

**City Council Meeting  
Chattanooga, Tennessee  
July 8, 2003  
6:00p.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.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

**MINUTE APPROVAL**

On motion of Councilman Lively, 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 6(g) forward on the agenda; Councilman Page seconded the motion; the motion carried.

**2003-080: Neal Spurling**

Pursuant to notice of public hearing, the request of Neal Spurling to rezone tracts of land located at 600 and 606 Hamilton Avenue came on to be heard.

The applicant was not present.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this request is located in North Chattanooga and the Staff made the recommendation to defer at the Planning hearing due to a zoning study presently underway for this area. He stated the Planning Commission wanted to hear the case and send it on to the Council with a recommendation for denial.

**REZONING (Continued)**

Mr. Pace stated the request is located in the Hill City area along Hamilton Avenue at West Bell for R3-MD for a duplex development. He stated the area is surrounded by R-4 and R-2 and the Council requested a down zoning study for this area and gave Planning 60 days to do such a study. He stated a building permit moratorium is in effect for this area in an effort to afford time to do a study and make recommendations to Planning and the Council. He stated the request comes with a recommendation for deferral until the process is complete, as well as a recommendation for denial from Planning.

On motion of Councilman Taylor, 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 600 AND 606 HAMILTON AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-  
3MD MODERATE DENSITY ZONE**  
was deferred 60 days.

**REZONING**

Councilman Benson made the motion to move Ordinances 6(f) and (h) forward on the agenda; Councilman Taylor seconded; the motion carried.

**2003-079: William Walters**

Pursuant to notice of public hearing, the request of William Walters to rezone a tract of land located at 7214 Jarnigan Road came on to be heard.

Councilman Bennett stated both sides have gotten together and are ready to defer both matters indefinitely due to speculation and come back with a concrete proposal and land use plan as to how the properties will be used. He stated several persons from the community are present and all parties agree to defer both matters.

On motion of Councilman Benson, 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 7214 JARNIGAN ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred indefinitely.

## REZONING

### **2003-085: Oscar T. Hurley**

Pursuant to notice of public hearing, the request of Oscar T. Hurley to rezone a tract of land located at 7210 Jarnigan Road came on to be heard.

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 7210 JARNIGAN ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred indefinitely.

### **PUBLIC HEARING: 2003-2004 OPERATING BUDGET (HUMANE SOCIETY)**

Pursuant to public notice, Chairman Franklin declared a public hearing in process regarding the proposed 2003-2004 Operating Budget.

Councilman Littlefield acknowledged several people were in attendance and suggested that the Chairman see if there were any persons present who have anything they wish to say about the budget in general prior to the Humane Society issue, which would likely dominate time.

Chairman Franklin stated at this time the Council would honor persons who have statements or questions about the budget other than the Humane Society issue. He inquired if there was anyone present regarding the budget in general who wished to speak; being none, the hearing proceeded.

Chairman Franklin stated the procedure for persons wishing to speak on the Humane Society issue would entail three spokespersons for each side for a total of nine minutes (each side).

**Lou McKenzie** stated everyone present would like to find out answers to questions about how the Humane Society operates. She stated if only one person speaks none of them would be able to ask questions, which is the purpose for this whole thing! She stated they have not been able to get any answers, nothing has been written and no one has been accountable.

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

Chairman Franklin reiterated that three-to-four persons would be allowed to speak. He stated everyone cannot speak due to the Council's full agenda tonight.

**Betsy Bramlett**, a member of the task force chosen by the Council to come up with a five year plan, stated the committee is working diligently to come up with answers to reduce numbers and their recommendations will be included in the final report. She stated the recommendations are doom to failure without addressing the reality of the Humane Society and what part, if any, they should play in the three-to-five year plan. She stated a copy of a statement the committee made two weeks ago regarding what they should be doing was given to the Humane Society and in viewing today's PowerPoint presentation, the plans looked familiar. She stated the problem is the proposed changes should have been done years ago; that the Humane Society has a poor track record of putting animals first. She referenced the song by the Carpenters, ". . . Bless each child for they have no voice and no choice . . ." stating that the animals do have a voice tonight for many people are present to testify about conditions that are anything but humane or educational. She stated there is a choice of whether the City's contract should be terminated, amended, remain as is or extended with provisions. She asked the Council to make the right decision after hearing what others have to say.

**Linda Nelson** stated she was able to adopt a dog on Saturday due to the reduction in fees to \$45, which covers spay or neuter, a \$10 rabies injection and a \$5 tag. She stated she has been going to the shelter and taking cookies to the animals for awhile and she fell in love with this dog and there was, at last, a way for her to adopt. She stated that she saw the article regarding the reduction in fees and the extended hours and called to make sure it was true. She stated that she adopted the dog and was told she could take him home the next day after being spayed and having the injection – the works! She stated she knows there have been many problems for a long time and wanted the Council to know what a positive step this is. She stated she is on Social Security disability and the reduction in fees made it possible for her to adopt.

**Gary Hilton** stated that he attended tonight's meeting to let the Council know he has been trying to "get the word out" about the Humane Society for 32 years to the City, County, Board and anybody that would listen, with no results!

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

**Kelly Paulk** stated that he is a member of the Adoption/Rescue Task Force and stated after the Task Force made their recommendations in May their attention was turned to the Task Force documents from 1998. He stated the National Animal Control Association conducted a study of the Humane Society in 1998 and a number of recommendations were made. He stated at the top of the recommendations was the need for a new shelter as the currently facility is poorly maintained and renovation was not feasible. He stated all other recommendations can be summarized around these major categories: lack of employee training and development, sloppy shelter operations, dismal image in the community leaving to inadequate volunteer staff and no visible community education efforts. He stated this study was conducted five years ago and asked if the Humane Society has acted on any recommendation. He asked if we would be here five years from now talking about the same issue. He asked the Council not to renew the contract with the Humane Society as they have proven they cannot do the job. He stated the organization is complacent and defensive and he does not want his tax dollars spent that way. **(Mr. Paul's written comments are filed with minute material of this date.)**

**Mary Dube** expressed thanks to the Council for taking animal welfare issues seriously. She stated that she rescues dogs from the shelter and adopts pets to homes throughout the country, indicating the rescued pets go to a family in Iowa or Michigan. She stated the family and friends there think people in Chattanooga value animal shelter animals and are working hard to get them homes. She stated that we build good will by acting with integrity and compassion; that tourism is important to us and with unresolved shelter issues we are building another image, an uglier image that is not flattering at all to our city. She stated the national pet owner statistics reflect that approximately 68 million people have pet dogs and 73 million have pet cats, with 23% of these pet cats and dogs adopted from animal shelters. She stated that it was her opinion that a new shelter should be created; that the existing shelter's Board of Directors has indicated they want to lower euthanasia rates and work with rescue. She stated that she has heard the Board say many things about change but their actions have not been consistent with words. She stated energy and resources can be put into trying to fix problems with the existing shelter with new leadership; that people get excited about change and can enhance our city's image. **(Ms. Dube's written comments are filed with minute material of this date.)**

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

**Caleb Davis**, age 11, stated he has gone with his Mom to the Shelter for a long time. He stated sometimes when the animals become real sick his Mom takes care of them; that his Mom knows people all over the country and they drive a long way to make sure the dogs get somewhere safe. He stated some people do not care about the animals and he thinks it is very important to take care of them; that if people won't take care of the animals someone has to! He stated he did not understand why dogs were being killed if someone didn't help them and now he does because there are so many. He stated the way they keep them is sad because most are about to die. He asked if it is too much to ask that they be treated nicely; that it is wet and dirty most of the time, smells real bad and most people there are not friendly. He stated if his Mom were not going there to save animals he would not go there at all. He stated that he wished people were nicer, wished the animals had beds and clean kennels, wished somebody was nice to all the dogs and animals and wished there was a nice place for all animals. He stated that he wished that someone would teach the people over there how to use the money they get to make it better for all animals who have to go there, but most of all he wishes there was a nice place that people could go to because then they would take dogs and cats home and they would not have to die! He stated that he knows he is just a kid; that his Mom tells him he is the country's future. He stated he wants this to be a city that is a great place to grow up in and he will try to do his part by telling all his friends and family to spay and neuter their dogs and cats.

**Melissa Tupps** stated the Humane Society has said they are going to change. She stated when they fired Lisa last week she was responsible for saving ten animals. She stated it is so sad and really breaks her heart to go down there and the animals are dying. She asked the Council to please do something.

**Pam Tumlin** stated the Humane Society needs a complete overhauling! She stated traps are set to pick up cats and asked why pick up an animal that is eating and healthy; that traps have been set at her apartment building and there is a total disregard for animals. She stated voters are looking at what will happen with this issue and will vote accordingly.

**Lisa Williams**, a member of the City's Task Force, stated that she would like to turn the discussion to the area of accountability, which is why everyone is here. She stated the City basically has two options, which is to find a way to make the Humane Society truly accountable or cut them off entirely!

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

Ms. Williams stated the Humane Society has announced a new policy and all are very glad to see it implemented. She stated the timing suggests the new policies are the result of public criticism and pressure. She stated given their track record and attitude, she would have to be skeptical that anything will change. She stated the City continues to do business with the Humane Society without assuring accountability; that the City's animals continue to suffer needlessly. She stated if this continues she suggested reworking the contract and appoint an oversight committee to do spot inspection at the Humane Society and record the conditions on any given day. She stated any volunteer, member of the public or Humane Society worker should make written complaints to the committee and the Humane Society would have to respond to each complaint. She asked the Council to drop the Humane Society contract and work on a modern shelter to accommodate the animals. She stated Knoxville has gone through this and citizens would like to see their tax dollars spent in an efficient way.

**Sarah Caperton**, a Task Force member, stated that she served on the Board of Directors for two and a half years and recently resigned due to repeated threats by the past president for asking too many questions about credit card expenditures by two of the employees, deplorable conditions in the kennels and repeated misrepresentation of facts by the director. She stated when she attended the Board meetings she would tour the facility, including the euthanasia and Margaret Brock Center, and never one time did she find the kitten restricted area with clean cages, litter boxes or water; that she always went early so that she would have time to clean and fill the water bowls for the kitten cages and as a result was labeled a troublemaker by management when she complained. She stated the mentality of the Board is if anything happens they issue a press release and that will take care of it; that she watched one-by-one as competent and capable staff members with fresh new ideas and energy were misused and abused by the Assistant Superintendent and the Director. She stated each succumbed to the abuse and resigned as she did after repeated threats over what she had seen. She stated there is no attempt to educate the public as to alternatives, volunteers are cursed and abused and there is mistreatment of community service workers. She stated after being told there was no money, she found there was money for t-shirts, seminars and conferences that did not pertain to the job. She stated when sewage flows freely on kennel floors, cats are in darkness in dungeon-like rooms with no ventilation or light, no blankets for animals giving birth and puppies born on diseased ridden floors why would anyone believe it is okay to look the other way.

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

Ms. Caperton stated insanity is what we have here and it all begins with an uneducated, uncaring, self-absorbed and self-serving Board of Directors; that the problems begin and end here. She stated that she looks to the Council to stop this insanity and begged them to end the contract with the Humane Society and build a welcoming center with a low-cost spay and neuter facility that employs caring individuals who want to offer safety and love to animals in need and attract responsible people to adopt pets. **(Ms. Caperton's written comments are filed with minute material of this date.)**

**Lisa Waters** stated she was employed in the euthanasia unit for two years and witnessed everything from impropriety to cruelty. She stated the Humane Society is not about protection or educating the public; that it is about one thing, hiding the truth! She stated the sad truth is that the very people who are supposed to care for the animals in most cases do not; that she has repeatedly tried to report instances of mistaken identity and all were ignored. She stated that she and a co-worker thought the media might listen and they did! She stated a letter was mailed that came in to Channel 9 and suddenly Board members showed up in kennels, which was something unheard of and things changed. She stated there was a code warning developed after this because it was suspected "spies" were coming in. She stated "code 12" announced that the "enemy" was in the midst. She stated most staff workers would rather not be bothered with the animals and eventually she began to rescue her own; that she realized right away that things she heard about rescues were true. She stated it is very expensive to save animals and thousands of dollars are spent to save their lives; that the reward is satisfaction in knowing the animals have a safe home. She stated to further discourage rescuers the Board changed the fees and now rescuers pay the same amount the public pays. She stated this is wrong and unfair to the animals; that they are punishing the rescuer by increasing the fee, which affects how many animals will be saved. She stated volunteers are not welcome and the problem that needs to be addressed is accidental euthanasia. She stated regardless of what others may think of her or the job she held, it should be remembered that she tried to make each and every pet feel comfortable as it left this world. She stated she was fired from the Humane Society and has plenty of documents.

**Sylvia Bennett** stated she has been involved with the Humane Society for a number of years and in 1998 the Task Force told them what they needed to do. She stated Paul Miller was brought in and at that time there were fourteen officers with twenty-four hour service. She stated now there are nine officers who work from 8 a.m. – 5 p.m. and we have gone back in service. She stated nothing has really changed at the Humane Society.



**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

Ms. Bennett stated she was one of the "code 12's", the "enemy" in the territory, because she spoke out. She asked the Council not to sign the contract with the Humane Society. She referenced the notebook she left for each Council member, stating alternatives are listed in the back of the book addressing things that can be done as a city.

**Cindy Hall**, President of the Humane Society's Board of Directors, stated that they are working to correct the problems and make changes, which has been in the works prior to her becoming president. She stated they were waiting on some estate money that came through about two months ago which was used to start the new spay and neuter program of every dog and cat before adoption, which is a huge positive step in the right direction. She stated the Humane Society cannot do it alone, that they have to get the public involved to adopt more animals for they cannot do it themselves, and with the public's cooperation and involvement they can. She stated in Washington, Seattle and Ocean Park she was amazed everywhere she went people had dogs downtown and every one was on leashes. She stated she would like to make Chattanooga an animal friendly city. She stated the reason they lowered their adoption fee was not to hurt rescue groups, but to get more people in there to adopt dogs and cats. She stated they are really striving to improve the adoption rate and are making a lot of positive changes. She stated the new director would be very proactive and would make more changes; that they are trying hard to respond to some of the "stuff" the public wants. She stated there has been a lot of change at the Shelter since 1998 and changes were made when Dr. Martin came in. She stated the Mayor has been invited to come any time and the invitation is extended to the Council; that some have shown up unannounced and all are welcome at any point. She stated she would never tell the Council the Humane Society has never made mistakes and would not tell the Council when they come out they would not see dog poop in cages even though they are cleaned regularly because they are dogs. She stated conditions are not perfect, the facility is old, the ventilation is poor and it does smell bad; that these are some of the things they hope to correct by taking temporary measures and either adding or doing a new facility or building. She stated the old shelter has limited space and they are trying to correct them as they find them out.

Councilman Benson asked how the Board is selected.

Ms. Hall stated when a new board member is needed someone recommends a person, they are interviewed and a vote is taken.

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

Councilman Benson asked how many municipalities the Humane Society has contracts with.

Ms. Hall responded that they have contracts with the City, Hamilton County, East Ridge, Red Bank and Signal Mountain; about six or seven municipalities.

Councilman Benson stated that "education" has been left out of the Chattanooga Humane Education Society.

Ms. Hall expressed agreement with Councilman Benson's comment and stated that the Board hopes to remedy that as soon as a new director is employed.

Councilman Benson stated the Council is here tonight to approve the budget and not approve the Humane Society contract, which will come up several months "down the road". He stated in sending half a million to the Humane Society, the City wants quality service; that every Council member, if not before, is now animal friendly. He asked how Ms. Hall would feel if each entity sending money had representation on the Board.

Ms. Hall responded that she has no problem with that.

Councilman Benson stated in spending money and giving support to the Humane Society, he asked if the Board would consider the Mayor and Council appointing someone.

Ms. Hall indicated that she could not speak for the entire Board, but that it would be fine. She stated they would welcome the oversight from the City Council.

Councilman Benson stated that would remove the Board from the self-perpetuating problem or image.

Chairman Franklin expressed appreciation for the outcries from the community and municipalities in this area concerning this issue, indicating that the Council is certainly sensitive to it; that all will work diligently to try to alleviate some of the problems. He stated that the spay and neuter policy is one step in the right direction and asked that they not stop there. He expressed a special note of appreciation to Caleb Davis for his comments.

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET**  
**(HUMANE SOCIETY) (Continued)**

Councilman Littlefield asked those persons with prepared statements who did not get to speak to leave their statements with the Council Clerk for inclusion in the record.

A unidentified person in attendance stated that she did not feel that Ms. Hall addressed specifically what they would do with the money they have formally on board; that it was always said that money was there yet money had to be raised for Paws in the Park. She asked if there is a specific account and was told in actuality there never was. She stated when they say they are implementing a spay and neuter program there are never any specifics, just general information.

Ms. Hall stated the Society does have a specific account with money to fund the spay and neuter program, yet she does not know what it costs; that it is approximately \$50,000 a year to fund and they can put in more if that is what it takes. She stated they have an account where the money is set aside, money they are investing. She stated they would have to raise money at some point; that the money from the estate will not last forever. She stated they will continue to fund raise and continue the spay and neuter low cost adoption.

At this point the unidentified person attempted to ask more questions and Chairman Franklin prevented her from doing so as the time for speakers had come to a close.

Lou McKenzie stated this is the only time for persons to address the Humane Society and to ask pointed questions.

Chairman Franklin stated there would be other opportunities to do that. He stated that the Council has allowed as much time as possible and expressed appreciation for what everyone has done.

Councilman Pierce stated the money in the budget for the Humane Society would be allocated at a later date and there would be a second opportunity for the Council to look at the matter to see if the Society is initiating what they stated.

Sylvia Bennett stated that it was stated today in both meetings that an offer is being made to a new director. She asked if an open forum could be set up for people to meet him.

Chairman Franklin expressed certainty that the Humane Society would be amenable to that request.

**PUBLIC HEARING: 2003-2004 OPERATING BUDGET  
(HUMANE SOCIETY) (Continued)**

City Hall responded, "yes, they will".

At this point, Chairman Franklin declared the hearing duly closed.

**(Written comments from Amy Davis, Ron Tucker, Lou McKenzie, Marion Roides and Madeline Bolbol are filed with minute material of this date.)**

**CLOSE AND ABANDON**

**MR-2003-052: Volunteer Realty Management**

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**AN ORDINANCE CLOSING AND ABANDONING SEVERAL UNOPENED  
RIGHTS-OF-WAY BETWEEN WINDING WAY, EDGEWOOD CIRCLE,  
MANCHESTER STREET AND GLENN ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE**

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

**2003-2004 BUDGET AND AMENDING ORDINANCE  
11328**

Councilman Benson stated this matter was discussed in the Budget and Finance Committee for several Tuesdays and the recommendation from Committee is for approval.

Councilman Pierce stated that he would not be voting for the budget due to the fact the School Resource Officers' funds have been taken out to help balance the budget and is not something he can support at this time.

After the vote was taken, Rev. Overstreet inquired as to when a complete budget document would be available for the citizens of Chattanooga.

City Attorney Nelson advised Rev. Overstreet that the entire budget document was published in the newspaper last Saturday and that a copy of the document is available in the Council Clerk's office. He indicated to Rev. Overstreet that he could secure a copy as early as tomorrow morning from the Clerk' office.

**2003-2004 BUDGET AND AMENDING ORDINANCE**  
**11328 (Continued)**

Rev. Overstreet stated that he would like to know about federal and state income and the expenses of each department, as those are items that are important to concerned citizens. He stated last year the budget document was not available and in most cities they are (available).

City Attorney Nelson explained to Rev. Overstreet that the City's budget documents are always available in the Clerk's office and are published online after adoption on the City's web page.

On motion of Councilman Benson, seconded by Councilman Littlefield,

**AN ORDINANCE, HEREINAFTER ALSO KNOWN AS " THE FISCAL YEAR 2003-2004 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILIGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES, AND TO AMEND PART II, CHATTANOOGA CITY CODE, SECTIONS 10-23, 12-21, 16-55, 24-304, 24-322, 18-191 THROUGH 18-196, AND TO AMEND ORDINANCE NO. 11328**

passed first reading; Councilman Pierce voted "no".

**AMEND ZONING ORDINANCE**

Councilman Littlefield stated regulations were rewritten based on new building materials used today. He stated this amendment applies to houses built right on the property line that was written in the *Code* years ago; that a requirement has been inserted that the material has to be "maintenance free" that was previously defined as "masonry material".

On motion of Councilman Pierce, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 154, SUBSECTIONS (7) AND (10) AND SECTION 164, SUBSECTION (7), TO INCORPORATE NEW LANGUAGE RELATIVE TO ZERO LOT LINE DEVELOPMENT**

passed first reading.

## REZONING

### **2003-057: Charles R. Miller, Jr.**

Pursuant to notice of public hearing, the request of Charles R. Miller, Jr. to rezone a tract of land located in the 6100 block of Vance Road came on to be heard.

The applicant was not present; there was no opposition.

Mr. Pace stated this request is located near the airport along Vance Road for rezoning to C-2. He stated when the property was subdivided an area was left as access into the commercial to the rear of the property that is unopened and unused with residential uses along Vance Road to the south and west. He stated the Staff made the recommendation to deny the request as it was felt this was a residential community of single-family homes. He stated the problem in accessing the C-2 property is that residential property cannot be crossed that is zoned R-1. He stated the Planning Commission made the recommendation to leave ten feet (10') along the east and west property line to remain R-1 and the remaining portion in the center C-2 to accommodate access. He stated one problem with that is with the City's Landscape Ordinance, in that rezoned commercial property against residential creates a problem even though the strip is in there. He stated the portion that is in the center becomes a landscaping strip and only a little area to use for access. He stated it is a site that is hard to access and access is needed to the C-2 and not through the residential, which is why the Staff made the recommendation for denial.

Chairman Franklin stated that he was not sure Mr. Miller has had any communication with the neighborhood and no site plan has been presented at this point. He suggested that the matter be deferred.

Councilman Benson stated the deferral should be contingent upon a site use plan; that the matter should be deferred indefinitely until it is out of speculation.

Mr. Pace stated that the matter has been postponed previously and he is not certain Mr. Miller was aware that the matter would be on the agenda tonight. He stated that there might be a need to contact him and see if he has a site plan, indicating that he is not certain he (Miller) does. He suggested that the matter be deferred for thirty (30) days and if Mr. Miller does not have the proper material the Council can act on it at that point.

Councilman Benson stated deferring it indefinitely could be for thirty days.

**At this point, Councilman Lively made the motion to defer the matter thirty days; Councilman Littlefield seconded the motion.**

## **REZONING (Continued)**

City Attorney Nelson stated the problem with deferring a matter indefinitely is that those in opposition would not know when to come back.

Councilman Benson indicated the matter could be deferred thirty days contingent upon a site plan.

Councilwoman Robinson asked if there was any opposition to this request. Mr. Pace responded "no".

Councilwoman Robinson then asked if there is a neighborhood plan in effect in this area.

Mr. Pace responded "no"; that an airport plan was approved 30 years ago.

Councilwoman Robinson inquired as to whether the request is to gain access onto the C-2 property.

Mr. Pace responded that the applicant would have to acquire access through another property by purchasing another C-2 property; that there are commercial and industrial zones around the area and the property does not physically touch a public road other than this R-1.

Councilwoman Robinson stated more information is needed.

Councilman Taylor expressed concern about having access only through a residential community. He stated he did view the site and indicated that the C-2 request would bring commercial traffic into a very narrow street, Vance Road. He expressed hope that strong consideration would be given to this request, as the roads are too small to accommodate the traffic. He stated his main concern is whether they can access the road in another fashion.

Mr. Pace reiterated that the property does not touch any roads and the applicant would have to purchase more property from another property owner that has correct zoning to allow access.

Councilman Taylor asked if it is known what type of C-2 commercial development would be developed.

Mr. Pace responded "no"; that it is speculative, indicating that they did not have anything at Planning.

At this point, Councilman Lively called for the question on the motion to defer.

## REZONING (Continued)

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 PART OF A  
TRACT OF LAND LOCATED IN THE 6100 BLOCK OF VANCE ROAD,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL  
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO  
CERTAIN CONDITIONS**  
was deferred 30 days.

## REZONING

### **2003-073: Jerry R. Pond**

Pursuant to notice of public hearing, the request of Jerry R. Pond to rezone a tract of land located at 1055 Grays Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated the request is to rezone half of the property that is currently zoned C-2. He stated the recommendation is for approval from the Staff and Planning Commission for down zoning to R-1.

On motion of Councilman Benson, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1055 GRAYS ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE  
TO R-1 RESIDENTIAL ZONE**  
passed first reading.

## REZONING

### **2003-077: Mid-America Apartment**

Pursuant to notice of public hearing, the request of Mid-America Apartment to rezone a tract of land located at 1175 Pineville Road came on to be heard.

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



**REZONING (Continued)**

Mr. Pace stated this request is located off Pineville Road to the west of US 27 for R-3. He stated the property was developed many years ago and came through as a PUD but was never recorded as such; that apartments were built on the property. He stated that the development is out of compliance with zoning and the applicant has asked to come into compliance. He stated the recommendation is for approval from both the Staff and Planning Commission with the condition that the request be limited to the existing 174 units already on the site.

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1175 PINEVILLE ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2  
RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

**REZONING**

**2003-089: City of Chattanooga**

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone tracts of land located at 99 Walnut Street and 115 East First Street came on to be heard.

There was no opposition in attendance to this request.

Mr. Pace stated this request is located next to the Walnut Street Bridge and is recommended for approval pursuant to the conditions attached to the Ordinance.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 99 WALNUT STREET AND 115 EAST FIRST STREET,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO  
C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2003-090: City of Chattanooga**

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone tracts of land located at 101, 151 and 201 Riverfront Parkway came on to be heard.

There was no opposition in attendance to this request.

Mr. Pace stated this request is in the Ross' Landing area and part of the riverfront development plan. He stated the recommendation is for approval from both Staff and Planning with the same conditions attached as on the previous request.

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 101, 151 AND 201 RIVERFRONT PARKWAY, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING  
ZONE AND R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE,  
SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2003-091: John Wise**

Pursuant to notice of public hearing, the request of John Wise to rezone a tract of land located in the 2400 block of Cowart Street came on to be heard.

The applicant was not present; there was no opposition.

Mr. Pace stated this request is located in the southside area's garden community and has the same conditions as other cases previously recommended for approval for retail and apartment development in accordance with the Southside and Broad Street Plan.

## REZONING (Continued)

On motion of Councilman Taylor, 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 IN THE 2400 BLOCK OF COWART STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2003-093: Randy Kluting**

Pursuant to notice of public hearing, the request of Randy Kluting to rezone a tract of land located at 111 South Germantown Road came on to be heard.

The applicant was not present; opposition was in attendance.

Mr. Pace stated this request is located in the Brainerd area on South Germantown in the Glendon Place neighborhood. He stated the surrounding properties are R-1 single-family uses that were downzoned years ago to R-1 and that this property had a house located on it. He stated the recommendation is for denial from Staff and Planning as it is felt this area is all single-family and the request is not appropriate for this area, although there are R-3 apartments to the north and duplexes to the east long the Ridge, referencing former City Treasurer Earl Counts' property as part of this area.

Councilman Littlefield acknowledged the number of residents from the community who were present. He stated Mr. Kluting is a person who lives in Atlanta and not unsympathetic to this purchase of property. He stated the lady died who lived in the house and the house fell in to a "state" and the property was purchased thinking it would be easy to get it rezoned. He stated this is one of the first areas of the City to downzone from R-2 to R-1 way back in the 1970's and two ladies in the neighborhood went door-to-door to get signatures. He stated during this time the City Commission required that the petition bear the name of every person from every house, even those who had property divided into apartments and duplexes. He stated Mr. Counts' property has been in the same family for generations and it is hoped it will stay for generations to come; that Marvin Counts and his family live there and have a couple apartments whose tenants are very quiet and are not a problem.

## REZONING (Continued)

Councilman Littlefield stated that he met with Mr. Kluting and told him of the problem he would encounter and he has been fairly receptive. He stated that he suggested several ways to work this out, however, rezoning to a townhouse was not one of them. He stated the residents have a signed petition to present to the Clerk. He stated this is not the first time rezoning has been denied in this area.

Joe Pietrantone of 102 Vista Drive presented the petition signed by 95 residents of the community opposing the rezoning. **(The petition is filed with minute material of this date.)**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 111 SOUTH GERMANTOWN ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO  
RT-1 RESIDENTIAL TOWNHOUSE ZONE**  
was denied.

## REZONING

### **2003-097: David Brainerd Christian School**

Pursuant to notice of public hearing, the request of David Brainerd Christian School to rezone a tract of land located at 7553 Igou Gap Road came on to be heard.

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

Mr. Pace stated this request is located in East Brainerd for R-1 zoning to facilitate new construction for the school. He stated this is a large piece of property and the City Traffic Engineer has requested that a portion of the right-of-way on the back piece be reserved for use as a connector between Gunbarrel and Jenkins Road as recommended in the Hamilton Place Plan. He stated both the Staff and Planning Commission recommend approval.

**REZONING (Continued)**

On motion of Councilman Benson, 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 7553 IGOU GAP ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-TZ RESIDENTIAL TOWNHOUSE/ZERO LOT  
LINE ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

**BOUNDARY CHANGE FOR CENTRAL BUSINESS  
ZONE**

Mr. Pace stated the caption on this reads business "zone" and asked the city Attorney if it could be amended to reflect "**district**". He stated the amendment includes Battery Place communities, Erlanger and other areas left out of previous expansion amendments for the Central Business District. He stated this allows the properties in these areas to have C-3 zoning if they so desire; that it is not a zoning change, only a change in boundary including those areas.

Councilman Page stated the only consideration for the change is the ability to have C-3 only.

Mr. Pace stated the only advantage is that areas included in the Central Business District can have the C-3 zone.

Councilman Page stated he is okay with the amendment if it is only to include that.

City Attorney Nelson indicated that the Resolution has been changed from "zone" to "**district**".

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE CHANGING OF THE BOUNDARY OF  
THE CENTRAL BUSINESS DISTRICT AS SHOWN ON THE MAP ATTACHED  
HERETO AND MADE A PART HEREOF BY REFERENCE**  
was adopted.

**ADOPTION OF LOOKOUT VALLEY AREA PLAN**

Councilman Littlefield stated this matter was discussed in the Legal and Legislative Committee a few weeks ago and approval is recommended.

**ADOPTION OF LOOKOUT VALLEY AREA PLAN  
(Continued)**

Councilman Lively stated this is a good plan and commended the RPA Staff and the residents of Lookout Valley. He stated the plan is well thought out and took place of a period of six months.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**A RESOLUTION TO ADOPT THE LOOKOUT VALLEY AREA PLAN**  
was adopted.

**AMEND INTERLOCAL AGREEMENT**

Councilman Hakeem stated this matter was discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE ELECTRIC POWER BOARD TO AUTHORIZE CONVEYANCE OF THE ELECTRIC POWER BOARD'S PROPERTY LOCATED IN THE 500 BLOCK OF MARKET STREET TO THE CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION FOR SUBSEQUENT EXCHANGE IN KIND WITH UNUM PROVIDENT CORPORATION FOR PROPERTY TO BE USED FOR NEIGHBORHOOD REDEVELOPMENT IN AND AROUND THE AREA OF SECOND STREET AND WALNUT STREET AND REDEVELOPMENT IN THE 21<sup>ST</sup> CENTURY WATERFRONT PLAN**  
was adopted.

**APPROVAL OF PRELIMINARY PUD SPECIAL EXCEPTIONS PERMIT**

**2003-088: Pratt & Associates**

The applicant was present; there was no opposition.

Mr. Pace stated that this matter came before the Planning Commission and approval is recommended with five conditions as stated within the Resolution. He stated one of the conditions states that ". . . **Morris Lane is to be built to 26 feet in width from the property to East Brainerd Road. . .**" He stated Phillip Lynn, City Engineer, sent a letter **reducing the footage from 26 feet to 24 feet** to allow for utilities and a sidewalk if one could be built in the area.

**APPROVAL OF PRELIMINARY PUD SPECIAL  
EXCEPTIONS PERMIT (Continued)**

City Attorney Nelson stated that the reduction in footage could be incorporated in the final plan

Councilwoman Robinson stated this is a Resolution as opposed to an ordinance and inquired as to the difference, whether PUD's require a Resolution.

City Attorney Nelson responded that this requires no change in the zoning ordinance; that it is just a specific plan within the zoning ordinance and is approved by Resolution.

Councilman Benson stated that he met the developer, community and others regarding this matter and the representative from the District on the Appeals Board, John Crawford, is present today. He stated there is an appeal on the Board's agenda for tomorrow regarding this matter and he was not aware of it.

Mr. Pace stated what the developer does in the Variance Board is for inside development and for private streets. He stated the applicant has asked for streets to be narrowed and setback requirements.

James Pratt, applicant, stated that he is not asking for private streets; that he is asking to reduce the right-of-way from 50 feet to 40 feet, which is the recommendation from the City Engineer.

Councilman Benson asked that Messrs. Pratt and Crawford get together tonight prior to tomorrow's meeting.

Chairman Franklin asked Mr. Pratt if he was familiar with the conditions contained within the Resolution. Mr. Pratt responded "yes".

On motion of Councilman Benson, seconded by Councilman Littlefield,  
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS EAST HAVEN PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 1101 MORRIS LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted with conditions attached.

## OVERTIME

Overtime for the week ending July 4, 2003 totaled \$44,477.22.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- ✍ **DARRYL B. SULLIVAN** – Death, Electrical Instrument Technician, Waste Resources, effective June 24, 2003.
- ✍ **JAMON M. BASS** – Hire, Monitoring Technician, Sr., Waste Resources, Pay Grade 10/Step 1, \$24,474.00 annually, effective June 27, 2003.
- ✍ **ALLAN D. KNOTT** – Lateral Transfer, Plant Operator, Sr., Waste Resources, Pay Grade 12/Step 4, \$30,735.00 annually, effective May 7, 2003.
- ✍ **JEFFERY B. TEMPLIN** – Suspension (4 days without pay), Crew Supervisor, Sr., beginning June 23-26, 2003.

### DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE:

- ✍ **TALLEY A. CALDWELL** – Hire, Recreation Specialist, Pay Grade 9/Step 1, \$23,313.00 annually, effective June 27, 2003.
- ✍ **CHARLES L. WHITE, II** – Resignation, Crew Worker, effective June 24, 2003.
- ✍ **HEATHER BEST** – Hire, Zookeeper, Pay Grade 6/Step 1, \$19,834.00 annually, effective July 9, 2003.
- ✍ **HOLLY LOCKHART** – Promotion, Assistant Zoo Supervisor, Pay Grade 12/Step 1, \$26,792.00 annually, effective July 2, 2003.

### CHATTANOOGA POLICE DEPARTMENT:

- ✍ **PENNEY WORLEY** – Resignation, School Patrol Officer, effective June 27, 2003.



### PERSONNEL (Continued)

- ✍ **KIMBERLY R. COLLINS, RUSHA B. MCCDONNELL** – Hire, Communications Officer, Pay Grade 11/Step 1, \$25,633.00 annually, effective July 11, 2003.

#### CHATTANOOGA FIRE DEPARTMENT:

- ✍ **VERONICA WALKER** – Family Medical Leave, Secretary, effective June 30 – September 23, 2003.
- ✍ **JOE KNOX** – Suspension (two days without pay), Lieutenant, effective July 16-17, 2003.
- ✍ **DONALD ROWE** – Suspension (two days without pay), Captain, July 13-14, 2003.

#### DEPARTMENT OF FINANCE AND ADMINISTRATION:

- ✍ **JAMES S. BONEY** – Retirement, Chief Financial Officer, effective June 30, 2003.

### HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the following hotel permits were approved:

**EXTENDED STAY AMERICA #125** – 6240 Airpark Drive, Chattanooga, TN

**HAMILTON INN** – 6860 Lee Highway, Chattanooga, TN

**SUPER 8** – 20 Birmingham Highway, Chattanooga, TN

**HAMPTON INN** – 2420 Williams Street, Chattanooga, TN

**DAYS INN** – 101 East 20<sup>th</sup> Street, Chattanooga, TN

**BLUFF VIEW INN – MARTIN HOUSE** – 412 East Second Street, Chattanooga, TN

**BLUFF VIEW INN – THOMPSON HOUSE** – 212 High Street, Chattanooga, TN

### REFUND

On motion of Councilman Page, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refund of 2002 real and/or personal property taxes due to assessment changes:

**PATTEN TOWERS** -- \$5,365.20

### REJECT ALL BIDS

On motion of Councilman Page, seconded by Councilman Littlefield, all bids were rejected for a citywide requirements contract to supply paper goods to the City of Chattanooga (R0069263/B0000782). The invitation to bid was sent to thirteen (13) vendors, with only one (1) response as a result of the condition of bid. The invitation to bid will be re-advertised.

### HEARING: PATRICIA L. CLARK

City Attorney Nelson stated Patricia Clark has requested a hearing regarding her termination from Parks and Recreation. He stated that the employee may have still been on a probationary period and would like to check that out prior to scheduling a hearing next week.

### COMMITTEES

Councilman Taylor stated that the Health, Education, Human Services and Housing Opportunities Committee met and discussed air quality in Chattanooga and Hamilton County through an update given by Bob Colby of the Air Pollution Control Bureau. He stated interesting facts were given as well as how air quality affects the health of citizens in Chattanooga, noting that Chattanooga was once known as one of the worst cities with regard to air quality. He stated there are several benchmarks that need to be made by 2010 and asked everyone to participate and help make this happen.

Councilman Benson announced that the Budget and Finance Committee would not meet next week. He expressed thanks to the Council and everyone involved stating that all worked well together as a team.

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, July 22 at 4 p.m.**

### COMMITTEES (Continued)

Councilman Littlefield reminded Council members of the scheduled meeting of the **Legal and Legislative Committee on Tuesday, July 15 beginning at 3 p.m.** He stated the flag lot moratorium would be addressed and the historic preservation question. He stated that the interior of another building on Main Street has “pancaked”, the former Levine Building. He stated Cornerstone was attempting to buy it when that disastrous thing happened and the issue would be addressed, as well a draft of the lighting issue.

### COLORED STICKERS

Councilman Hakeem stated there have been individuals going through the community putting stickers on people’s mailboxes and steps, indicating that the stickers are the size of a quarter and are in the colors of green and gold. He stated residents are concerned, as they don’t know what the colored stickers mean.

City Attorney Nelson stated the different colors indicate the type of subscription the resident has with the newspaper, whether weekly, daily, Sunday only or otherwise.

### DUPLEX DEVELOPMENT

Councilman Pierce stated requests have recently been received before the Variance Board for a variance for lots in the Avondale area that is zoned R-2, indicating that R-2 allows duplexes. He stated a land use study or down zoning has been requested for the area and inquired as to what is so difficult about building duplexes all of a sudden that it has to go before the Variance Board.

Mr. Pace responded that he didn’t know and does not know why there would be a request for a variance; that if the property is zoned R-2 they should be able to build a duplex on it.

Councilman Pierce stated a request came up in Councilman Hakeem’s area and there are three scheduled on the Board’s agenda tomorrow. He stated he does not know what the circumstances are; that he was going basically on the 15,000 square feet required for a duplex.

Mr. Pace stated the minimum lot for a duplex has to be 9,500 square feet. Councilman Pierce stated he was led to believe the square footage was 7,500 feet for a single and 15,000 for a duplex for the property and land.

### **DUPLEX DEVELOPMENT (Continued)**

Councilman Littlefield stated that was excluded some years ago.

Mr. Pace clarified that the square footage is 9,500.

Councilman Pierce stated there are many duplex requests before the Board.

Mr. Pace stated he would have to review the matter, as he is not familiar with what comes before the Variance Board. He stated most of the items are due to a setback from the sideline or rear yard and if the property is properly zoned there should not be a problem.

### **SUBDIVISION ORDINANCE**

Chairman Franklin inquired about the subdivision ordinance. Admin. McDonald stated that he is working with the City Attorney's office on the matter and could not tell how soon it would be completed.

### **SISTER BEY**

Sister Bey began her comments by displaying the Japanese flag, stating that the Mayor has gone to Japan and the people in Japan are sitting back laughing. She stated the President is in Africa and they are laughing at him. She stated that she has a flag of every nation in the world and that she is getting tired of the police killing "our" people. She stated the house next door to her was to have been fixed up and Congressman Wamp told the City to do it two years ago and nothing has been done; that she has sent a certified letter to him. She stated she has been invited to Iran but is afraid to fly and that is the only reason she has not gone to Africa. She reminded the Council that she keeps connections with the Security Council. She stated that "we" do not see any of "the money" and she is tired of that; that she receives Social Security from her dead husband and asked the Council to keep the police out of her neighborhood. She cautioned for everyone to get their "act" together or she would call a press conference. She stated that she is trying her best to get "her people" to come out of the American dream world.

### **THOMAS MORRELL**

Thomas Morrell stated that he spent time the first of May in New Haven, Connecticut at the request of a friend having problems with a nursing home closing.

**THOMAS MORRELL (Continued)**

Mr. Morrell stated that he had an interest in visiting Yale University that was attended by George W. Bush, Bill Clinton, Hillary Clinton and others. He stated to him Yale is a microcosm of what is wrong with this world. He stated the Yale University entity presently holds one billion in excess in real estate and is completely off any rolls of making contributions to the City of New Haven. He stated they have revenues that flow from parking lots, student housing and all kinds of government things; that he wrote Yale's President, Richard Levine, and other professors at the law school. He stated if you have the truth and if integrated into the whole it will prevent ahead of time the thing you end up having to deal with behind in a situation; that the reality is that here in "River City" we have trouble, that starts with a capital "R", which rhymes with "NP" called "not for profits". He stated everyone has a "ministry" of some kind.

Mr. Morrell stated what he said in 1994 when he ran for Congress and was not allowed to debate Randy Button or Wamp, was that taxation is governance of the past. He stated we will be shareholders one way or the other; that we have a system that works ahead of time or behind the times. He stated that he was trying to tell the Council as unequivocally as he could that we have "forced kings". He stated that he tried to speak to Mayor Corker to offer an opportunity to meet with him but he (Mayor) was all tied up to go to Japan, but not East Chattanooga or Highland Park; that that was too far for him to go, he guessed. He stated the bottom line is that either the Council lead or follow; that both are good. He stated we cannot continue to perpetuate something that will never work and he does not know how to say it more kindly or graciously. He stated the last thing he would like to say is that Randy Button is now head of the Democratic Party and Zach Wamp is taking PAC money. He stated neither of them faced him (Morrell) in a televised debate and if they had they would not have won.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, July 15, 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)