Bennett stated the area was expanded to go quite a distance away from the mall to include surrounding neighborhoods; that they looked at all neighborhoods for possible expansion in all directions.

Councilwoman Hurley stated that she knows Mr. Bennett's recommendation to Planning was that these two be "folded together". Mr. Bennett stated " that is correct".

Councilman Lively stated his main concern is that the Council follow proper procedure like we always try to do; that Councilman Eaves has made a motion. He asked the City Attorney if we send this back to Planning to say Plan D as a recommendation for zoning, will that follow the procedure?

REZONING STUDY (Continued)

City Attorney Nelson responded "yes"; that the Council is legally entitled to do that; that it would be made a part of the minutes if that is what the Council wants to do.

Councilman Lively stated that he had a concern just as Councilwoman Hurley regarding the buffer. He made reference to the 100 foot buffer if one developer bought it all and asked if he could require that; that each individual owner would be sacrificing their property for the good of whoever is going to develop it. He stated the problem he had with passing this is that it would be passed as a zoning and not as a study. He stated he feels even if someone's property is rezoned they need the opportunity to negotiate a little bit. He asked Councilman Eaves if he would reconsider amending his motion?

Councilman Eaves responded that he "did not remember hearing a second". Councilman Eaves stated that the last zoning case the Council had was specifically outlined to be east of Gunbarrel Road; that he does not remember anything else being added to it at that time and, if it was, it was at a later date. **Councilman Eaves motion failed for lack of a second.**

Councilwoman Hurley stated the Council has two options: the one Councilman Lively described and another motion to go back to combine the two studies and come back to us as a total plan, with the attention Councilmen Crockett and Taylor described.

Councilman Pierce expressed that the Council should have another study; that he does not feel this Council tonight should make that suggestion; that the neighborhood has not had any input. He stated Planning should go "back to the drawing board", have other meetings within the community on both sides and actually come back and with the sixth plan, present those plans in Committee and let the Council decide which one they would like to send back. He stated this has been on a fast track from day one and (he) does not know what the speed is all about. He stated the Council should take their time and do it where it will benefit the masses of people and not a certain group of interested parties.

Chairman Hakeem stated in reference to something being done, what we are doing is in the interest of the citizens and neighborhood of the area. He stated one plan that has been talked about was presented or e-mailed to us from Mr. Tawser.

REZONING STUDY (Continued)

Chairman Hakeem stated if he remembers correctly he (Tawser) would not be satisfied with a plan that only dealt with frontage on Shallowford being possibly developed. He asked Mr. Tawser if he would still have a problem if the plan dealt with frontage in looking at the whole area? Mr. Tawser responded "correct". Mr. Bennett stated that there have been numerous meetings regarding this issue.

Chairman Hakeem stated when we talk about what is in the best interest of citizens, this Council has been about the business of trying to listen to citizens and working with them on issues that are of interest and concern to them. He stated what we found we were guilty of was deciding what we thought was in their best interest as opposed to listening; that he thinks it is basic to hear and understand what the community feels on this issue. He stated in his opinion that has not been done to get the voices of the community heard on this issue. He indicated that Mr. Bennett would have to earn his trust; that he is only one vote, however he (Bennett) does not have it right now and wanted to make him aware of it.

Councilwoman Rutherford stated early in this conversation, Mr. Bennett made mention of rezoning alternatives that have been used in other cases. She asked for examples of how Planning Staff has come back with the recommendation to rezone.

Mr. Bennett stated most of the zoning studies they have done in the past have been at the request to do a study; that it comes back in a recommendation from the Staff to do rezoning such as the downzoning study referred to; that sometimes it comes back with a zoning policy such as the Cassandra Smith-Hamill Road area. He stated in some cases, zoning policies have recommended adjusting zones; that the last study done for Gunbarrel and Igou Gap Road did not recommend a downzoning policy but an alternative rezoning such as RT-Z or R-4 or a combination of neighborhood commercial or office zoning. He stated the Gunbarrel Corridor Study done between Igou Gap and East Brainerd did not recommend just office, institutional or apartments; the recommendation was for a possibility of having a combination of either/or. He stated when they are directed to do a study, the Staff has to make the determination of what is the most appropriate approach; whether a zoning policy or a rezoning for the area.

REZONING STUDY (Continued)

Mr. Bennett stated in this instance they tried a rezoning because of the many issues related to traffic, density and land use; that they felt it necessary to have the ability to impose specific conditions through rezoning and not a policy. He stated it was necessary to discourage piecemeal rezoning and development with conditions of zoning to be able to require submittal of a site plan for approval; that they have to go through the process with regard to the scale of developments compatible within that area. He stated the other reason and one of the criticisms, which came out when the court case was ruled against the City, was that although we had a policy for rezoning it did not enable properties to be used as such.

City Attorney Nelson stated that what is needed is a defensible plan for the area; that if we go in and start rezoning, once Shallowford is crossed without a plan, there is going to be a domino effect. He stated he was not saying we do not have a plan, but we have not adopted one, yet. He stated the Council needs to adopt a plan then do rezoning in conjunction with the plan. He again stated if Shallowford is crossed you have to have a plan to justify why this area should be one thing and an adjacent area something else.

Councilwoman Rutherford stated because this came to the Council in this form, no one should read anything into this about the integrity of the Planning Agency or any member of the agency, this Council or any Councilperson. Mr. Bennett stated that is "absolutely correct".

Councilwoman Rutherford stated integrity has become an issue within the last few days; that she does not know of anyone on the Council or Planning Agency whose integrity should be questioned. She stated when persons start questioning the integrity of someone they should have evidence and facts to back themselves.

Councilman Hakeem inquired as to whom Councilwoman Rutherford was referring.

Councilwoman Rutherford stated that she was talking to people who have accused certain other Council members of doing very criminal acts; that she is also speaking to Council members when things are said that reflect badly upon the Planning Agency and their Staff. She stated that it is her thinking that that is something Council members should be very cautious about doing.

REZONING STUDY (Continued)

Chairman Hakeem stated if he has a problem with trust in Mr. Bennett that it is his thinking it is something he should state.

Councilwoman Rutherford stated that matters of that nature should be spoken in private; that she is of the opinion Council people should be very cautious about any inflection made on anyone who is an employee of the City of Chattanooga.

Chairman Hakeem stated if Councilwoman Rutherford has concerns about citizens making complaints, it is his thinking he can express a concern he has in regard to Mr. Bennett.

Councilwoman Rutherford stated that Councilman Hakeem has the right to say anything to any one he wishes; that it is in good taste to criticize individuals in private. (Chairman Hakeem indicated that he would be the judge of that.)

At this point Councilman Crockett made the motion to do a study with legitimate resources as those that were done in the other areas of town.

City Attorney Nelson stated that he does not want the Council to "fall into the same trap"; that when you say study, is it a study as a rezoning petition or just a study about a plan?

Councilman Crockett stated it should be a study like Bushtown and Alton Park; that rather than have a defensible study, get a workable plan.

Councilwoman Hurley stated she would like to assume we need parameters proposed.

Councilman Lively stated there is a residential area and business district; that the business district could be shut down; that this could go on for a year.

Councilwoman Hurley stated it could be designed to go on for six months and we certainly are not shutting anything down. She stated we would be doing what we did in Eastgate; that this is one of the most intensive areas in the City. She stated a definition is needed.

REZONING STUDY (Continued)

Councilman Crockett stated that he would not propose to make a definition; that he made the motion that the Council do something like we have done with equivalent resources; **Councilman Taylor seconded the motion.**

Councilman Taylor stated that is exactly right; that the boundaries should go back out into the community and the residents should look at the boundaries, as well.

Councilman Lively expressed concern that this seems to have turned into a "good guy" and "bad guy" thing. He asked since when are developers a bunch of criminals? He stated at one time he could remember when Hamilton Place started and the property taxes involved. He stated it is not a crime to want to develop; that he is glad people want to develop and glad out-of-town companies want to develop here. He stated he heard someone say something about letting out-of-town companies come in and build; that we should be glad someone wants to come in. He stated that he heard on the radio today that Chattanooga is lagging behind in the rest of the State because we have not gone out to get people. He stated he can understand the residents' position and would be with them; that you have to take in the overall picture and sooner or later something will happen to this quadrant and he thinks everyone knows it; that it is not going to remain residential. He stated the logical thing is a plan that looks half way like the plan Councilman Eaves suggested in Alternative D; that the process would be to recommend a plan and go back and do it properly where we are legally right and come back and pass it.

Councilman Taylor inquired as to the time frame to engage the neighborhood and all the stakeholders "scratching the board" by putting in the boundaries and getting back to the Council?

Mr. Bennett stated six months seems to be the magic number; that with all the issues involved there is a lot of work to be done with neighborhood meetings of each section represented. He stated it is hoped they can expedite it and come back sooner; that he would ask for as much time as necessary to do the job appropriately.

Councilman Taylor clarified that Mr. Bennett's estimate is six months. Mr. Bennett stated if the study is complete prior to that they will bring it back; if more time is needed they will request an extension.

REZONING STUDY (Continued)

Councilman Taylor stated once this plan comes back and if the Council moves to accept the plan, hopefully one plan will be recommended. Mr. Bennett stated the overall study will come back with one single recommendation.

Councilman Taylor inquired as to the process in implementing the plan when adopted; whether the Council will then look at zoning?

City Attorney Nelson stated all future petitions would be considered in light of that adopted plan; that if the Council wanted to itself initiate the zoning once the plan was adopted, the Council could do that; that the Council does not need to wait for petitions. He stated the Planning Commission could institute a zoning change, also, and does not have to wait for the Council. He reminded Council members of the information distributed; that under the first tab of the booklet distributed, rezoning can be instituted by Planning, the Council or (by) petition of homeowners.

Councilman Taylor asked if the Planning Staff could bring the zoning proposal with no question as to whether this is a study, plan or zoning?

City Attorney Nelson stated that he presumes they are going to come up with a plan; that if they want to make it a rezoning recommendation at that time it should be made clear upon the minutes of the Planning Commission, or if the Council wants to make it clear, it could be made clear upon the minutes and referred back to Planning for rezoning.

Councilwoman Rutherford asked Mr. Bennett about the six months, wanting to know if that is the time needed to do the plan that was asked for some weeks or months ago, as well as this one?

Mr. Bennett stated if that is what the Council is speaking of, they can come back with an overall study of the entire area; that they can come back with a recommendation for all areas.

Councilwoman Rutherford again inquired as to whether this would take six months? Mr. Bennett stated he would say six months; that if a longer time is needed they will come back and ask for more (time).

REZONING STUDY (Continued)

Councilwoman Rutherford stated if the Planning Agency Staff is doing this area, what is the time frame? Mr. Bennett stated they have a recommendation for this area; that they are looking at a much shorter time. He stated the soonest would be January; that they are looking at a much shorter time.

Councilman Crockett stated if Planning does something like Bushtown, South Chattanooga or M. L. King that would involve an RFP based on our discussion about what was done in another part of the City does not seem like something that can be completed by Christmas. He stated that he shares the concern expressed by Councilman Lively and others with regard to development; that he would like to have a plan and have it close to residential all over the City which means having resources like that at Eastgate and M. L. King to see if something is workable; that it means a development might not be able to develop his "cookie cutter pattern".

Chairman Hakeem asked if clarity is needed on the part of Planning Staff as to what the Council is requesting?

Mr. Bennett stated the Council is requiring the Planning Staff to do an overlay study including the study area that is before the Council tonight; that the study should be completed within the framework of six months if possible and would be an intensive study that will include other conditions, not just zoning, traffic and commercial issues. He stated they are to involve to as great an extent as reasonable citizen participation in each of the sections of the study.

Councilwoman Hurley asked that this be a land use plan, and not a zoning study. Mr. Bennett stated that land use plans have to consider zoning as a tool for the land use; that they are not going to come back with a zoning change; that they will come back with a policy which would include a recommendation relative to zoning for the area.

Councilman Crockett asked that a level of resources be involved in this one; that this is the most important and most complex area; that a "ton" was spent at Eastgate, downtown and Bushtown.

At this point, Councilman Pierce called for the question on the motion by Councilmen Crockett and Taylor.

REZONING STUDY (Continued)

Councilman Franklin asked if there is any way possible this process could be shortened? He stated that he is not asking this question to the detriment of the residents and others businesses; that this process has gone on for a long time and six months puts it into April, which is election time.

Mr. Bennett stated that that is their intent; that there is nothing magical about six months; that he used that just as a time frame. He stated they are going to try to expedite the study and they do not want to drag it out any longer than it will take. He stated they want long enough for the input needed, as there are considerable traffic issues.

Councilwoman Rutherford stated that she wanted to clarify something about Eastgate; that the City of Chattanooga did not pay for that study; that ten companies paid small percentages to have a study done about the design of Spring Creek Road and the possibility of running an access road. She stated that she agrees with professional planning and again clarified that Eastgate was not a City of Chattanooga paid for effort.

Councilman Crockett stated that he mainly wanted to try to go a company that would create the kind of process and resources we could use; that the City did pay for the urban collage for Bushtown, South Chattanooga and M.L. King. He stated he recently pulled the budget on Eastgate; that he had in mind doing something similar; that the City did pay a majority of those funds and that the matter does not need to be debated.

Councilwoman Rutherford clarified that the private funds were run through the City; that a majority of the money was from private sources. She indicated that she would be glad to give Councilman Crockett the names and amounts of those who contributed.

Barry Bennett asked to make a statement to the Council. He stated in the thirty years he has been with the Regional Planning Commission/Agency (RPA), the integrity of the Planning Staff has never been brought into the decision. He stated he has worked with the Staff for many years and knows from his association with them that every issue considered has been considered fairly with no bias; neither with personal nor political agendas and this study is representative of that. He stated if there is some personal problem with him he would be glad to discuss that privately or in a public forum if that is the wish.

REZONING STUDY (Continued)

Mr. Bennett stated as far as the RPA Staff is concerned, their integrity and motives have never been brought into question and certainly not now. He stated the recommendation on this issue or any other comes back to him; that it is his final decision.

Chairman Hakeem addressed the citizens present regarding this issue and expressed thanks for their patience. He stated the Council has done what they were hired to do: to debate the issue and try to come to the best resolution possible in the interest of the citizenry.

Chairman Hakeem restated that the motion is to have one study for the East Brainerd area and combine the two studies and the parameters will be outlined as citizen input is gathered. He stated a Request for Proposal (RFP) will be conducted to assist in this effort, like a Charrette, and the time line suggested is six months, maybe less or more.

On motion of Councilman Crockett, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PROPERTY GENERALLY BOUNDED BY SHALLOWFORD ROAD, GUNBARREL ROAD, I-75 AND STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-4 SPECIAL ZONE AND C-5 NEIGHBORHOOD COMMERCIAL ZONE TO O-1 OFFICE ZONE; R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE; AND O-1 OFFICE ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was referred for further study to the Regional Planning Agency; on roll call vote:

Crockett	"Yes"
Eaves	Abstained
Franklin	"Yes"
Hurley	"Yes"
Lively	Abstained
Pierce	"Yes"
Rutherford	"Yes"
Taylor	"Yes"
Hakeem	"Yes"

CONTRACT: ROSS/FOWLER, P.C.

Councilman Franklin stated Resolutions 7(a) – (d) were discussed in Parks and Recreation Committee and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH ROSS/FOWLER, P.C. FOR WORK RELATIVE TO THE SHEPHERD RECREATION COMPLEX IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)

was adopted.

CONTRACT: FRANKLIN ASSOCIATES ARCHITECTS, INC.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH FRANKLIN ASSOCIATES ARCHITECTS, INC., RELATIVE TO RENOVATION OF THE CARVER RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)

was adopted.

CONSTRUCTION EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSTRUCTION EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN, FROM BUD LIMITED LIABILITY CO. FOR THE RIVERWALK TRAIL/GREENWAY

was adopted.

EXCHANGE OF PROPERTY

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING AN EXCHANGE OF PROPERTY BETWEEN
THE CITY OF CHATTANOOGA AND STEIN CONSTRUCTION COMPANY
FOR THE PURPOSE OF CONSTRUCTING THE TENNESSEE RIVERWALK
PARK**
was adopted.

AGREEMENT: JACK B. HENDERSON

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC
WORKS DEPARTMENT TO EXECUTE AN AGREEMENT WITH JACK B.
HENDERSON FOR INSPECTION OF PROJECTS RELATIVE TO ROADWAYS,
SIDEWALKS, STREETSCAPES, AND OTHER ENGINEERING-RELATED
SERVICES, FOR AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND
DOLLARS (\$35,000.00), INCLUDING WAGES AND OTHER REASONABLE
EXPENSES**
was adopted.

**AGREEMENT: CONSOLIDATED
TECHNOLOGIES, INC.**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC
WORKS DEPARTMENT TO EXECUTE AMENDMENT NO. 1 TO THE
AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED
TECHNOLOGIES, INC., RELATIVE TO CONTRACT NO. SS-1-00, 5TH
STREET STREETSCAPE PROJECT, FOR ADDITIONAL ENGINEERING
SERVICES IN THE AMOUNT OF FIFTEEN THOUSAND FIVE HUNDRED
DOLLARS (\$15,500.00), FOR A TOTAL FEE NOT TO EXCEED TWENTY-
NINE THOUSAND FIVE HUNDRED DOLLARS (\$29,500.00)**
was adopted.

CONTRACT: ARCADIS GERAGHTY & MILLER, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AMENDMENT NO. 1 TO THE ENGINEERING SERVICES CONTRACT WITH ARCADIS GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. RW-3-00, SHALLOWFORD ROAD IMPROVEMENTS, FOR ADDITIONAL SERVICES FOR ROADWAY IMPROVEMENTS CONSISTING OF SIDEWALK, CURB AND GUTTER, PAVEMENT, AND TRAFFIC SIGNAL, FOR AN ADDITIONAL FEE OF TWELVE THOUSAND NINE HUNDRED THIRTY-TWO DOLLARS (\$12,932.00) AND A TOTAL FEE NOT TO EXCEED ONE HUNDRED SIXTEEN THOUSAND, THREE HUNDRED THIRTY-TWO DOLLARS (\$116,332.00)
was adopted.

CONTRACT: CASE CONSTRUCTION SERVICES, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SR-1-2000, HIGHLAND PARK SEWER REHABILITATION, TO CASE CONSTRUCTION SERVICES, INC., FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION SEVENTY-NINE THOUSAND SEVEN HUNDRED EIGHTY-EIGHT AND 51/100 DOLLARS (\$2,079,788.51)
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM ARTWIL & COMPANY, RELATIVE TO CONTRACT NO. RW-4-00, WIDENING AND IMPROVEMENTS TO SHALLOWFORD ROAD, TRACT NO. 7, FOR A TOTAL CONSIDERATION OF TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00)
was adopted.

GAS LINE EASEMENT

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION GRANTING A GAS LINE EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN, TO BASF CORPORATION THROUGH THE RIVER PARK, CITY/COUNTY PROPERTY, ENTERED IN DEED BOOK 2213, PAGES 457 AND 459
was adopted.

TEMPORARY USE: MARGARET CHILDREN'S FASHIONS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING MARGARET CHILDREN'S FASHIONS TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY FOR THE PURPOSE OF ATTACHING A 52-FOOT LONG AND 18-INCH WIDE FABRIC VALANCE TO AN EXISTING COVERED AWNING PROJECTING THREE FEET (3') OVER THE CITY'S RIGHT-OF-WAY LOCATED AT 5010 ROSSVILLE BOULEVARD, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME

Overtime for the week ending October 13, 2000 totaled \$25,185.00.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

DAVID J. NATION – New Hire, Ranger, TN Riverpark Security, Pay Grade 4/Step 1, \$16,672.00 annually, effective October 6, 2000.

LARRY D. STURDIVANT – New Hire, Custodian, Civic Facilities, Pay Grade 2/Step 1, \$14,397.00 annually, effective October 4, 2000.

SHARON ANNETTE HALE – New Hire, Crew Worker, Parks/Landscape Division, Pay Grade 3/Step 1, \$15,535.00 annually, effective October 11, 2000.

PERSONNEL (Continued)

TIMOTHY E. BOYKINS – Resignation, Recreation Specialist, effective October 5, 2000.

CHARLES LLOYD, JR. – New Hire, Custodian, Buildings and Structure, Pay Grade 2/Step 1, \$14,397.00 annually, effective October 11, 2000.

DERRYL L. MOORE – Terminated, Crew Worker, TN Riverpark Downtown, effective September 26, 2000.

PURCHASE

On motion of Councilman Franklin, seconded by Councilwoman Hurley, the following purchases were approved for use by the Parks and Recreation Department:

REGAL CHEMICAL CO., AGRO DISTRIBUTION, AUSTIN FEED & SEED CO., INC., PENNINGTON SEED INC. OF MADISON, LESCO, INC. (Multiple contract award; each contract meets specifications)
Requisition R0050983/P0015158

Chemicals, Feed and Seed

(Price information available and filed with minute material)

PERSONNEL

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

WANDA COCHRAN – Employment, Office Assistant, Administration, Pay Grade 3/Step 3, \$17,089.00 annually, effective October 20, 2000 (Revised).

ORLANDUS METCALF, JR. – Return from Family Medical Leave, General Supervisor, Citywide Services, effective October 9, 2000.

JESSEY L. HARVEY, JR. – Transfer/Promotion, Crew Worker, Citywide Services, Pay Grade 3/Step 3, \$17,089.00 annually, effective October 4, 2000.

PERSONNEL (Continued)

JAMES E. WARE – Promotion, Crew Supervisor, Sr., Citywide Services, Pay Grade 12/Step 2, \$27,056.00 annually, effective September 29, 2000.

DONALD R. DAVIDSON – Employment, Plant Operator, Waste Resources, Pay Grade 9/Step 1, \$22,356.00 annually, effective October 11, 2000.

CHARLES FREEMAN – Voluntary Demotion, Plant Operator, Waste Resources, Pay Grade 9/Step 3, \$24,592.00 annually, effective October 18, 2000.

PERSONNEL

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

FREDDIE L. BROOKS – Family Medical Leave, Firefighter, effective October 12, 2000.

ERNEST STONE, JR. – Retirement (30+ years of devoted service), Captain, effective October 20, 2000.

WILLIAM W. THOMPSON – Retirement (25+ years of devoted service), Lieutenant, effective October 20, 2000.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchase was approved for use by the Chattanooga Fire Department:

JDH ROOFING (Lowest bid)
Requisition R004655/B0000414

Roofing Fire Administration Building, Fire Hall 10

\$49,980.00

PERSONNEL

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

PATRICIA LANCE – Medical Leave, Police Services Technician Sr., effective September 20-24, 2000.

TIFFANY L. PARKER – Hire, Police Records Clerk Sr., Pay Grade 5/Step 1, \$17,808.00 annually, effective October 20, 2000.

MACHELLA GREEN – Resignation, School Patrol Officer, effective September 23, 2000.

INEZ HAMPTON – Resignation, School Patrol Officer, effective September 27, 2000.

ELMER W. KING – Resignation, School Patrol Officer, effective September 27, 2000.

PERSONNEL

The following personnel matter was reported for the Department of Finance, City Court Division:

LANA HARRIS – Resignation, Court Clerk, Sr., effective October 12, 2000.

HEARING: MARCUS EASLEY

City Attorney Nelson reported to the Council that the hearing for Marcus Easley needs to be rescheduled due to a conflict in scheduling with his attorney.

The hearing for Ofcr. Easley was rescheduled for Monday, October 30 beginning at 4 p.m. with no change in panel members hearing the request (Councilmen Taylor {Chair}, Lively and Eaves).

BETTER HOUSING APPEAL: TYRONE BYRD

City Attorney Nelson stated that a request to appeal the decision of the Better Housing Commission has been received from Tyrone Byrd regarding property located at 1407 Chamberlain Avenue.

The hearing for Mr. Byrd was scheduled for Tuesday, October 31 immediately following Council meeting.

GARY BALL AND PEARL LOWE

Gary Ball was present representing the Ridgedale Community Association. He distributed written information and introduced Pearl Lowe, of 130 Lyerly Street. He stated that Ms. Lowe has had an ongoing concern about her property and the WPA ditch behind her home; that in correspondence with Admin. Marcellis they found out that the City does not maintain ditches anymore, which was a shock to him (Ball) and very disturbing to Ms. Lowe. He stated as an Association they have several legal questions regarding the City not maintaining the ditches and does not understand how the City can have debris and sediment in ditches that do not run clear and clean because of overgrowth and brush that will snag all the trash in it. He stated he is not sure where this policy came from and is concerned it was not given a lot of thought as to its ramifications. He stated Ms. Lowe's ditch is the number one violation in Mr. Thomas' code regarding overgrowth.

Pearl Lowe stated that she has had problems with this ditch since 1994 as it always overflows when there is torrential rain; that her whole basement flooded in 1994 and a lot of damage occurred. She stated she does not understand why the WPA ditch belongs to the residents there; that some are homeowners and some are not and she just does not understand. She stated this is very unfair and wants to know what can be done about it.

Chairman Hakeem stated that the City Attorney has indicated that he will speak with the Administrators of Public Works and Neighborhood Services and will have a response next week.

City Attorney Nelson suggested that the matter be discussed at next week's Public Works Committee meeting. He also suggested that Ms. Lowe be present for that meeting.

GARY BALL AND PEARL LOWE (Continued)

Admin. Marcellis stated if the ditches are in somebody's yard or side yard of their property and it is just a matter of weeds or something that could be eliminated by the property owner they would like for them to do it; that if it is a blockage the Public Works Department will clean it out. He clarified if this is a true blockage or there could be some sediment in it, his department will take care of it. He indicated that the matter would be addressed at next week's Public Works Committee meeting.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, October 24, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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