

## LEGAL AND LEGISLATIVE COMMITTEE

April 16, 2002

3:00 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Littlefield, Chairman, with Councilmen Pierce, Robinson, Benson, Hakeem, Page, and Franklin present. Councilman Lively joined the meeting later. City Attorneys Randall Nelson and Mike McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Adm. Boney, Jerry Pace, Adm. McDonald, Todd Womack, Mike Compton, Beverly Johnson and Phillip Lynn.

### CITY CHARTER CHANGES AND NOISE ORDINANCE

Chairman Littlefield thanked everyone for their presence and noted that there were a couple of items that needed to be dealt with before the two-way street conversion was discussed.

The first item was rewriting the City Charter, which the Council and Mayor's Office have been going over with Attorney Nelson in order to comply with the Court Order of a decade ago; the terms of the Court Order have now been incorporated and the Charter rewritten to change terminology from the old *City Commission* to the new *City Council* and more clearly defines the Administrative and Legislative duties, which has been a massive undertaking. Chairman Littlefield asked Attorney Nelson to briefly answer any questions or concerns that the Council might have, noting that each Councilmember received a finished draft last Thursday. He explained that there were a limited number of additional copies to use sparingly; that the Charter would be available locally; and that we have to take action very soon to get this on the ballot in a timely manner.

Attorney Nelson stated that first reading could be no later than the first week in May, and this will be on the August 1st ballot; that if the Council was ready to act, it could be put on the agenda for first reading next week. Chairman Littlefield confirmed that the document was prepared if the Council is ready to take action. Attorney Nelson stated that we have the proposed final draft if there are any questions now or later in the week; that it is not available on the web yet; that we will have copies at the Library, City Council Office, Mayor's Office, and the City Attorney's office; that we will make it as widely available as possible.

**Councilwoman Robinson moved to formalize the process and get it on the agenda. This was seconded by Councilman Hakeem.**

Councilman Page noted that we will have a Legal and Legislative Committee meeting next week, and it could be discussed further if necessary.

Chairman Littlefield next addressed the Noise Ordinance briefly, stating that we had a new draft from Attorney McMahan. Attorney McMahan stated that pursuant to suggestions, definitions from the Huntsville Noise Ordinance had been incorporated, as well as a section pertaining to mufflers and weed eaters, etc. He also mentioned that the times that contractors are allowed to work have been modified. He mentioned that provisions can also be made for the outside sale of alcoholic beverages, which was a concern of Councilwoman Robinson.

Councilwoman Robinson explained that the point she was getting at was bars and eating establishments that adjoin neighborhoods; that it was not as much to restrict the sale of alcoholic beverages as to give restrictive hours for decks and patios to be closed; that it was not to limit sales but to encourage outside areas to be vacated so that people could get a good night's rest. She asked that this be drafted so that it could be discussed.

Chairman Littlefield stated that nothing had caused more of a stir than the Noise Ordinance and that he would love to continue to talk about this, but we had other committee meetings to follow this one, and we wanted to allow ample time for questions and concerns. He stated that we would take this under advisement and talk about it next week.

### **ONE-WAY PAIRING TO TWO WAY STREETS—MCCALLIE, BAILEY & MLK**

Chairman Littlefield noted that the parts we are interested in are McCallie Ave., Bailey Ave., and MLK Blvd. and their being converted to two-way streets. He explained that only three members of the Council had heard the presentation by Glatting Jackson; that Councilman Taylor was out of town tonight and that Councilman Lively was not present and that this presentation would be videoed for them. He went on to explain that a couple of other actions would be taken to deal with this expeditiously; that we would take certain steps and consider all of the options and then it would be referred to the Planning Commission as a Mandatory Referral. He called on Christian Rushing of the Design Studio.

**Mr. Rushing** explained that this presentation would be a carbon copy of the presentation on April 4<sup>th</sup> and that Wade Walker of Glatting Jackson would make the presentation.

**Mr. Walker** stated that he was pleased to come here; that Chattanooga was a model city; that about eight weeks ago they were tasked with looking at the feasibility of converting McCallie Ave., Bailey Ave. and MLK Blvd. to two-way streets. He stated that they had spent lots of days here and had met with lots of people and groups and had heard a lot of different viewpoints; that this was a very controversial issue, as people were passionate about their streets.

Mr. Walker presented some background, noting that in 1956 the decision was made to build the overpass from the tunnel, and McCallie Ave. and Bailey Ave. were converted to one-way streets. He read excerpts from the newspapers in 1956, which expressed the extreme personal bitterness, noting that this became an issue in 1955 and bitterness deepened to hatred. An article in a 1978 edition referred to McCallie Ave. losing in the “tug” between downtown and the suburbs; that McCallie Ave. used to be a popular place to locate. Mr. Walker stated that he had seen this in many other cities and that we were really dealing with three streets—MLK Blvd., Bailey Ave., and McCallie Ave. He mentioned the MLK legacy of a vibrant African-American culture center, which is now in decline; that Bailey Ave. contained residences and was a commuter route; McCallie Ave. is the route from Brainerd to Downtown and was very commercial before 1970 and is the front entrance to UTC. At this point he discussed the investments and reinvestments of UTC, noting that they were expanding across McCallie Ave. and are also investing in a lot of other things.

Mr. Walker next went to current conditions, noting that the question had been asked “Why spend money on a corridor that is not broken and is operating well?” Mr. Walker explained that the corridors are commuter-oriented and that livability in the areas has to take a back-seat—that it is not a linear relationship; that the livability factor is suffering. At this point he showed a computer model of peak hour conditions, noting that the corridor was operating well from a traffic standpoint. He stated that we had to look at what is out there and growth and in looking at two different locations, we see a “dip” in the profile; that traffic is fairly steady, and we have eight lanes out there where we only need four to six lanes to move the traffic. He explained that when these corridors were converted to one-way, traffic in the 1950’s was much worse because there was no Interstate, and we felt that for the sake of growth of the region, we could compromise these neighborhoods. He explained that the Interstate now solves the east-west traffic flow.

Mr. Walker stated that the health of a region depends on the central city itself and that we needed to restore balance between moving cars along the corridors and livability of the neighborhoods. He suggested looking at the amount of travel demand. He explained that converting to two-way traffic would decrease the speed and would allow more accessibility. He explained why decreasing the speed was important, noting that when a pedestrian is hit by a car, the chances of a fatality goes up 40% as a result of a small increase in speed. He went on to explain that slower speeds improve the visibility of what is going on in the area—as the speed slows, travelers can take in their surroundings. He stated that parking would also be easier and pedestrians would be more comfortable with a two-way street.

Mr. Walker talked about “pacing” and “road rage” and the need to control over aggressive drivers; that if these corridors were two-way, drivers would not have three lanes of opportunity. He stated that accessibility would also increase with the fact that there would be no need for cars to cut through neighborhoods; that business visibility would be 100% and there would be on-street parking like in neighborhoods. Crossings for pedestrians would also be normalized at intersections of two-way streets. The question was “how to restore balance?”

Mr. Walker explained that they had explored two three-lane streets and also the conception of one of the streets having four lanes and the other two lanes with a turn lane. He explained that the lane allocation on McCallie is much narrower, and it would be hard to get four traveling lanes.

He next moved to how a two-way street would work and the impact. He explained that for the average commuter the time between Georgia Ave. and the tunnel would add a little over a minute. The average travel speeds would decrease on both corridors. The balance needs to be made between commuters and residents of the area; that a commuter is on the road seven minutes each way, which is 14 minutes, which would amount to 2800 hours a day for commuters. 2700 people live within two blocks of the corridors and spend 43,000+ hours on the corridors. Mr. Walker stated that the commuter number was not growing but new residents were moving in each day.

Mr. Walker stated that we also needed to look at specific intersections, where traffic breaks down. He explained that we were now at a *C grade, or better*, which is very good and is not comparable to a C grade in school. One intersection at Bailey and Holtzclaw is a *D*.

Mr. Walker stated that from a safety standpoint, we had heard that a one-way street is safer, and on the surface it may appear this way. He mentioned the total number of crashes along McCallie Ave. and Bailey and also on Brainerd Rd. and East Main St.; that we find overall that one-way streets have slightly more crashes and some are comparable. He stated, however, that the number of injuries we see are a much different story; that one-way streets have a much higher injury crashes. He addressed why the severity is higher on a one-way street. It is because of vehicle speed that the crashes are more severe. The prevailing speed is over 30 MPH and with a two-way street there would be a 5 MPH drop in speed.

Mr. Walker next addressed the economic impact, noting that people live and work along the corridors, and he mentioned the retail component. A study conducted in 1999 says that today's rent is \$2.00 to \$4.00 per sq. ft. a month; that if the corridors were converted, rent would go to from \$10 to \$12 per sq. ft.

As for parking, currently there are no parking spaces on McCallie Ave.; that the conversion would result in 383 on-street parking spaces on McCallie, which would increase business sales. The cost of 383 parking spaces would be from \$11,000 to \$12,000 per space. From the neighborhood standpoint, vehicles would not be cutting through their neighborhoods, and it would bring neighborhoods closer together.

Mr. Walker stated that the cost of the conversion was not as much as we typically thought it would be; that it would require traffic signals and mast arms and also re-striping and parking. We would have to modify two intersections and create a new intersection at McCallie and Bailey, which would all cost a little over a million dollars. Originally we had thought the cost might range from \$7.8 to \$11.5 million.

Councilwoman Robinson asked if the number of residents in the area that had been quoted included the 2,000 students in the dorms. Mr. Walker responded "no"—that 2,700 people lived in homes on the corridors; that the number would increase with the new students.

Councilman Page stated that he had two or three questions. His first question centered around the fact that any great city in the South has one-way streets, noting that he understood the issue of livability versus commuters. He stated that he was still struggling with why we cannot have economic development with one-way streets. His second question concerned the planning of the Riverfront Park development, and he questioned how this potential closing would affect this traffic change.

Mr. Walker agreed that cities such as New York and Atlanta have had economic growth along one-way streets. He stated that was exactly true; however traffic moves at a slower pace because there is so much traffic. The additional capacity, which we don't need, is only 5% to 10% on one-way streets. Cities like New York and Atlanta, however, need every bit of additional capacity they can get and 5% means something. He explained that we don't have this kind of traffic along this corridor. He stated that this was just one of the differences between dense urban areas.

Mr. Walker stated that Councilman Page's second question was "will the traffic along this corridor be affected by the Riverfront Parkway development?" He stated that they tended to think that it won't be affected; that all we need now is 4-6 lanes; that it is not congested, and we are already acceptable, mentioning that I-24 is an east-west route that has capacity and there are lots of alternatives.

Councilman Page stated that his third question centered around a way we can define the whole traffic flow when we close the parkway and be sure we are doing the right thing.

Mr. Walker responded that the traffic volume on Riverfront Parkway would be subject to the same kind of argument; that he did not think it would "spill" over; that people tend to use other routes when there is a problem; that when there are problems on Bailey and McCallie now, people use the Interstate or Main Street. Councilman Page stated that he was not talking about an occasional problem but every day traffic flow as we accomplish our goals; that he was not talking about when an accident occurs. Mr. Walker stated that he was still confident that it would work.

Councilman Benson also expressed the feeling that we needed to look at the entire City Traffic Use Plan to see how this recommended change would relate to the traffic pattern on other streets. He stated that we needed a Traffic Plan for the entire City. Councilman Benson expressed that he thought the cost and safety of the conversion had been met, noting that he had made an effort to talk to a senior appraiser who had told him that the very talk of this revitalization had escalated the asking price of property along MLK, Bailey and McCallie. He asked if since this talk had generated such optimism, would it continue to escalate if the activity actually takes place; that people are seeing opportunities, and he thought all of this would offset the cost; that he thought we had done away with the safety and cost factor, and the only thing left relating to the conversion was the special interest. He asked Mr. Walker if he agreed with this appraiser that the price of property was going up just because we were talking about this. Mr. Walker responded that he had seen this trend in other cities. Councilman Benson asked him if he thought property values would go up and offset the cost of implementation. Mr. Walker responded that if it were changed to a two-way street, we won't have massive redevelopment overnight, but if it is not changed, it will not happen at all.

Councilman Benson questioned Mr. Walker about doing this in stages—going all the way from the McCallie Tunnel to Georgia Ave. or doing it in steps from Central Ave. to Georgia Ave. He questioned which would be the greater value—doing it all at once or in steps. Mr. Walker answered that he thought it was more advantageous to do it all at once; that there was not a breaking point at the tunnel, and we could set all of the signal heads at once. He stated that the second phase would be the actual re-stripping and opening this to two-way traffic. He stated that if we started it at Central, there would be a lot of cross traffic; that a natural break makes it much better and is less of an impact.

Councilwoman Robinson stated that she also wanted to understand this change within the context of the Riverfront Parkway development; that several streets would be closed around Provident; that in the past we have discussed the Georgia Ave. segment; that we are not sure how these will connect with each other and “marry” up. She asked for a new grid for downtown.

Mr. Walker stated that Georgia Ave. would be converted to two-lane; that Chattanooga has a lot on its plate in changing the grid; that we will still have the historical grid intact.

Councilman Franklin stated that one of the key points is that we will have our grid streets intact; that we need to make sure development of the Riverfront traffic flow is distributed among MLK and McCallie Ave.; that it looks like the proposal maps out the whole scenario; that as UTC comes across McCallie and into the community, it will add to the whole scenario; that putting MLK and McCallie together will lend itself to business and there will be more accessibility. There will be larger capacity for intermingling and opportunities for businesses on MLK; that there could be a new vibrant type of business that will benefit both the residents and the students at UTC. He stated that this would take some of the flow off streets in between and would increase the amount of safety and would be more pedestrian-friendly. He stated that we needed to make sure this happens, and he felt the consultants had done a decent job in putting this together; that the whole City would be in better shape, and it was going to cost us less than we had expected.

Chairman Littlefield stated that we had stakeholders present who might wish to speak and asked if UTC would like to make a statement.

**Dr. Bill Stacey**, Chancellor of UTC, commended the Study and their investigation of what might be done in relation to safety and access. He noted that he was surprised with the safety aspect; that excessive speed had made neighborhoods lose business and also residents. He stated that we had not talked much about pedestrians; that there would be 300 to 400 elementary-age young people and the safety issue was important, and they would be able to move more freely. He stated that he was grateful for this Study.

**Niels Vernegaard**, CEO of Parkridge Hospital, spoke next. He commended the City for their work in changing this to two-way and stated that he supported this because of the traffic issue; that people come down from the tunnel at 60 MPH. He stated that they were in the process of closing off their main entrance on McCallie Ave. and moving the front entrance onto Lyerly. He stated that they had had some very serious accidents on McCallie and safety was a key issue. He went on to say that in regards to economic development, Parkridge Hospital was in the middle of three neighborhoods—Glenwood, Churchville & Orchard Knob; that it is a blending of the hospital and neighborhood. He stated that they had not been a participant in economic development; that rebirth was dependent on these roads becoming two-way again; that buildings were boarded up now. He added that they were the largest taxpayer in this part of the neighborhood and would like to see some of their tax money reinvested in the neighborhood; that they would like to see some of their tax money returned to their neighborhood.

**Anita Connelly** was the next speaker. She lives in the MLK area and stated that they had been asking for this Study and were glad it had actually happened; that safety was a big issue in their neighborhood, and they were concerned about taking into consideration people that were handicapped. She stated that the Study was very accurate, mentioning that there had been a fatality on Bailey Ave. because of high speeds. She stated that the Study was well done and was looked on positively.

**Elijah Cameron**, CEO of the MLK Development Corp., spoke next, expressing his appreciation to the City for getting this Study done; that MLK had not come up to standards; that he felt the dorms would bring in new businesses; that businesses would be willing to come if this was a two-way street; that when it becomes a two-way, they will start making money. He stated that business people had gone through tough times because of the 1950's, and they hoped they could bring new businesses into the area when this is changed; that they wanted to work with UTC and the City.

**Bob Pomeroy**, President of the Fortwood Association, spoke next. He stated that there was not much along McCallie Ave.; that houses were gone and that he would like to speak to why this has happened; that there are a lot of vacant lots; that he hoped this conversion would bring vitality back to McCallie Ave.; that kids would be going across McCallie Ave. to the new elementary school, and he was in favor of the two-way street; that this was the entrance to their neighborhood and people drive on McCallie like this was an Interstate.

**Gary Ball** of the Ridgedale Association was the next speaker. He stated that he would ask again for Councilmembers to come to their association meetings; that they had not been included in this at all; that the brunt of this would be in front of Ms. Rogers' house. He stated that he would like to discuss Lyerly Street and Parkridge; that they were just along for the ride and Ms. Rogers was happy with this; that they would like for RPA to come and explain the traffic to them; that he did not hear any talk about bike paths and would like to understand all of this from a neighborhood standpoint.



Chairman Littlefield suggested that people call Christian Rushing with any questions they might have. He stated, also, that the consultant with Glatting Jackson would stay around for awhile to answer questions; that the Council needed to vacate this room for other meetings.

**Heather Bell** asked to speak, stating that she was a resident of Highland Park, a new business owner, and also re-did old houses; that she and her husband found Highland Park two years ago and fell in love with it and loved re-doing old houses. She stated they would like for this area to be much as Councilwoman Robinson's fabulous Frazier Ave.; that this neighborhood deserved an opportunity for commercial development, and she mentioned her Antique Mall. She stated that she was fully in support of this.

Chairman Littlefield asked those in the audience to feel free to call the Council about this issue; that he had received a call asking the Council to go ahead and make a decision on this. He asked for a motion of wrap up this meeting.

**On motion of Councilman Benson, seconded by Councilman Franklin, this meeting was adjourned at 4:30 P.M.**