

**City Council Building  
Chattanooga, Tennessee  
January 7, 2003  
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, Lively, Page, Pierce, Robinson and Taylor present. 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, Brother Raiba Kofuza of the Mosque in Washington Hills gave invocation.

### **MINUTE APPROVAL**

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

### **SPECIAL PRESENTATION: PRESENTATION OF ISLAMIC BOOKS TO MAYOR AND COUNCIL**

Councilman Hakeem stated in an effort to bring about a level of understanding among people in Chattanooga in regard to realizing and understanding the basic principles of Islam, a presentation by Brother Kattih will be made to help foster that level of understanding.

Abdoulrahman Kattih, a local Pharmacist, expressed thanks to the Council for the opportunity to speak about Muslims in Chattanooga. He stated that he is one of over 400 Muslims in Chattanooga and stated Muslims share the same hope as every American does. He stated Islam is all about high morals, love, charity, family, respect and believing in one God; that Muslims are just human beings trying to live God's work as ordered in the Holy Book, The Koran. He stated in doing so, it binds them with every other belief and group in society and asked that the rest of society to do the same. He stated that they have a project in Chattanooga where they are introducing free Islamic educational material and they have distributed over 300 packages so far. He presented a gift to each member of the Council and Mayor, which included books and booklets to learn more about Islam and Muslims. He asked every member of society to come forward and ask questions they might have and learn about Islam and Muslims.

**SPECIAL PRESENTATION: PRESENTATION OF  
ISLAMIC BOOKS TO MAYOR AND COUNCIL  
(Continued)**

Councilman Hakeem stated that there are packets of ten for each member. He stated that we have with us tonight a Muslim that is a Pharmacist and a businessman and there are Muslims in the military. He emphasized that we are in this together and asked that the citizenry judge persons by their deeds and not "lump everyone into one pot", so to speak.

Chairman Littlefield expressed thanks for the special program and proclaimed "God bless America!" He expressed that he is glad to live in a land where people have freedom of religion; that this is not a religious conflict, that it is a conflict of cultures. He stated violence goes beyond anything that America stands for and that he looks forward to studying the books.

**CLOSE AND ABANDON**

**MR-2002-020: City of Chattanooga**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED AND UNIMPROVED ALLEY LOCATED AT 10<sup>TH</sup> STREET AND PARK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
passed second reading. On motion of Councilman Franklin, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2002-200: City of Chattanooga**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED BETWEEN THE 1400 BLOCK OF SOUTH KELLEY STREET AND SOUTH LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2002-202: Jimmy Carr**

On motion of Councilman Franklin, seconded by Councilman Benson,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN THE 1900 BLOCK OF SOUTHERN STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2002-132: City of Chattanooga**

Pursuant to public notice, the request of the City of Chattanooga to rezone the Martin Luther King Boulevard area came on to be heard.

Opposition was in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated the M. L. King area is a very diverse neighborhood of residential, commercial and industrial uses. He stated this process began last February when the request was first received from the Council to take a look at the area for a zoning change, indicating that the area had been under other studies in the past. He stated the issue was neighborhood driven at their request through the City Council and RPA to conduct a study and have a recommendation. He stated RPA has met with the neighborhood on several occasions and have held at last three public meetings; that all residents and property owners were contacted by mail and invited to attend the meetings which were all well attended.

Mr. Pace referred to the various maps depicting the land use in the area, stating that the area would change somewhat but not significantly; that it is a mixed neighborhood of commercial and residential. He stated the residences to the east of the railroad trestle between McCallie and Tenth comprises the largest concentration of residential uses; that to the west of the railroad is mainly business, commercial and industrial, and east of Central is the Cavalier site, a heavier industrial site.

## **REZONING (Continued)**

Through PowerPoint presentation, various photos were shown of the zoning in the area as it appears currently with two different C-2 and C-3 zones along M. L. King. Mr. Pace stated the general boundary for the area includes McCallie to Eleventh Street, Lindsay Street to the west and the railroad to the east of Central. He stated there are more single family residential homes than R-3 multi-family homes, which is why the neighborhood is concerned as they want to have some protection for the single family neighborhood and get this area downzoned to protect properties and bring the neighborhood back to the way it once was. He stated commercial and business has been added along M. L. King and conditions incorporated to meet the urban fabric along M. L. King as there are several buildings in this area. He stated they wanted to make sure when buildings are built it will reflect the urban design along M. L. King, indicating that commercial is to the east and manufacturing along Tenth and Eleventh Streets.

Mr. Pace continued by displaying a map of the plan as proposed, reflecting single family and R-4 for transition zones, that the C-2 zones will become C-3 for more of an urban commercial zone with conditions to allow businesses to build. He stated the main focus of the C-3 is to eliminate the need for parking and setback requirements for a more suburban zone than C-2. He stated there is an M-1 zone, the Cavalier property, next to the railroad track and a higher or heavier industrial site and M-2 along Eleventh Street. He stated the plan was presented to the Planning Commission who recommended the matter be reviewed tonight and come back next week prior to second and third reading and adjust the map or zoning according to the Council's desire.

Anita Conley, President of the M. L. King Neighborhood Association, stated that they have worked for a long time and expressed thanks to RPA and its leadership in helping them go through this. She stated there has been quite a compromise; that several public meetings were held with a lot of input into the plan. She stated that it is her belief the plan pushes the neighborhood into the future and allows for an opportunity to help make this a place where people will want to live, buy a residence, do business or a place to play around a little and not just pass through. She stated it is her hope the Council will adopt this plan and rezoning so they can move forward as there are many opportunities for investments. She stated the plan takes into consideration the residents who have lived in this neighborhood for quite sometime and have maintained their homes; that this is an opportunity for them to keep their homes and be a neighborhood of choice for the future.

## **REZONING (Continued)**

Sherrie Gilchrist, President of the African-American Chamber of Commerce, stated that the Chamber has been involved with the neighborhood association, as well as the M. L. King area businesses. She stated conditions have been worked through and it is felt the business owners accept the plans that have been put forth. She stated that she looked forward to working with the neighborhood association and the M. L. King CDC to see this become a community development corporation for more businesses and future growth. She stated the plan being put forth would allow for that opportunity.

John Edwards, Chairman of the M. L. King Community Development Corporation (CDC) and a business owner in the M. L. King corridor, stated one mission of the CDC is to be a catalyst for economic development in this community. He stated it is felt this is a good project for the future of M. L. King; that the entire community is in full support of the plan as proposed.

Theodore Bryant, of 1004 East Tenth Street, stated that he will have lived at that address for 60 years effective March 10; that the house was constructed to take care of three families and the upstairs rooms were rented out. He stated as of now, no one lives there but him and wanted to know if his property would be grandfathered-in; that whatever is done with this rezoning, he would like to develop the upstairs and rent it out.

Chairman Littlefield stated if the property is built as a triplex or duplex that is the way it is; that his neighborhood in Brainerd was rezoned for R-2 some years ago and continues to be a four unit apartment and that Mr. Bryant's situation is similar to that. He stated a lot of houses have converted back to one unit and once that is done that is it; that this is a matter of documented record of what Mr. Bryant already has.

Mr. Bryant stated that he does not want his "hands tied". Chairman Littlefield clarified that his (Bryant's) comments were on the record.

Andrew Chung, owner of two lots on East Tenth Street stated his property could possibly change from R-3 to R-1 and that the down zone would not be good for him as it would devalue his property. He stated that he presently has billboards on the property that were grandfathered-in a long time ago and if the property is changed to R-1 it will cause future problems. He stated that his billboards have been on this corner a long time and he does not want the area down zoned and invading his property.

## REZONING (Continued)

Mr. Chung stated that he attended two meetings and committee meetings and persons in attendance seemed to agree with him that it is impossible to zone the property R-1; that all three corners are C-3 and down zoning them to R-1 just does not seem right. He stated that he has 150 feet on Central and 100 feet on Tenth and does not plan to build a single family house; that his corner is bordered by a concrete wall and there is no way to get onto the property other than an entrance off Central. He reiterated that he does not want his property zoned R-1 for single family; that he likes the neighborhood but it should not be zoned R-1.

Chairman Littlefield expressed understanding of Mr. Chung's situation.

Brian Smith, attorney representing Air and Hydraulic Equipment, Inc. stated that he appeared at the Legal and Legislative Committee meeting regarding this and Mr. Pace indicated there would be a recommendation between first and second reading. He stated their understanding is that their property between Magnolia and Park and Tenth and Eleventh Streets is zoned M-1 currently and in the revision of the plan most of the property is down zoned to M-1, which is not a problem. He stated the property at 814 East Tenth Street will be down zoned in this plan to R-1 and it seems to them that it would be more appropriate that it be R-2 because of the current use. He stated it was been suggested by two members of the Council and Planning Staff have resolved that issue, but they want it placed on the record today that they have no opposition to the plan in general, but the provision needs to be addressed in accord with the previous discussion on this property.

Chairman Littlefield stated that he knows there were recommendations discussed in Committee that were agreed to. He asked Planning to draft a completed zoning plan and let everyone look at it for substitution for second and third reading; that Atty. Smith would have an opportunity look at it prior to adoption.

Councilman Pierce stated that he wanted to clear that what he thought was wagered as to down zoning would be from R-3 to R-1 because the property is now just a parking lot.

Atty. Smith responded that Councilman Pierce was correct; that it does provide for parking at present and one portion of that on Tenth Street has storage and fabrication on it and that use will remain the same. He stated the use of the additional area is for parking only and that under the new zoning they would need a special permit and buffering as necessary.

## **REZONING (Continued)**

Councilman Pierce stated Atty. Smith could go before the Variance Board to get that permission and defer back to R-1. Atty. Smith responded "correct," that is the agreement.

Barbara and Daniel Thomas addressed the Council regarding their property. Barbara Thomas commended Anita Conley and her group for the magnificent amount of work they have done. She stated their property is between Park Avenue and Fairview at 904 and 906 M. L. King. She stated they are requesting a compromise; that the property is currently R-4 and requested that they not be down zoned to R-1 but to R-2. She stated in looking at the map the property is actually adjacent to Fairview and across the street are other commercial properties. She stated just for this one section is actually 2.5 blocks on M. L. King that are proposed to be R-1. She reiterated her request that the two properties be considered for R-2 rather than R-1, which will still keep the integrity of the neighborhood.

Daniel Thomas referenced his previous tenure on the Council and the many times he was asked by individuals to vote with them in support of various matters; that he hoped they would remember that and keep it in mind. He expressed appreciation for the Council and thanked them for hearing him.

Chairman Littlefield stated that there would be amendments to the map and somehow allow people who have requested special provisions to get access to it which could be done in a week or put off for two weeks.

Mr. Pace suggested that the matter be put off for two weeks as a motion is needed as to what the changes should be. He stated if the map shows each request that is made it may not be what the Council thinks it should be; that it is up to the Council to make the recommendations for change.

Councilman Pierce expressed appreciation to everyone in the M. L. King area who worked on this plan along with the RPA and stated that as recently as this afternoon he received requests for changes that people want to have made. He stated that it is his thought there have been enough meetings and notification of property owners that everyone should have been informed to know that this was coming up tonight and that one way or another the Council would vote on it. He stated that he is not familiar with the other amendments that might be made; that he is only aware of the ones that were discussed in Committee and thought it should have been corrected for tonight.

## REZONING (Continued)

Mr. Pace stated that the Council was to hear the people's request to see if there would be amendments to the plan. He stated no changes were made between the Committee meeting and this meeting.

**Councilman Pierce made the motion to accept the plan as presented;** that if there are modifications to be made between now and the next meeting that can be done; that it is his thought everyone has put a lot into this plan and it is time to move forward. He stated that they have heard from all the property owners who might have had some concerns and as he looked over those in attendance he did not recall seeing some in attendance at the meetings to really address their concerns. He asked the Council for their support in adopting the matter **on first reading tonight; Councilman Lively seconded the motion.**

City Attorney Nelson stated that this is not only a plan but a zoning; that the plan could be adopted by Resolution and this zoning adopted by Ordinance. He stated the Committee did make suggestions and what was advertised was the action of the Planning Commission. He stated the map was brought forth, so somebody needs to tell Mr. Bennett and the Council which changes were discussed by the Committee that they want to make to this Ordinance between second and third reading.

Mr. Pace stated that he needs some direction.

Chairman Littlefield stated that it may be necessary to have one more meeting in the Legal and Legislative Committee on the matter to make sure we are looking at the right one; that we are very close and will go back and research to get the fine points.

On motion of Councilman Pierce, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THE MARTIN LUTHER KING BOULEVARD AREA, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE FOLLOWING SIX (6) ZONES: R-3 RESIDENTIAL ZONE, R-3MD MODERATE DENSITY ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO THE FOLLOWING FIVE (5) ZONES: R-1 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2002-197: Hillard V. Wall**

The applicant was present; opposition was in attendance.

Mr. Pace stated that this matter was postponed a few weeks ago and is located in the East Lake and Rossville Boulevard area for rezoning to C-2. He stated the use would be for a parking lot for sales; that when the request was made it was indicated it would be for parking of cars to be moved to a front lot that would be off Rossville Boulevard. He stated the Planning Commission and Staff reviewed this and the recommendation is for denial from Staff and approval from Planning. He stated in looking at the property to the south of the site along Clio is all single family residential uses and along Clio is zoned R-2 for duplex use. He stated there have been several requests along Clio; that one was heard by the Council last year and denied; that there is another lot coming in from Rossville Boulevard which backs into a residential area and it is felt the area is still a very viable residential neighborhood with well-kept homes along the street. He reiterated that the Staff recommends denial and the Planning Commission recommends approval with conditions.

Attys. Bill Pope and Ward Crutchfield were present representing Mr. Wall. Atty. Pope stated Mr. Wall has been in the automobile business in the Rossville area for 20 years and has been at the 3800 site for over ten years. He stated the lot in question is technically two lots and at one time three abandoned homes were located on the site and an old beer joint down the road where vagrants used to hang out; that many complaints were received and Mr. Wall bought the property, cleaned it and built a fence around it. He stated Mr. Wall does not request to sell cars from this lot; that he needs it for storage from car haulers and then move the cars up to his front lot. He stated Mr. Wall agreed to build a higher fence and a blind fence to completely hide that from the neighborhood so he would have access to moving the cars in-and-out. He stated there was some "talk" about a buffer of trees, however, someone in the neighborhood felt it would be better to have the blind fence rather than the trees. He made reference to the other C-2 properties in the area and indicated that there are a number of persons in the neighborhood who are in support of this and have signed a petition. He did indicate that there are some who oppose the request. He stated the real crux of this as far as a viable community is that no one will buy these old homes and build new homes; that Mr. Wall is buying and cleaning the lot, which is a service to the neighborhood. He stated he is not trying to cause any consternation for the neighborhood; that this is a commercial zone and all he is asking is that the lot be used to strictly store automobiles prior to moving them to the front lot.

## REZONING (Continued)

Hillard Wall, applicant, stated that the lot beside this property at 3805 Clio has vacant houses on it and the owners are trying to sell it; that beside that particular piece of property is where the C-2 is that he owns and the property on the corner where the house beside it is falling in should be condemned. He stated a lot of the houses on the street and further down are boarded up and is not a place anyone would want to go into; that none of the houses are re-buildable. He stated that he did the neighborhood a favor; that only one person on the street has any opposition.

Atty. Pope stated across from this lot is C-2 already; that some look at this as further encroachment, but under the circumstances it should be approved due to what is there. At this point, he asked those in attendance in support of Mr. Walls' request to stand.

Mr. Walls indicated that one gentleman living at 3809 Clio is actually right at the property and is in support of this.

Councilman Hakeem asked if the proposed zoning and use of the property would allow cars to be stored there and whether this would be allowed to be a junk yard.

Mr. Pace stated Mr. Wall could store cars; that no wrecked vehicles would be allowed.

Jean Swafford stated that she lives directly across the street and this is what she would have to look at "24/7". She distributed copies of photos made in August reflecting a car without a wheel or tire and a school bus on the property.

Sammie Thompson of 3804 Clio Avenue stated that she has lived at her residence for nineteen years, is a product of East Lake and proud of Clio Avenue. She stated that she knows reference has been made about some of the homes that are "run down", but explained that many people have passed away and the houses were left to their children who did not care about fixing them up. She stated that she has no problem with the houses being torn down and admitted that it does look better. She stated on December 20 she came home and both sides of Clio were lined up with cars; that she became very upset because on her side of the street where the cars were parked transmission fluid leaked out while they (cars) were waiting to be loaded on a big truck. She stated the transmission fluid is still there and she is not going to clean it up; that she tries to keep her area clean.

## REZONING (Continued)

Ms. Thompson stated that she does not know what the Council thinks, but it is her thought it will be a junk yard; that she does not intend to move but is concerned this might bring her property "down". She stated that she is proud to live in East Lake and is not ashamed. She asked the Council to deny this request. At this point she asked those in opposition to stand.

Matthew Johnson of 3809 Clio stated that it is hard for him to back out of his driveway. Chairman Littlefield informed Mr. Johnson that the matter would be dealt with later in the Council meeting; that the request at this point is in regard to Mr. Walls' rezoning.

Atty. Pope stated that Ms. Thompson is correct that it did happen on December 20 because a City Inspector told Mr. Wall he could not place anything on this lot until the matter is settled; that there was a truck load of cars and no where to go because they could not put the cars on the lot per the City's instructions. He stated that he wanted to point out that the entrance gate is now on 38<sup>th</sup> street and not on Clio; that the gate empties that lot out into 38<sup>th</sup> Street and right across the street is C-2.

Councilman Benson stated that he would recuse himself because his son works for Attorneys Crutchfield and Pope. He asked if Mr. Wall has been to the people and talked about the blind fence, how high it would be and if they are agreeable or disagreeable to it.

Atty. Pope stated most of the people who stood in support live there; that some of those who stood in opposition do not. He stated people were talked to about the blind fence or the trees and they did not like the idea of the trees.

Mr. Wall stated they were concerned about the leaves from the trees; that he tried to see everyone on the street he could talk to and thought those mostly on Clio were the most in favor of the blind fence.

Councilman Benson stated rather than look at the blind fence it is better to look at what they would see if we do not rezone.

City Attorney Nelson stated junk yard uses are only permitted in M-4 zones and not C-2; that if this property were rezoned C-2 they could not have a junk yard.

Mr. Pace stated they could not have automobiles in disrepair and damaged on the lot.

## REZONING (Continued)

City Attorney Nelson read the definition of a junk yard as defined in the zoning ordinance.

Atty. Pope assured the Council this would not be a junk yard and there would be no cars in disrepair.

City Attorney Nelson stated the question was raised and that is why he looked it up.

Councilman Taylor inquired about the photos and the bus that was shown. Ms. Swafford stated that the bus and everything has been moved, now.

**Councilman Taylor** stated the pictures make a vivid point of a neighborhood working to revitalize itself; that the neighborhood has been working extremely hard in keeping it a residential area. He stated that he wanted to make sure everyone on the Council saw the pictures of what can happen as we try to revitalize our communities. He stated after looking at the situation and those who are for and against, knowing the area personally and hearing persons say they are proud of East Lake, he **made the motion to deny the request**; that he has spent several nights looking at this as well as driving by this area.

Councilman Page spoke for the motion to deny stating that it is his belief the applicant would not use the property for what it is planned for, especially after hearing the definition of junk yard. He stated if Mr. Wall is going to park cars that do not need repair that would eliminate the purpose for the rezoning, again expressing support for the motion to deny.

Councilman Hakeem asked for clarification so he could be clear as to the use of the property.

Mr. Pace stated the application states that the request was for a parking lot for automobile sales. He stated in discussion from Planning and here at the Council if they wish to unload and park cars for moving forward to a lot facing Rossville Boulevard, that is not to say all would be in disrepair. He stated they may need repair and may not, clarifying that he did not know.

Chairman Littlefield asked if the issue of the bus could be addressed.

Atty. Pope stated that he has not seen the bus; that the bus was bought from someone and donated to a church. He stated the point is if there have been any pictures of disrepair they would make it a condition that only "whole cars" and not any wrecked cars could be moved in-or-out of the lot.

## REZONING (Continued)

Atty. Pope stated if anyone goes up and down Clio there are junk cars on the street, not on this property but on the street. He stated Mr. Wall would accept a condition that it only be for "whole cars" for lack of a better term; that he does not want to debate City Attorney Nelson, that they will have only "whole cars" that can be moved, not junk cars.

Councilman Pierce expressed agreement with Atty. Pope that there are junk cars up-and-down the street as he visited the area yesterday. He stated that it is his thought that this is something that is lacking on the part of our codes enforcement to go out and clean the area up. He stated the reason he would have to vote against this is because he saw the same thing happen in his district on Rossville Boulevard with another car dealer which has completely destroyed the residential character of the neighborhood and there is no neighborhood there, now. He stated it is known that Rossville Boulevard is a business corridor, Clio is not; that although his entry will be off Rossville Boulevard this property is located and addressed on Clio and it is spot zoning. He stated he has never supported spot zoning and does not plan to start today. He stated the property in the area he is speaking of in his district is the 2900 block of Calhoun; that houses were there that should have been torn down and in looking in so many neighborhoods that have been revitalized the character of those neighborhoods can be restored with neighborhood organization. He stated he has no other choice but to support the residents in the area.

Chairman Littlefield expressed sympathy for Councilman Benson's point and indicated that it is his thought it would be a good idea, but it did not appear the Council would be "headed in that direction" if the matter could be resolved by making some type of zoning change and putting in conditions; that it does not appear the "tide is running in that direction".

**At this point, Councilman Taylor "called for the question" on the motion to deny.**

On motion of Councilman Taylor, seconded by Councilman Pierce,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACT OF LAND LOCATED AT 3801 AND 3803 CLIO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

**was denied; Councilman Benson recused; Councilmen Hakeem and Lively voted "no".**

**CLOSE AND ABANDON**

**MR-2002-198: Robert L. and Donna S. Morris**

Mr. Pace stated that it has been requested that this matter be deferred one week.

On motion of Councilman Lively, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED  
PORTION OF THE 1100 BLOCK OF MORRIS LANE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE**  
was deferred until January 14, 2003.

**REZONING**

**2002-207: Ariosto Gallegos and Nubia Gonzalez**

Mr. Pace stated that the applicant has requested withdrawal of this matter; that he wishes to take it back to the Planning Commission for a look at the whole site off Mountain Creek Road as opposed to one parcel.

Chairman Littlefield stated that he received a letter of request from the applicant's attorney, Arvin Reingold, requesting withdrawal.

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 200 SPRING CREEK ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE  
ZONE**  
was withdrawn at the request of the applicant.

**SEWER EASEMENT**

Councilman Hakeem stated Resolution 7(a) and a virtual plethora of others on tonight's agenda are recommended for approval pursuant to discussion in today's Public Works Committee meeting.

**SEWER EASEMENT (Continued)**

On motion of Councilman Hakeem, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM MARINA COVE PLACE, INC., RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-G-B-048, TRACT NO. 079.1, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND SIX HUNDRED THIRTY-EIGHT DOLLARS (\$1,638.00)**

was adopted.

**ACCEPT REAL PROPERTY**

Councilman Lively stated Resolutions 7(b) – (e) were discussed in today's meeting of the Budget and Finance Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO ACCEPT AS GRANTEE CERTAIN PARCELS OF REAL PROPERTY FROM HAMILTON COUNTY, TENNESSEE, LOCATED IN THE 800 BLOCK OF FLYNN STREET AND MORE PARTICULARLY DESCRIBED HEREIN, AFTER HAMILTON COUNTY, TENNESSEE QUITCLAIMS ITS INTEREST IN SAID JOINTLY OWNED PROPERTIES TO THE CITY OF CHATTANOOGA, TENNESSEE**

was adopted.

**DEED**

On motion of Councilman Lively, seconded by Councilman Benson,

**A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO EXECUTE A DEED CONVEYING CERTAIN REAL PROPERTY JOINTLY OWNED BY HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO CHATTANOOGA HOUSING AUTHORITY**

was adopted.

**EXECUTE DEEDS**

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO EXECUTE DEEDS CONVEYING CERTAIN REAL PROPERTIES JOINTLY OWNED BY HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, INC.**

was adopted.

**EXECUTE DEEDS**

On motion of Councilwoman Robinson, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO EXECUTE DEEDS CONVEYING CERTAIN REAL PROPERTIES JOINTLY OWNED BY HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO CHATTANOOGA NEIGHBORHOOD ENTERPRISE**  
was adopted.

**CONTRACT: CASE CONSTRUCTION SERVICE, INC.**

On motion of Councilman Page, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT 81C, SANITARY SEWER RELOCATION FOR SIGNAL MOUNTAIN PROJECT WIDENING, TO CASE CONSTRUCTION SERVICE, INC., FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY-SEVEN THOUSAND FOUR HUNDRED FORTY-THREE AND 40/100 DOLLARS (\$487,443.40), INCLUDING A CONTINGENCY AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00)**  
was adopted.

**AMEND RESOLUTION NO. 23632**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION AMENDING RESOLUTION NO. 23632, ADOPTED DECEMBER 10, 2002, ENCAPTIONED "A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM CHARLES W. HASSLER, JR., RELATIVE TO CONTRACT NO. 73B-3 HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 117J-C-023, TRACT NO. 18, FOR AN AMOUNT NOT TO EXCEED EIGHT HUNDRED THIRTY-THREE DOLLARS (\$833.00)" SO AS TO DELETE "CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM" AND SUBSTITUTE IN LIEU THEREOF "CONTRACT NO. 81C, SANITARY SEWER RELOCATION FOR SIGNAL MOUNTAIN PROJECT WIDENING"**  
was adopted.

**ACCEPT GRANT: U.S. DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

On motion of Councilman Franklin, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF ENVIRONMENT AND CONSERVATION, RELATIVE TO THE INFRARED THERMOGRAPHY PROJECT FOR STORMWATER MANAGEMENT, IN THE AMOUNT OF SIX THOUSAND FOUR HUNDRED FORTY DOLLARS (\$6,440.00)**  
was adopted.

**CONTRACT: JORDAN, JONES & GOULDING**

On motion of Councilman Franklin, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE AWARD OF AN ENGINEERING AND CONSULTANT SERVICES CONTRACT RELATIVE TO INFRARED AERIAL PHOTOGRAPHY OF TRUNK SEWERS AND AREA CREEKS (SOUTH CHICKAMAUGA CREEK INTERCEPTOR SEWER AND AREA STREAMS), TO JORDAN, JONES & GOULDING, FOR AN AMOUNT NOT TO EXCEED EIGHTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$81,250.00)**  
was adopted.

**AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO LANDFILL GAS EXTRACTION ADDITIONS FOR THE SUMMIT LANDFILL, FOR A TOTAL FEE NOT TO EXCEED FORTY-ONE THOUSAND ONE HUNDRED THIRTY-SEVEN DOLLARS (\$41,137.00)**  
was adopted.

**AGREEMENT: TDOT**

On motion of Councilman Page, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, PROJECT NO. 33015-2245-04, RELATIVE TO SR-8 (US-127) SIGNAL MOUNTAIN BOULEVARD SEWER RELOCATION FROM SR-29 (US-27) TO SR-27 SUCK CREEK ROAD, IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM DANIEL C. AND LYNETTE ATCHLEY, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-071, TRACT NO. 001.5, FOR AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND SIX HUNDRED DOLLARS (\$17,600.00)**  
was adopted.

**RESCIND RESOLUTION 23582**

Councilwoman Robinson stated Resolutions 7(m) - (p) were discussed in today's meeting of the Parks and Recreation Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION RESCINDING RESOLUTION NO. 23582, ADOPTED NOVEMBER 5, 2002, AND ENCAPTIONED "A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT TO RE-ROOF THE GLENWOOD RECREATION CENTER TO JDH COMPANY FOR THEIR LOW BID IN THE AMOUNT OF THIRTY-SIX THOUSAND EIGHT HUNDRED SIXTY-NINE DOLLARS (\$36,869.00)"**  
was adopted.

**PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR THE LOOKOUT VALLEY ELEMENTARY SCHOOL PLAYGROUND FROM JUST 4 PLAY, INC., IN AN AMOUNT NOT TO EXCEED ELEVEN THOUSAND NINE HUNDRED NINETY-NINE DOLLARS (\$11,999.00)**  
was adopted.

**PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT**

On motion of Councilman Benson, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR THE EAST BRAINERD HERITAGE PARK FROM MIRACLE RECREATION, IN AN AMOUNT NOT TO EXCEED SIXTEEN THOUSAND THREE HUNDRED EIGHT-ONE DOLLARS (\$16,381.00)**  
was adopted.

**CONTRACT: EASTMAN CONSTRUCTION  
COMPANY**

On motion of Councilman Page, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE CONTRACT FOR THE RESTROOM  
RENOVATIONS AT THE LOOKOUT VALLEY BALLFIELDS (TO BE IN  
COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT) TO EASTMAN  
CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED  
TWENTY-SEVEN THOUSAND EIGHT HUNDRED FORTY DOLLARS  
(\$27,840.00)**  
was adopted.

**OVERTIME**

Overtime for the weeks ending December 20, 2002 (\$20,261.68), December 27,  
2002 (\$57,824.84) and January 3, 2003 (\$23,387.85) totaled \$101,474.37 for the  
three weeks.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ✍ **ROBERT C. HARALSON, JR.** – Return from Family Medical Leave, Light  
Equipment Operator, Citywide Services, December 16, 2002.
- ✍ **JACKIE M. SAWYER** – Dismissal, Equipment Operator, Citywide Services,  
effective December 18, 2002.
- ✍ **EDWARD FREEMAN** – Termination, Equipment Operator, Citywide Services,  
effective December 23, 2002.
- ✍ **ANDREE WRIGHT** – Retirement, Supply Supervisor, Citywide Services,  
effective December 31, 2002.
- ✍ **LOIS E. FRADY** – Family Medical Leave, Custodian, effective December 25,  
2002 – March 19, 2003.
- ✍ **GARY BROWN** – Family Medical Leave, Equipment Operator, Citywide  
Services, effective December 24, 2002 – March 18, 2003.

### PERSONNEL (Continued)

- ✍ **THOMAS J. SLATEN** – Voluntary Demotion (RIF), Heavy Equipment Operator, Pay Grade 6/Step 9, \$28,145.00 annually, effective December 18, 2002.
- ✍ **ROY V. MADDOX** – Retirement, Crew Worker, Citywide Services, effective December 31, 2002.
- ✍ **GERALD JOHNSON** – Promotion, General Supervisor Senior, Citywide Services, Pay Grade 16/Step 5, \$37,615.00 annually, effective December 30, 2002.
- ✍ **BRUCE M. THOMAS** – Termination, Crew Worker, Waste Resources, effective December 31, 2002.
- ✍ **JEFF PFITZER** – Re-Instatement, Staff Planner Development, Administration, Pay Grade 28/Step 5, \$54,314.00 annually, effective May 13, 2002.
- ✍ **RICHARD COCHRANE** – Voluntary Demotion, Light Equipment Operator, Citywide Services, Pay Grade 5/Step 11, \$28,664.00 annually, effective January 2, 2003.

#### PARKS, RECREATION, ARTS AND CULTURE DEPARTMENT:

- ✍ **DAVID CRUTCHER** – Voluntary Demotion (RIF), Recreation Supervisor, \$57,992.00 annually, effective January 1, 2003.

#### CHATTANOOGA FIRE DEPARTMENT:

- ✍ **WALTER HARVEY** – Hire, Building Maintenance Mechanic, Pay Grade 7/Step 1, \$20,995.00 annually, effective December 27, 2002.

#### CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **GLORIA FOSTER** – Hire, Teacher Assistant, Head Start, \$12,792.00 annually, effective December 6, 2002.
- ✍ **JUANETTA HUMPHREY** – Hire, Nurse, Head Start, \$20,570.55 annually, effective December 27, 2002.

### PERSONNEL (Continued)

- ✍ **STEPHANIE MCCOY** – Hire, Teacher Assistant, \$11,643.58 annually, effective December 16, 2002.
- ✍ **MARY SPURGEON** – Hire, Teacher Assistant, \$18,345.60 annually, effective December 26, 2002.

#### CHATTANOOGA POLICE DEPARTMENT:

- ✍ **JON BODKIN** – Retirement, Captain, effective December 27, 2002.
- ✍ **FORREST VANDERGRIF** – Retirement, Lieutenant, effective December 26, 2002.
- ✍ **LYNN BIBLE, SYLVESTER J. WILLIAMS** – Retirement, Sergeant, effective December 26, 2002.
- ✍ **WILLIE GRIFFIN, JR.** – Termination (RIF), Crew Worker, effective December 31, 2002.
- ✍ **THESELEANER ROBERTS** – Termination (RIF), Secretary, effective December 31, 2002.
- ✍ **AMY EVERETT** – Termination, Police Service Technician, effective December 27, 2002.
- ✍ **SABRINA SMITH** – Ten-day suspension (without pay), Police Officer, effective December 16, 2002.
- ✍ **PATRICIA S. GRAY** – Return from Family Medical Leave, Police Records Analyst, effective December 23, 2002.
- ✍ **CASEY CROFT, JAMIE R. SHANDY** – Hire, Communications Officer, Pay Grade 11/Step 1, \$25,633.00 annually, effective January 10, 2002.
- ✍ **CAROL SIVLEY** – Voluntary Demotion, Police Service Technician, Pay Grade 3/Step 11, \$25,071.00 annually, effective January 2, 2003.

**PERSONNEL (Continued)**

**FINANCE AND ADMINISTRATION DEPARTMENT:**

- ✍ **WILLIAM M. BENNO** – Resignation, Court Clerk, effective December 12, 2002.
- ✍ **BENTON G. GREEN** – Retirement, City Court Officer, effective December 31, 2002.
- ✍ **VERONICA T. BLAYLOCK** – Retirement, Buyer, Purchasing, effective December 31, 2002.
- ✍ **ROY J. WHITSON, JR.** – Retirement, Shop Supervisor, Sr., Fleet Maintenance, effective December 31, 2002.
- ✍ **CAROLYN SKIPPER** – Retirement, Director, Scenic Cities, effective December 31, 2002.
- ✍ **RONALD LUSK** – Voluntary Demotion, Mechanic I, Pay Grade 9/Step 11, \$35,855.00 annually, effective January 1, 2003.

**PURCHASES**

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

**CHARLIE ROGERS FORD (Lowest and best bid)**  
**R0066340/B0000737**

¾ Ton Pick-Up Truck

\$14,895.00

**SHERWIN WILLIAMS (Lowest composite bid)**  
**R0066344/P0018516**

Paint and Paint Supplies

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

## RETIREMENTS

Chief Dotson acknowledged the retirement of Captain Bodkin, Lieutenant Vandergriff, Sergeant Bible and Sergeant Williams with 28 years of loyal service, stating that each served the city very well.

Chairman Littlefield agreed that persons mentioned by Chief Dotson have served the city well and expressed the Council's good wishes for their retirements. He expressed that he is glad this is the first meeting of the New Year and that Chief Dotson is still with us.

Chief Dotson responded, "So am I"!

## REFUND

On motion of Councilman Hakeem, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refund of Business License Tax:

**AMERICAN EAGLE OUTFITTERS** – Duplicate payment, #77626-2, \$3,302.91

## REFUNDS

On motion of Councilman Hakeem, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refunds for tax year 2002:

**\$8,394.88** – James Hoover (\$1,003.40), Gary Bultema (\$1,280.79), Robert Sauser (\$1,177.49), Bevans Fulbright (\$1,700.33), Jeffery Gregerson (\$1,161.28), John J. Boyle (\$1,029.82) and B. P. Construction Co. (\$1,041.77)

**\$35,157.08** – Deborah Bruker (\$1,223.55), Daniel Crye (\$1,744.36), Richard Phillips (\$2,358.27), Jim Burns (\$1,235.50), Joseph Johnson (\$1,928.03), Franklin Daniels (\$1,143.67), Robert Taylor, (\$2,194.00), Charles Holt (\$1,731.16), Robert Taylor (\$1,294.00), Charles Holt (\$1,731.16), Eron Epstein (\$1,734.30), William White (\$1,258.15), Mary Reilly (\$1,154.99), James Cudworth (\$1,228.54), David Daugherty (\$1,036.74), Charles Walldorf (\$1,119.14), Mitchell Warren (\$1,006.55), Don Mills (\$1,707.88), Robert Pap, \$1,752.54), Hiren Desai (\$5,669.95), Lawrence Parks (\$3,095.46) and Joseph Haney (\$1,734.30)

**REFUNDS (Continued)**

**\$14,189.20** – David Basil (\$1,249.34), David Hicks (\$1,829.91), Phillip Brown (\$1,233.62), David Sessoms (\$1,012.21), John Hill (\$1,304.69), Robert Clark (\$1,072.96), Christa Thornton (\$2,553.6), Gina Jones (\$1,012.21), John Dorris (\$1,040.51) and Peggy Abshire (\$1,881.49)

**\$8,360.25** – Patricia Pickett (\$1,219.10), L.B. Austin IV (\$2,041.88), Scott McKenzie (\$1,516.04), Charles Curtis (\$1,282.68), Saurabh Patel (\$1,188.96) and Susan Beaty (\$1,111.59)

**PURCHASE**

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Department of Finance and Administration, Fleet Services Division:

**LEE-SMITH, INC. (Lowest and best bid)**  
**R0067831**

Vehicle Chassis & Drive Train Parts Requirements Contract  
*(Lower incomplete proposals submitted by American Alternator Starter & Battery, Southeastern Automotive Warehouse and O'Reilly Auto Parts are ruled non-responsive)*

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

**PURCHASE**

On motion of Councilman Taylor, seconded by Councilman Hakeem, the following purchase was approved for use by the Department of Finance and Administration, Chattanooga-Hamilton County Bicentennial Library Division:

**HUFFAKER & TRIMBLE (Only bid)**  
**R0051595/P0018451**

Three-Year Insurance Coverage Requirements Contract

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

## PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Department of Finance and Administration, Purchasing Division:

### NATIONAL LINEN SERVICES (Lowest and best bid) R0061541/P0018491

Shop Towels, Floor Mats & Treated Dust Mop Rental Requirements Contract

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

## AUTHORIZATION TO EXPEND FUNDS

On motion of Councilman Benson, seconded by Councilwoman Robinson, the Neighborhood Services Department was authorized to expend Neighborhoods USA funds for expenses for the NUSA 2003 Conference for the duration of the planning and implementation process up until and after the NUSA 2003 Conference for all related conference expenses. Authorization was further given for the first expense payable to **Events! Meetings and More . . .** in the amount of **\$26,000** for registration services.

## OVERTIME INQUIRY

Councilman Benson inquired as to whether the overtime report means anything; that he hears it read each week and wondered if there were some "red item" of concern if there would be an explanation of that.

Admin. Boney responded that the Office of Performance Review is doing an overtime study and is monitoring it weekly; that the Council would be included in their results. He stated for this meeting he would defer to the departments to defend their overtime amounts, reiterating that Mr. Eichenthal is "tracking" it now.

Councilman Benson stated there is no special reason to bring it up; that he has heard it read for the last year-and-a-half he has been on the Council.

Admin. Boney stated that administration does track the information; that some are improving and others are doing great. He stated that he could get the information to the Council as some departments are "over" and some are not.

**OVERTIME INQUIRY (Continued)**

Admin. Boney stated overtime in Public Works depends upon the weather; that public safety emergencies account for some of the overtime in the Police Department.

Councilman Benson inquired as to the figures in comparison to last year's.

Admin. Boney stated the figures are slightly over compared to last year and indicated that he did not have the information with him department-by-department. He stated software for a better management tool is being installed.

**APPLAUD FOR COUNCIL**

Admin. Curry stated that he has been attending Council meetings for the last several months and applauded the Council for being "neighborhood friendly" in listening to the various requests that come before them. He expressed thanks and appreciation to the Council for their work!

**HEARING: SGT. GERRY DAVIS**

City Attorney Nelson stated that the Attorney for Mr. Davis needs Deputy Chief Cooke as a witness. He suggested that the hearing be rescheduled for sometime late March. **Sgt. Gerry Davis' hearing was rescheduled for Monday, March 31 beginning at 3 p.m.** with Councilmen Benson, Robinson and Pierce serving as the panel hearing the request.

**HEARING: ERSKINE STARKEY**

City Attorney Nelson stated that a request for hearing for Edward Starkey has been received to appeal his termination from the Fleet Maintenance Division, Department of Finance. **A hearing for Mr. Starkey was scheduled for Monday, February 3 beginning at 3 p.m.** with Councilmen Littlefield, Lively and Robinson serving as the panel hearing the request.

**HEARING: EDWARD FREEMAN**

City Attorney Nelson stated a request has been received from Edward Freeman regarding his termination from the Public Works Department. **A hearing for Mr. Freeman was scheduled for Monday, February 10 beginning at 3 p.m.** with Councilmen Benson, Lively and Page as the panel hearing the request.

### HEARING: OFFICER SABRINA SMITH

City Attorney Nelson stated a request has been received from Officer Sabrina Smith regarding her ten-day suspension without pay. **A hearing for Officer Smith was scheduled for Monday, February 17 beginning at 3 p.m.** with Councilmen Benson, Pierce and Taylor serving as the panel hearing the request; Councilman Taylor volunteered as backup in the event one of the previous three Council members could not serve.

### "TRASH FLASH"

City Attorney Nelson commended Admin. McDonald and the Public Works Department for the quick response to a call he made to "Trash Flash". He indicated that he called on Monday for a pick up of a truckload of items, and the items were picked up by 9:30 a.m. He expressed thanks and appreciation for their good work and service.

Councilmen Benson and Pierce expressed appreciation for the Department's timely trash pickup and community trash barrels.

### COMMITTEES

Councilman Benson announced that there would not be a meeting of the **Legal and Legislative Committee** scheduled for next Tuesday due to Governor-Elect Bredesen's visit to Chattanooga. He urged all Council members to be at Enterprise South for the ribbon cutting at 2:30 p.m. He scheduled a meeting of the Committee for **Tuesday, January 21 at 3 p.m.** for discussion of the Carriage Ordinance.

Councilman Franklin stated the Safety Committee met earlier today with members of the Police and Fire Pension Board; that information was disseminated and an ordinance regarding recommendations will come forward to the Council in the next week or so.

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, January 21 at 4 p.m.**

Councilman Lively scheduled a meeting of the **Budget and Finance Committee for Tuesday, January 21 immediately following the Public Works Committee meeting.**

### COMMITTEES (Continued)

Councilman Pierce scheduled a **Meeting Of-The-Whole for Tuesday, January 28 immediately following the Parks and Recreation Committee** to discuss redistricting.

### PUBLIC ART PROGRAM

Councilwoman Robinson stated that the **Public Art Program** is an ongoing process that is continuing to work; that there will be another **public meeting on Monday, January 13 beginning at 5:30 at The Chattanooga**. She stated that the first public meeting had more than 500 persons in attendance; that the Consultant from Oregon was present and worked with them. She stated the public art program will be a very important part of the 21<sup>st</sup> Century Waterfront Plan. She encouraged Council members and the general public to stop by and participate.

### COMMITTEE MEETINGS OPEN TO PUBLIC

Chairman Littlefield stated there was a spirited discussion about committees and the Council would like to make sure anyone viewing the telecast of the Council meeting knows that a lot of business of the Council is conducted at committee meetings. He stated because business is conducted in Committee prior to Council meeting allows for only a two hour Council meeting. He stated that committee meetings begin at 3 p.m. and proceed until just before Council meetings at 6 p.m. He stated that the public is welcome and encouraged to attend committee meetings.

### ANDREW CHUNG

Andrew Chung, who was present earlier for the M. L. King rezoning, asked for clarification and stated when the matter was passed at the Planning Commission there was no mention of a rezoning; that it was just a study. He stated everything passed so fast tonight, reiterating that it was not a rezoning, just a study and plan.

Chairman Littlefield clarified that it is a rezoning plan.

City Attorney Nelson stated that the original request to the Planning agency was that it is for rezoning and the Planning agency took the recommendation to the Planning Commission. He stated the Planning Commission changed it into a study and forwarded it to the Council.

**ANDREW CHUNG (Continued)**

City Attorney Nelson stated that was just a recommendation by the Planning Commission and the Council has final authority as to whether it is a plan or a rezoning. He stated this came up the last of December as a plan and the Council "put it over" to be advertised as a rezoning for tonight. He stated rezonings are adopted by Ordinance and plans are adopted by Resolution; that the rezoning was adopted on first reading by Ordinance.

Mr. Chung expressed that he understood and just wondered what had happened.

Chairman Littlefield further clarified that the matter was advertised and the Council is following proper procedures.

**ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, January 14, 2003 at 6 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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