

**City Council Building
Chattanooga, Tennessee
April 15, 2003
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, Page, Pierce, Robinson and Taylor present; Councilman Lively was absent due to personal commitment. 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, Rev. McKinley Holloway, Pastor of New United Baptist Church, gave invocation.

MINUTE APPROVAL

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

CHAIRMAN LITTLEFIELD'S EXPRESSION OF THANKS

Chairman Littlefield thanked the Council for this past year, for affording an opportunity to sit in the Chairman's chair and be a "traffic cop" for the Council again! He stated most know that it was not his intention to do this again, expressing that he certainly enjoyed it and would not take anything for the experience. He thanked the Council staff for "putting up with him" for the last year and supporting and helping him in all tasks that the job of Chairman requires. He stated it has been a very successful year as there was an ambitious agenda; that we have an aggressive Mayor who had a lot of programs proposed and quite a few of our own in changes in Ordinances. He stated this is a good team and thinks it is remarkable, as he knows from experience in public service, particularly having been on the Council and City Commission, that there had been criticism for not getting along on those bodies. He stated it has been very refreshing to be a part of this body; that they could be criticized for getting along too well or criticized for getting along with the Mayor too well!

CHAIRMAN LITTLEFIELD'S EXPRESSION OF THANKS
(Continued)

Chairman Littlefield continued by stating that he started to bring a rubber stamp tonight as a present to the new Chairman, yet decided against it as someone might make too much of it; that he found out the rubber stamp cost \$10 and it was not worth it! He stated that everyone "gets" what he means, indicating that all on the Council have gotten along well; that the Council is like a functional family, and not dysfunctional. He stated they do not always agree yet they do not get mad about it. He stated his intention when he came back after the last election was to sit quietly; that it has now reached the point where he is quite ready to turn the gavel over to someone else and move over and do just that!

PRESENTATION OF GIFT TO CHAIRMAN LITTLEFIELD

Prior to Council elections, Councilman Pierce stated that he wanted to have a couple words as he wished to say something good about Chairman Littlefield; however, he asked Councilman Benson to come forward at this time.

Councilman Benson reiterated what Chairman Littlefield has indicated, stating that this is a fine Council and all get along better than most families. He stated that Chairman Littlefield has been the "point man" and has been "where lightning strikes". He stated that he told him his job would be easier if he would quit doing what was right! He stated that he did what was right and had a vision to do what was right and expressed appreciation for his leadership. He stated the Staff and his colleagues on the Council want him to know what he has done has not been in vain. He stated that the Council took a "lot of licks" from his constituents and voters and did their best to try to help him with people that sometimes do not understand what he was trying to do when you do what is right. He stated during Chairman Littlefield's absence a week ago, Council members redrew the Council districts and tried to protect him because they want to see him get elected if he chooses to run again. He expressed that it is his hope Chairman Littlefield would be pleased with the redrawn districts.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that it was recommended that District 6 be redrawn to include Walker County, Georgia! He displayed a district map with Walker County, Georgia highlighted in red.

Councilman Benson (jokingly) stated that there are two voters in Chairman Littlefield's district and the other voters are in Georgia! He stated Chairman Littlefield has not missed a meeting when he has not told Council members how things are done in Georgia.

PRESENTATION OF GIFT TO CHAIRMAN LITTLEFIELD
(Continued)

Councilman Benson stated that he did it with the carriage trade, the humane society and the noise ordinance! He jokingly stated that Chairman Littlefield could keep the two people that vote for him – which are his wife and someone who does not know him!

Chairman Littlefield expressed his thanks to the Council and accepted the gift with all due respect.

ELECTION OF COUNCIL CHAIRMAN

Chairman Littlefield opened the floor for nominations for the office of Council Chairman. Councilwoman Robinson nominated Councilman Franklin with Councilman Pierce seconding the motion. Councilman Taylor and Hakeem moved that the nominations cease on the one said name. **Councilman Franklin was elected Council Chairman by acclamation.**

Chairman Franklin expressed appreciation for Councilman Littlefield's leadership as Chairman and for the support of the Council. He stated he would try to have just as good and productive a year as the Council has enjoyed in the past and acknowledged that the Council really does work well together.

Councilman Littlefield stated that he is the only person who has served with two John Franklins as Vice Mayor and was glad both are present tonight.

City Attorney Nelson stated for many years it has been the City Attorney's pleasure to present each incoming Council Chairman with a new gavel. He acknowledged that he, too, has served with both Franklins and that he knows somewhere in Heaven a lady is looking down and "busting at the seams" with pride. He expressed that all miss Mrs. Franklin and know she is as proud of Councilman Franklin as she could be!

Chairman Franklin stated that this is a special night as this has occurred on his mother's birthday. He acknowledged her spirit (tonight) and the friends, co-workers and special people who have come.

Councilman Hakeem interjected that Councilman Littlefield and City Attorney Nelson are not the only ones who have served with both Franklins!

Chairman Franklin acknowledged the presence of his sister, Cheryl Key, Judge Walter Williams, Charles Love and Dr. Parham.

ELECTION OF COUNCIL VICE CHAIRMAN

Chairman Franklin opened the floor for nominations for the office of Council Vice Chairman. Councilman Hakeem nominated Councilman Benson, citing his experience and maturity; Councilman Littlefield seconded the motion. **Upon unanimous vote Councilman Benson was elected Council Vice Chairman.**

SPECIAL PRESENTATION: CHARLINE KILPATRICK

Councilman Hakeem stated that he has the pleasure of recognizing an individual the community has decided is worthy of recognition, Mrs. Charline Kilpatrick. He stated Mrs. Kilpatrick has two sons with her this evening and the Council recognizes her for the work she has done in the City of Chattanooga. He stated many years ago, Jacqueline Kennedy Onassis and others started the Nobel Prize for public service called The Jefferson Award. He stated Mrs. Kilpatrick was not only nominated, she has been recognized as a "Volunteer of the Year", which means she has not gone out seeking recognition, but at the same time people have recognized the work she has done within our community, and as a result she has received the Jefferson Award. He stated in addition, she would be going to Washington, DC to receive national recognition as a Jefferson Award winner not only on the local level but the national, as well. He expressed appreciation on behalf of the Council for her public service and noted that Channel 3 has been the local representative as far as the media is concerned in regard to this. At this time, he presented several gifts to her including a Certificate of Appreciation signed by the outgoing Council Chairman and Vice Chairman, the Mayor and himself as the District Councilman.

Mrs. Kilpatrick thanked Council members and stated that this is quite an honor. She stated that she was quite thrilled to be one of five recipients of the local Jefferson Award and when she received notification that she was a national recipient, she was quite honored. She stated it is an even greater honor to receive this Certificate and gifts from the City of Chattanooga and it is quite an honor to be so recognized.

Chairman Franklin wished Mrs. Kilpatrick all the best and expressed his wish for her continued good work in the community.

CHANGE RIGHT-OF-WAY NAME

2003—031: City of Chattanooga

On motion of Councilman Page, seconded by Councilman Hakeem,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF ACCESS ROAD AND A PORTION OF THE 4400 BLOCK OF JAMES DRIVE TO JAMES LANE, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

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

REZONING

2003-033: Sheryl Jenkins

On motion of Councilman Hakeem, seconded by Councilman Page,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4101 NORCROSS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM RT-1 RESIDENTIAL TOWNHOUSE TO R-2 RESIDENTIAL ZONE

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

CHANGE RIGHT-OF-WAY NAME

2003-034: City of Chattanooga

On motion of Councilman Hakeem, seconded by Councilman Taylor,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF CRESCENT CLUB DRIVE EXTENSION TO ARBOR CREEK WAY, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

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

CHANGE RIGHT-OF-WAY NAME

2003-035: City of Chattanooga

On motion of Councilman Taylor, seconded by Councilman Page,

AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF SUMMIT AVENUE TO AUBREY AVENUE, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

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

REZONING

2003-037: Margie Baumgardner, Ted Fugunt and Valor & Sun Land Associates, Inc.

On motion of Councilwoman Robinson, 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 2300 BLOCK OF NAPIER DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

RESCIND CLOSURE AND ABANDONMENT

MR-2001-153: Americo Group by Thomas Kale

The applicant was present; there was no opposition in attendance.

Rick Lee of the South Broad Street Redevelopment Association stated he is new to the area and that his friend Ann Weeks asked him to start attending the South Broad Redevelopment meetings. He stated the reason he is present today is that they have worked with the Design Studio and have developed a relationship as South Broad is the gateway to downtown and brings together Lookout Mountain, Alton Park and St. Elmo.

RESCIND CLOSURE AND ABANDONMENT
(Continued)

Mr. Lee stated one thing they would like to see happen is an emphasis on people coming into South Broad Street and they have placed more on design in an effort to accomplish that; that they feel some areas are lacking and would like to emphasis pedestrian activity, streetscape landscaping, accessibility and new construction. He stated they have people moving into the area and have made contact with them to share their vision and dream for the area. He stated based on what he sees, if everyone likes what is happening along the River and Market Street, everyone will love what they are doing on South Broad Street! He stated he was present to ask for the Council's continued support and announced there would be an exciting event on May 29 when their recommendations will be unveiled for everyone to see. He stated the Council would certainly be invited!

Councilman Taylor stated Ann Weeks "moves at the speed of light" and is very active and ongoing; that he is very proud of her participation and engagement of others to become involved in the process. He stated in reference to the Design Studio, he spoke with property owners and they have agreed to work with the Design Studio to make sure as the plan unfolds it is a plan where the community will have input, as well as the business owners.

David Kemp, owner of the corner at 33rd and Broad Streets, stated that he has recently sold a piece of property to the Toy Museum; that he is in support of the Broad Street Community plan and has attended their meetings. He stated he has seen the changes that have been made on Broad Street, which has created an increase in property value.

Sam McGinnis stated that he owns property behind Mr. Kemp and that they have been working together to find a mutual beneficial site plan. He stated he is supportive of the South Broad Street plan.

Councilman Taylor stated that Messrs. Kemp and McGinnis have agreed to pass this plan through the Design Center and everyone is appreciative of that. He stated they have had quite a bit of dialogue and are working together for a great place and revitalized community.

Councilman Benson stated this matter came before today's Legal and Legislative Committee and about four times prior to that. He expressed appreciation for all parties getting involved and stated the Committee came to the conclusion along with the parties that the best they could recommended at this time is rejection of this request.

RESCIND CLOSURE AND ABANDONMENT
(Continued)

Councilman Benson stated they can proceed on with plans for development and expressed the Committee's endorsement for their plans for aesthetic improvements of that area of town.

Councilman Littlefield stated that this is the best thing in order to make a forward conclusion in keeping with what Ann Weeks is working on, indicating that he has known her for more than twenty years. He acknowledged that she does move very fast, is very persistent and has been working on South Broad for a long time. He stated his reason for making the motion for denial is to make sure it is understood this was intended to put the "wheels in motion" to have all the landscaping that was originally intended. He stated there was one site plan and that development did not work out; that he wanted to make sure all property owners are still in agreement.

On motion of Councilman Littlefield, seconded by Councilman Benson,
**AN ORDINANCE AMENDING ORDINANCE NO. 11216, ADOPTED
DECEMBER 4, 2001 AND AS AMENDED BY ORDINANCE NO. 11282,
ADOPTED JULY 15, 2002, BY RESCINDING THE CLOSING AND
ABANDONING OF ALL RECORDED RIGHTS-OF-WAY IN AN AREA
BOUNDED BY WEST 33RD STREET ON THE NORTH, WEST 35TH STREET ON
THE SOUTH, BROAD STREET ON THE EAST AND ST. ELMO AVENUE ON
THE WEST, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE**

was denied.

REZONING

2003-032: Waymon Oliver

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this property is located in the Alton Park community along 38th Street and there is presently a residential structure on the site. He stated there is mostly R-2 in the area with commercial zoning along 37th Street and manufacturing and industrial zoning to the west. He stated the request is for use as an office and comes with a recommendation for approval from the Planning Commission with the condition that it be used as office only. He stated the Staff recommended denial.

REZONING (Continued)

Waymon Oliver stated that he wants to make an office complex for his concrete business and is the only one in Alton Park that has been at this location for a period of time.

Councilman Pierce asked Mr. Oliver what type of businesses he operates.

Mr. Oliver responded that operates an oil concrete finishing company.

Councilman Pierce inquired as to whether Mr. Oliver would store any type of equipment at the site.

Mr. Oliver responded "no"; that he has more property farther down the street and would not store any equipment at this location.

Councilman Pierce asked if that condition should be incorporated. It was clarified that the conditions state that the location would be used for "office use only".

Councilman Taylor reiterated that he has spoken with Mr. Oliver and he understands that the use is for office only and that no equipment is to be parked there. He stated there are primarily two homes on that site with an industrial and business center in the area. At this point he made the motion to approve Planning's version with conditions.

Councilwoman Robinson stated that she has known when the Council has been faced with a situation like this wherein someone had a parcel that was zoned for housing and wanted it to be used for office. She inquired if that stipulation should be added as long as Mr. Oliver is there.

City Attorney Nelson stated that zoning is with the property and not the owner. He stated one problem we have is when we limit property to one use and when that use is gone the property is eventually devalued because it can only be used for the one thing. He stated that is the one reason we do this sparingly.

Councilman Pierce stated if it is used for something else a person would have to come back and ask for another zone.

City Attorney Nelson stated a person could always come back and ask for another zone; that the Council is not prone to give zoning unless there is a specific use is to be used for that property.

REZONING (Continued)

On motion of Councilman Taylor, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 104 EAST 38TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

AMEND ZONING ORDINANCE

2003-061: City of Chattanooga

Mr. Pace stated this request was made by the City Engineer's office for closure on easements reserved for utilities some years ago that are now no longer ; that the request is to lift conditions on the property. He stated the recommendation from Planning and Staff is for approval.

Councilman Hakeem stated this matter was presented before the Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ORDINANCE
NO. 4309, SO AS TO ABANDON ALL UTILITY EASEMENTS STATED
THEREIN, ON PROPERTY LOCATED AT 1349 AND 1353 FALMOUTH
ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**
passed first reading.

CHANGE ORDERS

On motion of Councilman Hakeem, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NOS. 1 AND 2, RELATIVE TO THE ONE CALL CENTER ("311"), WITH
MCBRAYER CONSTRUCTION COMPANY, L.L.C., WHICH CHANGE
ORDERS INCREASE THE CONTRACT AMOUNT BY SIX HUNDRED
SEVENTY-THREE AND 16/100 DOLLARS (\$673.16), FOR A REVISED
CONTRACT AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND SEVEN
HUNDRED FIFTY-SEVEN AND 16/100 DOLLARS (\$62,757.16)**
was adopted.

**ACCEPTANCE OF HIGHEST AND BEST OFFER FOR
CERTAIN PARCELS OF PROPERTY**

On motion of Councilman Page, seconded by Councilman Hakeem,
A RESOLUTION ACCEPTING THE HIGHEST AND BEST OFFER FOR CERTAIN PARCELS OF PROPERTY ACQUIRED BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA THROUGH PREVIOUS DELINQUENT TAX SALES AND AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO ENTER INTO AND EXECUTE DEEDS CONVEYING SAID PARCELS TO INDIVIDUALS ON THE LISTS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
was adopted.

CHANGE ORDER

Councilman Hakeem stated Resolutions 8(c) and (d) are recommended for approval pursuant to discussion in today's Public Works Committee meeting.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 8, RELATIVE TO THE MARTIN LUTHER KING CSO CONTROL FACILITY, CONTRACT NO. CSO-6-99, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY NINE HUNDRED NINETY-ONE AND 66/100 DOLLARS (\$991.66), FOR A REVISED CONTRACT AMOUNT OF THREE MILLION FIVE HUNDRED SEVEN THOUSAND EIGHT HUNDRED SEVENTY-SIX AND 09/100 DOLLARS (\$3,507,876.09)
was adopted.

CHANGE ORDER

On motion of Councilman Littlefield, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO SOUTHSIDE STREETScape PROJECT, CONTRACT NO. SS-2-01, WITH J & J CONTRACTORS, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY EIGHT-ONE THOUSAND ONE HUNDRED SIXTEEN AND 70/100 DOLLARS (\$81,116.70), FOR A REVISED CONTRACT AMOUNT OF FOUR HUNDRED TWENTY-SIX THOUSAND NINE HUNDRED SEVENTY-ONE AND 09/100 DOLLARS (\$426,971.09)
was adopted.

**CONTRACT: PUBLIC FINANCIAL MANAGEMENT,
INC.**

On motion of Councilman Taylor, seconded by Councilman Hakeem,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF FINANCE AND ADMINISTRATION TO EXTEND THE
CONTRACT WITH PUBLIC FINANCIAL MANAGEMENT, INC., RELATIVE
TO FINANCIAL ADVISORY SERVICES**
was adopted.

OVERTIME

Overtime for the week ending April 11, 2003 totaled \$12,249.91.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **STEPHEN W. SMITH** – Resignation, Equipment Operator Senior, Citywide Services, effective April 2, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **VICTOR WOUGHTER** – Reinstatement, Police Officer, Pay Grade P1/Step 4, \$32,785.00 annually, effective April 11, 2003.
- ✍ **JOHN T. RIDDLE** – Resignation, Police Officer, effective April 19, 2003.

BOARD APPOINTMENT

On motion of Councilman, the following Board appointment was approved:

VARIANCES AND SPECIAL PERMITS BOARD:

- ✍ Appointment of **Jamie Hancock** representing District 8 for a term ending August 15, 2004.

HEARING: GERRY DAVIS

City Attorney Nelson reminded Council members of the **hearing for Sgt. Gerry Davis scheduled for Monday, April 21 beginning at 3 p.m.** He stated Councilman Hakeem has volunteered to serve as Chair in the absence of Councilman Benson, who is scheduled to be out of the city. He stated the remaining panel members include Councilmen Robinson and Pierce.

COMMITTEES

Councilwoman Robinson reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, April 22 at 4 p.m.**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, April 29 at 4 p.m.** He expressed appreciation to outgoing Chairperson Littlefield for the work he has done and that he looks forward to great things from the new team!

Councilman Benson stated he would be out of the city next week and cancelled the meeting of the **Legal and Legislative Committee** scheduled for Tuesday, April 22. He scheduled a meeting of the Committee for **Tuesday, April 29 at 3 p.m.**

"SPRING FLING"

Councilwoman Robinson announced that there would be a meeting of two neighborhood associations teaming up to spruce up North Chattanooga on April 26 and they are calling it "Spring Fling". She stated all volunteers from the Northside Community Association and the North Chattanooga Neighborhood Association are volunteering to pick up trash. She invited everyone to participate and indicated that the cleanup effort is scheduled from 10 a.m. - Noon and that a lunch from Sticky Fingers would be provided in Coolidge Park from noon until 2 p.m.

PUBLIC HEARING

Councilman Benson announced that Congressman Wamp has scheduled a public meeting for Monday, April 21 at Westview School at 5:30 p.m. to address the issue of the processing center that has been proposed in an area off East Brainerd Road. He stated an official from the Immigration and Naturalization Service and GSA will be present. He reiterated that he would be out of the city and that County Commissioner Larry Henry would be there to represent the district.

DISTRICT 4 MEETING

Councilman Benson announced a District 4 meeting scheduled for Monday, May 5 at 7 p.m. at Erlanger East. He stated that he holds two district-wide meetings each year and would like to have representatives from the departments to answer questions and concerns about various services throughout the city.

ROBERT E. CLARK

Robert E. Clark addressed the Council regarding a concern involving his sister and a parking lot matter that was recently approved for a nearby church. He stated he spoke with Councilman Taylor about this; that the property involves Real Life Ministries that was formerly pastored by the late Rev. Meniffee and is located at 912 East 14th Street. He stated the Church wanted a special permit to park next to his sister's house. He stated the family gave permission to the late Rev. Meniffee for the congregation to park many years ago, and now they want to build a parking lot and he and his sister do not agree with it. He stated the matter was taken before the Board of Appeals and approval was granted. He asked the Council to reconsider the matter.

Councilman Pierce asked if persons have the right to appeal to the Council for the decisions made by the Variance Board.

City Attorney Nelson stated the matter would have to be taken to Chancery Court, as the Council does not overrule the Variance Zoning Appeals Board. He stated appeals from that organization go to Chancery Court and a lawsuit would have to be filed there if Mr. Clark feels he has grounds to overrule their recommendation.

Mr. Clark asked if he would have to employ an attorney to file a lawsuit.

Councilman Benson responded, "yes"; that the matter would go to Chancery Court, a court of equity.

Chairman Franklin asked Mr. Clark to speak with the City Attorney regarding the matter following the Council meeting.

ADJOURNMENT

Chairman Franklin cancelled the meeting of the Chattanooga Council until Tuesday, April 22, 2003 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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