

**Municipal Building
Chattanooga, Tennessee
April 27, 1999**

The meeting of the Chattanooga Council was called to order by Chairman Lively with Councilmen, Franklin, Hakeem, Hurley, Pierce, Rutherford and Taylor present; Councilman Crockett joined the meeting later; Councilman Eaves was out of the City on business. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

INVOCATION

Invocation was given by City Attorney Nelson.

MINUTE APPROVAL

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

SPECIAL PRESENTATION:
C.C. OTTER COLORING BOOK

Carol Putnam, Stormwater Director, stated she and others in her department hear a lot of complaints in the Stormwater Division, yet, they have an opportunity to do some things that are fun, which is the education program. She introduced C. C. Otter, the mascot for the coloring book emphasis. She stated the department chose the otter as the mascot about the same time the Aquarium opened and is the first thing you see upon entering (the Aquarium); she stated otters cannot live in anything but very clean water. She presented each Council member with a coloring book and a small box of crayons for their coloring enjoyment. She explained that the books are an educational benefit for them and introduced Ken Whitaker, designer of C.C. Otter and the pages in the coloring book which identify various telephone numbers within the Stormwater Division. She indicated that the coloring book explains how persons can help stop water pollution

AMEND CONDITIONS

1999-051: Ring Construction

On motion of Councilman Taylor, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 10803 ON PROPERTY LOCATED AT 3501 ST. ELMO AVENUE, BEING ON THE NORTHWEST LINE OF ST. ELMO AVENUE NORTHEAST OF CUMMINGS HIGHWAY, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

REPEAL ORDINANCE NO. 10682

1999-034: Ray and Leola Campbell

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REPEAL ORDINANCE NO. 10682, ENCAPTIONED AS SET FORTH HEREINBELOW, AND ADOPT IN ITS STEAD AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7127 LEE HIGHWAY, BEING ON THE NORTHWEST LINE OF LEE HIGHWAY, AT ST. STEPHENS PLACE, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1999-024: City of Chattanooga

The applicant was present; opposition was in attendance.

Barry Bennett stated what is being considered is a downzoning for a section of North Chattanooga generally bounded by Manning Street on the south, US 27 on the east, North Market on the east and Stringer's Ridge and the Red Bank City Limit line on the north. He stated this is essentially the same type study that was done for the remainder of North Chattanooga for the area east of North Market over to Barton and south to Frazier Avenue, then north to beyond East Dallas Road. He stated with that study and others that have been done in the Highland Park area and several neighborhoods in the Brainerd Area, we are looking at all R-2 and R-3 which would be duplex and multi-family zoned properties within this area. He stated the reason for the study is that a lot of people within the neighborhood feel although this area is zoned R-3 and R-3 for many years, the development in the area has been predominantly single family and this is an effort to stabilize that low density residential character. He stated within the study area is a lot of vacant property and some properties that are zoned for offices or commercial and industrial use which is not being considered as part of this study, only the medium and high density residential zone.

Mr. Bennett presented a display representing the existing land use in the area, which is predominantly single family residential and which showed the existing multi-family development, a few spot duplexes, vacant properties, and commercial and industrial properties not included in this request. He stated the reason for the study is that although most of the area is zoned R-2 and some R-3, predominant development is still single family residential.

Mr. Bennett continued by stating the initial Staff recommendation was, with the exception of the existing multi-family development, that the entire area be zoned back to R-1; that since the Staff made this recommendation, at Planning there were three parties that had come forward who requested that their property be excluded from this development. He stated one parcel is a very small sliver of R-2 off Winchester Street at the Interstate which is surrounded by commercial and industrial use. He stated the second parcel is an area that is along the steeper portion of Stringer's Ridge and owned by the Hudson Company and includes a large PUD. He stated the Staff does not have a real problem with the R-2 or staying in the PUD configuration because the PUD cannot be developed as it is currently recorded.

REZONING (Continued)

Mr. Bennett stated when they were processing that development years ago it was contingent upon access from the PUD development through Hiram Avenue and since that time Red Bank closed a portion of Hiram which precluded any access at all into the area. He stated since there is no way to develop the PUD as recorded, to do anything at all of a multi-family or high density nature they would have to start back at "square one" for a new development or zoning change. He stated they will have to go back to Planning for the public hearing and back to this body (Council) for any type of action for higher density on the property. He stated the third area which has requested to be excluded, and has created the most controversy, includes the R-3 in the southeast quadrant of the study area; that there is an out-of-town developer proposing a multi-family residential development for higher density subsidized housing. He stated this development has created most of the concern among the residents of the neighborhood.

Mr. Bennett concluded by stating the Planning Board has recommended that only the area displayed in yellow on the map be rezoned to R-1 and this, in effect, excludes all three of the areas requested at Planning to be excluded: all the Hudson property, the small triangular tract and the R-3 proposed for subsidizing

Councilman Taylor inquired as to Planning's position and what the Staff considered.

Mr. Bennett stated the Staff's recommendation was for R-1 for everything and have no problem with the area by the interstate and the PUD property, for all practical purposes, whether R-1 or R-2. He stated they cannot do anything until they come back through the public hearing process. He stated the Staff does still have concern for the R-3 development that the higher density development is not in keeping with the lower density existing character of the area. He stated the problem is it is currently zoned R-3 and they have acquired the property already and do have plans to proceed. He stated as far as compatible land use, the Staff would have preferred this area never be R-3; that it is R-3 now and what the Council will be considering downzoning is that particular property. He stated the developer is supposed to have brought site plans tonight and he (Barry) is not sure any of the other area residents have seen them.

Councilman Taylor inquired as to whether the property is grandfathered-in since they have purchased the property. City Attorney Nelson stated generally there is no grandfathering unless construction has started. He read from the conditions contained within the proposed ordinance which state: ***"all R-2 and R-3 residential zoned properties shall be rezoned with the exception of those properties owned by Jimmy Hudson; the R-3 properties proposed for multi-family development, subject to submittal and approval of site plan; and the two parcels on Houser Street south of Winchester."*** He stated these are the only exceptions to the downzoning.

REZONING (Continued)

Councilwoman Rutherford inquired as to how many acres and units will be involved in this proposed housing complex. Mr. Bennett responded that he was not sure; that the developer can answer that question.

Councilwoman Rutherford stated the item she is most interested in is the access to the property and asked Mr. Bennett to point out on the map the property the building complex will be placed on. Mr. Bennett complied.

Councilwoman Rutherford then inquired as to the main street dividing the property running east-to-west. Mr. Bennett indicated that the main street would be Bell Avenue which is the largest street just to the south; that Chambliss is to the north and then Snow Street.

Councilwoman Rutherford stated if access to the major road (Bell Avenue) is limited, would that help alleviate some of the concerns from neighbors who have built single family dwellings.

Mr. Bennett stated the developer would have to address that. He stated there are several options for access to the northeast and west of the property; that he does not know what the developer is showing.

Councilman Pierce stated when we talk about downzoning this is something he does not readily support; that primarily this study originated out of the concern of the community as far as the site we are talking about regarding higher density for the housing site. He stated as a result of the study the neighbors are asking that the housing project not exist and he feels the Council should give the neighborhood what they are asking for. He stated the Council is in a position to grandfather that property in and does not know what benefit will be gained from downzoning it. He stated this is an area that he has not seen any new construction in a number of years and the R-1 residences are older homes. (At this point there was clarification from those in attendance that there are new developments in the R-1 zone in this area.)

Councilman Pierce stated the neighbors are opposed to this development and are not getting what they are asking for. He stated he does not see what is being gained by downzoning property that is already R-1.

Councilman Taylor clarified that the property is not R-1. Councilman Pierce stated it is R-1 to the extent of the neighbors that live there; that it is for single family use.

Councilman Taylor clarified that there is a mix and does not want to "cloud" the issue. He stated all the neighbors are for downzoning, and it will be beneficial.

REZONING (Continued)

Councilman Pierce stated that he thinks the neighbors are supporting downzoning based on this project. (A resounding "no, it is not" was heard from those in attendance.)

Someone unidentified indicated that they want the property downzoned so that if this comes up in the future it will not be an issue.

Councilwoman Hurley stated the whole North Chattanooga area has gone through this; that the one part of Hill City was downzoned and the other part was downzoned prior to her coming into office. She stated there has always been a condition for zoning, and it is painful to some; that some people who went through this think it has been beneficial. She stated Mayor Olgiati "waved a wand" and rezoned everything in North Chattanooga to R-4; that now we are "waving another wand" to rezone it R-1. She stated to be absolutely fair we did exempt certain areas that people really did not want to be R-1; that there were small areas for certain special pleadings.

(COUNCILMAN CROCKETT JOINED THE MEETING AT THIS POINT.)

Chairman Lively stated it was his understanding the neighborhood wanted the area downzoned as opposed to excluding this portion and the ordinance the Council has excludes this development. He stated he would think in order for the Council to make a decision, rather than standing and talking about "pros" and "cons", that two ordinances are needed: one that includes and another that excludes.

Councilwoman Hurley stated it was her understanding that the neighborhood does not have any problem excluding the Hudson property; that the properties have been lumped together and are difficult to deal with.

Councilman Hakeem stated he thought he heard something earlier in regard to the Hudson property being exempt and grandfathered-in.

Councilman Pierce stated the R-3 property would be grandfathered-in. City Attorney Nelson clarified that any property that has no substantial construction on it would not be grandfathered.

Councilman Pierce asked if the City would be held liable based on the extent of what the developer has gone through as far as purchasing the property. City Attorney Nelson responded "no".

REZONING (Continued)

Councilman Pierce stated every time something comes up the Council tries to "fix" a law to exclude; that these people asked for a permit. He stated he supports the neighborhood for downzoning to R-1; that those people are in the process of building that development, and he cannot see how the Council can rightly sit here and take that right away from them.

City Attorney Nelson stated the test is whether they are being deprived from all beneficial use of the property, not what they want, but depriving them of all beneficial use.

Councilman Pierce expressed that he still feels there will be a lawsuit.

Councilwoman Rutherford stated she was out of the city when the matter was discussed in Economic Development last Tuesday and asked if she could see the plans for the housing complex.

Chris Hodges of Lawler-Wood distributed copies of a prototype of the building, as well as a site plan, which was also given to those in attendance at a community meeting last night. He stated it was indicated by Mr. Bennett that the community has not seen the site plan, but they have. He stated there are some people in opposition to the development and are well represented tonight; that some are in support and a couple of weeks ago the Council received a petition of 75 persons in support. He stated the site plan originally had a couple of entrances to the development from the Miriam Street, Pine Ridge Road site, which is predominantly owner occupied. He stated the rest of the community on Snow Street is predominantly rental occupied with absentee landlords and the properties are very poorly maintained. He stated there are five houses on the street they are proposing to develop; that four of the five were vacant and abandoned when they purchased the property. He stated the latest site plan has the buildings facing toward Snow Street, the direction preferred by the community. He stated they have eliminated the access to the other streets to accommodate concerns of the higher level of traffic activity along that side of the development. He stated there will be some additional refinements that will need to be made when the site plan is submitted to Planning; that they intend to be considerate and that this design will have all buildings facing toward the east toward Snow Street, with access from that side of the property.

Tyler Goldberg, a resident of the area, stated the only thing he wishes to add is that Mr. Bennett has said what the zoning recommendation is from a nonbiased committee. He stated a lot of residents are present in support or against; that for the two hours preceding tonight's meeting he went to the various homes tonight and talked with the neighbors; that he did the same thing last night for two hours. He presented a petition with 56 names indicating that they are against this rezoning. (The petition is filed with minute material of this date.)

REZONING (Continued)

Belita Vasquez of Pine Ridge Road stated there is a problem with the traffic coming from Red Bank and traffic from Bell Avenue; that it is only a two lane street with no sidewalks or anything. She stated building an apartment complex is not a very good idea in this area; that there are many others who do not want it, like the person before her tonight. She stated more people are opposed than are for it.

Chairman Lively stated the Council has heard an official presentation of the applicant and opposition; that he would like for those addressing the Council to gear their remarks toward something "new" and not something that has already been discussed.

Mike Bennett of 9320 Pine Ridge Road, addressed Councilman Pierce's concern; that there is no new housing development in that area. He stated for the first time in thirty years there is a new house and thanked the builders for building it. He also expressed thanks to the people on Chambliss who restored the old wagon wheel house and thanked neighbors who have taken their assets to restore some of the old houses as he is doing. He stated he is happy to be a part of the Pine Ridge community and asked the Council to consider the character of the neighborhood no matter what the decision for development will be.

Councilman Hakeem stated he is ready to put a motion on the floor.

At this point there was indication that another person wanted to speak. Chairman Lively reiterated that the person could speak only if they have new information; that the persons who spoke previously said the same things that have already been said.

Councilman Pierce stated a lot of this has been heard before; that this is first reading and the Council should go through the regular process. Chairman Lively indicated that the Council has. Councilman Pierce stated we have not asked for the supporters to make their statement.

Another female resident of the community stated many of the names on the petition the Council members have are renters who do not understand what we are talking about; that we're talking about better living, a nicer place for the whole community. She reiterated that many who signed the petitions are renters and not owners.

Councilman Pierce asked if the vote on the downzoning to R-1 would include the development of the site, as well. City Attorney Nelson stated the ordinance is one the Planning Commission recommended which excludes the apartment complex they are talking about.

Councilman Pierce stated they will not be able to build. City Attorney Nelson responded "they will".

REZONING (Continued)

Councilman Taylor stated this is a very tough issue as we look at those who are for and against this proposal. He stated one of the things we want to consider is the development of the community and how the community develops and grows.

Councilman Taylor then made the motion to approve the request which was seconded by Councilman Hakeem. On roll call vote:

Crockett	"Abstain"
Franklin	"Yes"
Hakeem	"Yes"
Hurley	"No"
Pierce	"Abstain"
Rutherford	"No"
Taylor	"Yes"
Lively	"No"

The motion failed.

Councilman Crockett made the motion to amend the ordinance with appropriate language.

Councilwoman Hurley reminded the Council the people from the community favor exclusion of the Hudson property. City Attorney Nelson stated if he strikes out the R-3 proposed for multi-family use, just one side will be removed.

At this point Councilwoman Hurley seconded Councilman Crockett's motion to amend.

Councilman Taylor asked for a clarification on the motion. City Attorney Nelson read the amended conditions to indicate that the entire area would be zoned from R-2 and R-3 to R-1 residential zone; *"that the rezoning shall be effective to all R-2 and R-3 residential zone properties within the boundaries of the North Chattanooga Zoning Study 99/024, subject to the following conditions; that all R-2 and R-3 residential zone properties shall be zoned with the exception of those property owned by Jimmy Hudson and the two parcels on Houser Street south of Winchester Street."*

Mr. Bennett stated the intent was not to downzone the R-3 areas where the existing apartments are. That the original Staff recommendation was to keep those on Pine Ridge with existing development as R-3 and they would be grandfathered-in.

REZONING (Continued)

Councilman Crockett stated the fine points can be worked out between now and next week; that we now have the intent of the ordinance. At this point he moved for the question.

During the roll call vote, Councilman Pierce expressed that he feels there is discrimination once a person starts developing property and someone takes action to stop the development.

On motion of Councilman Crockett, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN PROPERTY GENERALLY DESCRIBED AS BOUNDED ON THE NORTH BY THE RED BANK/CHATTANOOGA CITY LIMITS, ON THE WEST BY INTERSTATE 124 (US 27/TN 29), ON THE SOUTH BY MANNING STREET, AND FOLLOWING AN IRREGULAR LINE ON THE EAST FROM NORTH MARKET STREET TO THE RED BANK/CHATTANOOGA CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN AS THE NORTH CHATTANOOGA RESIDENTIAL ZONING STUDY 99/024, SUBJECT TO CERTAIN CONDITIONS

passed on first reading; on roll call vote:

Crockett	"Yes"
Franklin	"Yes"
Hakeem	"No"
Hurley	"Yes"
Pierce	"No"
Rutherford	"Yes"
Taylor	"Yes"
Lively	"Yes"

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, ARTICLE VIII, RELATIVE TO CREATING A UNIFORM ADDRESS NUMBERING SYSTEM

passed first reading.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, GREENWAY FARM CARPORT RENOVATIONS, WITH TOWER CONSTRUCTION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND, SIX HUNDRED THIRTY DOLLARS (\$6,630.00), FOR A REVISED CONTRACT PRICE OF FORTY-FOUR THOUSAND, TWO HUNDRED SEVENTY-FOUR DOLLARS (\$44,274.00)
was adopted.

OVERTIME

Overtime for the week ending April 23, 1999 totaled \$79,354.43.

SCOUT TROOP

Chairman Lively recognized the presence of a Scout Troop from the Church of Jesus Christ of Latter Day Saints. Terry Brady was the Troop leader and each Scout was asked to stand and introduce himself.

PURCHASES

On motion of Councilman Crockett, seconded by Councilman Hakeem, the following purchase was approved for use by the Parks and Recreation Department:

EASTMAN CONSTRUCTION (Lowest and best bid)
Requisition No. R0042506

Exterior Siding Installation at Glenwood Center

\$27,961.00

TENNIS COURTS

Councilman Pierce inquired as to the tennis courts at Warner Park and stated he had been asked if three of the courts are being eliminated to accommodate more parking.

TENNIS COURTS

Admin. Mitchell stated that is part of the plan that has not been approved; that the Department has resurfaced six of the 12 courts and there are problems with three of them. He stated this is part of the plan that was in place before he came on as Administrator; that this was incorporated within the Master Plan to have nine courts.

Councilman Pierce asked that the matter be called to his attention when negotiations are continued as there is a group in the community that would be interested in addressing the replacement of the tennis courts.

Admin. Mitchell inquired as to whether Councilman Pierce is referring to the Raqueteers. Councilman Pierce responded "no"; that it is another group. He asked that Administration let the Council Clerk know when further negotiations are scheduled.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Pierce, the following purchases were approved for use by the General Services Department:

DATEX, INC. (Lowest and best bid)
Requisition No. R0039944

Truck Wash Concentrate and Film Breaker

(Price information available and filed with minute material)

ADUDELLE ROOFING & SHEETMETAL (Lowest and best bid)
Requisition No. R036000

Roofing Dodson Avenue Center

\$130,720.00

PERSONNEL

The following personnel matters were reported for the Public Works Department:

WELFORD M. SNYDOR, JR. -- Employment, Concrete Worker, City-wide Services, Pay Grade 6/Step 1, \$18,574.00 annually, effective April 14, 1999.

TONY CRUTCHER -- Voluntary Demotion, Crew Worker, Sr., Waste Resources, Pay Grade 3/Step 7, \$19,952.00 annually, effective April 28, 1999.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchases were approved for use by the Public Works Department:

NEWTON CEVROLET-GEO, INC. (Best and only bid)
Requisition No. R0038067

Vehicle, Truck Utility 3/4 Ton

\$29,975.00

PREBUL CHRYSLER JEEP OF CHATTANOOGA, TN
Requisition No. R0042304

1999 Jeep Cherokee 4X4 (Per TCA 6-56-301, State Contract SWC 223-07056L)

\$37,955.60

PREBUL CHRYSLER JEEP OF CHATTANOOGA, TN
Requisition No. R0042105

Two 4-Wheel Drive Jeeps (Per TCA 6-56-301, State Contract SWC 223-07056L)

\$56,933.40

PERSONNEL

The following personnel matters were reported for the Fire Department:

JACK BABB, PAMELA WILLIAMS - Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$27,376.80 annually, effective April 23, 1999.

WILLIS CLARK, RICHARD PHILLIPS, MARK WILLIE -- Promotion, Senior Firefighter, Pay Grade F2/Step 11, \$37,332.00 annually, effective April 23, 1999.

DAVID HULLANDER -- Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$28,621.20 annually, effective April 23, 1999.

DANIEL MURRAY -- Promotion, Senior Firefighter, Pay Grade F2/Step 8, \$33,598.80 annually, effective April 23, 1999.

JAMES STONE -- Promotion, Senior Firefighter, Pay Grade F2/Step 9, \$34,843.20 annually, effective April 23, 1999.

PERSONNEL

The following personnel matters were reported for the Police Department:

RANDALL W. BELL -- Hire, Facilities Superintendent, Pay Grade 16/Step 2, \$31,206.00 annually, effective May 7, 1999.

BRIAN D. LOPEZ-CEPERO -- Hire, Grants Specialist, Pay Grade 12/Step 2, \$26,525.00 annually, effective April 23, 1999.

SGT. JOHN MILLER, SGT. ROBERT MILLIGAN, DAVID BALES, DANNY CROWE, DEMARLAND DEAN, CARY DODSON, STEVE LUNN -- Reserve Officer, Position Discontinued, effective May 7, 1999.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Information Services Division:

WRIGHT-LINE, INC. (Best and only bid)
Requisition No. R0033893

Computer Room Infrastructure Technical Work Furniture

\$19,487.39

REFUND

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refund:

DIALYSIS CLINIC, INC. -- Map No. 156F-X-002, 1996/1997 tax year, reassessment by Tax Assessor, \$7,044.43

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the City Attorney's Office:

DURSKI SYSTEMS
Requisition No. R0041605, Bid No. B0000296

LaserFiche Document Management System and Document Scanning Services

(Price information available and filed with minute material)

GEORGIA RAIL GROUP

Councilman Crockett expressed appreciation to Mr. Littlefield for bringing the Chairman and the members of the Board to Chattanooga.

Mr. Martin, Chairman of the Board, introduced the other members present and stated they were happy to be present. Chairman Lively expressed that the Council was happy to have them, as well.

COMMITTEES

Councilman Taylor reminded Council members of the meeting of the Public Works Committee scheduled for Tuesday, May 4 at 4 p.m.

Councilwoman Rutherford stated a meeting of the Parks and Recreation Committee was held today with the topic of discussion involving the Urban Forestry proposal. She stated there will be more detail within a few weeks.

Councilman Hakeem scheduled a meeting of the Budget and Finance Committee for Tuesday, May 4 immediately following the Public Works Committee meeting.

PARADE MAGAZINE PHOTO/ARTICLE

Councilman Pierce stated he wanted to raise an issue and does not know whether this is the proper time. He stated he was very disappointed when he picked up the Sunday paper, read the article in the *Parade* magazine and looked at the picture that was on the cover. He stated he has been on the Council since 1990 and feels as part of the Council and from the minority perspective, minorities have not been included in all that has gone on in this City. He stated in reading the article in *Parade* it looked as if no minorities participated in anything in the City and surrounding it. He stated it was negligence on someone's part not to bring in minorities as part of it; that the article addressed the housing aspect and what CNE's whole project was about and only two small minority children were pictured. He stated this Council is represented by almost 40 per cent minority, yet minorities do not get any credit because the majority does. He reiterated his disappointment and stated he does not know who orchestrated it; whether it was an individual or the Chamber; that someone orchestrated it and (he) thinks they should be more sensitive in the future to persons who sit on this Council.

Councilwoman Hurley stated she would associate herself with the letter Council members have in their folders with the Mayor's signature; that she and Councilman Crockett clearly asked the photographer for an African-American to be included and the photographer, who came from New York and was given the assignment, refused to do that. She stated what should have happened did not; that the only part, as she understood it, was that the people from *Parade* asked the Mayor's office to bring children to the picture, which they did. She stated it was a diverse group and there was an additional African-American child that did not want to be in the picture. She stated each involved was contacted out of New York, and she had no idea who was going to be in the picture. She stated she was interviewed not as a member of the Council; that she was contacted to talk about the period in the mid-eighties of this City, a time in which she was very active.

PARADE MAGAZINE PHOTO/ARTICLE

Councilwoman Hurley stated she was interviewed about two hours and mentioned the new government and the fact one of the issues before Venture was the division in race in this community and (she) indicated that we had come a long way toward solving this. She stated she felt if this had been orchestrated others would have been included in the picture as was indicated in the Mayor's letter. She reiterated those interviewed had no control and stated she might call the writer of the story to get the tape of her interview. She stated she certainly did not expect the interview to be two hours, but the snippets he took from it only reflected one case where she said she thought all community development began with neighborhoods which was intended as an inclusive statement.

Councilman Hakeem expressed concurrence with Councilman Pierce's comments and indicated an African-American staff person was present when the photos were taken but was not scheduled to be in the picture. He stated after it was discovered there were no African-Americans to be in the picture, it was suggested to this individual from New York to include the staff member, however the staff member was not included.

Councilman Hakeem stated it should be noted that this is not the first time something of this nature has happened; that when there was national coverage for CNE the same thing happened and African-Americans were told not to be sensitive to issues of this nature. He stated his contention is there is a pattern and asked what type of message is being sent to America and the people of this City when African-Americans are not involved in the decision-making process or in business. He stated if people are looking at relocating to this area, particularly African-Americans, would they feel this is a place they would want to be if they think we are not involved in the process? He stated those three elected officials who participated in the picture made a choice; that they could have made a choice not to do it (take the picture) but that was not the case; that they made a choice to participate. He reiterated this is not the first time something of this nature has taken place and is of the opinion the Council needs to address this type of action by way of a letter stating our position when it comes to diversity and what we can implement putting into reality. He stated this is a symptom of something deeper and if government is starting the pattern, what is the thought as to what the private sector will do? He stated this shows a lack of respect and sensitivity to a whole group of people who make up 40 per cent of this area. He stated he would like to see the Council implement something that is meaningful that shows we are a City that is moving together in a direction. He stated this is not the case that shows we are doing that.

Councilman Franklin also expressed accord with Councilmen Pierce and Hakeem's statements regarding the sensitivity issue; that time-and-time again this type of insensitivity has been witnessed.

PARADE MAGAZINE PHOTO/ARTICLE

Councilman Franklin expressed that he did not think it was any one person's fault; that there is the idea a Council person might not have known anything about it and the letter from the Mayor is a good one and addresses the problem. He stated there needs to be some "teeth" put into how we portray ourselves in Chattanooga and to the rest of the country to make sure that all segments of the community are represented. He stated if this is not done there will continue to be instances like this which has a "ripple effect". He stated other instances such as the Stadium situation wherein African-Americans were excluded in large measure until some "fire" was put under people to get some things done. He stated we need to address the issue and make sure when we present ourselves on how we move forward through the Council, business and other means, it is important we make sure that the diversity of this community is represented. He stated this is not necessarily an indictment against one person, but how we need to move forward to the next millenium

Councilman Crockett expressed appreciation for everything that has been said and the point raised by Councilman Pierce and others. He stated it is important in all the coverage of this City that he is aware of and every documentary done (nearly a dozen of them have been done in five languages) there has always been mentioned not just elected officials, but members of the African-American community. He stated there has always been a very conscious effort to represent every segment of this community, not just based on race, but based on where people live and that sort of thing. He stated we have come a long way in this town and no one knew how that picture would occur; that he did not know who would be there and does not think the Mayor knew, either. He stated as soon as that happened, every member of this Council and the Mayor reacted almost to the point of saying they did not want to take the picture. He stated the children were there and they had to be sensitive to that. He stated this is not the right message; that he has not seen the Chattanooga version as he was out of town and saw a paper on the West Coast. He stated equally important a test is the fact the picture did not have a broad enough representation by our standards and this is a litmus test of how far we have come. He stated there will be times when no matter how sensitive or well-planned, something can happen beyond anyone's control. He stated at that point how we handle those occasions is equally important a message to the rest of the country when they are looking at Chattanooga as a place to live. He made reference to the various differences on the Council with regard to the different races and religions; that he was happy that Chattanooga's name was spelled right and would make sure the next one is a little different.

Councilman Hakeem stated he heard what Councilman Crockett was saying, however, if his memory serves him correctly and if history serves him wrong, this is not the first time. He stated when we talk about who put this together, he is concerned about that dealing with the picture and article; that the elected officials who participated in the picture made a choice and the choice could have been made that "we will not do this without broader representation".

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He stated those involved made a choice and when we talk about where we are going, we have to deal with where we are first. He stated we are not sending the proper message to our children and America.

CHUCK O'MARY

Councilman Lively recognized Mr. Chuck O'Mary.

RECESS

Chairman Lively declared the meeting recessed until Friday, April 30, 1999 at 9 a.m. at the Trade Center.

CHAIRMAN

CLERK OF COUNCIL

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

**Municipal Building
Chattanooga, Tennessee
April 30, 1999**

The recessed meeting of the Chattanooga Council was called to order by Chairman Lively with Councilmen Crockett, Franklin, Hakeem, Hurley, Pierce, and Taylor present; Councilman Eaves was out of the city on business; Councilwoman Rutherford was absent due to a business commitment. City Attorney Randall Nelson and Management Analyst Randy Burns were also in attendance.

PRESENTATION: GEORGE RAFTELIS

George Raftelis of Raftellis Financial Consulting, PA, briefed Council members in attendance regarding the financial aspect of the proposed Water Company takeover. Upon completion of Mr. Raftelis' briefing and after a question and answer period, the meeting was adjourned.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, May 4, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

