

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JUNE 25, 2002**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Chairman Littlefield gave the invocation.

MINUTE APPROVAL

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

**“TOGETHER WE CAN”
SCHOLARSHIP RECIPIENTS**

Chairman Littlefield stated that this presentation was something that the Council looked forward to each year, and he recognized Dr. Jane Harbaugh.

Dr. Harbaugh stated that this was a real “high” for her; that this year we had 39 students who were going to college thanks to the Council. She reported that at present there are 194 students in college as a result of this program, and she thanked the Council for their foresight and willingness to invest in the future. She then asked each student present to introduce themselves, tell what school they were from and where they planned to attend college. The list was as follows:

Chattanooga Arts & Sciences—Jessica Guice, going to UTK; **Nicole Greene**, going to UTC; **Steve Archer**, going to Tennessee Tech; **Arvin Ross**, going to UTC; and **Dennis Clark**, going to MTSU.

East Ridge High School—DaMarques Torrence, going to TSU.

“TOGETHER WE CAN”
“CONT’D”

Howard High School—Reginald Peck, going to UTC; **Brandi Long**, going to TSU and **Shayla McColley**, going to U of Memphis.

Brainerd High School—Shakelia Simmons, going to APSU; **Tyresha Rice**, going to MTSU; **George McReynolds**, going to Chattanooga State; **Angel Bonsu**, going to Tuskegee; **LaQuata Lazenby**, going to ETSU; **Tony Owens**, going to Tuskegee; **James Jackson**, going to Johnson & Wales; and **Timwana Boyd**, going to Tuskegee.

21st Century—Lettie Givens, going to TSU.

Tyner High School—Asia Allison, going to University of Memphis and **Raven Blache**, going to UTC.

Dr. Harbaugh stated that she would first like to congratulate the parents of these kids, and she asked them to stand to be recognized. She added that the Community Foundation was in partnership with the City and that this was a wonderful investment. She acknowledged the presence of Grant Law, Pete Cooper, and Katara Coney. Dr. Harbaugh mentioned that she knew the City had problems in dealing with what the State is going to do and that as a private foundation they could sympathize because they also were affected and had to raise additional money because of the rise in tuitions. She ended by saying that these students would complete their education and benefit this community enormously.

Councilman Hakeem thanked Dr. Harbaugh and expressed his appreciation to the young people and their guardians who have labored so long to get them to this point. He urged the students to not forget where they came from to get to where they were today, noting that they would have a lot of positive and negative forces to deal with in going away to college. He stated that it was not hard to do the right thing but hard to know what the right thing is and hard to not do the right thing when you know what the right thing is.

“TOGETHER WE CAN”
“CONT’D”

Councilman Benson commended Dr. Harbaugh on doing a tremendous job in administering these scholarships, noting how hard it is to monitor something like this and expressing his hope that there would be a follow-through process. He also expressed his appreciation for the efforts of the Community Foundation, stating that we were fortunate to have this foundation.

Chairman Littlefield again stated that this was one of the happiest events of the year; that this program started with the first Council and has continued and done well. He stated that he was glad to come back to the Council and see the faces of these young people; that he was awed and amazed at the progress that had been made in focusing on these scholarships; that this was a unique program and one of the best efforts that the Council has undertaken; that it was great to see these young people entering college, as we need new young leaders, and there will be plenty of opportunities in the future; that this was a good example of the finest product of the City of Chattanooga, and he offered the Council's assistance to the foundation in the future.

REZONING

2002-074 John R. Morgan

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 6101
PRESERVATION DRIVE, MORE PARTICULARLY DESCRIBED
HEREIN, FROM O-1 OFFICE ZONE TO M-2 LIGHT INDUSTRIAL
ZONE**

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

REZONING

2002-084 (J & K Enterprises)

On motion of Councilman Taylor, seconded by Councilman Benson,
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 7400 AND 7500 BLOCK OF REMINGTON COURT, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE TO R-1 RESIDENTIAL ZONE

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

REZONING

2002-087 (Ken Millican)

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 AT 5726 DAYTON BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE

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

Councilman Hakeem asked for a point of clarification—the agenda showed Planning recommending denial, and he questioned if we were moving to deny this. Chairman Littlefield explained that it takes only one act to deny something; that this is coming back for second and third readings.

Mr. Pace, Director of Operations with the Planning Agency, stated that this was north of Redbank; that the original request was for R-T/Z Zone; that it is surrounded by R-2 property, and there was some landscaping to do and one condition was landscaping around the perimeter; that Mr. Millican did not recommend landscaping around the perimeter. Councilman Hakeem asked if the version approved has more restrictions.

REZONING (CONT'D.)

Mr. Pace responded that the property on either side is R-2, and these are rather large tracts of land; there are only two duplexes on either side.

Councilman Hakeem stated that he was still not clear and asked if we were dealing with the original version.

Councilman Benson also expressed some confusion, stating that he remembered this being discussed at the Planning Commission meeting. The agenda referred to the alternate version, and he asked where the alternate version was. It was explained that the Council approved the original version last week.

REZONING

2002-095 (City of Chattanooga)

On motion of Councilman Benson, 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 IN THE 500 BLOCK OF WEST 12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2002-071 (Volunteer Behavioral Health Care Systems)

Chairman Littlefield went over the ground rules for zoning cases, noting that a public hearing is required; that the Planning Staff usually speaks first and then the applicant is allowed three speakers with three minutes each; the opposition is also allowed three speakers with three minutes each and rebuttal time is allowed.

Pursuant to notice of public hearing, this request came on to be heard. Chairman Littlefield noted that this case is somewhat controversial; that each Council member had received calls and letters from both sides.

REZONING (CONT'D.)

Chairman Littlefield explained that our City Attorney had received a letter one hour before this meeting began and each Council person had also received a letter. He stated that the letter sent to Attorney Nelson raised the question as to the authority that the Council had in relation to ADA (American Disabilities Act), which is a Federal Law. He stated that Attorney Nelson had asked to recuse himself because as a private attorney he had represented the other side of the issue; that we would have to seek an outside attorney. He explained that in order to answer the legal question, he would ask for a motion to defer this case until we get another attorney. He went on to say that we have residents from the area present tonight, and it was the consensus of the Council to hear the case tonight and then postpone for additional guidance.

Mr. Pace of the Planning Staff explained that this was in North Chattanooga between Bell Ave. and Spring Street; that the applicant had asked for M-1 to C-2 in order to accommodate a Crisis Intervention Center with overnight stays; that it was presently operating as a clinic but not with overnight stays. He stated that the Planning Commission had asked that the applicant rezone the entire property and not just the building and take an R-4 Zone instead of C-2 Commercial Zone; that they recommended that the whole area be rezoned to R-4. He showed slides of the area and explained that the recommendation from the Planning Commission was to deny C-2 but to approve R-4 with a Special Permit. He stated that they had worked with the neighborhood but there were still concerns about the use; that they still felt R-4 was appropriate, and a Permit could be acquired through the Board of Zoning Appeals.

Mr. Jerry Jenkins spoke for the applicant. He stated that he was with Volunteer Behavioral Health Care Systems and was here this afternoon to request C-2 zoning; that they requested to make the boundary area all C-2; that they wanted this zoning in order to integrate their health services in this area. He explained that the design had been underway for two years; that they looked out for safety issues and did not take this lightly; that the case had been deferred until they could interface with the neighborhood. He stated that they agreed on many things such as parking and that people coming in in shackles in orange suits would be brought in the back way; that they disagreed about the zoning request.

REZONING (CONT'D)

Mr. Jenkins went on to say that we had heard about how dangerous mentally ill people are. He agreed that they could be dangerous but are more dangerous when they are not treated. He stated that they had been careful to design resources that would accommodate consumers; that Spring Street is the best location for their services.

Mary Lou Coats was the next speaker for the applicant. She stated that she had been treated for mental illness for 25 years; that people with mental illnesses have crisis in their lives often stemming from their responsibilities; that they need crisis stabilization services as a result of job pressures and family pressures and need it in a safe environment; that many do not need a hospitalization setting. She mentioned a Johnson Mental Health Center in the Hilltop area, stating that there were two in her neighborhood, which were an asset and an beauty to the neighborhood and had never caused any problems. She stated that the Johnson Center would be an asset to this neighborhood. She mentioned that she had been an advocate for mental health on the State and City level, and we need to continue to build services for the mentally ill—that the mentally ill can be any of us and all of us; that we need to offer help and the best services that we can.

Ray Sinor was the next speaker in favor of this. He stated that he lived in the Mountain Creek Apartments and had lived in the Chattanooga area for 50 years; that he had been active with Mr. Lucas, Ms. Coats and others; that he had been an advocate for the mentally ill for one-third of his life and that he rarely spoke on behalf of the providers and was usually pretty tough on them; that over the past 25 years we know through our knowledge what is the best care and service for these people—that they need to be in a community nearby where they live—that ideally they need to be with a loving family; that these people suffer crises and a crisis is not dangerous; that he had heard people describe his son, who is mentally ill, as dangerous; that he bought a home on Bell Avenue but now lived in the Mountain Creek Apartments and there were seven others who were suffering from mental illness that lived in this complex. He stated that he well understood the feeling of people through lack of understanding, and this included our police force; that they had tried to educate the police department and the sheriff's office on how to deal with these people; that they don't need to be in jail and don't need to be in long-term care—that it is too costly and does them no good toward their rehabilitation. He mentioned the many boards he had been on and stated that they did not create mental home ghettos; that they had been working on this project for several years and that Bell Avenue was the best place close by to deliver the services that these people in crisis needed.

REZONING (CONT'D.)

Mr. Sinor went on to say that this was a program that was needed, and he appealed to the Council to take these comments that he had made on behalf of those who are suffering from mental illness.

Councilman Hakeem asked that Mr. Jenkins come back to the podium. He expressed his appreciation to Mrs. Coats and Mr. Sinor for their comments and stated that as an individual, he was undecided on this issue. He stated that in his district they had done their share in regards to services for human needs. He stated that his first question dealt with Mr. Jenkins making reference to a request for C-2 Zone; that the recommendation from the Planning Staff was for R-4. He questioned if the applicant could do what they wanted to do in R4, and the answer was "yes" with a Special Permit. He questioned why they would ask for C-2.

Mr. Jenkins responded that he felt that the only reason that Planning was recommending R-4 was because this was dealing with mentally ill people.

Councilman Hakeem explained that the Council had had a number of zoning cases with special restrictions because of the surrounding community. Councilman Hakeem's second concern was in regards to safety—that if he saw people in shackles going into the facility that his assumption would be that they were dangerous.

Mr. Jenkins explained that this occurs only on Wednesdays, and they were brought here for a forensic evaluation for the courts; that on Wednesdays they are brought here for evaluation; that they could come in the back and not in public view. Councilman Hakeem asked if they were evaluated and then left or if they stayed overnight. Mr. Jenkins responded that they were evaluated and sent back to jail.

Councilman Hakeem asked that regarding his third concern that Mr. Jenkins not be defensive; that he had observed in dealing with Mr. Jenkins that he was defensive because of the passion he had for this cause. He asked him to hear what the neighborhood was saying—that he felt more PR was needed.

REZONING (CONT'D.)

Mr. Jenkins responded that there had been some positive dialog; that the neighborhood had known for 18 months that such a service was being proposed; that they had talked to many people in the City and there had been a great opportunity for them to make them aware of neighborhood associations.

Councilman Hakeem asked Mr. Jenkins what they had done as an entity to communicate and work with the people in the community and what would they do to ingratiate themselves to continue working with the community.

Mr. Jenkins agreed that they had been reactionary; that they had attempted to be involved and wanted to be part of the fabric of the community as a whole.

Linda Bennett was the first to speak in opposition. She stated that she was with the Neighborhood Association and had had several meetings with the Johnson Mental Health people; that this was of interest to her personally as she was a volunteer for Moccasin Bend Hospital and her husband was at Orange Grove—that they had a “heart” for mental health and the mentally ill. She stated that their community believed in the services being proposed and that they realized the need; that their question was where should these services be located in the community. She noted that they already had CADAS and Moccasin Bend in District 7; that at the very beginning when they made the decision to purchase the property there was lack of communication; that there was no notification, and the community did not know what was happening; that the applicant said that they did not know that the Neighborhood Association existed.

Ms. Bennett went on to say that she did not think it was the norm that mental health facilities be located in neighborhoods in close proximity to residences; that if something like this was going in that in the interest of the community that they should be educated and prepared as they would be the groundskeepers. She asked an elderly lady in the audience, Mary Craig who lives on Bell Avenue, to stand. She asked the Council what Mrs. Craig should do if she saw someone going through her mailbox. Ms. Bennett stated that they did not know about the forensic evaluations and the people in orange suits and questioned what children would think when they saw these people.

Ms. Bennett mentioned an interesting article in the paper concerning Moccasin Bend where Congressman Wamp was talking about the situation of the State Hospital and the Golf Course, stating that this had to be “worked through”. She stated that their neighborhood was in the throes of revitalization, and she wondered if someone would look at this and say the same thing about their community. Since they played a vital role, she asked that they be part of this.

REZONING (CONT'D)

Daniel Anderson spoke next in opposition. He stated that he lived across the street from 420 Bell Ave. He stated that when this facility was being renovated that they attempted to find out more information and those working there stated that they did not know what the use would be—that they thought it would be office space; that they finally found out that it was an Outpatient Mental Hospital across the street, and they were upset because they felt like it came in the “backdoor”. He stated that his wife had been fearful; that when he called he found out that the people came in on a voluntary basis, which could be a “good thing”; that they attempted to get it rezoned to have on-site evaluations in crisis situations.

Mr. Anderson thanked Mr. Jenkins, stating that Chattanooga has a need for this facility; that he was not attacking anyone; that he just felt like there was a better place other than a residential neighborhood; that their concern was their safety as a whole—the elderly and the children; that there would be increased traffic, and he questioned what this would do to the progress of their neighborhood. He also questioned the economic resale of their homes. He stated that most of the answers to these questions had negative responses.

Mr. Anderson stated that they liked this location; that he was a policeman and based on his experience these crisis situations would force them out of their homes; that based on his experience, he was not convinced that these people were not dangerous. He mentioned the many calls he received regarding crisis situations. He ended by saying that this facility was needed but not this close to the neighborhood. He respectfully requested the Council to protect all neighborhoods and require buffer spaces between potentially dangerous facilities and residences.

Waymon Hicks next spoke in opposition. He stated that he was present to represent his 87 year old mother who lives at 403 Bell Avenue. He mentioned the incident where an unstable person manipulated a police officer—Julie Jacks. He questioned if a trained police officer could not handle such a person, what was his 87 year old mother to do; that after an incident happened, it was too late.

REZONING (CONT'D)

Councilman Benson stated that he was afraid this was a textbook example of how “not” to meet the needs of the neighborhood nor the mental health community. He asked Mr. Jenkins and Ms. Bennett to both come back to the podium. He stated that Mr. Jenkins does not want R-4 Zoning as a matter of principle as he felt Planning was holding something against mental health; that he heard Ms. Bennett say we have talked to the Mental Health people, but we have never talked to Mr. Jenkins; that in the best interest of the neighborhood and the mental health people, we were not ready to vote tonight. He stated that both groups had to join hands for the common good and need; that each group needed to embrace each other, and it was a shame that such a schism existed—that both could be made to work—the neighborhood and the mental health facility.

Councilman Taylor noted that both groups had met, and there had been several meetings and the neighborhood had come together; that there was no fighting and there was a good working relationship with the residents and Mr. Jenkins; that he did not want anyone to leave thinking that these groups were fussing and fighting—that they were working together to find a spot in their neighborhood to accommodate this; that location was the main focus; that he could assure this body that the neighborhood was not throwing bricks and were mutually working together; that they agreed on some things and there were some differences. He asked Mr. Jenkins if there was any other facility of this type in Tennessee. Mr. Jenkins responded not outside of a hospital. Councilman Taylor verified that all such facilities were located by a hospital. Mr. Jenkins noted that a hospital was a more restrictive environment; that a larger number of people could be serviced in a community, and it was not a restrictive environment. Mr. Jenkins added that a similar facility exists in Highland Park with 12 beds. Councilman Taylor verified that the applicant was asking for 16 beds. Mr. Jenkins responded that there was no magic to that number. Councilman Taylor pointed out that they were serving the community now and were wanting to move to extended stay.

REZONING (CONT'D.)

Councilman Page had a question concerning the zoning. He asked Mr. Pace if it were M-1 now, and they were asking for C-2, and Planning recommended R-4—if they could still do the same thing in R-4 as C-2 and if so, why the applicant was insisting on C-2. He asked what could go in an M-1 Zone—that this facility could be a better alternative and noted that mental illness dangers are often more of a perception rather than a reality.

Mr. Pace responded that it was M-1, which allowed no provisions for any residential components and no overnight stays, and the applicant requested C-2; that R-4 also allows for the same medical clinic uses in a neighborhood-friendly type zone; that R-4 is a transitional zone, and it would allow use with overnight stays, and R-4 could be used for any number of residential uses if this particular use went away; that basically the C-2 and R-4 both allow the same use, but C-2 is more restrictive. He explained that a Special Permit would be required in an R-4 Zone. He went on to say that M-1 is the most open zone that we have and allows a number of things that would not be neighborhood-friendly.

Councilman Page asked if this would include a noisy manufacturing company. Mr. Pace explained that such an operation would have to be 1,000 ft. away from any residence. Councilman Page asked about bright lights. Mr. Pace stated that conditions could be placed that the light be directed away from residences. Councilman Page explained that he was trying to see the alternative of what could happen in a M-1 Zone. He stated that there may be room for compromise. Mr. Pace added that with C-2, conditions could be added.

Councilman Lively stated that we were going to defer this; that he believed there was a misconception that this Council can stop this from going in—that there are State laws; that the applicant was asking that this be downzoned to a more restrictive zone.

Councilman Taylor stated that in looking at State law that they leave this up to us to look at each individual situation. He asked those in opposition to stand, and a large number of people stood. He thanked them for coming and showing their support, noting that they were not opposed to mental health.

Councilman Benson asked that those in support to stand as well.

REZONING (CONT'D.)

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 413 SPRING STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred for two weeks.

Chairman Littlefield stated that Attorney Nelson would locate an attorney—that he knew of several good candidates.

REZONING

2002-073 (River City Resort, Inc.)

Pursuant to notice of public hearing, this case came on to be heard. Mr. Pace stated that the applicant was present.

Chairman Littlefield asked if the Council wished a re-briefing on this matter; that we had heard from the applicant and the opposition.

Attorney John Anderson, with Grant, Konvalinka and Harrison, spoke on behalf of the applicant. He stated that they were here on May 14th asking for rezoning from M-1 to C-3, which was recommended by Planning. He thanked everyone for the opportunity to be here. He stated that this was an exciting development along the Riverfront and that this development does what the Mayor has talked about; that they were requesting C-3, which is a mixed use. Mr. Anderson stated that he had talked to Mayor Corker, and he 100% believed in this; that it was an aggressive development that would bring to the North Shore that which is in the 21st Century Plan. He stated that Administration was 100% behind this and wished them well. He stated that he had reviewed the video tape of the briefing last month and was more than willing to have this conditioned on approval by the Design Studio.

A second concern was the ‘Trail of Tears’, and Mr. Anderson stated that they would make every reasonable effort to accommodate.

REZONING (CONT'D.)

The third issue dealt with the Riverwalk. Mr. Anderson stated that they would be in accord with the Riverwalk. He then went on to discuss the issue of JIT, stating that JIT had a concern about safety and the nuisance factor. In dealing with the nuisance, Mr. Anderson noted that JIT had the law on their side; that they were there first, and the applicant cannot complain; that frivolous lawsuits had been mentioned by Attorney Don Aho. Mr. Anderson indicated that he did not think there would be any frivolous lawsuits because the one bringing the suit would have to pay for costs.

Mr. Anderson next addressed the safety concern. He stated that the hallmark of good riverfront development is many different things existing in harmony; that we have Coolidge Park all in harmony with an occasional barge that goes by. He noted that there are laws and ordinances, which regulate JIT's operation. He stated that one could look at Velsicol and see how manufacturing can exist in harmony. He stated that the concerns of JIT have been addressed and should not hinder this from moving forward.

Mr. Anderson went on to say that they knew the railroad track was there and their design works with this; that they know they are there and will deal with the issue. He then asked Vance Travis to speak.

Mr. Travis stated that he would be more brief than Attorney Anderson. He proceeded to go over the conditions, beginning with (1) No cell towers; (2) Fit within the Waterfront Plan, stating that their Master Plan had been provided to the Design Center and (3) Work with Stroud Watson at the Design Center. Mr. Travis stated that there had been at least five meetings with the Design Center, and he had seen Stroud today to see if he was comfortable with this; that it is in sketch form and in rendering; that Stroud was pleased with their progress.

Councilwoman Robinson thanked Mr. Casey, his architect, and staff for bringing the Council a Plan, stating that this site was the premier site for development; that it is literally across the street from the Tennessee Aquarium; that she as a Councilperson and someone who has worked for the revitalization of downtown feels very protective of our Riverfront and wants the best we can have. She stated that the Tennessee Riverpark has set the standard and expressed her appreciation for the applicant's willingness to work with the Design Center and to get their approval. She asked that we have ongoing oversight to remain at the standard. Mr. Anderson expressed that they would be more than happy and agreeable to this.

REZONING (CONT'D.)

Councilwoman Robinson went on to mention that in having a project come to the Council of this magnitude, and we are willing to rezone, what would happen if in this economy the financial plans get “wobbly”; that she would like to hear from the developer and architects concerning this, that if something should happen financially through the fault of no one, can we rescind any rezoning? She asked if the rezoning could be contingent upon this being successful financially and our rezoning could be on hold or rescinded.

Chairman Littlefield stated that this would be a reverter clause; that to get it rezoned, it would have to go back through the same process.

Attorney Nelson added that the applicant could be given sufficient time to develop the property; that the Council could recommend a Study to have it rezoned.

Attorney Don Aho, representing JIT, spoke next. He stated that they had no changes from the comments they made last time; that there was no change in their position.

Councilman Hakeem stated that it had been a few days, and he did not remember their position; that he thought the concerns they had had been dealt with.

Mr. Aho responded that this was not true; that he had had no conversation with the developer; that he and Mr. Anderson had tried to get together. He stated that they still had some concerns regarding the nuisance; that JIT had to litigate with RiverCity in the past, and they were concerned about having to do this again; that also their concerns about safety had not been addressed; that JIT had an Evacuation Plan in place, as they were the largest propane storage in Tennessee; that they ran a safe operation, and they thought it was important for the Council to weigh this and consider this issue in putting a residential use next to propane and chemicals.

Councilman Hakeem stated that there had been some discussion about liability insurance and nuisance and all of that; that it was shared in the committee meeting.

REZONING (CONT'D)

Councilman Taylor stated that he had visited both places and looked at the concerns; that Councilwoman Robinson brought out about the zoning there now, and it will tie in with the long range plans. As far as safety, he noted that he had something similar in District 7 in Alton Park—that Velsicol existed with residences around it, and he had taken under advisement their Evacuation Plan. He stated that he had weighed these concerns.

Councilman Page asked for a point of clarification. He asked if there had been conversations between the applicant and JIT; that he had heard that this had not happened; that he was not sure there was a provision in the Council's responsibility to allow us to assume they would be good neighbors. He stated he would like to know the real facts about the meeting, and he questioned what the Council needed to hear that had happened in this arena.

Mr. Aho responded that discussion between the principals of JIT and the developer did occur, but counsels did not get together. He questioned the possibility of an Agreement between JIT and RiverCity whereby RiverCity would waive its rights to bring any nuisance claims and incorporate this into a document or covenant that would run with the land, and if the property is transferred, JIT would still have protection.

Mr. Aho went on to say that this raises legal questions; that Councilwoman Robinson's remarks were well taken relating to finances; that AmeriSuites is a franchise operation, and he did not know what kind of financing they had in place. He questioned going through this exercise and financing not coming together. He stated that Mr. Casey reported that financing was in place.

Chairman Littlefield asked about the question of liability insurance.

Mr. Anderson stated that is what occurred at the committee meeting. He stated that he did not know the answer to JIT's liability insurance and any increases. He next again addressed the issue about nuisance and stated that Mr. Aho reported that this was unanswered and stated that he and Attorney Aho's schedules did not permit direct conversation. He stated that he could not say that they were a nuisance; that they (River City Resort) took this property "as is", and they (applicant) would have to live with it.

REZONING (CONT'D.)

Councilman Franklin stated that he had some initial concerns about the development; that he was pro development; that he was concerned about the Trail of Tears and the railroad, as well as JIT. He stated that he toured JIT's facility and mentioned an Industrial Park off Bonny Oaks Drive. As far as the zoning, he stated that he did not think we could consider whether or not they had the financing. He stated his concern was that JIT not be discriminated against; that he would hate to say someone would discriminate against him based on not being able to come up with financing.

Councilman Hakeem asked if the information shared by Mr. Anderson as to what is acceptable to his client is considered binding.

Chairman Littlefield noted that what he said was on tape and also would be in the minutes.

Councilman Hakeem asked if the City played a role in what RiverCity and Mr. Casey and JIT determine a nuisance. Attorney Nelson responded that this is not a concern of the Council; that propane tanks next to a hotel is a proper safety issue, and the Council could consider this, but the nuisance concern is not a consideration of the Council. Councilman Hakeem asked if RiverCity could come back a year from now and attempt to have us get rid of JIT. Attorney Nelson responded that they could attempt this, but they would have no standing. Councilman Hakeem asked if there was anything we have to do about safety. Attorney Nelson responded that insurance was not a question; that safety is something to consider.

Councilman Page stated that he would like to hear the conditions again.

Chairman Littlefield listed them as (1) No cell towers (2) In keeping with the Waterfront Plan (3) Some commitment that they will fashion this after the Design Studio's recommendations and (4) Access easement to the Riverwalk.

Mr. Pace mentioned the Trail of Tears; that it be in keeping with this agreement that they work with any entity.

Councilman Page noted that a person with the Railroad wished to say something.

REZONING (CONT'D)

John Hull of Norfolk Southern Railroad spoke. He stated that the Railroad had not heard from the applicant; that they had an easement across the middle of this property, and the easement is vital to the railroad; that they had to have this, and it had not been addressed.

Councilman Hakeem questioned if the Council had anything to do with this.

Attorney Nelson stated that the Plan, as he saw it, showed a walk way across the railroad.

On motion of Councilman Franklin, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 501 MANUFACTURERS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE AND HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC., IN THE FORM ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SO AS TO EXTEND SAID AGREEMENT FOR A PERIOD NOT TO EXCEED THREE (3) MONTHS

was adopted.

CORRECTION AMEND.

On motion of Councilman Hakeem, seconded by Councilman Page,
**A RESOLUTION AMENDING RESOLUTION NO. 23278,
ADOPTED JANUARY 22, 2002, RELATIVE TO THE CITY
ACCEPTING CERTAIN PROPERTIES FROM HAMILTON
COUNTY, TENNESSEE, BY CORRECTING TWO TAX MAP
NUMBERS**
was adopted.

OVERTIME

Overtime for the week ending June 14, 2002 totaled \$96,310.19. Overtime for the week ending June 21, 2002 totaled \$30,816.13.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **AARON ATKINSON, JR.**—Voluntary Demotion of Equipment Operator, Pay Grade 8/5, \$26,481.00 annually, effective 6/19/02
- ✍ **RENA L. ODEN**—Resignation of Crew Worker, effective 6/12/02
- ✍ **WILLIE C. HALFACRE**—Resignation of Heavy Equipment Operator, effective 6/17/02
- ✍ **ROY DEAN MASSENGALE**—Promotion to Plant Main. Lubricator, Pay Grade 6/1, \$19,834.00 annually, effective 6/12/02
- ✍ **WINSTON M. PARSON**—Retirement of Heavy Equip. Operator, effective 6/26/02

PERSONNEL (CONT'D)

POLICE DEPARTMENT:

- ✍ **DEIDRA HALL**—Resignation of Police Service Tech., effective 6/22/02
- ✍ **KELLEY MILLER**—Rehire of Patrol Officer, Pay Grade 1/6, \$34,553.00 annually, effective 6/14/02

PURCHASES

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchases were approved for use by the Human Services Department:

UNIVERSAL KIDZ ZONE (Lowest and best complete bid)
R0063317/B0000702

Playground Structure—Head Start Division

\$21,250.00

FLAV-O-RICH DAIRIES (Lowest and best bid meeting specs)
R0064523/P0017755

Milk & Milk Products

(See minute material for various prices)

SARA LEE BAKERY GROUP (Lowest and best bid meeting specs)
R0064524/P0017762

Bread

(See minute material for various prices)

PURCHASES

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

THURMAN-BRYANT ELECTRIC (Best bid meeting specs)
R0064011/B0000695

Architectural Bollard Lights—TN Riverwalk

\$20,580.00

KAY PARK RECREATION (Lowest and best bid meeting specs)
R0054688/B0000687

ADA Aluminum Bleachers

\$12,371.20

A-TECH SERVICES CORP. (Lowest and best bid meeting specs)
R0064147/B0000697

HVAC System (Glenwood Recreational Center)

\$22,300.00

(Councilman Taylor pointed out that one of these purchases was ADA approved.)

(AT THIS POINT CHAIRMAN LITTLEFIELD NOTED THAT COUNCILMEN BENSON AND PIERCE HAD TO LEAVE THE MEETING.)

PURCHASES

Ms. Beverly Johnson, Deputy Administrator of Public Works, was to present the purchases for Public Works. She stated that Lee Norris, Director of Citywide Services, would give a presentation on the Automated Sanitation Collection.

Mr. Norris stated that he was present to bring the Council up to date on their Automated Sanitation Collection. Automated collection began in 1996 with eight trucks in service, serving approximately 43,000 households, which is 62% of Chattanooga's residents. Five (5) new automated trucks are due the first week of July and new drivers are now in training. The first shipment of the new containers is due in 6-8 weeks. Mr. Norris explained that notification letters will be sent to residents a week before container delivery and delivery will begin August 19th. Complete implementation will take 16 weeks. Mr. Norris went over the schedule, which is made a part of the minute material. He explained that some areas are not scheduled for automation because of on street parking and narrow streets. This should be finished by the end of December and approximately 92% of Chattanooga residents will have automated service. Mr. Norris explained that they would adjust as this program is implemented, but citizens will be aware at all times.

Councilman Hakeem asked about the southside of E. 3rd St. and Glenwood. Mr. Norris stated that he thought this would be week 9 on the schedule.

Councilman Lively stated that he assumed a route that was getting a small truck now would not be on the automated route. Mr. Norris responded that that was 97% correct.

Councilwoman Robinson confirmed that one-way streets and steep streets would not be served by automation and asked about their schedule and how often it would be. Mr. Norris answered that schedules would remain the same.

PURCHASES (CONT'D.)

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

BOBCAT OF CHATTANOOGA (Lowest and best bid meeting specs)
R0061782/B0000701

Skid Steer Planer Attachment

\$10,132.60

XESYSTEMS, INC. (Lowest and best bid meeting specs)
R0044074/B0000713

Engineering Printing System

\$33,565.25

CHATTANOOGA FIRE PROTECTION (Lowest and best bid meeting specs)
R0061658/P0017443

Fire Protection Equipment and Services

(See minute material for various prices)

WES BLAKEMORE TRUCKING (Lowest and best bid meeting specs)
R0063878/P0017714

Hauling Services

\$6.50/Ton

PURCHASES (CONT'D)

OTTO INDUSTRIES, INC. (Lowest and best bid meeting specs)
R0058608/P0017452

Rollout Waste Containers

(See minute material for pricing)

ADMAN ELECTRIC COMPANY (Best bid meeting specs)
R0055047/P0017676

Traffic Lights Detector Loops

\$3.80 per Linear Foot

AMERICAN SIGMA/HACH COMPANY (Lowest and best bid meeting specs)
R0063845/B0000690

Five (5) automatic wastewater samplers

\$20,298

PURCHASES

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchases were approved for use by the Chattanooga Fire Department:

INGERSOLL-RAND COMPANY (Lowest bid)
R0058426/B0000711

Breathing Air Compressor

\$36,395.00

PURCHASES (CONT'D)

UPSTATE COMPUTER CORPORATION (Lowest and best bid meeting specs)

R0058417/B0000703

Computer Laser Jet Printers

\$50,320.00

HARLESS FIRE EQUIPMENT

R0058426/B0000711

"Jaws of Life" Equipment

\$44,429.00

PURCHASES

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Police Dept.:

OCEAN SYSTEMS (Single Source Purchase)

R006y1134

Forensic Video Analysis System

\$20,661.00

KINKO'S (Lowest and best bid meeting specs)

R0061119/B0000692

Printing Services

\$10,842.00

PURCHASES (CONT'D)

IFR AMERICAS, INC. (Single Source Purchase)
R0061779/P0017849

One (1) IFR Communications Service Monitor and Accessories

\$18,095.00

GTSI (Best offer meeting the specs.)
R0061036/B0000674

Mobile Laptop Units

\$1,371,699.70

Councilman Page asked about the mobile laptop units. It was explained that this is hardware for communication from the control cars into headquarters. He asked if a laptop would be placed in each police car. It was explained that the operating unit will have capability.

REFUNDS

On motion of Councilman Pierce, seconded by Councilman Hakeem, the Finance Director was authorized to make the following refunds for 2000 and 2001 Property Taxes:

GIRLS PREPARATORY SCHOOL--\$10,245.65

PURCHASES

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

THURMAN BRYANT ELECTRIC SUPPLY & DIVERSIFIED SUPPLY CO.
(Best and lowest prices offered):
R0037712/P0017502

Citywide Electrical Supplies

(Requirements Contract—See Minute Material)

PURCHASES (CONT'D)

On motion of Councilman Page, seconded by Councilman Pierce, the following purchase was approved for use by the Treasurer's Office:

KEYMARK, INC. (Single Source Purchase) **R0049226/P0017979**

Computer Software Licenses

\$15,621.60

BOARD APPOINTMENTS

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

TREE COMMISSION

Re-appointment of **LEROY PARKS** for a term to expire on **March 5, 2005**.

CHATTANOOGA METROPOLITAN AUTHORITY BOARD OF DIRECTORS

Appointment of **JOHN FOY**, term expiring **July 1, 2005**; **JOE PREBUL**, term expiring **July 1, 2005**; **DONNA WILLIAMS**, term expiring **July 1, 2004**; **CARL ROLLINS**, term expiring **July 1, 2003**; **GENE VEAZEY**, term expiring **July 1, 2004**; **JO ANN FORMAN**, term expiring **July 1, 2004**; **MORTY LLOYD**, term expiring **July 1, 2003**; **AMY WALKER CHERRY**, term expiring **July 1, 2005**; **DAN JACOBSON**, term expiring **July 1, 2003**.

On motion of Councilman Lively, seconded by Councilman Franklin, the following Board appointment was approved:

BEER BOARD

Appointment of **JERRY EVANS (District 4)**, to fill the unexpired term of Larry Henry to **August 1, 2002**, and then re-appointed to a three year term to expire **August 1, 2005**.

CITY ATTORNEY
WRECKER SERVICES

Attorney Nelson made the Council aware of a ruling in Columbus, Ohio, limiting the City's rights to regulate wrecker services. He explained that we would have to re-vamp our Wrecker Ordinance and that this could be discussed in either a Safety Committee meeting or a Legal and Legislative Committee meeting. He stated that this needed to be looked into in the very near future.

Chairman Littlefield suggested referring this to a Safety Committee meeting.

Attorney Nelson stated that this had been a matter of some concern for some time.

COMMITTEES

Councilman Lively scheduled a **Budget and Finance Committee** meeting to meet **Tuesday, July 9th**, immediately following the **Public Works Committee**.

Councilman Hakeem reminded the Council that the **Public Works Committee** will meet on **July 2, 2002 immediately following the Parks and Recreation Committee and on July 9, 2002 at 4:00 P.M.**

Councilman Franklin invited everyone to the grand opening of the Brainerd Mega Recreational Center on **Saturday, June 29th**. He stated that there would be a parade and march from Dalewood Middle School to the location directly beside the Brainerd High School. The grand opening is at **11:00 A.M.** Councilman Franklin stated that weather permitting there would be full-filled activities outside. Everyone is invited, and he said that it should be a very festive event; that there was quite a bit of excitement brewing; that he was very excited and looking forward to this. He reminded the Council of the **Safety Committee** scheduled for **Tuesday, July 16th** immediately following the **Parks and Recreation Committee**.

Chairman Littlefield pointed out that this is the Greater Brainerd Regional Center, which includes his District 6.

INVITATION TO BUDGET MEETING

Councilman Pierce stated that he would like to invite Victor Hogstrum to a Budget Hearing. He asked that he be included at the Budget Committee Meeting scheduled for July 9th.

Councilman Lively noted that Mr. Hogstrum had been asked about this and showed no interest.

Councilman Pierce stated that there was mis-communication when he asked Mr. Hogstrum about this; that it was his impression that the Clerk to the Council would extend the invitation—that there was mis-communication. He stated that Mr. Hogstrum was not aware of the last meeting, and he might not be interested; that Councilman Lively could see fit not to entertain this invitation, as he was Chairman of the Budget Committee.

Councilman Lively stated that he thought extending an invitation would be going away from our standard procedure; that he could never remember inviting anyone to come and make a budget presentation.

Councilman Pierce maintained that he reserved the right to invite someone to a committee meeting if he wished, and he would appreciate Mr. Hogstrum being invited.

Councilman Lively stated that if Mr. Hogstrum called and asked to be on the agenda for this committee that he would set it up.

Councilman Pierce stated that he would call Mr. Hogstrum and tell him that the Chairman of the Budget Committee did not wish him to be invited.

Chairman Littlefield suggested that Mr. Hogstrum be allowed to be heard at any of the committee meetings that will be held on July 2nd.

Councilman Lively explained that it was not that he minded him coming, but he just could not remember the Council calling and asking someone to come down and make a presentation when they were asking for more money.

Chairman Littlefield stated that if Mr. Hogstrum wished to be heard that he could be accommodated; that he thought all of the Council were aware of his situation because Mr. Hogstrum had talked to each Councilmember individually.

COMMITTEES

As Councilman Benson had already left the meeting. Chairman Littlefield noted that the Legal and Legislative Committee met earlier in the afternoon; that zoning regulations and the Ordinance governing clear cutting an area were being reviewed and that this would be continued next week at a **Legal and Legislative Committee scheduled on Tuesday, July 2nd at 3:00 P.M.**

KEVIN LECKENBY

Kevin Leckenby approached the Council to inquire if the case on Volunteer Behavioral Health Care Systems that is being postponed until July 9th would have several different readings. It was explained to Mr. Leckenby that first reading takes place on one night and then 2nd and 3rd readings are usually heard together on the following Tuesday night.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, July 2, 2002 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

