

**City Council Building  
Chattanooga, Tennessee  
June 10, 2003  
6:00 p.m.**

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

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

Following the Pledge of Allegiance, Councilman Littlefield 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.

### **REZONING**

Councilman Taylor made the motion to move Ordinance 7(j) forward on the agenda; Councilwoman Robinson seconded the motion; the motion carried.

#### **2003-072: Brent Warner/St. Elmo Improvement League**

Pursuant to notice of public hearing, the request of Brent Warner/St. Elmo Improvement League to rezone a tract of land located at 4501 St. Elmo Avenue came on to be heard.

The applicant was present; there was no opposition.

Jerry Pace, Operations Director with the Regional Planning Agency (RPA), stated that this request is located in the St. Elmo community and involves the old St. Elmo Fire Station that was closed several years ago and remains vacant. He stated the property was sold to the Neighborhood Association at a low rate and is presently being used as a community center.

**REZONING (Continued)**

Mr. Pace stated the request is for an office for an architectural firm in the upstairs area. He stated the Staff and Planning Commission recommend approval and it meets the intent of the newly adopted St. Elmo Plan.

Brent Warner, President of the St. Elmo Improvement League, stated the fire hall was addressed specifically within the St. Elmo Plan and the community would like to see it remain in the public realm; that there is very little funding from the City for this. He stated the neighborhood association is actively seeking means for further funding; that they have “patted themselves on the back” as they are the first association to own, run and fully maintain their own structure. He stated when they receive the first grant they will rehabilitate the building immediately.

Councilman Taylor expressed pride regarding the fire hall, as well as to Mr. Warner for what he is doing. He commended him and members of the neighborhood association for the outstanding job they are doing.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 4501 ST. ELMO AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**AMEND ZONING ORDINANCE**

Chairman Franklin declared a public hearing in progress and asked for those who wanted to speak “for” or “against” this matter to come forward; being none, the hearing was duly closed.

Mr. Pace stated this Ordinance clarifies language in the zoning ordinance dealing office complexes sold in fee-simple form, which is one building that has been divided into several fee-simple lots.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,  
SECTION 404, SUBSECTION 8, TO INCORPORATE NEW LANGUAGE  
RELATIVE TO ATTACHED FEE-SIMPLE OFFICES**

passed first reading.

## REZONING

### **2003-051: Debra D. Royal**

Pursuant to notice of public hearing, the request of Debra D. Royal to rezone a tract of land located at 1203 Crutchfield Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is located in the Amnicola community for an M-1 request. He stated the property was rezoned a few months ago when a developer wanted to place small rental houses on the property and had it rezoned to R-1. He stated when the matter came back to Planning the first time there was opposition from the surrounding manufacturing in opposition to the R-1; that along Crutchfield and Delano is still a very active residential community. He stated the matter was opposed at the Planning meeting when the request was for residential and there is opposition, now, with the matter going back to manufacturing. He stated the person who wanted to develop the property as residential sold it to someone wanting to use it as industrial, with the front facing Latta Street. He stated the Staff requested a site plan but never received it; that Staff did not make a recommendation to Planning. He indicated the Planning Commission indicated it was a down zone from industrial to residential and it is now going back to manufacturing, which both Staff and Planning have a problem with. He stated the request comes to the Council without a recommendation from Staff or the Planning Commission.

Councilman Hakeem stated that he attended the neighborhood meeting last month in regard to this and heard from both sides. He stated one of the things suggested at that time was to have representation from Planning come out and give an understanding of what this was all about. He stated there has been conversation with those involved and, unless he is told otherwise, the preference is to have a vote on the matter tonight. (Those in attendance in opposition indicated that they wanted a decision on the matter at this time.)

Debra Royal stated that she owns the property facing Latta that goes through to Crutchfield and recently purchased the small property in question. She stated the proposed development would face Latta Street and the landscape ordinance indicates that there would have to be a screen of trees around the R-1 properties. She stated she has divided the property in half with the back portion as M-1 and the front as R-1; that all the property that fronts on Latta is M-1. She stated they worked around the landscaping issue and now want to put in a 30,000 square foot greenhouse.

## **REZONING (Continued)**

Councilman Benson stated this matter was before Planning one month and it was deferred and each time it came back there was the same situation; that the applicant did not have any concrete site plans or renderings of what she wants done, which left them "hanging" with no ability to put any conditions on the development to help protect the interest of the neighborhood. He stated it is hoped the applicant has a site plan, now, as it has been 60 days since the request was originally heard. He asked Ms. Royal if she has a concrete proposal of what she wants to do so that conditions could be added, if necessary, to minimize any negative impact upon the neighborhood.

Ms. Royal responded "no"; that she did not have a site plan, indicating only that they want to build a building facing Latta. She stated the original site plan was to build a Show Time building facing Latta, yet that they were concerned at the time with the landscaping screen. She stated that the Show Time building plans she showed to a gentleman said it was an accurate site plan and was accurate as far as he was concerned. She reiterated that she did not have a site plan for the greenhouse.

Councilman Benson stated his inclination was to defer the matter indefinitely until a site plan comes up because it is speculative, now.

Councilman Hakeem stated under the circumstances it leaves a lot to be desired and he understands the concept of the matter being speculative. He stated this would be considered a spot zone and it sounds like the applicant has changed what she wanted to put on the property. He asked Ms. Royal if she has any type of rendering.

Ms. Royal responded "no" and stated she could bring it next month.

Councilman Hakeem stated he would like to hear from the residents who are present in opposition at this time.

Elizabeth D. Jones, President of the Riverside Area Community Club, stated it is her duty to express the feelings and opinion of the people in her neighborhood. She stated she moved into her home in 1951 when the area was all "country", so she is pretty well known. She stated that they have been to at least three meetings about this; that when the first zoning took place it was in their favor and she was sorry no one showed up, but they wanted it to pass because they do not want industrial buildings and offices in between houses, and it has happened out there!

## **REZONING (Continued)**

Mrs. Jones stated they do not want crime to continue to increase and nobody has been more cooperative than the police department, however, crime is on the increase. She stated the neighborhood is not as pretty as it used to be yet all the industrial businesses are good "housekeepers". She asked that the Council not take her comments negatively because the residents like the Amnicola Highway businesses because they help them, but this kind of situation is harmful, indicating that Southern Railway is doing enough damage. She concluded her comments by stating that the residents would like to keep the area residential.

Ms. Royal stated as for the concern about the building being between houses, the greenhouse would front on Ohio with access on and off Ohio and not Crutchfield. She stated there are two houses on Ohio and businesses at the other end; that this greenhouse would be as non-invasive as possible with a screen of trees down Crutchfield as something they would consider. She stated she does not have a site plan and could have one next month.

Raymond Stargin stated that he owns property adjacent to where Ms. Royal wants to build the greenhouse. He stated their area has been there over 50 years and it is pretty nice. He stated that he does not think it is an appropriate area to have a greenhouse next to his daughter and mother's yard.

Leontyne Douglas stated that she is part of the community, also, and lives on the other side of Crutchfield on the backside. She stated the Holy Temple Church owns most of the property on the front side that is in front of this property, with Ohio Street in between. She stated the Church owns the whole block and she was present representing the Church as part of the community and that she owns property there, also. She stated Show Time has a building on Bliss Avenue; that it is a clean, quiet neighborhood. She stated when she heard about this the Trustees of the Church had a meeting and she was present today to express their wishes. She stated the property has been zoned M-1 for years from Crutchfield on up and just that one spot is not M-1. She stated the Trustees of the Church are in favor of rezoning the property back to M-1.

Councilman Hakeem asked for clarification that Ms. Douglas is speaking in favor the rezoning request. Ms. Douglas responded "yes".

Councilman Hakeem then asked Ms. Douglas if she lived in the neighborhood. Ms. Douglas responded "yes"; that she lives in the community and indicated her address as 2301 Bell Arbor Avenue.

## REZONING (Continued)

**Councilman Hakeem** stated there is a difference of opinion in what the neighborhood perceives to be the best route to follow, indicating that he tends to lean toward those who have been active in the community and have tried to make positive change. He expressed understanding for the investment the Royals have made, and indicated he has not seen what he perceives to be their willingness to work together for a resolution. He stated no plan has come forth and could "drag on for years". He stated a decision has to be made. At this point he **made the motion to deny the request; Councilman Benson seconded the motion.**

Councilman Lively stated in looking at this, basically it was strange when it was zoned R-1; that he could not imagine it being R-1; that it is a spot zone of R-1 in an M-1 area. He stated we have to have industrial and manufacturing in the City and asked that the matter be delayed 30 days for an opportunity for the applicant to bring forth a rendering of what they plan and go from there.

Councilman Hakeem stated this could go on through infinity! He stated the will of the community has come forth and he has never heard it expressed in that way about residential as spot zoning. He stated that he would like to see the Council move forward with a vote.

Councilman Benson expressed agreement with Councilman Lively, indicating that he would, out of compassion, like to give the applicant time to submit a site plan, but this went on for two months, 60 days from the Planning hearing waiting on a site plan. He stated that he definitely does not want to vote for something the Council cannot put conditions on that would help minimize any negative impact. He stated the applicant has not presented a site plan and has been remiss; that he intends to go with the Councilman in the district. He stated that he sees merit in what Councilman Lively is saying, but afraid it will delay these people coming back all the time. He stated that it is best to turn it down and let the applicant start all over again with a site use plan.

Mr. Pace stated along Crutchfield there are several residential houses that are still there, even in the M-1. He stated if the property is rezoned M-1 from R-1 the landscape ordinance requires a Type A landscaping from any residential use. He indicated there are residential uses to the east and two houses to the west and south side of Crutchfield and on Delano Drive. He stated the applicant would have to comply with the landscaping requirements for screening of the manufacturing from residential.

Chairman Franklin clarified Type A screening would be needed on three sides. Mr. Pace responded "yes".

## **REZONING (Continued)**

Councilman Hakeem stated what he is hearing with this deferral is to bring it back with a site plan with the implication that it will be approved with conditions. He stated he would not want to see the Council make that type of commitment. He indicated that some matters have to be looked at in a personal way, indicating that he would not want commercial next door to him.

On motion of Councilman Hakeem, 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 1203 CRUTCHFIELD STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1  
MANUFACTURING ZONE**  
was denied; Councilman Lively voted "no".

**(AT THIS POINT, COUNCILMAN TAYLOR EXCUSED HIMSELF FROM THE MEETING.)**

## **REZONING**

### **2003-062: Teresa F. Bryant**

Pursuant to notice of public hearing, the request of Teresa F. Bryant to rezone a tract of land located at 7331 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the East Brainerd area near Hamilton Place. He stated there are properties that have R-1 and O-1 properties; that the primary development is commercial along the southern end of Shallowford. He displayed a photo of a retirement center that has been out of compliance for many years, as well as other offices and vacant properties in the area. He stated the request for R-4 is in compliance with the Hamilton Community Plan and is recommended for approval from Staff and Planning.

Sam Bryant was present representing his wife and stated when they purchased the property an appraisal was done and it was said that the property was already zoned R-4. He stated that they assumed it was and Councilman Benson informed them that it was R-2, even though they thought they had purchased R-4.

**REZONING (Continued)**

Councilman Benson asked Mr. Bryant if he was willing to accept the condition that the property be used as a retirement center, so that if he ever moves or decides to sell it the owner would have to come back and ask that the condition be removed. He inquired as to what other uses are acceptable within the R-4 zone.

Mr. Pace responded that the R-4 zone is primarily for office use or a retirement home; that it can be used for residential single family, duplex or multi-family. He stated this size lot would not lend itself for use as an apartment development.

Councilman Benson asked if it could not be used for a drive in facility. Mr. Pace responded "no".

On motion of Councilman Benson, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 7331 SHALLOWFORD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE**

passed first reading.

**REZONING**

**2003-064: Pioneer Title Agency**

Pursuant to notice of public hearing, the request of Pioneer Title Agency to rezone tracts of land located at 46 Whitney Street and 41 an 49 Mercer Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is located in the Lupton City community in an area that is mostly single-family bungalows that were built there due to the industrial knitting mill. He stated the request for R-2 is for development of duplexes on three vacant lots; that Planning and Staff recommend denial as it is felt this is a single-family community and should be developed in that manner. He stated duplexes would be a spot zone and out of character with the surrounding residential uses.



## REZONING (Continued)

Ken Ficken stated he has been trying to get the lots zoned and owns a house across the street that is zoned for duplex, indicating that it is a duplex now and it is felt the duplexes proposed would do well there. He distributed photos of the area and stated the average house sells for \$45,000 and this development will put in about \$150,000 for the buildings. He stated this neighborhood really needs upgrading and something like this will have "comps" and bring their properties up.

In looking at the photos, Chairman Franklin inquired about the duplex Mr. Ficken referenced.

Mr. Ficken responded there are a lot of double families living in there and houses with two doors that were all duplexes at one time. He reiterated this would be an upgrade.

Sarah McCright stated this issue has given opportunity for the neighborhood to take advantage of the fact they are a "jewel in the rough"; that they have formed an association and have spoken with Councilwoman Robinson who is planning to attend their meeting in June. She stated they were hoping to increase property values in this single-family setting and do not agree with this spot zoning at all. She stated there are no duplexes in the neighborhood and indicated that the homes do have two front doors and they don't know why; that it is part of the charm of Lupton City. She reiterated that the residents want it to remain as is and presented a petition signed by 109 residents. **(Mrs. McCright's petition is filed with minute material of this date.)**

Frank Hardy stated he is probably one of those people who have lived in one place his entire life in Lupton City, indicating that he has lived in his home for 54 years. He stated one of the reasons he stayed throughout his married life was to raise his son because it seemed to be a changeless place, which is one of the characteristics he likes about it and hopes it remains that way.

Jewel Cooper stated she lives directly across the street and the rains would flood the area everywhere and with the recent rains the large drainage ditch in the area presented the prettiest waterfall! She stated everyone watched it and it was very pretty. She stated her house has two doors and is not a duplex; that it may have been at one time maybe for those working the mills, but it is not a duplex anymore. She stated the petition presented is from all single-family residents and she plans to keep her two doors!

## REZONING (Continued)

Councilwoman Robinson stated this is an area that is attracting a great deal of attention and is a wonderful story about revitalization and enhancement of property values. She stated Blue Cross-Blue Shield recently purchased a great deal of land around this area and Lupton City has a great charm about it. She stated even though Mr. Hardy loves the sameness of it, it is a community that is coming back and everyone in the area is excited about it, so much so that it is inviting the interest of potential investors. She stated the neighborhood association wants this area to remain single-family; that potential investors should be encouraged to look at the other parts of the City that do need duplexes and find a spot this kind of project would work well in. She stated for now, as the neighborhood residents have expressed, it needs to stay single-family and she intends to vote that way.

Councilman Littlefield stated that it is his thought Lupton City is a charming neighborhood and knows the property in question as he walked the area years ago and wondered why it was not developed. He stated it is remarkable that the community has stayed as intact as it is and indicated he is from the same type background. He stated he grew up in a community like this and that his two grandfathers built houses of this type in other locations; that this is a wonderful, historic place. He stated that he knows the applicant means well, but it is his thought there is a lot of "life" in Lupton City and would like to see it maintained as such.

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 46 WHITNEY STREET AND 41 AND 49 MERCER  
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1  
RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE**  
was denied.

## REZONING

Councilman Lively made the motion to more Ordinance 6(k) forward on the agenda; Councilman Littlefield seconded the motion; the motion carried.

### **2003-075: Cummings Cove, LLC**

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

## **REZONING (Continued)**

Mr. Pace stated this request is located in the Lookout Valley community for a request from C-2 to RZ-1. He stated the area is surrounded by R-1 single family and RT-1 with commercial along Cummings Highway. He stated the recommendation is for approval from both the Staff and Planning.

Councilman Lively stated this request complies with the Lookout Valley Land Use Plan, which will come before the Council in thirty days.

On motion of Councilman Littlefield, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 4214 CUMMINGS HIGHWAY AND 4010  
CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM  
RT-1 ZERO LOT LINE RESIDENTIAL ZONE AND C-2 CONVENIENCE  
COMMERCIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE**  
passed first reading.

**(COUNCILMAN LIVELY EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)**

## **REZONING**

### **2003-068: Chattanooga Neighborhood Enterprise**

Pursuant to notice of public hearing, the request of the Chattanooga Neighborhood Enterprise to rezone a tract of land located at 1511 Jefferson Street came on to be heard.

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

Mr. Pace stated this request is located on the southside in the Jefferson Heights area for a C-3 rezoning request with conditions. He stated the request complies with the southside redevelopment plan and is recommended for approval from both Planning and Staff.

Jim Wilson of Chattanooga Neighborhood Enterprise (CNE) stated they are in total agreement with the restrictions Planning recommended for this request.

**REZONING (Continued)**

On motion of Councilman Pierce, 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 1511 JEFFERSON STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL  
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2003-067: Chattanooga Neighborhood Enterprise**

Pursuant to notice of public hearing, the request of Chattanooga Neighborhood Enterprise (CNE) to rezone a tract of land located at 310 East 37<sup>th</sup> Street came on to be heard.

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

Mr. Pace stated this request is located in the Alton Park community. He stated the initial request was for C-2 and the Staff and Planning made the recommendation to deny the R-3 and recommend R-3MD for a development that would not be as dense as R-3, but would allow 10.3 units rather than 18. He stated this is located across the street from Franklin Middle School and is in compliance with the development plan for the Alton Park area. He reiterated both Planning and Staff recommend denial of R-3 and approval of R-3MD.

Councilman Page inquired as to the difference between R-3 and R-3MD.

Mr. Pace stated the R-3MD would only allow 10.3 units per acre rather than the 18 per acres in R-3; that it will still be a multi-family development but there will not be as many units on the property in the moderate density zone.

On motion of Councilman Benson, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 310 EAST 37<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3MD  
MODERATE DENSITY ZONE**  
passed first reading.

## REZONING

### **2003-069: Chattanooga Neighborhood Enterprise**

Pursuant to notice of public hearing, the request of Chattanooga Neighborhood Enterprise (CNE) to rezone a tract of land located at 520 East 17<sup>th</sup> Street came on to be heard.

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

Mr. Pace stated this request is located in the Jefferson Heights area involving an old commercial building located at the corner of 17<sup>th</sup> and Jefferson. He stated approval is recommended from both the Staff and Planning and that the same conditions apply in this request as in the previous one.

Councilwoman Robinson asked if the building is to remain.

Jim Wilson of CNE responded "yes"; that the building has tremendous historical importance to the neighborhood. He stated the exterior of the building will not be disturbed and a request for proposal is out, now. He reiterated the exterior of the building would be maintained as is because it is significant to maintain that look.

Councilwoman Robinson stated that it is a wonderful building and inquired as to the future use.

Mr. Wilson responded that the use would vary; that it is proposed it could be converted into a residential office/work/live unit. He stated he had another person approach him about the possibility of a small store coming back; that they will be evaluating the requests for proposal next week.

Councilman Pierce stated new residents have moved into the apartment next to this and inquired as to their position on the matter.

Mr. Wilson stated they have worked closely with them and everyone is in favor; there is no opposition to this request.

Councilman Pierce against inquired as to the persons who have just moved into the apartment.

Mr. Wilson stated again reiterated there is no opposition whatsoever; that the new resident is very happy with it.

## REZONING (Continued)

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 AT 520 EAST 17<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL  
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2003-070: Neeld J. Messler, II and Rick Wood**

Pursuant to notice of public hearing, the request of Neeld J. Messler, II and Rick Wood to rezone tracts of land located at 47, 51 and 55 East Main Street came on to be heard.

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

Mr. Pace stated this request is located along Main Street, which is currently undergoing revitalization. He stated some of the buildings across the street have been revitalized and another building will hopefully be revitalized. He stated the recommendation is for approval from both the Staff and Planning with the same conditions applied as on other C-3 uses.

Neeld Messler stated that he has no problem with the conditions.

Councilwoman Robinson likened this area to the Jack's Alley development, which used to have this look, indicating that it is great this development will look like that and will mean a lot to the neighborhood.

Mr. Messler stated that they have not begun construction and have a total of seventeen units with six sold; that the project is going very well.

Councilman Littlefield stated C-3 does not have specific parking guidelines and inquired as to where parking would be provided.

Mr. Messler responded, "that is correct", indicating to the right of this request is a vacant lot and at this point in time they own four-fifths of the lot. He stated they are trying to work out a condition on the last fifth with the owner or whether to purchase it outright.

## REZONING (Continued)

Mr. Messler continued by stating that is the one thing that is not solved and will be imperative to the development. He stated that he is telling people they will have one parking spot per unit and in addition Tommy Austin owns the lot behind and they have been working with him for months for additional parking.

Councilman Littlefield made reference to the possible loss of access to the back of the building and not having a resolution to that .

Mr. Messler indicated that he does not understand anyone loosing access to the back; that the current building abuts a direct alleyway. He stated they have talked about the possibility of coming to the Council at a later date to develop the back area.

Councilman Littlefield stated the concern is that the property is not where people regularly use parking other than access for loading.

Councilman Pierce stated that he has looked at the plan, which will be a tremendous improvement for the community. He stated this would give Main Street a "jump start" of something all can be proud of once it is completed. He stated that he would prefer that not too much emphasis be placed on parking at this point; that he would like to see the project get started! He expressed appreciation to Mr. Messler for his efforts in revitalizing the area.

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 47, 51 AND 55 EAST MAIN STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING  
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed first reading.

## PERMANENT REZONING

### **2003-076: City of Chattanooga**

Pursuant to notice of public hearing the request of the City of Chattanooga to rezone various annexation properties came on to be heard.

There was no opposition in attendance.

### PERMANENT REZONING (Continued)

Mr. Pace stated this request is to bring into compliance properties involved in the annexations that recently occurred to make sure they are permanently zoned. He stated each property owner has been notified of this and several calls were received, mainly from residents of the Summit area along Old Lee Highway, which were out of zone when they were in the county. He stated all of the properties have been brought into compliance and indicated there have been no complaints from persons in the area regarding the permanent zone.

City Attorney Nelson stated in looking at this map there was a small area annexed along Hixson Pike and inquired if that is included in the legal description.

Mr. Pace responded affirmatively that the property is included.

On motion of Councilman Littlefield, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO PERMANENTLY ZONE VARIOUS ANNEXATION PROPERTIES, LOCATED ON JENKINS ROAD EXTENSION, MIDDLE VALLEY ROAD, EAST BRAINERD ROAD, MORRIS HILL ROAD, CUMMINGS HIGHWAY, WAUHATCHIE PIKE, BIRMINGHAM HIGHWAY, HUNTER ROAD, HILLTOP ROAD, MOUNTAIN VIEW ROAD, BONNY OAKS DRIVE AND OLD LEE HIGHWAY AND AS REFERENCED ON THE DOCUMENTS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, PURSUANT TO ARTICLE 12, SECTION 100 OF THE CITY OF CHATTANOOGA ZONING ORDINANCE**

passed first reading.

### BOARD APPOINTMENT: LEE NORRIS

Councilman Hakeem stated Resolutions (a) – (e) were discussed in Public Works Committee and approval is requested.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPOINT LEE NORRIS AS CHATTANOOGA'S REPRESENTATIVE TO THE SOUTHEAST MUNICIPAL SOLID WASTE PLANNING REGION BOARD FOR A SIX (6) YEAR TERM ENDING MAY 31, 2007**

was adopted.



**AGREEMENT: HAMILTON COUNTY, TENNESSEE**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, RELATIVE TO THE HAMILTON COUNTY COURTS COMMUNITY SERVICE PROGRAM**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM JEFFERY S. AND KIMBERLY D. HOLLISTER, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-050, TRACT NO. 103.2, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**  
was adopted.

**CONTRACT: EAST TENNESSEE GRADING, INC.**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT W-02-001-300, NORTH CHATTANOOGA SEWER REHABILITATION PHASE I, RELATIVE TO SANITARY SEWER RELOCATION, TO EAST TENNESSEE GRADING, INC. FOR THEIR LOW BID IN THE AMOUNT OF SEVEN HUNDRED NINETY-NINE THOUSAND THREE HUNDRED SIXTY-SIX DOLLARS (\$799,366.00), INCLUDING A CONTINGENCY AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00)**  
was adopted.

**WAIVER OF PERMIT FEE RELATIVE TO FLOOD DAMAGED RESIDENTIAL PROPERTY**

Councilman Page expressed heartfelt thanks to Admin. McDonald and administration for their very positive attitude and sensitive handling of situations during the recent flooding in helping the residents of Chattanooga recover from this event.

**WAIVER OF PERMIT FEE RELATIVE TO FLOOD  
DAMAGED RESIDENTIAL PROPERTY (Continued)**

On motion of Councilman Benson, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE WAIVER OF THE PERMIT FEE TO  
OBTAIN A BUILDING PERMIT FOR RESIDENTIAL PROPERTY UNTIL  
OCTOBER 1, 2003, RELATIVE TO THE REPAIR OF FLOOD DAMAGED  
RESIDENTIAL PROPERTY**  
was adopted.

**AMEND RESOLUTION NO. 23827**

Councilman Littlefield stated Resolutions (f) and (g) were discussed in Legal and Legislative Committee and approval is recommended.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**A RESOLUTION AMENDING RESOLUTION NO. 23827, ADOPTED JUNE 3,  
2003, ENCAPTIONED HEREINBELOW, RELATIVE TO A SIXTY (60) DAY  
BUILDING PERMIT MORATORIUM ON PROPERTY LOCATED IN NORTH  
CHATTANOOGA, SO AS TO INCORPORATE NEW LANGUAGE RELATING  
TO PERMITS FOR NECESSARY REPAIRS**  
was adopted.

**RESCIND RESOLUTION NO. 28326**

On motion of Councilman Littlefield, seconded by Councilman Benson,  
**A RESOLUTION RESCINDING RESOLUTION NO. 23826, ADOPTED MAY  
27, 2003, ENCAPTIONED "A RESOLUTION PLACING A MORATORIUM  
ON PERMITTING ANY STRUCTURE TO BE BUILT ON FLAG LOTS WITHIN  
THE CITY PURSUANT OT ARTICLE IV, SECTION 106 OF THE ZONING  
ORDINANCE"**  
was adopted.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA FIRE DEPARTMENT:**

- ✍ **PERRY "JAMEY" STEPHENS** – Return from Military Leave, Senior Firefighter, effective May 30, 2003.

**PERSONNEL (Continued)**

**FINANCE AND ADMINISTRATION DEPARTMENT:**

- ✍ **SIMONE WHITE** – Extended Maternity Leave, Budget Analyst Senior, effective July 7, 2003.

**NEIGHBORHOOD SERVICES DEPARTMENT:**

- ✍ **WILLIAM H. PENN, JR.** – Resignation, Assistant Administrator, effective May 29, 2003.

**CHATTANOOGA POLICE DEPARTMENT:**

- ✍ **DEBORAH J. LLOYD** – Return from FMLA, Police Officer, effective June 2, 2003.
- ✍ **KAREN D. TAZEWELL** – FMLA, Administrative Secretary, effective June 18 - July 30, 2003.

**PUBLIC WORKS DEPARTMENT:**

- ✍ **PAULINE MCGRAW** – FMLA, Equipment Operator, Citywide Services, effective June 3 – August 24, 2003.
- ✍ **BESSIE L. ROLLINS** – Suspension (3 days without pay), Recycling Attendant, Citywide Services, effective June 3 – 5, 2003.
- ✍ **CYNTHIA STALLION** – Suspension (5 days without pay), Crew Worker, Citywide Services, effective May 28, 29 – June 2-4, 2003.
- ✍ **MICHEL SHANE BARGER** – Promotion, Equipment Operator, Senior, Traffic Division, PayGrade 8/Step 1, \$22,153.00 annually, effective May 28, 2003.

**PURCHASES**

On motion of Councilman Littlefield, seconded by Councilman Page, the following purchases were approved for use by the Chattanooga Human Services Department:

**PURCHASES (Continued)**

**FLAV-O-RICH DAIRIES (Lower and better bid)**  
**R0062647/B0000778**

Milk and Milk Products

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

**SOUTHERN RECREATION, LLC (Lowest and best bid)**  
**R0068173/B0000773**

Playground Reconfiguration

\$26,749.00

**REFUND**

On motion of Councilman Littlefield seconded by Councilman Page, the Administrator of Finance was authorized to issue the following refund of gross receipts tax, due to an addition error:

**WALGREENS #03535 -- \$2,389.00**

**HEARING: OFFICER SABRINA SMITH**

The hearing for Officer Sabrina Smith was rescheduled for Monday, July 28 beginning at 3 p.m. with Councilman Benson, Pierce and Franklin serving as the panel to hear the request; Councilman Taylor is to serve as an alternate.

**HEARING: OFFICER MARVIN TOLBERT**

City Attorney Nelson stated Officer Marvin Tolbert has requested a hearing regarding a three-day suspension. He stated the disciplinary action advised on May 15, 2003, that Officer Tolbert acknowledged by signing the document, that he “. . . *must apply for a hearing within 15 days from the receipt of this letter in writing to the Clerk of the Chattanooga City Council . . .*” He stated the appeal was received June 5, 2003, twenty-one (21) days after the 15 day warning. He stated the matter is now at the Council’s discretion whether to grant an appeal. He indicated that the rules adopted in Resolution 21194 dated November 12, 1996 says, “*An employee appealing from a dismissal, demotion or suspension shall file a written request for a hearing with the Clerk of the City Council within fifteen (15) days following the action taken against the employee.*”

### HEARING: OFFICER MARVIN TOLBERT (Continued)

Councilman Littlefield made the motion to “stick with the rules”; Councilman Page seconded the motion; the motion carried, thus denying Officer Tolbert’s request for a hearing.

### COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, June 24 at 4 p.m.**

Councilman Littlefield stated the **Legal and Legislative Committee will meet on Tuesday, June 17 at 3 p.m.** as usual.

### RECENT FLOODING

Councilwoman Robinson thanked Admin. McDonald for coming into District 2; that the neighborhood situation following the flood was especially egregious. She stated Admin. McDonald and members of his staff spent the entire evening helping to sort through to the next best steps and remedies of drainage problems in the area.

Chairman Franklin expressed appreciation to Admin. McDonald and his department stating they have done a great job in resolving issues regarding this situation.

### ANGELA WALKER

Angela Walker was present representing the Coalition for Responsible Progress, a group formed in opposition to the Wal-Mart Super Center on Brainerd Road. She stated that those in the group realize that part of the plans are through and read a declaration from the group declaring their opposition to the construction of Wal-Mart on the remaining green space in Brainerd. She stated by allowing this construction any goals for positive growth in Brainerd and Eastgate will be unattainable; that local businesses will be forced to close their doors due to unfair competition and local businessmen and women have spent long hard hours building their businesses and deserves better treatment. She stated the Council is responsible for the welfare of all citizens and should want to promote the local economy.

### **ANGELA WALKER (Continued)**

Ms. Walker continued by stating that for every Wal-Mart job, two-or-three workers would be lost to local businesses in the area. She stated most jobs go for \$7 per hour, whereas Wal-Mart hires in at \$5.50 per hour for 30 hours per week as opposed to a 40 hour work week totaling out to less than \$11,000 per year, which cannot support anyone's family! She stated Wal-Mart has more than 350 empty stores on the market and they have a history of building too many stores that are usually abandoned after a few years. She stated Wal-Mart sells poor quality goods that are usually supported by overseas suppliers like Communist China. She stated the children's toys they sell come from Communist China and our children should not be allowed to play with those type toys and that houses should not be cleaned with products from this type of supplier. She stated it is hoped the Council will consider Brainerd residents and apply pressure; that Fletcher Bright is responsible for this property. She stated Brainerd residents and all citizens deserve better than an eyesore like Wal-Mart.

Councilman Page asked Mr. Pace is he is familiar with this. Mr. Pace stated the property is properly zoned, which is one reason it did not come through Planning. He stated it is properly zoned and out of their hands as far as that is concerned.

### **SHIRLEY DEAKINS**

Shirley Deakins stated that she lives in North Chattanooga and supports the Wal-Mart issue of the Coalition; that she thinks it is the ethical and moral thing to do when this type of thing keeps going on. She stated eventually they would have to learn a lesson, if not teach that lesson that we as consumers need to teach, to not let people overburden us. She stated when she spoke about the Variance Committee previously, she found out what she had said was true; that 112 Baker Street was not registered and Mr. Connelly and his "kangaroo court" approved it anyway, which sent the message that "I will scrunch you, little fly". She stated nothing has been built and she is still waiting and watching to see what Austin or Walldorf is planning to do, which keeps her upset all the time. She referenced the previous discussion regarding the gentlemen with Pioneer Title and his type attitude, which "burns her up"; that these people have enough money and power, yet do not have anything to do with ethics. She stated what would preclude this from happening is to provide us with justice and not let them make out like bandits; that they're in denial and are too powerful, greedy and ambitious! She stated we have a capitalistic society and they are not the regulators. She stated that she advocates fairness and justice on Baker Street.

### **GARY BALL**

Gary Ball stated that he came across a situation earlier this week in regard to a piece of rental property in his area and found a sign in the window that the building was for rent by Southern Real Estate. He stated he was there with a representative from Neighborhood Services' Codes and Enforcement. He stated he spoke with someone on the telephone that owns the property to get it cleaned up. He stated that he went to the City to find out who owns it and found there was no business license and received the xeroxed copy of a document that is given when inquiries such as this are made. He stated that he lives in a neighborhood where there are 60 rental properties; that he read through the document and did not really see where the City could not make these slum people pay some type of tax. He stated this property is rented to Hispanics and are paid probably in cash money. He stated he could not figure out how they could not accomplish anything with these people and now realize they are not invested in that part of the City and do not have a simple business license nor paying some type of tax as he does as a contractor. He stated it made him realize why we have not been able to get people in government to step forward and chastise these people. He stated he has not had time to call Nashville and probably the Commerce Department; that if business is conducted in Chattanooga it should be possible to find out who they are.

City Attorney Nelson stated business tax is solely the prerogative of the State; that the City adopts the State's law and how to collect and share those proceeds. He stated people who own property and rent do pay real estate taxes to both the City and County and there is some investment they have to make on the property, which is not reflected in the business tax law.

### **ALLYSON NEAL**

Allyson Neal stated that she is a resident of Brainerd and was present to plead for the Imagine Eastgate Plan in 1998, which was a 50-year plan showing a wide green space. She stated her family moved to Brainerd after the Plan went into place; that when a house became available they bought it. She stated she values the quality of life there and it is a wonderful place to walk with children and dogs and have a picnic. She expressed her enjoyment of the natural green space and wetlands. She stated if the WalMart goes in the wetlands will be impacted and most of the green space will be gone. She stated as a neighborhood it is felt they are being ignored and so many bought into the Imagine Eastgate Plan and she cannot see why we all cannot stand together and stand up against this and find a different site.

### **SANDY KURTZ**

Sandy Kurtz, Co-Chairman of the South Chickamauga Greenway Alliance, distributed material illustrating what the Coalition and South Chickamauga Alliance are concerned about. She distributed an aerial photo of the WalMart site and the levee area indicating that the wet land has been given permits by the City and State; that they took a close look at that and found permitting was properly done. She stated it is their thought the wetland will die and that is a federal problem. She stated the Osborne Conservancy Park held in a conservation easement by the City and the land will be impacted by this poorly designed storm water detention pond and paving over of the entire 34 acres, making it 90 percent impervious. She stated that it was asked that the developers look again at the design and see if they could not come up with a better design if they do not choose to relocate. She referenced the Imagine Eastgate Plan, indicating that the 50-year plan envisioned a green buffer zone, the very significance of the Trail of Tears, the Brainerd Mission grounds, the mills that were there and the Civil War. She stated it is hoped this will be reconsidered and take another look at the permitting that has been done. She stated this has been rushed through, the citizens do not want it, the Council adopted the Plan and the conservation easement is being violated. She stated the road is not a necessary road going down to the WalMart site, which is an alleyway beside Brainerd Village. She stated the road is unnecessary and violates the original agreement made in 1978 when the levee was built to keep the area in conservation for wildlife and public access.

### **HOMER GOINS**

Homer Goins stated that he has been a victim of stormwater mismanagement for sixteen years and lives downstream from Hamilton Place. He stated over the past sixteen years the City has come up with several different schemes to correct the problem indicating that it was said the problem would be corrected in three years and the time would come and go and it would be stated that the project is too expensive or some other reason. He stated the City came up with a study with four different phases and Mayor Kinsey completed phases one and two and promised him in a letter they would complete phase three in 2000. He stated if the water continues to be pumped on him the City should buy him out; that he would like to see something done as sixteen years is long enough to come up and fix the problem because it has been a real nightmare. He stated he is flooded sometime as often as three times a month, reiterating it has been an unbelievable nightmare to have property destroyed like that. He stated he has been more than patient and asked that something be done one way or another.



## HOMER GOINS (Continued)

Councilman Benson stated Mr. Goins lives in his district and is a fine citizen. He stated when he tells something it is true and it is unfortunate he has suffered because the City, as he understands, let CBL do what was legal at that time. He stated Hamilton Place was built within the codes and ordinances at that time with stormwater and engineering signing off on it. He stated that it is his thought there is no question Hamilton Place was built with inadequate supervision from the City or inadequate code because he was not flooding before then. He stated he has been by and so has Councilman Littlefield; that he has seen the water level and it is always over the air conditioner compressor. He stated Mr. Goins has lost several air conditioners, lawn mowers and the man cannot go to sleep at night during certain rains! He stated he has lost a lot of money and Admin. McDonald has been fair, frank and open as to limitations of tax payings to go into this next recommended stage.

Mr. Goins indicated Phases one and two made some improvements.

Councilman Benson stated there is still a long way to go to make recompense for damage financially; that all of this is administration's fault. He stated that he feels an obligation to try to see what we can do to help him in preventing future damage and it is his wish every Council member would visit and see what is happening.

Mr. Goins stated Mr. Lynn told him several businesses out there were supposed to build holding ponds and they did not. He stated that he knows most businesses do not have holding ponds.

Councilman Page stated in thinking about the history and having seen the photos Mr. Goins presented, he is certainly very sensitive to his situation. He stated Mr. McDonald and the stormwater department, since he (McDonald) has been there, has done more than he could have expected; that they have worked hard and he does not know what the resolution is. He stated it is now an ongoing problem and inquired as to Phase 3 and the legal obligation of the City. He stated there was a letter written that could have some implication, reiterating that he is sensitive to both Admin. McDonald and what he is doing and Mr. Goins' situation.

Admin. McDonald stated that he does not know of a specific plan that was a phase three; that there was some proposed outlined plan, but no specific plan to solve this problem. He stated they have looked at a number of different situations to try to figure out a way; that he has not worked out anything that would actually solve this problem.

### HOMER GOINS (Continued)

Admin. McDonald stated he looked at a detention pond built on part of the property upstream of him, yet the area is not large enough to contain enough water; that it would contain some water but not enough to keep him from flooding like we had last month. He stated one of the outlines was to build another culvert under Lee Highway and the Bi-Lo parking lot, which would be a very expensive solution to the problem and would create a lot of problems downstream. He stated they went back to Hamilton Place and looked at trying to store water in the Hamilton Place area and could not find enough area to store enough water to solve Mr. Goins' problem. He stated they could store some but it would not prevent flooding like we had last month.

Admin. McDonald stated the only hope he could offer, as a fair solution is that they are continuing to look at the possibility of some hazard litigation with federal funds. He stated he talked with the State Hazard Mitigation officer last Friday and they do not have a problem for properties regularly flooded and he received the information today. He stated they would look into the problem. He stated that he asked how long it would take for application and approval from agencies and implement a buy out of properties and one of the options is the determination would have to be made as to which would be most appropriate. He stated he was told it would probably take up to a year to get the application through and approved. He stated this would require a match of local funds; that they will look at how much it would cost and whether local funds are available.

Councilman Littlefield reiterated Councilman Benson's comments by stating that he has known Mr. Goins for a long time and knows he is a self-made person, a very skilled technician with a lot of engineering knowledge. He stated if he were put on a stand in court he would say this is a situation the City has allowed to happen to him. He stated that Mr. Goins bought property on Robinson Drive off Lee Highway which was a highly desirable area with very attractive residences and very successful in renting, except when Hamilton Place was built and he was inundated again and again. He stated he lost most of his tenants and loss of health in certain intervals and almost died a few months ago from the situation, however, he is still with us and is the longest suffering person he has ever known. He made reference to a 1989 article and promises made and after all these years the problem has not been resolved. He stated if it takes a year to get the applications through we need to be about the business of getting that in process and talk about other things we might bring back to the Council, possibly rezoning property to be used for office rather than residential as we have allowed it to be damaged as residential. He stated this would not be a total solution but a partial one; that this is not his fault and we have to fix it!

**ALLEN RIGHTMEYER, SR.**

Allen Rightmeyer stated that a law has been replaced that indicated persons could have a vehicle in their yard. He stated he and his wife are disabled and are on disability and it takes a long time to save money. He stated they bought a 1990 model vehicle and the engine "blew". He stated they have been saving for a year to buy an engine and Randy Ridge is trying to take away their vehicle saying there is no stipulation in the addendum. He stated tags are on the vehicle and he is being threatened that it would be taken away. He stated when he requested an appeal and tried to present evidence, Mr. Ridge would tell the judge the information was not relevant. He stated nine tenths of a mile from this building on Central at the corner of Eleventh is a car lot, which is not a junk yard; that there are no occupants and it is up for sale with 40 vehicles on blocks, yet it is said that is irrelevant compared to his situation. He stated his vehicle has to come out of his yard and there is no allowance for people on low income, Hispanics, African-Americans, handicapped people or the elderly.

Chairman Franklin asked if the car could be moved back and forth.

Mr. Rightmeyer stated it could be rolled back and forth in the yard; that the engine is gone and it will cost \$1,300 to repair, which is a lot of money. He stated he has lived in Chattanooga 43 years and does not bother anyone or get to go anywhere because both he and his wife are disabled. He stated he has been trying to get copies of the new law and no one seems to know where to get them. He stated each time he tries to get on the Internet he gets "knocked off".

Chairman Franklin asked for clarification that the vehicle is not operational; that it is probable the neighbors have made some complaints.

Mr. Rightmeyer stated that he lives right where the line separates Red Bank from Chattanooga; that he has lived in this duplex for five years and has been trying to get the City to clean out the ditch beside the house. He stated the hedge is taller than the house causing a lot of rats, roaches, mosquitoes and swarms of flies.

Chairman Franklin asked if Mr. Rightmeyer is addressing another issue.

Mr. Rightmeyer stated that that is part of what Mr. Ridge had on the complaint; that he and his wife need to keep the yard up. He stated sometime the City's yard is not cut!

**ALLEN RIGHTMEYER, SR. (CONTINUED)**

Chairman Franklin suggested that Mr. Rightmeyer call 311 to register his complaint and indicated that the City's "hands are tied" on the situation with the car as the car has to be operational.

Mr. Rightmeyer stated the taking of vehicles without allowing for certain minorities and handicapped people hinges on the verge of racketeering and carpet bagging; that both are illegal in the State of Tennessee.

Chairman Franklin indicated to Mr. Rightmeyer that he was certain carpet bagging is not the correct word to use; that this is not a cultural or racial issue, just a neighborhood wanting to make sure the neighborhood is maintained. He stated a copy of the ordinance could be mailed to him and asked that he give the Council Clerk his address.

Mr. Rightmeyer indicated that his address is 601-B Mountain Trail.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, June 17, 2003 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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