

**City Council Building
Chattanooga, Tennessee
August 5, 2003
6:00 p.m.**

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

In the absence of Chairman Franklin and Vice Chairman Benson, Councilman Page was unanimously selected by Council members to serve as Chairman Pro-Tem for tonight's meeting.

PLEDGE OF ALLEGIANCE/INVOCATION

Councilman Littlefield led those in attendance in the Pledge of Allegiance. He introduced Pastor Frank Ramseur of Calvary Baptist Church who gave invocation for the evening.

Following invocation, Councilman Littlefield stated that Pastor Ramseur's church services are held at the Downtown YMCA and he and his wife have been attending. He stated it is a serious church with a membership of a couple hundred adults and children and that Pastor Ramseur and his wife came to Chattanooga a couple years ago from Ft. Lauderdale. He stated the church is "looking longingly" at the Industrial YMCA on Mitchell as a possible "next stage".

Pastor Ramseur stated that he and his wife love Chattanooga! He stated they are Floridians and left the beach to come to the mountains and rivers, reiterating that they absolutely love this city! He stated they left a large place in Ft. Lauderdale called the Plantation, which is most similar to a community in Hamilton Place; that they thought they would live there because it was most like where they came from. He stated after a year of living there, they moved into the North Chattanooga area and love it. He stated it is a great privilege and blessing to be here; that his great grandmother, grandmother and father were all born at Erlanger, so the Ramseur family has a history here.

MINUTE APPROVAL

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

AMEND CITY CODE

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

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 14, ARTICLE II, SECTION 14-78, RELATIVE TO AN INCREASE IN
EXAMINATION COSTS FOR ELECTRICIANS**

passed first reading.

ADOPTION OF SOUTH BROAD STREET REDEVELOPMENT PLAN

Pam Glaser, Associate Planner with the Regional Planning Agency (RPA), stated that Planning has been working with the neighborhood in the South Broad area for a little over a year and that they are happy to be present to present the Plan for adoption. She recognized the presence of Ann Weeks and others of the South Broad Redevelopment Group.

Ms. Glaser stated after the study was initialized by the Council over a year ago, they looked at the downtown South Broad area, south of the interstate, the southside garden area, the historic area, the South Broad corridor, Tiftonia and others to see how it all ties together. She stated they had an opportunity to bring mixed uses to the neighborhoods and community as the area is zoned mostly industrial. She stated there are vacant properties and areas that are residential and commercial; that the Plan purports to look at the best way to do a mix so that all can co-exist and support each other. She stated the Plan calls for redevelopment for new housing, commercial development, mixed use and the retention of businesses with the addition of housing or offices above. At this point, several streetscape and mixed-use enhancements were displayed by PowerPoint. She stated that the Plan is lengthy and indicated that the neighborhood was left with quite a list of things to do from street enhancements to dealing with one-way, two-way streets to having housing proposals.

**ADOPTION OF SOUTH BROAD STREET
REDEVELOPMENT PLAN (Continued)**

Councilman Littlefield pointed out that this matter was presented before today's Legal and Legislative Committee and was referred to the Council for approval.

Councilman Taylor thanked the community and Planning for their hard work. He stated Ann Weeks has been instrumental in pulling people together and making sure they were there and did a good job in getting the word out. He commended her and others who worked diligently in bringing the Plan to fruition. He personally thanked Pam Glaser, Karen Hundt, Jerry Pace and the whole Planning Agency for lending support and guidance. He stated as we look at the Broad Street entrance it is very important, as it is a tourist attraction and a great residential and commercial area. He stated they are looking for great things to materialize; that the Plan calls for business and neighborhood stakeholders to come together to put ideas on paper. He stated this is not a Council plan but a community plan, as all stakeholders will take part.

Councilman Lively noted that the previous reference to Tiftonia was incorrect, as the area is now officially named Lookout Valley, the Gateway to Chattanooga!

On motion of Councilman Littlefield, seconded by Councilman Taylor,
**A RESOLUTION TO ADOPT THE SOUTH BROAD STREET REDEVELOPMENT
PLAN**
was adopted.

AMEND RESOLUTION 23839

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**A RESOLUTION AMENDING RESOLUTION NO. 23839, ADOPTED JUNE
10, 2003, ENCAPTIONED "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.", SO AS TO EXTEND THE MORATORIUM AN
ADDITIONAL SIXTY (60) DAYS**
was adopted.

**AMEND AGREEMENT: HUMANE EDUCATIONAL
SOCIETY**

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE AMENDMENT OF THE AGREEMENT
BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE, AND THE HUMANE
EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC., SO AS TO
EXTEND SAID AGREEMENT FOR A PERIOD NOT TO EXCEED THREE (3)
MONTHS**
was adopted.

OVERTIME

Overtime for the week ending August 1, 2003 totaled \$30,894.26.

PERSONNEL

The following personnel matters were reported from the various departments:

PUBLIC WORKS DEPARTMENT:

- ? **PERRY BECK** – Suspension without pay, Equipment Operator, Citywide Services, effective July 24, 28, 29, 2003.
- ? **CHRISTOPHER T. DOSSETT** – Suspension without pay, Equipment Operator, Citywide Services, effective July 23, 24, 25, 29, 30, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ? **MARTHA HUTCHISON** – Leave of Absence without pay, Budget Technician, effective August 4-15, 2003.
- ? **MIKE AKERS** – Leave of Absence without pay, Captain, Through October 2, 2003.
- ? **ROY BARBER** – Suspension (six days without pay), Captain, effective August 9 – 14, 2003.
- ? **RANDALL GOINS** – Retirement, Captain, effective September 1, 2003.

PERSONNEL (Continued)

- ? **RANDY STARGIN** – Retirement, Captain, effective August 22, 2003.
- ? **MARVIN NICHOLSON** – Return from Military Leave, Firefighter, effective July 28, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ? **TOM MCKINNEY** – Suspension (three days without pay), Police Sergeant, effective July 23 – 25, 2003.
- ? **MICHAEL STANLEY FUGATE** – Resignation, Police Officer, effective July 30, 2003.
- ? **RODNEY C. BROWN** – Return from Military Leave, Police Officer, effective August 1, 2003.
- ? **BRENDA J. JACKSON, KRISTINA C. ALLEY** – Hire, School Patrol Officer, \$26.79 per day, effective August 1, 2003.

REFUNDS

On motion of Councilman Lively, seconded by Councilman Taylor, the Administrator of Finance was authorized to issue the following refunds for tax year 200 refunds due to exempt per State Board of Equalization:

RIDGEDALE BAPTIST CHURCH -- \$4,528.76

BOARD APPOINTMENTS

Chairman Pro-Tem Page stated this matter was discussed in Committee today and both are fine additions to the Erlanger Board.

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following Board appointments were approved:

ERLANGER BOARD OF TRUSTEES

- ? Appointment of **KEN JORDAN** for a term expiring November 1, 2005

BOARD APPOINTMENTS (Continued)

? Appointment of **LEE HILLING** for a term expiring November 1, 2006

HEARING

City Attorney Nelson stated Gregory Ballard has submitted a request for a hearing regarding his termination from the Public Works' Engineering Department. He indicated that Mr. Ballard might be unavailable for a period of time and the date would have to be passed one time. He suggested that the hearing be scheduled in the interim.

A hearing for Mr. Ballard was scheduled for Monday, August 18 beginning at 3 p.m. with Councilmen Lively, Robinson and Taylor serving as the panel hearing the request. Councilwoman Robinson was designated to serve as Chair of the panel.

COMMITTEES

Councilman Hakeem scheduled a meeting of the Public Works Committee for Tuesday, August 19 beginning at 4 p.m.

Councilman Littlefield scheduled a meeting of the Legal and Legislative Committee for Tuesday, August 12, 2003 beginning at 3 p.m.

Councilman Pierce stated there would be a joint meeting of the Legal and Legislative and Redistricting Committee on Tuesday, August 19 beginning at 3 p.m.

MELINDA HICKEY

Melinda Hickey of the Belvoir Neighborhood Association presented a petition to the Council signed by 600 "strong families" of the Belvoir community. The petition caption noted that certain properties were being developed at the corner of Amhurst and Mayfair, which appear to be in violation of required yard and setback requirements and the difficulty in seeing how two new lots being proposed meet individual square footage requirements for an R-1 residential zone. She stated those in the community petition the City to enforce the letter and spirit of the zoning regulations to prevent overcrowding of land, protection of the character of the district, conservation of the value of existing properties, facilitation of the use of public infrastructure and services and achievement of other worthwhile purposes pursuant to Chattanooga's Zoning Ordinance.

MELINDA HICKEY (Continued)

Ms. Hickey stated that the Belvoir Neighborhood Association is a large association and one of the older ones in Chattanooga. She stated from what they could tell building on this property has been stopped because somebody went out and checked on it. She stated the person is Don Walker and evidently no one has been checking whether he has permits. She stated that she wanted to be on record saying that they would like to see the zoning regulations carried out in the way they should be.

At this point, Councilman Littlefield asked those in attendance regarding this matter to stand. He commended them for their presence and stated he was told when this construction first started. He stated what has happened is the developer bought a house with an extra lot in an older part of the City and proceeded to file a new building plan and divided the extra lot into two lots, which barely met guideline requirements. He stated when he got the call and checked the square footage, he felt comfortable that the tax record did not indicate enough square footage to be divided into two lots, however the building line produced a new survey, which showed more space of over 15,000 square feet to divide into two 7,500 square feet lots, which is barely, barely acceptable for R-1! He stated the two structures were laid out on the property and the building started very fast. He stated in looking at the concrete turnaround, people who bought existing houses considered it their patio, which extended into the new lots. He stated the builder attempted something interesting when the property line was drawn and gave the people in the old existing houses the exclusive right to use the concrete patio. He stated in talking with the city Attorney, it was decided that did not meet the letter and spirit of the zoning ordinance and was not an accessory structure to new property; therefore, it had to go with the old property which made it a lot less than it needed to be, plus the setback already existing foundation were not adequate.

Councilman Littlefield stated he does not have the end of this story, yet, however the building has stopped. He stated the builder is attempting to redraw the subdivision and purchase from adjacent people. He stated the unfortunate thing is, and this is no secret to anyone, that his experience with this person goes back more than ten years. He stated that wherever Don Walker goes the phone starts ringing here at City Hall! He stated some are blessed he does not build in their area; that he has another development in his district that has been stopped and started which goes back to Councilwoman Rutherford's term and when he was Commissioner of Public Works. He stated Mr. Walker is a very innovative builder and is afraid we do not really give a lot of consideration to neighborhoods when he starts building.

MELINDA HICKEY (Continued)

Councilman Littlefield stated right now the project has been stopped and he can qualify for one unit; that if he was the person he should be he could have built a house compatible with the neighborhood that would be complimentary. He stated there are lots in older neighborhoods; that in his own neighborhood a builder built a house that did not look like a historic house but built a cottage, which could be done. He stated the neighborhood now has to wait awhile to see what happens next and wished them well. He commended them for circulating the petition, indicating that he asked them to come down and present it to the Council. He stated there is one good thing he could say about Mr. Walker, which is that he has facilitated the organization of strong neighborhood associations all over Chattanooga! He stated that is something good that has come out of something bad.

Chairman Pro-Tem Page stated that he has worked with his colleagues for two years and they are very serious about protecting neighborhoods. He assured the residents of Belvoir that the Council would do everything they can.

BOBBIE BRYANT

Bobbie Bryant stated that she has two matters; that she brought in a list of concerns a few weeks ago that she has been waiting to be addressed yet she never received anything by mail. She stated the second matter is that she knows all are familiar with the City Charter and was told it is a violation for our current Mayor to hold properties like he has and what is going on with the WalMart development. She stated that she wonders why he has been allowed to do this. She stated this development is interrupting the environment, plus it is unethical. She stated this is against the City Charter for him to have personal property and sell it; that no one here to her knowledge has confronted him or told him he is out of order.

City Attorney Nelson stated Section 3.1 is the Charter is the section that has to do with conflicts of interest which prohibits any city officer from having direct interest in a contract with the City. He stated even before this Mayor took office he, to the City Attorney's understanding, put all of his property in a blind trust so he does not know how it is being managed; that this is the same thing the President of the United States or the Governor does. He stated as far as anyone on the Council knows there is absolutely no violation whatsoever.

Ms. Bryant stated that she has heard otherwise. She then inquired about the issues she gave to the Council.

BOBBIE BRYANT (Continued)

City Attorney Nelson stated that there was only one that has any bearing on what the Council has any purview over at all which was the one dealing with the police department, and again that is an administrative matter that should be handled through the Mayor's office, although the police department has a representative at Council meetings, however, there is no one from the department present tonight. He stated it is his understanding that was reported to Internal Affairs but is not certain a conclusion has been reached.

Ms. Bryant stated that she was contacted by the Police department and was to get a follow-up letter, which she has not received.

Chairman Pro-Tem Page asked the Council Clerk to contact the Internal Affairs department for their follow-up and expressed appreciation to Ms. Bryant for addressing the Council.

PAUL MOORE

Paul Moore distributed information regarding a community event at Fields Chapel Church in Summit, Tennessee. He invited the Mayor, Council and general public to come to the Church on Sunday to celebrate "Sunday in the Country". He indicated that the County Commission and Claude Ramsey have been invited, as well. He stated they are trying to raise funds for a fellowship hall and have several local churches involved in the event.

ADJOURNMENT

Chairman Pro-Tem Page adjourned the meeting of the Chattanooga Council until Tuesday, August 12, 2003 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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