

**City Council Building
Chattanooga, Tennessee
October 26, 2004
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Lively, Page, Pierce, Robinson and Taylor present; Councilman Hakeem joined the meeting later; Councilman Littlefield was absent due to personal commitment. 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 Page 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

2004-193: The RLS Group, LLC

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 5000 ADAMS ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO RT-1
RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Franklin, seconded by
Councilwoman Robinson, the Ordinance passed third and final reading and
was signed in open meeting.

CLOSE AND ABANDON

MR-2004-198: Chattanooga Housing Authority

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
AN ORDINANCE CLOSING AND ABANDONING TWO (2) PORTIONS OF THE 3700 BLOCK OF CHANDLER AVENUE LOCATED BETWEEN THE 400 BLOCKS OF WATER STREET AND WEST 38TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

Councilman Taylor reported that he served as Chair of today's Public Works Committee meeting in the absence of Councilman Hakeem. He stated the Committee recommends approval for Ordinances (a) – (c).

MR-2004-173: Jerry & Treva Ritchie and Jimmy Wayne Dickey

The applicants were present; there was no opposition in attendance.

On motion of Councilman Taylor, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED BETWEEN THE 4200 BLOCK OF WALNUT STREET AND THE 4100 BLOCK OF PINE STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

MR-2004-174: Jimmy Wayne Dickey

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

CLOSE AND ABANDON (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
AN ORDINANCE CLOSING AND ABANDONING MILL STREET AND GARDEN STREET LOCATED WITHIN THE PROPERTY BOUNDARIES AT 4106 PINE STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

MR-2004-178: Carol C. Moss

There was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Taylor,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY BEGINNING ON THE WEST LINE OF THE 4200 BLOCK OF WALNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

MR-2004-180: Janice Hixson

The applicant was not present; there was no opposition in attendance.

Councilman Taylor stated that the Public Works Committee recommends denial of this request.

On motion of Councilman Taylor, seconded by Councilman Pierce,
AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY BEGINNING ON THE WEST LINE OF THE 4600 BLOCK OF WALTHALL STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was denied.

AMEND CITY CODE

On motion of Councilman Page, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, ARTICLE III, RELATIVE TO PERSONNEL POLICIES**
passed first reading.

CONTRACT

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE AWARD OF REQUIREMENTS
CONTRACT NO. W-04-006, MISCELLANEOUS SANITARY SEWERS
REQUIREMENT CONTRACTS, TO MAYSE CONSTRUCTION COMPANY
FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND
DOLLARS (\$300,000.00)**
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE AWARD OF REQUIREMENTS
CONTRACT NO. W-04-006, MISCELLANEOUS SANITARY SEWERS
REQUIREMENT CONTRACTS, FOR CIPP LINING TO MILLER PIPELINE
CORP. FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-
FIVE THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$135,125.00),
INCLUDING TEN THOUSAND DOLLARS (\$10,000.00) IN CONTINGENCY**
was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, CONTRACT NO. E-03-021, SIDEWALK REQUIREMENTS
CONTRACT TO YERBEY CONCRETE CONSTRUCTION, INC., WHICH
CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SEVENTY-
FIVE THOUSAND DOLLARS (\$75,000.00), FOR A REVISED CONTRACT
AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-ONE THOUSAND
EIGHT HUNDRED NINETEEN DOLLARS (\$221,819.00)**
was adopted.

CHANGE ORDER

On motion of Councilman Page, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (CRF 13), CONTRACT NO. 28L, SOLIDS HANDLING SYSTEM IMPROVEMENTS INSTALLATION OF FILTER PRESS SLUDGE DEWATERING SYSTEM TO JAKE MARSHALL, LLC, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-NINE THOUSAND NINE HUNDRED SEVENTY-NINE DOLLARS (\$99,979.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SIX MILLION FIVE HUNDRED SEVENTEEN THOUSAND THREE HUNDRED TWENTY-ONE DOLLARS (\$6,517,321.00)
was adopted.

TEMPORARY USE

On motion of Councilman Franklin, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING BRUCE CASE, PRESIDENT OF CONSTRUCTION CONSULTANTS, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY BETWEEN THE 7100 BLOCK OF LEE HIGHWAY AND SNOW HILL ROAD TO BUILD A CONCRETE RETAINING WALL WITH PILINGS THAT WILL EXTEND A MAXIMUM OF EIGHT FEET (8') IN THE CITY'S RIGHT-OF-WAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE

Councilman Pierce stated he was not present for the Public Works Committee and inquired as to the request for this closure.

Admin. McDonald stated that this is an alleyway between 23rd and 21st Streets; one that is used to some extent. He stated the Bojangles operation wanted to put a dumpster on a portion of it. He stated several weeks ago there was a request for closure and abandonment and they were asked to come back with a request for temporary use and Public Works approved it.

Councilman Pierce asked if this was just for Bojangles. Admin. McDonald responded "yes". Councilman Pierce indicated that he did not have a problem with this.

TEMPORARY USE (Continued)

On motion of Councilman Taylor, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING BOSOUTH TENNESSEE, INC. TO USE TEMPORARILY THE 1800 BLOCK OF EAST 23RD STREET TO INSTALL A NON-PERMANENT STORAGE AND DUMPSTER PAD IN THE CITY RIGHT-OF-WAY, AS SHOWN ON THE SITE PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

REPEAL RESOLUTION 22343

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION REPEALING RESOLUTION NO. 22343, ENCAPTIONED AS SET FORTH HEREIN AND ESTABLISHING NEW EXEMPTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED, PURSUANT TO SECTION 2-152(a) OF THE CHATTANOOGA CITY CODE

was adopted.

OVERTIME

Overtime for the week ending October 22, 2004 totaled \$11,953.50.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **SETH W. PHILLIPS** – Hire, Crew Worker, Sr., Citywide Services, Pay Grade 3/Step 1, \$18,643.00 annually, effective October 18, 2004.
- **JAMES COLLIER, III** – Termination, Crew Worker, Sr., Citywide Services, effective October 18, 2004.
- **HAROLD J. MURRAY, III** – Suspension (3 days without pay), Equipment Operator, Sr., Citywide Services, effective October 22 -26, 2004.

PERSONNEL (Continued)

CHATTANOOGA POLICE DEPARTMENT:

- **JOSHUA MASSENGALE** – Termination, Police Officer, effective October 22, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- **GLENDA WILSON, DARGIN JOHNSON** – Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$32,442.00 annually, effective October 29, 2004.

SPOT BLIGHT HEARING

Admin. Curry stated pursuant to the Housing Section of the *Chattanooga City Code* a hearing is to be convened based on recommendations of the Vacant Property Review Commission. He stated in accordance with 21-124 of the *City Code*, "...*The municipality may acquire by eminent domain pursuant to Title 29, Chapters 16 and 17 Tennessee Code Annotated, any property determined to be blighted or deteriorated pursuant to this division, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial and related use, pursuant to the provisions of this division.*" He stated this evening four properties have gone through the Vacant Property Review Commission and (through) a very liberal process of official inspection and review by independent groups of citizens approved by the Mayor to hear these cases. He stated the properties are not deteriorated to the point where demolition is necessary; that they are to the point they could be rescued, rehabilitated and put back into the system as useable property, but there has been gross neglect and abandonment by property owners. He stated the addresses of the four properties are **1013 Winthrop Street, 1205 Peachtree Street, 2810 Wyandot Street and 2120 Vance Avenue.**

City Attorney Nelson stated the process involves declaring each to be a nuisance in their current condition and authorizing eminent domain, if necessary, and entitle them to rehabilitate it. He stated if the Council does not want to hear all four at one time, it is appropriate to hear them one at a time to make an individual decision on each one. It was agreed by consensus that each property would be heard individually.

SPOT BLIGHT HEARING (Continued)

1013 Winthrop Street -- Admin. Curry directed the Council's attention to the video of all properties reflected on the video screen. He stated this property has a building value of \$58,100 and recited chronological information for this property indicating that the property owner was cited to court for overgrown property on May 13, 2003, a notice of municipal code violation was issued to the owner of record on May 14, 2003, the owner was cited to court for exterior housing violations and overgrown property on July 11, 2003. He stated the owner was again cited to court for litter and overgrowth at the property on March 11, 2004, an updated notice of municipal code violation was sent to the owner of record on March 16, 2004, owner cited to city court for exterior housing violations on April 15, 2004 and cited again to city court for exterior housing violations on May 10, 2004. He stated the City hired a contractor to abate the litter and overgrowth violations on the property in May of 2004 and on September 2, 2004 a notice of spot light hearing was mailed.

Findings of fact regarding the property included damage to the exterior walls and eaves, an improper electrical system that does not meet minimal *City Code* requirements; damaged front porch ceiling and back porch support beams; property has not been maintained within the guidelines of the *Chattanooga City Code*; numerous notices and citations have been sent to the property owner for ongoing violations. He stated in May of 2004 the city was forced to hire a contractor to remove a large tree and cut overgrowth at the property and this property has been an eyesore and a nuisance to the neighbors for years.

Chairman Benson asked if Admin. Curry was asking for a resolution for condemnation.

City Attorney Nelson stated that the request is to declare the property a nuisance and authorize condemnation action in Circuit Court.

Councilwoman Robinson regrettably stated this property is in District 2 and indicated that she has received a number of phone calls from neighbors objecting to the condition of the property as it overgrown and is contributing to the presence of a lot of undesirable animals in the neighborhood; that it is turning into a wildlife habitation! She stated the property has fallen into a state of disrepair and it appears there have been five citations and no response. She stated this seems to be a nice house and asked if this means the house will be torn down.

City Attorney Nelson stated if the house is salvageable it would not have to be depending upon the condition of the property when the City gets it.

SPOT BLIGHT HEARING (Continued)

Councilwoman Robinson stated if it is salvageable is there a way someone could repair, purchase and make it a nice house.

Admin. Curry responded "yes"; that they are trying to circumvent the demolition process. He stated if the property was to the point it could not be rescued it would have been taken to city court for demolition by the city court judge. he stated this action will give the ability to rescue the house.

Councilwoman Robinson asked how the property would be marketed.

Admin. Curry stated it would be marketed in various ways; that if the city has a way to place it in escrow, the real estate department would market it to potential investors or a homeowner for a residence.

Councilwoman Robinson stated that she was astonished that someone in that area would not want to maintain the property and sell it. She inquired as to the timeline and how long would it be before marketing would be expected, as well as showing the property and selling it.

Admin. Curry stated that it is contingent upon the courts; that he is to meet with the Circuit Court Judges in the next ten days and the schedule would be checked to see how quickly it can get on the document and proceed with action. He stated it would be in the hands of the court as to how quickly they would assess the market value and ability to proceed with eminent domain.

Councilwoman Robinson asked what recourse the present property owner has if the city moves forward with the motion, and what would happen if he were to change his mind and put the property into habitable, acceptable code conditions.

City Attorney Nelson stated once the property is taken and money has been paid in he has no recourse. He stated he can appeal to the Tennessee State Court of Appeals and the Tennessee Supreme Court, which does not happen often.

Councilwoman Robinson asked for clarification that the owner did receive notification.

Admin. Curry responded "yes" indicating that he has copies of the notices that were mailed, as well as the return receipts; that every available option to make sure the owner understands and let him know what his options are were done prior to bringing this matter to the Council and proceed to Circuit Court actions.

SPOT BLIGHT (Continued)

Councilwoman Robinson asked for clarification that a signed return receipt was received. Admin. Curry responded "yes".

At this point, Councilwoman Robinson made the motion to declare the property a nuisance and authorize condemnation.

Councilman Pierce stated that he wanted to understand what was going on as he does not understand why the city is in the process of declaring eminent domain and becoming owners of the properties. He stated that he thought this had to go through Chancery Court and then put up for auction.

City Attorney Nelson responded "no".

Councilman Pierce continued by stating that it looks as if the city has decided to go into the real estate business by taking citizens' property.

City Attorney Nelson responded "it is" and this is being done to protect neighborhoods.

Admin. Curry explained, as Councilwoman Robinson previously stated, this property is in a state of deterioration with vermin, mosquitoes and overgrowth. He stated the city has endured a significant expense over two years going in and abating litter and overgrowth and none has been recovered. He stated the property owner is insistent in not working with the city, has ignored citations and violations and exhibited no concern regarding the property. He stated for the neighborhood and its wellbeing, this is a "court of last resort" as it has gone through many steps to keep from affecting this property owner's rights to maintain this property or enjoy a livelihood there. He stated at this point there is no other recourse but to exercise eminent domain.

(COUNCILMAN HAKEEM JOINED THE MEETING AT THIS POINT.)

Councilman Taylor asked if the owner received documentation, signed the receipt and did not show up at any meetings.

Admin. Curry stated sometime he showed up and others times he ignored the notices.

Councilman Taylor asked the owner's response as to why he did not show up.

Admin. Curry stated it was varied.

SPOT BLIGHT HEARING (Continued)

Councilman Page stated in reference to eminent domain the property is valued at \$58,000; that it is his understanding after expenses the owner will be given the value this house is sold for. He asked how this works financially, whether the owner recuperates some of the residual value of the home.

Admin. Curry stated that he should once the fair market value is assessed and the sale is executed, he would receive residual value.

Councilman Page inquired as to the procedure and whether the owner would fully participate.

Admin. Curry stated that the city would not remove his ability to receive any appropriate earnings.

Councilman Page stated for anyone living at this home or any house, what process is used to assure anyone leasing they would not get put out on the street.

Admin. Curry stated all the properties are vacant; that in most cases they have been vacant for several years prior to taking this action. He stated they would not deal with a house in this manner if there was any habitation; that most have had deterioration or blight to the point they were unable to have occupancy. He reiterated that the properties are not owner-occupied or rent occupied. He stated once they receive the properties they are valuable to the point they can be rescued and are then worked through this process; that typically they would not cause eviction or displacement of any resident, tenant or homeowner.

Chairman Benson stated that it is his thought what is being done is fulfilling the responsibility of government, which is to step in to protect the value that is being lost on other people's property by actions of adjacent properties; that it actually takes value from adjacent properties.

City Attorney Nelson stated it has been mentioned that on several occasions the property owner has been cited to city court and does not know if he appeared or not.

Admin. Curry stated that he appeared in some cases; that he has an entire file on this matter where he has appeared and that is why they have had a period of time working with the cases. He stated that they have had contact with the property owners appearing in city court who had given the judge assurance they would abate the problems on their own without city intervention, but they only made false promises.

SPOT BLIGHT HEARING (Continued)

City Attorney Nelson stated that he presumes city court found the property owners had not kept up their property to the point of having to appear in court anyway.

Councilman Taylor commended the spot blight program for catching them in time and putting them back on the market. He stated so many times you hear stories where homes are torn down in neighborhoods. At this point he **seconded Councilwoman Robinson's motion to declare the property a nuisance and authorize condemnation.**

Councilman Page asked for clarification that the city is in the business of reconditioning houses; that the question he has with regard to eminent domain and the city acquiring ownership is why it would not be auctioned off immediately for fair market value as opposed to the city getting into the remodeling business and reconditioning a home and selling it.

Admin. Curry stated that the "verdict is out" in terms of rehabilitation; that he would not want to go to the point of rehabilitating the property to certain specifications thereby creating a more difficult situation. He stated as it stands now it allows for someone to enter the property at a different price point than a higher price if the city were to go in and remodel.

Councilman Page asked for clarification that the properties would not be remodeled.

Admin. Curry responded "no, we will not remodel".

Chairman Benson stated what Neighborhood Services is doing is the same thing Chief Vaughn is doing in the police department.

Admin. Curry stated in this case 100 properties were identified through the city as part of a last chance campaign and these four properties are the remains of those. He stated the property owners refuse to comply.

Councilman Pierce stated he is fully supportive of spot blight and his concern has to do with the manner in which properties are dealt with. He stated he does not know why everyone cannot sit down and draw up guidelines as he personally feels we will never get fair market value for this house; that we will be "stuck" with the property for years trying to market it. He stated it is this thought Chancery Court the city could recoup what we have invested and the property owners will get the remainder.

SPOT BLIGHT HEARING (Continued)

Councilman Pierce stated conditions could be placed on the property for whoever buys them to bring them up to standard within a given time. He stated he does not believe in the city taking property like this and going into the real estate business; that it is wrong and (he) thinks we will be "hailed into court" before it is over.

Admin. Curry stated that he is acting in accordance with State statute as this is a statewide activity that is happening and has withstood the "test" with the courts; that we are in line with what is going on in the rest of the state.

Councilman Pierce stated the Council has not been briefed on this as to the procedure and process.

Chairman Benson stated it might have been better if the matter had come before Committee and then get a recommendation.

Admin. Curry stated that this legislation was placed over three years ago and is not new; that it has been on our "books" and available to the City Council and the city as a tool for revitalization, reiterating that it is not new legislation.

Chairman Benson stated all on the Council support the intent; that it is the method.

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the property located at 1013 Winthrop Street was officially declared a nuisance and authorized for condemnation; Councilman Pierce voted "no".

1205 Peachtree Street -- Admin. Curry stated this property is valued at \$17,300. He gave a chronological accounting indicating that a notice of municipal violation was mailed on January 25, 1999 and as of March 2, 1999 the property was 70% rehabilitated. On February 25, 2003 a notice of condemnation was mailed as the property was open and vacant, several notices of violation followed through September 23, 2004. Findings of fact regarding the property include that the property is continuously overgrown, there is an ongoing problem of keep the property secured, the eaves and trim are deteriorating and damaged, the property remains vacant and is a constant blight on the neighborhood, the registered property owner is in bankruptcy and shows no interest in the property, foreclosure is still pending and taxes have not been paid for 2001 or 2003.

(COUNCILMEN HAKEEM AND FRANKLIN EXCUSED THEMSELVES FROM THE MEETING AT THIS POINT.)

SPOT BLIGHT HEARING (Continued)

City Attorney Nelson stated that there might be a problem if it is in bankruptcy as they will join taking any of his property. He stated we can proceed and authorize something prior to condemnation proceedings.

Councilman Robinson asked Admin. Curry to follow through pursuant to bankruptcy ruling.

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the property located at 1205 Peachtree Street was officially declared a nuisance and authorized for condemnation pursuant to follow through of bankruptcy ruling; Councilman Pierce voted "no".

2810 Wyandot Street -- Admin. Curry stated this property is valued at \$11,900 and came into the system on June 2, 2003 as a condemned structure. He stated the property was re-inspected with no change on June 19, 2003, there was a court hearing on July 10, 2003 with a default judgment; the property was placed on the Last Chance list on October 7, 2003 and was re-inspected with no visible rehabilitation efforts on July 19, 2004. Findings of fact include that the structure continues to be vacant, windows are broken/damaged, exposed exterior wood, electrical outlets exposed to elements, no permanent source of electricity, missing siding and the structure is a positive candidate for rehabilitation.

On motion of Councilman Taylor, seconded by Councilman Page, the property located at 2810 Wyandot Street was officially declared a nuisance and authorized for condemnation.

2120 Vance Avenue – Admin. Curry stated this property is valued at \$6,500. He stated a municipal letter was sent to the owner on January 5, 2001 and a written extension was given per the owner's request of February 14, 2001. He stated a notice of overgrowth was sent to the owner on August 9, 2001 and a citation issued for overgrowth on September 18, 2001. On November 1, 2001 a court case involving this property was passed and a default judgment issued with a \$50 fine plus costs on November 8, 2001. Several violation notices were continuously mailed to the property owner through July 19, 2004 when the property was re-inspected with no visible rehabilitation efforts. Findings of fact include the porch that is in need of painting, doors in need of weather stripping, steps in disrepair, the kitchen and bathroom floors deteriorated/damaged, windows deteriorated/damaged, heating insufficient, continuous overgrowth/litter problem, floor/wall separation and a continuous neighborhood nuisance. He stated it was recommended that the property be placed in the spot blight program.

SPOT BLIGHT HEARING (Continued)

On motion of Councilman Page, seconded by Councilman Taylor, the property located at 2120 Vance Avenue was officially declared a nuisance and authorized for condemnation; Councilman Pierce voted "no".

Councilman Pierce asked Admin. Curry if he had information as to how much the City has invested.

Admin. Curry stated that he has the information in a file and would get it to Councilman Pierce.

Chairman Benson suggested that the process be discussed in Committee for an explanation of the procedure.

(Detailed information regarding all four properties is filed with minute material of this date.)

HEARING: RON ESDAILE

Councilman Page reported that a personnel hearing for Ron Esdaile was held on Monday, October 25 with himself and Councilmen Littlefield and Pierce serving as the panel. He stated the panel voted two-to-one to uphold administration's decision of termination.

HEARING: DAVID CHANDLER

City Attorney Nelson stated that Councilman Benson has discovered that he has a conflict with the November 8 date and is requesting a reschedule date of November 15 beginning at 1 p.m.

The hearing for David Chandler was rescheduled for Monday, November 15 with Councilmen Benson, Pierce and Hakeem as the panel; Councilman Franklin would serve as alternate.

COMMITTEES

Councilman Page stated that a meeting of the **Economic Development Committee would be held jointly with Legal and Legislative beginning at 3 p.m. on Tuesday, November 2.**

NORTH RIVER STEERING COMMITTEE

Councilman Page stated that the North River Steering Committee had a meeting this week and went over the updated community plan which is scheduled to come before the Council for approval.

MANCHESTER PARK NEIGHBORHOOD ASSOCIATION

Councilwoman Robinson stated the Manchester Park Neighborhood Association is re-energizing itself and will meet on November 4 at 6:30 p.m. to elect officers. She stated the meeting will take place at the Manchester Church of Christ with the regular session getting underway at 7 p.m.

ADJOURNMENT

On motion of Councilman Lively, seconded by Councilman Taylor, Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, November 2, 2004 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)**