

**City Council Building
Chattanooga, Tennessee
January 25, 2005
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Rev. Robert Keesee gave invocation.

MINUTE APPROVAL

Councilman Lively made the motion to amend the minutes of the previous week to reflect that Ordinance 2004-251 was not voted on by the full Council; Councilwoman Robinson seconded the motion; the motion carried.

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

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK**

Chairman Benson welcomed those in attendance regarding this matter and indicated their presence is a manifestation of good citizenship.

Linda Sattler of 117 Forest Avenue stated that she is a resident of the north shore and a representative of the Friends of Coolidge Park and the Walnut Street Bridge Committee, as well as an avid walker of the Bridge.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Ms. Sattler stated the Council has been instrumental in molding Chattanooga into a model city out of one of the most polluted cities in America; that with their hard work and many talents, they have helped create an atmosphere of beautiful structures that enhance the natural beauty of this area, especially along the River. She stated Coolidge Park was revitalized and developed by all of the efforts of the many who worked to save the old historical Walnut Street Bridge to become a world-renowned walking bridge by the contributions of those who paved the walkways with their family names, by the hand carvers who created the beautiful different animals for the Carousel, and by a diverse community working together, regardless of their social or economic background. She stated on most days approaching the Bridge from the north shore, one can hear the music of the carousel, the splashing of the fountain, the laughter of the children, the strumming of a musical instrument with an occasional song being sung. She stated on most days one can see birds in flight, sweethearts strolling hand-in-hand, a picnic in the park, a young mother strolling her infant while the toddler runs free, a jogger running his course, a tourist snapping panoramic views of the south shore with the beautiful Hunter Museum and the historic Bluff View in the background. She stated one cannot help but wonder how a 196 foot long, four-story building with two stories above the Bridge will impact what we now know as one of the most unique historical bridges throughout the world.

Ms. Sattler continued by asking if the hotel were built would the mother strolling the infant have to cover the baby's ears and speak louder at the toddler to overcome the noise of the rooftop air conditioners, whether the sweethearts would have to turn their heads in order not to view the likes of a hotel room, whether the picnickers will have to carry their baskets several blocks because they could not find parking, and whether the jogger will be harassed by the verbal abuse from the balconies. She stated that she is before the Council this evening to ask what thousands have asked as signatures were sought on the petition, "Why would the Mayor and City Council allow such a view blocker, noise maker and traffic creator to be built only thirty-five feet from the Bridge?"

Ms. Sattler concluded her comments by pleading with the Council to enforce the existing ordinances in order to preserve the integrity of the Walnut Street Bridge and the Coolidge Park area from this huge assembly of concrete. She also asked that the Council review and revise the C-7 ordinance and guidelines and establish a plan that will be followed and not ignored. Finally she suggested that one of the first steps is to take a hard look at the downtown plan Chattanooga 2025. *(A copy of Ms. Sattler's written comments are filed with minute material of this date.)*

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Mary Hutson of 1150 James Boulevard, Signal Mountain, stated that she is a lifelong resident of the Chattanooga area and a representative of the Friends of Coolidge Park and the Walnut Street Bridge. She stated that many thousands have signed the petition and she, also, has come to treasure the openness and views that Coolidge Park and the Walnut Street Bridge offers; that it is the blend of the natural beauty and open spaces along with the eclectic shops and restaurants that draw her and her family to the north shore. She stated it was nearly three months ago that the North Shore Design Review Committee gave its almost unanimous approval for the Coolidge Hotel. She stated with the passage of time, the outrage and shock has only increased as area residents are faced with the prospects of a four-story, 80 room hotel with an underground garage looming over Coolidge Park and the Walnut Street Bridge. She stated it is clear to all the North Shore Design Committee has ignored its guidelines and their approval of the hotel is in violation of the C-7 zoning code. She stated for that reason, the Friends of Coolidge Park and the Walnut Street Bridge has filed an appeal to the Board of Zoning Appeals. She stated although the North Shore Design Review Committee is appointed by the Mayor and approved by the City Council, its decisions are never brought before this elected body, and tonight she and others do so in order for the Council to understand that their (Design Review Committee) actions were morally and legally wrong.

Ms. Hutson continued by stating the Committee blatantly ignored the very purpose of the North Shore Guidelines, which is to ensure that "the unique, historic and urban qualities" of the north shore zone, including the Walnut Street Bridge and Coolidge Park, are maintained. She stated they disregarded the guidelines for creating "an appealing pedestrian environment" and providing "quality public spaces". She stated the hotel is not in compliance with land use, building design and site design requirements for the C-7 zoning, indicating that the requirements state "buildings should be similar in height and configuration to neighboring buildings on the same block and side of the street", however, there are no four-story buildings on this block and this side of the River. She stated requirements state "no building shall exceed a height of four stories or fifty feet above street grade level, to protect significant views and vistas, especially those of the River," however, if this hotel is built, the views and vistas of the north shore will be changed forever. She stated requirements state "pedestrian oriented uses such as storefront shops, offices, loft apartments and town homes are preferred for this zone", however hotels are not a preferred use and the developer did not prove, as required, that any other use of the land is impractical.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Ms. Hutson stated that the Review Committee is not constituted according to the C-7 code which requires that there are to be four north shore "property owners, residents, or business owners recommended by the Zone City Council representatives". She stated the current committee only has three members from the north shore, with all three either owning or being involved in commercial real estate; that there is no north shore resident or retail business owner on the committee. She concluded her comments by reiterating that the Review Committee failed to carry out its responsibilities as set forth in the C-7 zoning code and indicated that the responsibility now falls in the Council's hands. She implored the Council to take measures so this immediate threat to Coolidge Park and the Walnut Street Bridge does not become a reality. (*A copy of Ms. Hutson's written comments are filed with minute material of this date.*)

John Coolidge spoke next and referenced a letter from John B. Hildreth, Director of the Southern Office of the National Trust for Historic Preservation that each Council member should have received in the mail. He read the letter in its entirety which expressed the National Trust's concern about the Review Committee's decision to "*approve construction of an 80-room hotel on property immediately adjourning the North Shore Commercial District's Walnut Street Bridge.*" In reading the letter, Mr. Coolidge referenced the Trust's preservation movement, which commits them to the success of revitalization and livability of communities and stated "*since creation of the North Shore Commercial District, the North Shore neighborhood has experienced a renaissance unanticipated and unprecedented in Chattanooga's history. Compliance with the North Shore's Design Guidelines by developers and residents has led to this success, and I encourage the Board of Zoning Appeals reevaluate the appropriateness of the proposed hotel based upon those standards. . . . On behalf of our preservation partners in Chattanooga, the National Trust respectfully requests that proposed hotel construction be reconsidered and that an alternate building site be identified.*" At this point Mr. Coolidge presented petitions with 8,716 signatures of persons opposed to the hotel and the decision of the North Shore Design Review Committee and asked that "local officials take action to ensure that Coolidge Park and the Walnut Street Bridge are protected from the encroachment of future developments".

Councilman Littlefield added an extra page to the petitions that he had received, raising the count to 8,641 signatures.

Briana Dobler stated that she is a Girl Scout and expressed her feelings about the Park. She stated that it was her wish that things were different and is sad the hotel would obstruct her view; that it will not be her favorite part of town if the hotel is built because she would not be able to roam the park with her friends.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Ms. Dobler stated she and her friends would not be able to ride the Carousel and there would be a big brick wall in the way. She stated the truth is there would not be a lot of parking as it would be for guests of the hotel only. She stated tourists will come and shop when they want and asked the Council if they were sure they wanted to do this.

Cindy Kent stated she was the only woman to work on the construction of the restoration of the Walnut Street Bridge. She stated she moved from Chattanooga shortly after the reopening of the Bridge and was gone for eight years. She stated she has returned as a resident and has been a registered voter for two-and-a-half years. She stated she is very pleased with what has happened with that area and watched as it went from a mud pit to a beautiful park, a focal part of the city for everyone. She stated she had out-of-town guests and they started on the south side, did some of the museums and went across to the "cool part of Chattanooga", the north side, had lunch and sat out on a porch that looked out over the museum. She stated it was mentioned that a hotel would going to be put there and her friends were aghast, wanting to know how anyone could do that! She stated the Roper plant has been mentioned as an alternative site and indicated that better thought needs to be given to building everywhere we can possibly build – whether it is the best thing for our city. She stated she is very proud to see what Chattanooga has done with that area.

Dr. Phil Sottong stated he was the original one who came up with Walnut Street Bridge being used as a pedestrian bridge and got 3,400 signatures. He stated Mayor Corker has left, so far, a really marvelous heritage in building; that the latest rumor is that this is being called "Corker's folly". He stated this is an awful way to go out with this hanging overhead; that the hotel does appear to be "folly" and thought the Council should know about it.

Phil Manley stated that he is the web master for the Coolidge Park website and expressed appreciation to the Council for hearing them. He stated that he wanted to talk about the meeting that took place when the hotel was approved. He stated Mary (Hutson) touched on it and without being negative he wanted to express how it was structured and the way they were treated by the group; that they felt when they went in to talk the decision had been made long before they showed up. He stated about 100 of them showed up and they had weeks of notice this meeting would take place.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Mr. Manley stated rather than scheduling the meeting in a room downstairs for everyone, it was held in a little room where barely 20 people could get in. He stated so many people showed up and most did not get to talk or have their point heard. He stated the bylaws of this group state any person who wants to be heard gets five minutes and the chairman repeatedly said "we don't have time, be fast, we need to get out". He stated it was disappointing as all of us love this area so much; that they do not own commercial property, they own homes and live with a capital "L"! He stated at the meeting they did not follow their own rules with regard to building height and wanted the Council to know that; that this body ignored the guidelines and broke the law! He stated that it is the feeling they are not accountable to anyone; that they are accountable to the Mayor and if they are that is hard to figure out. He stated that he would like for the Council to take this issue in hand and do something about it; that they have spent thousands of hours of their time and do not want to do it again in two years.

Councilman Littlefield stated that he said a lot this morning and does not need to expand upon what has already been said. He stated it is a matter of record that he is opposed to this; that he knows the City Attorney is going to discuss the Council's role and the rules and regulations that are written are limited in this case; however, should the current Mayor "strike a deal" with the developer and wishes to bring it to Council for approval, it is good we have had an opportunity to hear this. He stated he would never have envisioned that the Walnut Street Bridge would become so central to Chattanooga and thinks it is healthy. He credited people on both sides indicating that it is good to have the opportunity for people to disagree. He stated there should be another solution to this situation; that the developer can be compensated and will be and we do have land in various places in public and quasi-public owners that could serve as an alternate site. He stated it is not a question of whether something will be built, it is whether what is built is compatible. He stated that he was sorry he could not stay as he has another commitment; that he would read the minutes or review the tape of the meeting. He thanked those in attendance on this issue for coming and expressing their views.

(Councilman Littlefield excused himself from the meeting at this point.)

Bobby Davenport stated he has lived downtown for over a year-and-a-half on Lawrence Road and this body knows from time-to-time parcels of real estate have been donated for the benefit of the city's greenways and the Riverpark.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Mr. Davenport stated Coolidge Park is the jewel of all of this as half dozen easements were donated and he helped raise funds for the Carousel. He stated he was present to speak in favor of the hotel and to compliment those involved in the process of reviewing and considering the hotel and its location. He stated this is really a great city and it is always changing and evolving. He stated this is a change but thinks it is extraordinary the way it has been presented in public venues; that the hotel would enhance the Park. He stated he has had a lot of conversations for the last couple weeks and some of his closest friends are mad at him. He stated the hotel when finished will be an historical structure and if the proposal is removed the brick building will be replaced with a parking lot. He stated that it is his thought this is an outstanding project and wanted the Council to hear it from someone else that believes it would be carried out with great thought; that it is a completely excellent plan.

Bill Wilkerson stated that he grew up in Chattanooga and worked for the last 37 years; that he was and is on the committee that approved this project. He stated the first thing he would like to say is that the committee has been in business for six years and he has learned this committee is not a place to make friends. He stated it is his thought the committee did their best to make the right decision and did it in the community's interest. He stated whether this is the right project for the right site or not, this is an issue he is not present to decide or champion; that he was present to champion the C-7 zone that has served the city well for the last six years. He asked that if changes are made they should be very carefully studied as it is a good zoning ordinance.

City Attorney Nelson stated as Councilman Littlefield indicated the Council's role is somewhat limited; that the city of Chattanooga does not own the property so we have no direct control over it. He stated as he understands and as it has been pointed out to him, the use is within the current plan for the area and that being said the people here tonight have taken the right step so far in asking the Board of Zoning Appeals for an opinion. He stated if they should come back with an adverse decision, the people here would have to take it to Chancery Court to determine if, in fact, the ordinance was followed. He stated the city could join them in that effort if the Council desires; that the problem the city has is once there is substantial expense and/or construction on the property it would constitute the taking of property without due process of law and that is a matter we cannot take lightly. He stated the only other remedy he is aware of is if the Council and or the city government as a whole felt that Coolidge needed to be expanded, then it could be within the authority of the Council to condemn or take by eminent domain the property that we are talking about tonight.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

City Attorney Nelson stated that would mean there would be significant expense and he presumed the city would pay fair market value. He stated we can look at the C-7 ordinance and review and revise it, but as it would relate to this property, if a substantial investment has been made by the current owner, our right to interfere with that investment would be very, very limited.

Chairman Benson inquired as to the authority of the Variance Board and asked what they can do other than send it back to the Committee.

City Attorney Nelson stated it is his presumption they could overrule.

Chairman Benson stated that is something this body cannot do.

City Attorney Nelson stated this body is out of that process as it currently stands; that its rests with the original Committee, the Variance Board and then to Chancery Court.

Councilman Pierce asked City Attorney Nelson if he had any idea what has been investment has been made on the property.

City Attorney Nelson responded that he has no idea whatsoever.

Councilman Pierce stated as a result of looking at the number of signatures and concerned citizens, could this Council look at the feasibility of condemning the property and instituting eminent domain if it takes expanding Coolidge Park. He stated it would be unsightly to see that building rising above the Bridge. He stated he does not know how this would play into the north river area as far as height is concerned if that is violated.

City Attorney Nelson stated that could be determined by the Board of Zoning Appeals and Chancery Court as that is their role.

Councilman Pierce stated it would not cost anything to look into the feasibility of what costs have been incurred and what it would cost the city if we decide to move into that side.

City Attorney Nelson stated the city would have to get an appraisal as to how much it is worth; that we have no way of ascertaining at this time how much the land owner has spent in getting the property into condition.

Councilman Pierce asked if any landscaping plans have been done.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

City Attorney Nelson responded that he did not know.

Councilman Lively commended those in attendance for their efforts and indicated that this was not unnoticed by the Council. He stated each week he and Councilwoman Robinson have had discussions about it; that what frustrates them is the position the Council is in. He stated he does not know what can and cannot be done and what the possibilities are; that it is his thought it will eventually work itself out. He stated he can think back to when Coolidge Park was a park in name only until it became a reality; that the Council approved streetscaping for the north shore, approved a land use plan to make it halfway secure and was able to invest in property without fear of someone coming along and putting undesirable property next to it, but the Council is limited in what we can do. He made reference to the City Attorney's comments about eminent domain and thought back to what happened at Finley Stadium when the city tried to take a tall building located there, went to court and ended up having to pay attorney's fees, court costs and all for the person. He stated it is his thought the limitations on the Council are for a reason – for balance in government. He reiterated his thought that things will work out; that with as much opposition facing this there has to be a compromise somewhere. He assured them that the Mayor's Office and he and Councilwoman Robinson will help to figure out a way to help.

Councilwoman Robinson stated that the effort that is being put forth from the Coolidge Park group has brought this to the forefront for a lot of discussion and puzzling on the part of people who are really somewhat on the sidelines standing beside a group that has great civic energy on one hand to preserve a park and on the other hand recognizing someone who has bought this land in his own right, created a plan, worked hard to try to adjust it and it does not seem to be fitting in. She stated this is healthy tonight and the way we are going about it; that the Council is part of that process. She stated there are alternatives at our disposal and zoning appeals will go forward one way or another; that in about six weeks we will be in the process of transition with a new Mayor and new Council members and thinks that would be a good time for all to come together again and talk of what we want. She stated we must try to find ways to connect the new Renaissance Park with Moccasin Bend National Park, perhaps with shuttle service. She stated the whole area along there is going to want to grow as it is a natural area.

**SPECIAL PRESENTATION: FRIENDS OF COOLIDGE
PARK (Continued)**

Councilwoman Robinson stated maybe if we can wait we could find the appropriate place for hotel grown on the north side of the River; however, in the meantime, she thanked the group for what they are doing, their efforts, courtesy and kindness. She thanked the people who have worked to try to help the man who was trying in good faith to be a part of the north shore renaissance and offered respect to him for what he has done. She stated the answer may come from revising, changing and expanding our plans to revisit what has now become the centerpiece of Chattanooga's renaissance.

Councilman Franklin applauded the group's rallying cry for north shore development, indicating there are a lot of pieces to this puzzle and the Council has been one that supports neighborhoods and development of every small piece to make it all fit. He stated this renaissance comes with a few tests of our judgment, tests of how to make certain things that do not appear to fit, fit. He made reference to his past membership on the Board of Zoning and Appeals and the difficult decisions that had to be made. He stated the Council would do their best to resolve this issue in what limited capacity they have presently. He stated there will be another forum to deal with the issue at hand and expressed his hope the group would be involved and considerate of everyone's opinion and allow the process to evolve as Chattanooga has. He expressed appreciation for their presence and "stick-to-itiveness" and indicated that he values all their opinions. He encouraged them to keep the course and allow every possibility to be dealt with in a way with open minds so the best outcome comes from it.

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, ARTICLE X, DIVISION 2, SECTION 24-329, RELATIVE TO
PARKING METERS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 12, ARTICLE I, RELATIVE TO CITY COURT**
passed second and final reading and was signed in open meeting.

REZONING

2004-251: Cliff Goodlett

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

Mr. Pace stated that the applicant is present and might wish to address the Council with regard to removing or amending the condition placed on the request for "coin operation only". He stated the Staff and Planning's recommendation for rezoning to C-2 was for the back portion of the property to be conditioned to the proposed use only. He stated the request comes with a recommendation for approval from Staff with that condition attached. He stated the applicant failed to be present last Tuesday as he thought the meeting was scheduled for Wednesday. He stated the applicant might ask to amend or remove the condition for "coin laundry" since he does not need the large property for that use, however, the Staff would not recommend that.

Blair Patterson was present representing the owner of the property and indicated that the owner wanted to put in a coin laundry but did not want the restriction on the property for use as coin laundry. He stated that he, the developer and the buyer thought about it and they feel the condition restricts the property so severely that they do not think it can be used. He stated it has been expressed that there is some concern about the property being used as an adult business. He stated that it is their thought the request could be amended to remove the restriction for a coin laundry; that it could be restricted from use as an adult business.

Chairman Benson asked Mr. Patterson if they know what the property would be used for.

Mr. Patterson stated that Mr. Yu is the buyer.

Mr. Yu stated that he would like to use it for a coin laundry at the most part using 2,000 square feet; that the building has 7,000 square feet and there is an extra 5,000 for something else other than a coin laundry. He stated at the moment he does not have a specific use.

Councilman Lively suggested approving the request on second reading; that the applicant can always come back to get the restriction removed, which is the way the process usually works. He stated they could come back and ask for the restriction to be removed.

REZONING (Continued)

Mr. Pace stated that would mean the process would go back through Planning which is an expense to the property owner and is a process the applicant might not want to go through. He stated the Staff's recommendation stands as it was made at the Planning meeting.

Chairman Benson stated there is no specific use or a site plan.

Mr. Pace responded "correct"; that the Council can approve or deny. He stated if it is denied they could not come back for nine months. He stated the Council could either approve with the condition, lift or modify it.

Chairman Benson stated that the condition is still listed in the ordinance.

Councilman Pierce inquired as to whether the applicant accepts the terms of the condition. Councilwoman Robinson indicated that she was not sure what the Council was voting on.

Mr. Pace clarified that the motion is to approve on second reading with the conditions attached.

Councilman Taylor asked for a point of clarification and indicated that the owner is basically saying that he does not need a buyer yet has additional space for a coin laundry.

Mr. Yu stated he would like to build a building to utilize as much space as possible. He stated a building is there now but he does not have any specifics of what he can use it for now.

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 PART OF A
TRACT OF LAND LOCATED AT 2117 25TH STREET PLACE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE
COMMERCIAL ZONE AND R-2 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2004-205: Paul Pruett

Councilman Pierce asked that this matter be deferred one week if the applicant is not present.

Councilman Hakeem stated that he is not certain if Councilman Pierce had an opportunity to study this; that it came up for discussion in last week's Public Works Committee meeting.

Councilman Pierce stated on two occasions he went to the applicant's office and was not able to see anyone. He stated this property backs up to his home and he is not aware of what is going on; that the reason is for seven-and-a-half feet for parking. Admin. McDonald stated that this came up in last week's Public Works Committee meeting and the recommendation is to deny the request to abandon, but approve a temporary use, which is Resolution 7(a) on tonight's agenda.

Councilman Pierce stated he could not understand a temporary use for parking and thought the alley had been abandoned twenty-to-thirty years ago when the railroad was located there. He stated a fence is now between that property and his property and is adjacent to a drainage ditch. He stated he could not see where there could be any place for parking and would like to have it explained. He stated persons in the area are intimidated constantly all night with noises coming from this and residents of the neighborhood complain to him. He stated he would like to hear what the applicant has to say and indicated he could not understand the need for temporary use. He stated the only thing he could gather is with the temporary use the applicant would have access to the whole seven-and-a-half feet and if it is closed half of it would go back to the property owner; that the temporary use would give him as much advantage as he could get and the alley never will be needed again. He stated if that is the case he wants to know what is going on as there are other property owners this would affect.

On motion of Councilman Hakeem, seconded by Councilman Lively,

**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY
RUNNING WEST OF AND PARALLEL TO THE 2500, 2600 AND 2700
BLOCKS OF CANNON AVENUE AND A PORTION OF THE UNOPENED
2200 BLOCK OF BURNETTE AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was deferred one week.

CLOSE AND ABANDON

MR-2004-236: Joe V. Williams, II

Councilman Hakeem stated there was vigorous discussion of this matter in the Public Works Committee and the recommendation is to defer this item to afford the applicant and some of the community representatives an opportunity to come to a "meeting of the mind" or so the applicant could come up with a "concrete" buyer and plan.

It was suggested that the matter be tabled indefinitely, however, City Attorney Nelson indicated tabling it indefinitely "kills" it.

Councilman Hakeem made the motion to table the matter ninety days unless there is a need to bring it up before then.

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING AN OPENED ALLEY
LOCATED BETWEEN THE 300 BLOCKS OF WEST 25TH STREET AND WEST
26TH 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 deferred 90 days (April 19).

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING PAUL PRUETT AND KEN GARNER, SR. TO
USE TEMPORARILY ALLEYS PARALLEL TO THE 2500, 2600 AND 2700
BLOCKS OF CANNON AVENUE AND A PORTION OF THE 2200 BLOCK
OF BURNETTE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, TO INSTALL A FENCE, REMOVE TRASH AND
VEGETATION, AND GRADE AND GRAVEL, SUBJECT TO CERTAIN
CONDITIONS**
was deferred one week.

AGREEMENT

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

AGREEMENT (Continued)

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH VOLKERT & ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATIVE TO CONTRACT NO. E-03-028-101, DESIGN OF HAMILL ROAD FROM SR-153 TO HIXSON PIKE, IN A TOTAL AMOUNT NOT TO EXCEED ONE HUDNRED EIGHTY-FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$185,250.00)

was adopted.

FINAL PUD

2004-155: Pete Cory

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

On motion of Councilman Hakeem, seconded by Councilman Taylor,

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS MAGNOLIA GARDENS PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED IN THE 1700 BLOCK OF JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PRELIMINARY PUD

2005-013: Harvest Active Adult Communities, LLC

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

On motion of Councilman Taylor, seconded by Councilman Lively,

A RESOLUTION APPROVING PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS THE VILLAGE AT GREENWAY PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 1134 MOUNTAIN CREEK ROAD, 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.

AGREEMENT

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

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CHATTANOOGA TRANSFER, L.L.C. FOR THE TRANSFER AND TRANSPORTATION OF MUNICIPAL SOLID WASTE AND THE TRANSFER, TRANSPORTATION, AND DISPOSAL OF CONSTRUCTION AND DEMOLITION WASTE FOR A TERM OF TEN (10) YEARS WITH THE RIGHT TO MUTUALLY AGREE TO RENEW FOR TWO (2) ADDITIONAL FIVE (5) YEAR TERMS

was adopted.

ALLOCATION

Councilmen Lively and Robinson made the motion to adopt this Resolution.

Councilman Pierce stated that he has no reservation about the organizations on the list that are being funded; however, he has serious thoughts about the timing. He stated since administration and the Council are at the beginning of the election season, it seems we are initiating new programs that could have existed earlier. He stated that he indicated last week that he would no doubt vote for it but not at the present time; that the perception is the same as discussed about how administration is conducting business and the suspicion felt as to what is actually going on. He stated that the Council looks at the formation of this organization and the way the grants were dealt with, however there is still suspicion on his part as to who may benefit from this and who may not. He stated it has been one of the cases he has received more lobbying on that anything else in the last fifteen years; that basically most people know when he makes up his mind it is hard to get him off of it. He stated that he is not convinced and still feels there is suspicion "out there" and cannot feel comfortable supporting the City spending \$169,000 at this time, six weeks prior to the election; that he does not know who will monitor this in the future. He stated it is his feeling this is something this administration has come forward with that they felt the Council would "rubber stamp". He stated he hates to be "out there by himself", yet does not feel badly about it because as stated previously, the timing is not right.

At this point Councilman Hakeem "called for the question" on the motion to adopt.

ALLOCATION (Continued)

On motion of Councilman Lively, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ALLOCATE ONE HUNDRED SIXTY-NINE THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS (\$169,363.00) FOR THE AWARD OF 2004-2005 CHATTANOOGA INVEST GRANTS
was adopted; Councilman Pierce voted "no".

SUBLEASE AGREEMENT

Chairman Benson stated this Resolution has been misinterpreted as questions have arisen regarding this and there was indication the Mayor has concerns. He stated the matter should be made clear as it was his thought this was "in limbo".

Mike Compton, Chief of Staff, requested that the matter be deferred one week as he had not had an opportunity to look at it.

On motion of Councilman Lively, seconded by Councilwoman Robinson
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A SUBLEASE AGREEMENT WITH THE CHATTANOOGA CHAMBER FOUNDATION FOR THE SUBLEASE OF OFFICE SPACE ON PROPERTY LOCATED AT 100 CHEROKEE BOULEVARD SUBSTANTIALLY IN THE FORM ATTACHED HERETO
was deferred one week.

OVERTIME

Overtime for the week ending January 21, 2005 totaled \$56,080.68.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **SONDRA NICHOLAS** – Resignation (Disability), Teacher, Head Start, effective January 13, 2005.

PERSONNEL (Continued)

CHATTANOOGA POLICE DEPARTMENT:

- **WILLIAM SMITH-CUTTER** – Suspension (3 days without pay), Property Service Clerk, effective January 16-18, 2005.

PUBLIC WORKS DEPARTMENT:

- **DAVID B. MASTERS** – Termination, Crew Worker, Sr., Citywide Services, effective January 11, 2005.
- **CHRISTOPHER S. WHITE** – Employment, Plant Operator, Sr., Waste Resources, Pay Grade 12/Step 1, \$27,596.00 annually, effective December 29, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- **JACK THOMPSON** – Military Leave, Senior Firefighter, effective January 31, 2005 – January 30, 2006.

FINANCE DEPARTMENT:

- **BRETT HYSINGER** – Resignation, Management and Budget Analyst, effective January 21, 2005.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchases were approved for use by the Public Works Department:

DUPLICATOR SUPPLY (Best bid)

R0076627/B0001986

Lease of Copier (R.J. Young Company, the low bidder, did not meet bid specifications since their bid did not provide the required shared memory between the fax, printer and copier.)

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

PURCHASES (Continued)

TEMPLE, INC. (Best bid)
R0076052/B0002080

Traffic Signal Heads (*Both Traffic Parts and S. S. Wholesale Supply submitted lower bids but failed to meet specifications by offering higher wattage signals that do not have a uniform appearance. Also, the angular brightness of the signals and texture of the lens surface offered by these bidders proved not to be acceptable.*)

\$17,488.00

BOARD APPOINTMENT

On motion of Councilman Franklin, seconded by Councilwoman Robinson, the following Board appointment was approved.

AIRPORT AUTHORITY BOARD:

- Appointment of **ALEC TAYLOR** to fill the unexpired term of Joe Prebul to expire July 1, 2005.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchases were approved for use by the Department of Finance and Administration:

MOTOROLA (Single source)
R0080086

CSR Annual Software Maintenance and Support Renewal per TCA 6-304.6

\$18,600.00

HEAVY DUTY LIFT AND EQUIPMENT, INC. (Best bid)
R0078796/B0001964

Mobile Lifting System (*Cumberland Equipment Corporation, Interstate Lift & Equipment Company, Auto Equipment Corporation and Automotive Lifts & Machinery Corporation submitted lower bids which failed to meet specifications.*)

\$50,060.00

PURCHASES (Continued)

BROOKER FORD, INC. & NEWTON CHEVROLET (Best overall proposals)
R0078821

Citywide Blanket Contract, Sedans & Light Duty Vehicles

\$1,600,000.00

HEARING: JOSHUA MASSENGALE

The hearing for Joe Massengale was rescheduled for Monday, January 31 beginning at 9 a.m. with Councilmen Pierce, Benson and Robinson.

HEARING: JIM HOSTETTER

The hearing for Jim Hostetter was rescheduled for March 21 beginning at 9 a.m. with Councilman Page, Franklin and Taylor; Councilman Hakeem volunteered as alternate.

EXPRESSION OF THANKS

Councilwoman Robinson commended the Police Department's downtown precinct stating that a call had been received early this morning that someone was on the Walnut Street Bridge who was obviously undergoing personal problems. She stated some people became concerned and went to the downtown precinct and asked officers to assist and they saved a man's life. She stated that she does not know who it was but that person is better tonight for the actions this morning. She asked Chief Cooper to take her message back to Chief Parks.

ANIMAL SERVICES INQUIRY

Councilman Pierce asked Admin. Curry to come forward to explain something that was to come before the Council regarding the spay and neuter program.

Admin. Curry stated that the department would kickoff their free offer to citizens on February 1 and they could either call 311 or check with the Annicola office and pick up vouchers if they are city residents, 65 years of age or low income and other criteria.

ANIMAL SERVICES INQUIRY (Continued)

Councilman Pierce inquired as to whether there is some type of fundraiser for funding the new building.

Admin. Curry responded "no, not us".

Chairman Benson stated what Councilman Pierce is inquiring about involves the \$75,000.

Admin. Curry stated that the \$75,000 is being used for surgeries for animals. He stated there is a misconception about the \$75,000 being earmarked for the new shelter and that is not the case. He stated the \$75,000 is earmarked for spaying and neutering and is actively going on right now. He stated there is another fundraiser for ACT; that ACT is currently seeking funds to build a new shelter and there may be some confusion in the community.

Councilman Pierce asked if that would be forthcoming to the Council.

Chairman Benson stated at the next week's meeting the results of a feasibility study will be given as well as plans for raising money for what will be a \$4 million dollar project.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, February 1 beginning at 4 p.m.**

CONNIE FISHER

Connie Fisher of 2108 Lyndon Avenue in Red Bank stated that she is an employee of the Chattanooga Housing Authority and H. J. Russell and is the Coordinator at College Hill Courts. She stated that she was present regarding her concern about traffic on Grove Street at the intersection where Boynton comes down and dead ends at Grove Street. She stated there are a lot of children and older neighbors in the area and this is a busy street; that she would like consideration for a traffic light if that is a possibility. She stated there are two bus monitors on duty at 6:30 a.m.; that it is very dark and cars do "fly". She stated they have been fortunate no child has been hit, however one was almost hit two weeks ago and an older child was able to save the younger child. She stated a traffic light would bring attention to the intersection during the dark hours and throughout the day so people in the area would be safer.

CONNIE FISHER (Continued)

Councilman Pierce stated that he received a call in this regard sometime last week; that he is not a traffic engineer but Traffic Engineering could be asked to come out and perform a study. He stated there is not enough constant traffic during the day; that they are having problems during early morning hours or school hours and it is his thought the Police Department could monitor that area for a few days and write tickets, if necessary.

Ms. Fisher reiterated her concern during the morning hours when it is dark as there are a lot of children going to many schools. She stated in the afternoon when the buses return the buses have to park sideways to ensure some type of protection of the students getting off. She stated she does not know if a traffic light would solve the problem; that this might be a situation that could be monitored at certain parts of the day.

Councilman Pierce stated that it costs \$40,000 to install a light and asked Admin. McDonald if he would ask Traffic Engineering to go over and take a look at the intersection of Twelfth and Grove Streets. He asked Ms. Fisher to give Admin. McDonald specific hours so they would know what time to come out to see if traffic could be regulated.

City Attorney Nelson stated the Federal, State and City governments have adopted a Manual of Traffic Control that sets forth special warrants that have to be met before putting in a traffic light. He stated there must be certainty as to the volume of traffic in each direction, the number of accidents; that there is a list of ten-or-twelve things that have to be met before a light can be installed. He stated consideration of a light is not a matter the Council can do.

Ms. Fisher asked if there is the possibility of a flashing yellow light.

City Attorney Nelson stated that the same Manual references various traffic controls devices that can be used.

Councilman Pierce inquired as to traffic control bumps.

City Attorney Nelson stated the City recently started doing some of those and they are not provided for in the Manual.

Councilman Pierce asked Admin. McDonald to look into this.

Admin. McDonald stated that he would have the Traffic Engineer go to out and look, indicating that he was not sure what could be done; that they would look and see if there is anything they can do.

GARY BALL

Gary Ball was present representing Ridgedale and indicated that he wanted to make sure Councilmen Hakeem and Taylor know what was going on in the neighborhood. He stated Councilman Hakeem did a lot of work four years ago to get streetscaping on Twelfth Street and it is just demoralizing to see what is happening. He stated no one can relax with the drugs and other things going in the neighborhood; that Lee Norris, Kenardo Curry and the Police Department know. He stated he discovered this week that the streetscaping was being dismantled on Twelfth Street and tops from six of the light fixtures have been removed; that he gave Mr. Norris four of them. He stated it is a shame to take CDBG money and this happens; that it is a shame for a community like Ridgedale to get one "little leg up" and have these people – the gangs we do not have in Chattanooga! – rule the streets late at night. He stated people will not speak up anymore because they are so afraid. He stated he would love to have someone come out and salvage what is not broken; that this is a travesty. He stated he wanted both Councilmen to know and maybe someone in government can get someone to come out and salvage what is not torn up.

Councilman Hakeem asked if this was the area across from the new recreation center.

Mr. Ball responded that it is two blocks down.

Councilman Taylor asked if there could be any help on the light situation.

Admin. McDonald indicated that he would take care of it.

MARY KELLY

Mary Kelly of 900 Mountain Creek Road stated that she speaks from the heart when she says she has been involved in the Coolidge Park matter and was surprised when it passed. She stated all she could say is that we need to think of the children and our future there and she knows the Council heard the young lady speak tonight. She stated she sincerely feels this involves money and a profit and cannot let that stand in the way of what is going to happen ten, 80 or 100 years from now.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, February 1, 2005 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)**