

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
August 27, 2002**

Pro-Tem Chairman Hakeem called the meeting of the Chattanooga City Council to order with Councilmen Benson, Lively, Page, Pierce, Robinson and Taylor present. Councilman Franklin was recuperating from a recent surgical procedure, and Chairman Littlefield was absent due to official city business. City Attorney Mike McMahan, Management Analyst Randy Burns, and Shirley Crowover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Taylor gave the invocation.

PRO TEM CHAIRMAN

In the absence of Chairman Littlefield, Councilman Benson moved to elect Councilman Yusuf Hakeem as Chairman Pro Tem. This was seconded by Councilwoman Robinson and approved by the entire Council.

MINUTE APPROVAL

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

REZONING

2002-108 (Marvin Berke and Ronald Berke)

Pursuant to notice of public hearing, this request to rezone a tract of land located at 2151 Glass Street from M-1 to R-3 came on to be heard.

Pro tem Chairman Hakeem explained the procedure, stating that there would first be an overview by Planning and then the applicant would be given nine minutes to present their case and the opposition would also be allowed nine minutes, with the applicant being given the opportunity for rebuttal.

REZONING (CONT'D.)

Jerry Pace, Director of Operations of the RPA, stated that this was a case that had been deferred for sometime; that it was heard first in the late Spring and was a request for rezoning from M-1 to R-3 for an apartment development on a 9.11 acre tract. He explained that this was on Glass Street where there is mixed use. Hardy School is south of the church. Mr. Pace presented slides of the area location. He stated that the Planning Commission reviewed this request in June and both the Commission and Staff made the recommendation to approve this as it is downzoning and more restrictive, and they felt that it was an appropriate use at that time.

Since two members of the Council were absent, Councilman Lively made the motion to defer this for two weeks. This was seconded by Councilman Benson.

Councilman Pierce noted that this had been on the agenda and deferred several times and the people from the neighborhood were here tonight and had been here several times, and he stated that he did not know what would be accomplished by deferring this two more weeks; that he would like to hear this case tonight and vote on it if it were possible, noting, however, that it was up to the entire Council.

Councilman Taylor stated that he would like to pose a question to the neighbors who were present. He asked what their position was on a deferral.

Pro Tem Chairman Hakeem asked if Councilman Taylor were asking if they were in favor of the development or if they were in favor of deferral or not.

Councilman Taylor stated that basically he would like those in the audience who were against this development to raise their hands and many in the audience raised their hands.

Councilman Pierce stated that it was hard to get people to continue to come to these meetings time after time, and the applicant was present tonight, and he thought the Council should hear this case. He questioned what the benefit of passing it for two weeks would be.

REZONING (CONT'D)

Councilman Page stated that he would like further discussion from among his colleagues as to the advantage in deferring this; that he did not see any real purpose in doing this and stated he would like to know how Pro Tem Chairman Hakeem felt about this.

Councilman Benson stated that he thought before taking a vote that it would be wise to hear those in attendance who were in opposition so that they would not have to come back again; that he would like to hear the opposition tonight.

Pro Tem Chairman Hakeem asked if the Council wanted to hear both sides tonight. Councilman Benson responded that he thought they should hear both sides tonight and then vote on whether to defer this or not.

Pro Tem Chairman Hakeem noted that the Council would hold off on the vote to defer until we hear both sides of the issue tonight. He called on the applicant to speak.

Mr. Richart, the developer, was the speaker. He first thanked the Council for allowing him to speak. He stated that he was from Baton Rouge, Louisiana, and would give an overview of what they were planning on doing. He stated that he had a good friend who was from Chattanooga, and he had looked at the feasibility of Chattanooga and felt that the city needed affordable housing; that he had looked at other sites, both good and bad, and had chosen the site in Chattanooga because of the nice church and the nice school. He stated that this was a victory for the City of Chattanooga and the citizens of East Chattanooga; that Tennessee was really a competitive State, but this one community received 10% of the State's allotment; that they would bring affordable housing to those people with medium incomes from \$18,000 to \$28,000 a year. He stated that they had gotten ample support from the neighborhood in general; that this would be a quality development and fully gated security-wise, and the whole property would be fenced, and they would put in a swimming pool, which he was excited about. There will also be a children's playground and a clubhouse to work with the community. He explained that the rental rates would be established by the Tennessee Housing Authority; that 50% of the apartments would be brick, and they would be energy-efficient.

REZONING (CONT'D)

In conclusion, Mr. Richart stated that he had been in the food business for 42 years in Louisiana; that he was not trying to fool anybody, and he thanked the Council for their time.

Councilman Taylor asked if this was 10% State funded. Mr. Richart responded that in the Housing Authority you have 10% funds for the whole State of Tennessee. Councilman Taylor asked if this was funded by tax credits. Mr. Richart responded that they got 10% of the whole State of Tennessee, which is good for Hamilton County and the City. He stated that this meant they had something good and had done their homework. Councilman Taylor questioned Mr. Richart about his being in the food business. Mr. Richart responded that that was correct; that he had been in the food business for 42 years and was doing this on the side; that he had been doing this for two years, and his partner had 2,000 units in the State of Louisiana. Councilman Taylor asked how long the tax credits were for. Mr. Richart responded that he had until September 30th to pursue this. Councilman Taylor was questioning how long the tax credits would be in effect. Mr. Richart responded that after he received the zoning, he would have two years to begin but that he had to have the zoning done by September 30th. Councilman Taylor again asked how long the tax credits went. Mr. Richart responded that he thought it was for 15 years and then they would have to sell it. Councilman Taylor tried to get clarification of what would happen at the end of 15 years. Mr. Richart responded that they would either have to sell it or it would go back to the State of Tennessee. Councilman Taylor noted that the management would change in 15 years. Mr. Richart stated that if he were still alive that he would want someone in this City or this Community to have the property.

Councilwoman Robinson asked how many units he was planning to have. Mr. Richart responded 110 units—47 one-bedroom units, 50 two-bedroom units, and 13 three-bedroom units. She asked about the ingress and egress and whether there would be a series of driveways. Mr. Richart stated that there would be one entrance and a gate; that this would be gated. Councilwoman Robinson asked if this was a piece of M-1 zoned property that was not currently in use; that if this does not go through, the whole project goes away on September 30th. She asked what percentage was in Section 8. Mr. Richart responded that 50% was for medium income, and the balance was 60%--that the Tennessee Housing Authority mandated this.

REZONING (CONT'D.)

Councilman Page asked Mr. Richart if he could point to another development in Chattanooga that was most like this. Mr. Richart responded that he had never seen one comparable to this development; that he had not really looked around Chattanooga for anything like this. Councilman Page stated that he was talking about the same kind of tax incentives. Mr. Richart again stated that he had not seen anything like this. Councilman Page asked how many units were allowed. Mr. Richart responded that the City of Chattanooga allows so many per acre. Councilman Page asked how many units he would have to have to make this project work. Mr. Richart responded that they came up with 110 units on this one.

Pro Tem Chairman Hakeem asked about the style and quality of work. Mr. Richart responded that hopefully they were way above everyone else; that what they had built in Baton Rouge, Louisiana was excellent.

Councilman Pierce verified that they had an allocation of 10% on this project. He asked how many applicants there were for this across the State. Mr. Richart responded that he really did not know; that his partner looked at the dollar figure; that he knew that they got 10% of the total money. Councilman Pierce verified that Mr. Richart had been doing this for two years. He asked him how many of these he had personally worked on in the past. Mr. Richart responded two, in the State of Louisiana. Councilman Pierce indicated that Mr. Richart did not seem all that familiar with this type development and did not have answers to all of the questions asked by this Council; that he felt that it was bad for a project of this nature to have someone who could not make a good presentation to this Council. Mr. Richart responded that the only thing that he could not answer was the number of applicants across the State; that he did not review all of this kind of stuff in the State of Louisiana. Councilman Pierce verified that September 30th was the deadline.

Ms. Cora Lanier spoke first for the opposition. She thanked the Council for giving her community a voice. She stated that this was the first opportunity they had had in this type of format. She stated that theirs was a united voice; that churches and neighborhoods in this district were united; that all of the communities considered themselves neighbors. She stated that this development was coming to their neighborhood, and it would affect her neighbors. She stated that their neighborhood was not limited by walls and

REZONING (CONT'D.)

boundaries, and they all touched each others lives. She stated that they were concerned about these apartments coming in; that they had not had any response to their negotiations; that they wanted what was in the best interest of their neighborhood and a better quality of life. She stated that they had looked at the number of apartments—110—and there was nothing like this in Chattanooga; that they had 40 apartments on Dodson Ave. and on Chamberlain there was another set of 60—that this was nothing like 110. She stated they were getting more and more tax credits in their community and Section 8 housing. She stated that they would like single-family homes with these tax credits; that they wanted to make their neighborhood better and had heard nothing from their request; that apparently they could not negotiate to have a better quality of life. She went on to say that they could do development as a community themselves; that they could design, and this land would not lie barren; that the property had been there for years and had not been kept up; that it was overgrown and littered; that if the owners had been concerned about their community, they would have cleaned it up. She reiterated that they wanted a better situation for their community and their voices had not been heard. She stated that they had no choice and did not believe that the Council would leave them without any choice. She stated that they had been diligent in negotiating the property across from their beautiful church and beautiful school; that they were trying to build the literacy rate in their community and this would mean that more families would be coming into their community, and their voice was not being heard.

Ms. Lanier stated that the gentleman who spoke had said that he owned a restaurant—that a restaurant would generate more jobs in their community. She reiterated that they were willing to negotiate and work with the builder and the land owner.

Councilman Benson stated that he was at the Planning Commission meeting when this was discussed, and the property is M-1. He asked Mr. Pace to explain to those present what could be built in M-1. Mr. Pace responded that this was their most open zone—that anything could be built here with the exception of residences or a cemetery. Councilman Benson verified that this would include a used car lot, junkyard, chemical plants, etc. He explained to Ms. Lanier that this could happen. He stated that he understood her concern about the number of units; that 300 units were being built in his neighborhood, and he understood the impact. He stated that his neighborhood went along with the apartments,

REZONING (CONT'D.)

but there were conditions they asked for to enhance the quality of life so that the apartments would blend in. Councilman Benson went on to say that he saw a letter that Ms. Lanier had authored; that he had never seen anything like those conditions. He stated that it would be wise for Ms. Lanier to work with RPA on conditions that would enhance the quality of life; that if they did not improve the zoning they would be open to chemical plants and junkyards. He urged that they give more time to working with RPA on reasonable expectations. He stated that he could review the conditions in the letter if appropriate.

Pro Tem Chairman Hakeem stated that these conditions could be discussed at a later date; that this was not the forum right now.

Ms. Lanier thanked the Council for hearing her and thanked Councilman Benson for his response.

Councilman Taylor asked if there had been a meeting with the developer. Ms. Lanier responded that there had been several meetings concerning what the community wanted, and they had asked that the community let them know specifically in writing, and they had done this and had not heard back from the developer or owner. She stated that there had been conversation. Councilman Taylor questioned whether they had considered the interest of the neighborhood in trying to revitalize and to obtain single-family housing with long-term ownership.

Mr. Richart responded that single-family housing was not available in the State of Tennessee; that you can't put single-family housing here, and this is state regulated. Councilman Taylor responded that maybe we needed to speak to our State Legislators. Mr. Richart reiterated that it was not available; that it was available in other states but not available in the State of Tennessee. He verified that it was available some places.

Ms. Lanier mentioned that in some places Indians can stay in a single-family home for 15 years and then have ownership. She stated that their neighborhood was not after Section 8 housing because they had more than their share already.

REZONING (CONT'D.)

Councilman Pierce stated that Councilman Benson had introduced a letter with requests made and that Councilman Benson did not seem to agree with them, and he knew the attorney and Councilman Lively had questions as well about it. Councilman Pierce stated that what you saw in this letter was nothing new; that the Council had approved these same conditions before, and he could give answers; that we have given ongoing rights to a finder's fee; that if anyone is to be indicted, it should be the Council. He stated that this letter came to him at 12:00 P.M. today, and this information had been given to the D.A.'s office, and he considered this "dirty pool"; if this was the way they (developer and owner) intended to play the game, he questioned how he could support this; that the Council's decisions were based on building communities and not on tax incentives. He stated that this request was in District 8 and District 9 and none of these people were in the district to vote for him but that he had in his heart sympathy for people and not for development. He urged to quit talking about dollars and cents and to build our communities. He stated that another group had come to the Council for cluster houses, and we had refused them; that he would not go along with this tonight and did not know what was in the making.

Councilman Pierce went on to say to Councilman Benson that there was no comparison to his neighborhood and this neighborhood and that he would express his feelings; that there was a motion on the floor to pass deferral of this case or it could be turned down.

Pro Tem Chairman Hakeem asked the Council to focus on neighborhoods and development.

Councilman Lively stated that he wished Councilman Pierce would keep his comments to himself; that he (Councilman Pierce) had used his name, and he had not said anything; that he agreed with Councilman Benson and some of the conditions are "borderline extortion".

Again Pro Tem Chairman Hakeem asked that the Councilmembers concentrate on the community and development.

REZONING (CONT'D.)

Ms. Lanier stated that Attorney Berke and the community had had good conversation and now they felt totally unrespected; that this was nowhere near extortion—that they had followed wise counsel, and it seemed that they had erred; that they had had good conversation, and they were now a bit shocked!

Councilman Benson stated that there was no one he respected more than Councilman Pierce, but he had just never seen anything like this since he had been on the Council; that he felt conditions with zoning should be worked out with RPA; that we need to put conditions on zoning to prevent the things that we had been talking about; that he just wondered what would happen in this spot—that it could be a chemical plant or something of that nature. He stated that there was no offense taken to Councilman Pierce's comments at all.

Pro Tem Chairman Hakeem stated that the group was asked to put something in writing; that this response was some things that had already taken place. Ms. Lanier added that they were open to talk.

Pro Tem Chairman Hakeem stated that earlier on in this meeting the neighborhood was asked whether they were for or against the process; that they had shared a willingness to defer. He asked if there was a reason to defer, stating that he felt there was a reason as the community was looking for some feedback and negotiations.

Councilman Page stated that he would add a point to the discussion; that it was his personal opinion; that he had a huge difficulty with a neighborhood responding to a developer and asking the developer to contribute and some of the things they had asked for he would see as a detriment and as negative; that he had never seen anything like this and this would make him tend to vote for the development, and he would not want to be a party to anything like this; that to him it was almost like buying approval for a zoning.

Councilman Page went on to say that the real issue was what was best for the neighborhood; that he knew this neighborhood very well and this was a downzoning and was economic development in that area, and he thought this might be a real enhancement to economic development; that we needed to focus on egress and ingress and the traffic flow and whether this was the most appropriate type of development for this area. He stated that he would support deferral and hoped that the community would move forward.

REZONING (CONT'D.)

Councilwoman Robinson stated that she thought we should take time to make a decision, if it took two weeks, if the community was interested in adding residents to their area. She stated that with the church and school that a development like this could be positive and good; that in the past in getting housing done there had been a more aggressive participation with the developer, but we had come far enough in a growing economy and were moving away from this, with public housing and mixed used with all kinds of incomes, and it was important for neighborhoods to weigh this and examine to see if this is positive and continues to reinforce what you have already built up; that we need to focus on schools, churches, streets, roads, and sidewalks and make it a win-win situation rather than letting land sit vacant. She stated that she would think that the neighborhood would choose human beings over chemicals.

Councilman Taylor asked if the community was willing to get with the developer and owner.

Mr. James Moreland spoke next in opposition. He stated that he lived at 1806 Francis Street and was with the Avondale Neighborhood Association. He stated that his heart was heavy from all of the comments that had been made; that the zoning could be left open for a chemical plant—that that was true. He went on to say that this area had been the high light of news in a very negative manner; that chemicals were bad but guns and knives were worse; that little old ladies used to be able to sit on their porches and water their flowers but now you saw bars and these ladies were suffocating inside and afraid to come out. He stated that the older people in this neighborhood could not afford to buy another house, and this is where they had to live; that low-type apartments was not pretty scenery; that people in the area are terrorized and there is fighting on a daily basis with drugs and drug dealers; that he would much rather see a Buster Brown type company and jobs than kids running around with their pants around their hips with uzzis. He reiterated that this was not a community where you see people sitting on their porches in swings; that the Council needed to ride around and see what is going on in this community.

Pro Tem Chairman Hakeem asked Mr. Moreland if there were points of negotiation to work through on this.

REZONING (CONT'D)

Mr. Moreland responded that from his perspective, they were working hard to develop a plan for affordable housing. He noted that the affordable housing on Hickory Street and Wilson Street looks good; that people there can feel good about where they live; that we need to upgrade rather than take down; that this area had more apartments than any other district and more duplexes. He questioned what type of people would live in an apartment for \$200.00 a month.

Pastor Jordan spoke next in opposition. He stated that he lived in South Chattanooga and had worked with Bushtown and Avondale and had dealings with Avondale and East Chattanooga; that he had seen this town grow and also go down. He stated that he was getting ready to retire, and he did not want East Chattanooga and Avondale to go down because of business. He stated that they needed to make money in their community and everything that comes in is housing; that people are going out of business in this area. He stated again that he was getting ready to retire, and he would like to see East Chattanooga and Avondale with some business; that they needed to have business and jobs in their community; that he was getting ready to retire; that they needed people to have jobs and access to business and jobs. He stated that he was concerned about Chattanooga, but his first concern was about Avondale and East Chattanooga where he lived and where he was pastor.

Pro Tem Chairman Hakeem asked if there was any use or need to defer this for two weeks for discussion and asked the community what their wishes were and also the applicant.

Marvin Berke, attorney and applicant, stated that there had been three meetings, and he thought they had reached an agreement; that the things that had been discussed, the developer readily agreed to, and the only thing that they requested was that they put it down in writing; that there was never a problem until this letter was received. He stated that he did not want to inflame passions but that this was completely different from the understanding when they left the last meeting in this very building; that there was no problem with the things that they asked for that were reasonable; that the problem came afterwards.

REZONING (CONT'D)

Pro Tem Chairman Hakeem noted that there was a sheet of paper with points of discussion or negotiation. He asked Attorney Berke if he saw anything to be gained by deferring this for two weeks; that negotiation would take give and take on both sides.

Attorney Berke responded that he was willing to defer this if they would agree; that at this point there was no agreement; that two weeks was fine with him.

Pro Tem Chairman Hakeem stated that the understanding previously was not the case, and this is down on paper. He reiterated that there would have to be give and take on both sides.

Attorney Berke acknowledged that certainly there had to be give and take but some of the things could not be given.

Pro Tem Chairman Hakeem asked Attorney Berke if he was willing to sit down and explore this, and he responded "certainly".

Mr. Pace noted that there was a timing issue; that with a two week deferral, it would come up for first reading on September 10th and the second and third reading would fall on the following Tuesday, September 17th, and it would take two weeks for it to become effective, which would put the applicant after the September 30th deadline.

Mr. Berke added that if this is not approved by September 30th that the money will go to some other city.

Councilman Taylor asked if this funding did not come about annually. Mr. Richart responded "yes"—once a year. Councilman Taylor stated that he was hearing that residential single-family housing is the neighborhood's main concern and bringing business to the area.

Councilman Benson stated that he did not think anyone should go back to the table unless RPA is brought in and conditions are gone over. He stated that after listening to Mr. Moreland that he had a lot more empathy; that the people needed to commit themselves as a community and sit down with Mr. Pace and the developer and the owner and see if the conditions would give them the quality and density that they wanted; that the fear of the unknown had him worried.

Attorney Berke stated that he would be more than happy to sit down with Mr. Pace; that Mr. Pace was very knowledgeable, and he would be happy to do this.

Pro Tem Chairman Hakeem stated that there might be some others from the neighborhood that would want to be there also.

Councilwoman Robinson raised the question that since September 30th was the deadline, could we not defer this for just one week.

Attorney Berke stated that he would be willing to meet again on this in one week.

Councilwoman Robinson stated that it was either one week or run out of time.

Councilman Pierce stated that we were talking about re-negotiating between the parties; that as a result of this letter, there is a bad taste in all our mouths; that it was the request of the applicant that the put this in writing; that it seemed to him that the applicant could have made notes at the meeting without having to ask for this to be in writing. He stated that he was looking at the date on the letter of August 21st or 22nd and noted how quickly this letter got into the hands of the District Attorney and now they were asking to come back and re-negotiate. He stated that he could not see any re-negotiation taking place in good faith, and he would prefer that this be voted up or down tonight. He stated that he felt negotiations were over and questioned why delay this another two weeks. He stated that he had expressed himself and felt he was doing the right thing; that he wanted it to be moved on today.

Councilman Page stated that he did believe that the question was on the table, and he did believe that the applicant and neighborhood wanted to negotiate another week.

At this point **Sister Bey** took the podium and stated that she was tired of being "sold down the river"; that they could not let anything and everything come into the neighborhood; that she owned her home and did not get it by selling whiskey; that she worked hard and her husband worked hard. She stated that she was tired of being a slave; that there would be a seminar in South Africa, and she was going in October; that her people needed to stand on their own two feet and come out of the American Dream. She suggested that the Council kill this project.

REZONING (CONT'D.)

Ms. Lanier stated that Attorney Berke was an attorney, and she was not; that the last time they spoke, they did not have an agreement; that they asked to let them go back and see what they could come up with, and Mr. Berke told them to put in down in writing. She stated that they sought the best wisdom they could find, and they put this in writing and had heard nothing back. Now they were told that they were being indicted; that they wanted the best for their community; that they had not changed their position, and there was no agreement when they left the meeting; that in fact the majority voted "no" on this project.

Pro Tem Chairman Hakeem asked if anything was to be gained by waiting one week. Ms. Lanier stated that if they could reach an agreement and it would be a win-win situation, that they were willing.

Councilman Taylor asked if it was the major consensus of the neighborhood to hold this for one week; that the major concern was for single-family housing and business to revitalize the neighborhood, and we needed to encourage change in the way tax credits are issued. He mentioned that Woodlawn was once a wonderful place to live, but he was afraid after 15 years, then what; that if you are a homeowner, after 15 years you have a house and can build equity. He questioned how many single-family houses you could get on 9 acres. Mr. Pace's response was 70 to 75.

Pro Tem Chairman Hakeem asked if there were any other comments or questions.

Councilmen Benson and Lively changed their former motion for a two-week deferral to one week.

On motion of Councilman Benson, 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 2151 GLASS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE was deferred for one week with Councilman Pierce voting No.

REZONING (CONT'D.)

Pro Tem Chairman Hakeem stated that the community representatives, the developer, and the property owner could have a meeting and come up with a resolution that would be a win-win situation and then the Council would vote on this.

Councilman Taylor asked if the Council would be notified when this meeting will take place.

Pro Tem Chairman Hakeem suggested that the interested parties go out in the lobby and discuss a time, place and location for the meeting and make Mr. Burns aware of this so that he could bring the information back to the Council.

Councilman Benson added that Mr. Pace should be included in this also.

Ms. Lanier mentioned a tax credit situation concerning a church that the City was involved in.

SPECIAL POLICE APPTS.

On motion of Councilman Lively, seconded by Councilman Page,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF STEVE OWENS, FELIX VESS, TIMMY SYKES, JEFFREY HAZELWOOD AND RALPH BROWN AS SPECIAL POLICEMEN (ARMED) FOR THE CHATTANOOGA HOUSING AUTHORITY, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SPECIAL POLICE APPTS.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF TIMOTHY D. THOMPSON AND PERRY D. NEAL AS SPECIAL POLICEMEN (ARMED) FOR THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

Councilwoman Robinson reported that Resolutions © thru (f) were discussed in the Parks and Recreation Committee and come with a recommendation for approval.

MARKET ST.PASSIVE PARK

On motion of Councilwoman Robinson, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) TO RIVERCITY COMPANY TO INITIATE CONSTRUCTION OF A PASSIVE PARK IN THE 700 BLOCK OF MARKET STREET, BETWEEN MARKET STREET AND BROAD STREET, PENDING THE TENNESSEE VALLEY AUTHORITY CREDIT UNION'S FUNDING COMMITMENT OF THIRTY THOUSAND DOLLARS (\$30,000.00)

was adopted.

TN. RIVERWALK EXPAN.

On motion of Councilman Lively, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$680,000.00) TO HAMILTON COUNTY GOVERNMENT FOR REIMBURSEMENT FOR COMPLETION OF THE TENNESSEE RIVERWALK EXPANSION

was adopted.

LEASE AGREEMENT
BOYS & GIRLS CLUB

On motion of Councilman Taylor, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE AN OPEN-END LEASE AGREEMENT WITH THE BOYS CLUB AND GIRLS CLUB FOR THE USE OF THE ALTON PARK RECREATION CENTER LOCATED AT 205 WEST 45TH STREET

was adopted.

**CONSERVATION SERVICE
AGREEMENT**

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE TO ENTER INTO A CONSERVATION SERVICES
AGREEMENT FOR 2002-2003 WITH THE TRUST FOR
PUBLIC LAND, RELATIVE TO THE CHATTANOOGA
GREENWAYS PROGRAM**
was adopted.

OVERTIME

Overtime for the week ending August 23, 2002 totaled \$106,317.56.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **HENRY W. YANKOWSKI**—Hire as Director of Codes and Inspection. Pay grade 36/6, \$68,151.00 annually, effective 8/15/02.
- ✍ **THURMAN JOHNSON**—Hire as Concrete Worker, Pay Grade 6/1, \$19,834.00 annually, effective 8/21/02.
- ✍ **GREG BALLARD**—Return from Family Medical Leave of Survey Instrument Technician, effective 8/5/02.
- ✍ **ROGER W. RAPIER**—Involuntary Demotion to Crew Worker Senior, Pay Grade 5/11, \$29,268.00 annually, effective 8/12/02.
- ✍ **ROY A. SCOFFIELD**—Family Medical Leave of Crew Worker Senior, effective 8/21—11/13/02
- ✍ **RANDY BELVINS**—Promotion to Equipment Operator, Pay Grade 6/11, \$30,463.00 annually, effective 8/14/02 (**Correction from 8/22/02**).

PERSONNEL (CONT'D.)

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **LYNDELL L. DAVIDSON, JR.**—Retirement of Fire Captain, effective 8/22/02.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **KAREN TREGO**—Voluntary Demotion to Secretary, Pay Grade 6/5, \$23,701.00 annually, effective 8/23/02.
- ✍ **JOYCE A. STEPHENS**—Hire as School Patrol Officer, \$26.01 daily, effective 8/28/02.
- ✍ **STACI M. STOKES**—Resignation of Communications Officer, effective 8/22/02.

CHATTANOOGA PERSONNEL DEPARTMENT:

- ✍ **NADINE KOSKI**—Suspension of Personnel Analyst, effective 8/21/02 to 8/23/02.

Adm. McDonald took this opportunity to introduce to the Council the new Director for Codes and Inspection, **Mr. Henry W. Yankowski**. He stated that he was from Sarasota, Florida; had also worked in the same capacity in Lynchburg, Virginia and also in North Carolina. He stated that Mr. Yankowski was available for questions.

Mr. Yankowski stated that he would like to let everyone know of his interest in Chattanooga downtown redevelopment; that he had had a lot of experience in this. He stated that he loved the mountains and the historic districts and that his love was older housing—that new construction is not as exciting.

Councilman Pierce as Mr. Yankowski to give him his job title. Mr. Yankowski responded that it was Director of Codes and Inspections.

Councilman Benson noted that Adm. McDonald had chosen a big man for the job. He stated that he hoped Mr. Yankowski would be interested in his district also; that there was a whole lot of “new” construction in his district, as it was a fast developing district.

PERSONNEL (CONT'D)

Councilman Taylor stated that he would like to say welcome to Mr. Yankowski. He stated that he did have a question—that Mr. Yankowski was from out of state. He questioned if this position was posted in-house.

Adm. McDonald stated that the position was on the internet and was posted throughout; that it was posted for 60-90 days. He stated that as Councilman Taylor would recall, he made a recommendation for a person to be interviewed. He reminded Councilman Taylor that he did interview this individual.

Councilman Taylor still questioned if there was no one locally or in-house that was able to fill this position. Adm. McDonald responded that he went after the best person he could find, and he thought he had found him.

Mr. Yankowski added that he grew up on the Hudson River and felt at home in Chattanooga.

HOTEL PERMITS

On motion of Councilman Lively, seconded by Councilman Benson, the following hotel permits were approved:

MAYORS MANSION INN—801 Vine Street

CHATTANOOGA CLARION—407 Chestnut Street

COURTYARD BY MARRIOTT—200 Chestnut Street

CHATTANOOGA MARRIOTT—2 Carter Street

BLUFF VIEW INN –212 High Street

BLUFF VIEW INN/MACLELLAN—411 E. 2nd Street

BLUFF VIEW INN/C.G. MARTIN HOUSE—412 E. 2nd Street

RESIDENCE INN BY MARRIOTT—215 Chestnut Street

THE READ HOUSE—827 Broad Street

HOTEL PERMITS (CONT'D)

BRIDGE VIEW INN—117 Forest Avenue

HAMPTON INN—3641 Cummings Highway

REFUND

On motion of Councilman Pierce, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund:

SOUTHERN RAILROAD CO.—1999, 2000, AND 2001 Stormwater Fees, due to revisions made (486,100 sq. ft. removed from fees for tracks and vacant status on another) -- **\$14,870.57.**

PURCHASE

On motion of Councilman Page, seconded by Councilman Pierce, the following purchase was approved for use by the Finance and Administration Dept.:

DOWNTOWN/SOUTH HY'S CAR WASH, DOWNTOWN/NORTH NUMINIT CAR WASH, NORTH RIVER- CAR SHINE CAR WASH, HIXSON-PLAZA CAR WASH, HIGHWAY 58-AUTO WASH EXPRESS, BRAINERD ROAD-EASTGATE CAR WASH, & EAST BRAINERD-AUTO WASH EXPRESS(2)—(Equal bids meeting specifications)
Requisition R0062885/P0018134

Blanket Contract covering car wash services

(See Minute material for pricing)

Councilman Pierce questioned if we were including all of these vendors and if they were all offered the same price. Brian Smart of the Finance Dept. responded that he did not know if the prices were negotiated. Councilman Pierce asked if there were any other car washes in the city. Mr. Smart agreed that this was more than under our current contract.

COMMITTEES

Councilman Taylor reminded the Council of the meeting of the **Health, Education, Human Services and Housing Opportunities Committee**, scheduled for **Tuesday, September 3rd, immediately following the meeting of the** Public Works Committee.

Councilman Page verified that the above meeting would take care of a matter concerning housing issues that he had been asked to set.

Councilman Benson reminded the Council of the weekly meeting of the **Legal and Legislative Committee** scheduled for **Tuesday, September 3rd at 3:00 P.M.** Councilman Pierce asked what would be on the agenda. Councilman Benson responded that we would be discussing the open container law and that we would need Councilman Pierce present at 3:00 P.M.

Pro Tem Chairman Hakeem noted that he had originally asked that this be confined to the downtown area, but some residents had asked him to broaden this to a wider community. He suggested CNEAC coming before the committee to let us know how the majority of people feel. Councilman Benson noted that downtown was the target area and where we had had the experiences.

Pro Tem Chairman Hakeem also stated that he needed more information on how Community Development Corporations work and suggested getting a national representative to give us a feel as to how these corporations work and questioned whether coming to a committee meeting or the regular Council meeting would be better. Councilman Benson stated that he preferred a committee meeting. Pro Tem Chairman Hakeem suggested putting it before the Legal and Legislative Committee and stated that he had a name of a person.

ADJOURNMENT

Pro Tem Chairman Hakeem adjourned the meeting of the Chattanooga City Council until Tuesday, September 3, 2002 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

