

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
MAY 27, 2003**

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

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

Following the Pledge of Allegiance, Vice Chairman Benson gave the invocation.

**MINUTE APPROVAL**

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

**TEMP. ROW USAGE**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE MCKIBBON HOTEL  
GROUP TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY  
AT MARRIOTT COURTYARD, 200 CHESTNUT STREET, TO  
INSTALL AND PROVIDE OUTDOOR SEATING FOR  
CUSTOMERS AS SHOWN ON THE DRAWING ATTACHED  
HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**FLAG LOT MORATORIUM**

Councilman Littlefield explained that this Resolution was discussed in Legal and Legislative Committee and comes with a recommendation for approval. Councilman Lively asked about the timeline. Councilman Littlefield explained that we are telling the Planning Staff that we would like a report within 60 days and will act within 90 days. Councilman Lively stated that he understood the reasoning for this but cautioned about going too far—that there were some instances in his district where this might not apply. Councilman Littlefield explained that this was to prevent some of the worst situations, and Councilman Lively stated that he supported that.

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION PLACING A MORATORIUM ON PERMITTING  
ANY STRUCTURE TO BE BUILT ON FLAG LOTS WITHIN THE  
CITY PURSUANT TO ARTICLE IV, SECTION 106 OF THE  
ZONING ORDINANCE**  
was adopted.

**OVERTIME**

Overtime for the week ending May 23, 2003, totaled \$20,577.39,

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ? **ROBERT D. YOUNG** – Suspension of Crew Supervisor, effective 5/20-22/03
- ? **TRAVIS M. BELL** – Suspension of Sanitation Worker, effective 5/13-20/03.

**PERSONNEL DEPARTMENT:**

- ? **ROGER HANKINS** – Return from Military Leave, effective 5/22/03

**PERSONNEL (CONT'D)**

**CHATTANOOGA FIRE DEPARTMENT:**

- ? **LT. DAVID POWELL** – One-Day Suspension, effective 5/22/03

**CHATTANOOGA POLICE DEPARTMENT:**

- ? **THOMAS A. MCDANIEL** – Placed on job-related disability, effective 5/21/03.
- ? **ARIES B. KILGORE** – Resignation of Police Officer, effective 5/25/03.

**CHATTANOOGA HUMAN SERVICES DEPARTMENT:**

- ? **LINDA KING** – Resignation of Teacher, effective 5/9/03.
- ? **STEPHANIE MCCOY** – Resignation of Teacher Assistant, effective 5/26/03.
- ? **TOMICA SIVELS** – Resignation of Teacher Assistant, effective 5/19/03.

**PURCHASE**

On motion of Councilman Pierce, seconded by Councilman Hakeem, the following purchase was approved for use by the Chattanooga Human Services Department:

**VICARS RECREATION, INC. (Lowest and best bid)**  
**Requisition R0068128/B0000763**

Playground Structure for Avondale Head Start Division

\$13,545.00

**COMMITTEES**

Councilman Benson asked Mr. Eichenenthal if a Budget Committee meeting was needed. The answer was no.

Councilman Hakeem reminded everyone of the **Public Works Committee that has been scheduled for Tuesday, June 10<sup>th</sup> at 4:00 P.M.**

**COMMITTEES (CONT'D.)**

Councilman Littlefield reminded everyone of the **Legal and Legislative Committee that has been scheduled for Tuesday, June 3<sup>rd</sup> at 3:00 P.M.**

Councilwoman Robinson reminded everyone of the **Parks, Recreation, Arts & Culture Committee that has been scheduled for Tuesday, June 3<sup>rd</sup> at 4:00 P.M.** She stated that the Public Art Plan, which everyone has received in advance, will be adopted at that time.

**KEN HAYS/RIVERCITY CO.**

Mr. Ken Hays, President of the RiverCity Co., asked to address the Council. He commended Chairman Franklin on running a quick meeting and stated he would try not to screw it up. He stated that he had something to present that he thought would please the Council and passed out attachments. He presented heavier attachments to the Clerk of the Council, Chairman, and City Attorney.

Mr. Hays went on to say that he thought the attached letter was self-explanatory; that over the last year RiverCity Co. had been working with the Mayor and Public Works concerning property in the Sixth, Seventh and Eighth blocks of Market Street; that several of the owners of property in this area wanted additional improvements made to the streetscape; that they had tried to find a way that they could help fund the improvements to add to the streetscape, and the stakeholders would be the ones to pay for this; that it will enhance the area, and they were proposing that the City Council hold a public hearing and then establish by ordinance the Market Street Business Improvement District; that the stakeholders would petition the City Council to have their taxes raised to improve a certain area.

Mr. Hays stated that as the Council would note, these property owners represented over 85% of the assessed property values in these blocks. These funds will be in excess of \$200,000 through the imposition of an additional 30-cent special assessment on real property within the district for a five-year period. This will sunset in five years. Of the revenue generated by this, \$150,000 will be used to directly repay the City for its non-standard streetscape improvements, and the remainder will be used to purchase additional improvements.

**KEN HAYS (CONT'D)**

Mr. Hays went on to explain that a test case they were working on was with the Newspaper in an attempt to get the newspaper boxes put into one unit and get rid of all the clutter.

He mentioned that the last pages of the handout included a list of the petitioners who signed for the 30-cent assessment and that the process was that we have to have a Public Hearing not sooner than 35 days and that almost 90% of the assessed property owners makes a strong statement.

Chairman Franklin indicated that such a process would help make the downtown area a place to love, live, play and enjoy; that it certainly appeared that the Council would take this under advisement and to him it seemed a “no-brainer”. He stated that we appreciated those property owners.

Mr. Hays stated that the property owners clearly made it a “no-brainer” for the Mayor and Staff.

Councilman Benson stated that he was very much interested in this and mentioned places where people could walk the streets 24 hours a day without any fear of harm because people within these areas had a vested interest and had paid for additional police service. He went on to say that he was looking at something similar to this in the Hamilton Place area to get the percentage up for stakeholders, noting that we would have to identify exactly how the money will be spent.

Mr. Hays stated that he had been working with Daisy Madison, David Eichenthal, and the City Attorney; that a vast majority of the money goes to the City of Chattanooga to help in streetscape. He went on to say that the largest property owners would be the Board.

Councilman Benson verified that the City would not bear any burden at all. Mr. Hays responded that they were trying to dot all their “i’s” and cross all their “t’s”. Councilman Benson verified that State Law provides for this. Mr. Hays responded that we were the only major Tennessee city that had not tried this. Councilman Benson stated that there might be a landslide of people that would want better than average.

**KEN HAYS (CONT'D.)**

Councilman Littlefield commended Ken Hays, Ann Coulter and RiverCity for getting this done; that when we do this some might say “what is the rush”; but we actually started working on this in 1982, and the list was shorter, and he commended Mr. Hays for a good job of laying out the plan that everyone would be working with. He stated that he could see this vehicle being used all over the City and RiverCity had broken “thick ice”. He reiterated that this could be a tool used throughout the City.

Councilman Taylor also commended Ken Hays on this but asked if the property owners that are opposed will also have a chance to voice their opinion.

Mr. Hays explained that the way the law reads is that they have to present a petition to the Clerk of the City Council; that they had sent out a letter to every property owner in this district requesting participation and had visited the largest property owners; that they had sent a letter out and answered questions; that some may oppose this but the vast majority is for it—that to get 100% is not possible, and it was a strong start to get above 90%. He stated that he was not trying to hide anything and would send out another letter.

Councilman Taylor verified that every property owner in this Improvement District would be taxed.

Councilwoman Robinson also commended RiverCity, stating that this was a great program; that this is the heart of downtown and includes Lovemans on Market Street, which will be upscale residential and also the new United Way Building. She stated that we have invested heavily in this, and there is a lot of work to be done; that this will help develop the heart of the City and could become so popular that others will want to come on board.

Mr. Hays stated that they had been looking at this and exploring options and had finally figured out a vehicle to get this done.

**KEN HAYS (CONT'D.)**

Attorney Nelson stated that we needed to set a hearing, and it must be 45 days from the day the Clerk is presented with the petition, which would be either July 1<sup>st</sup> or July 8<sup>th</sup>. He stated that it might should be July 1<sup>st</sup> because July 8<sup>th</sup> is Rezoning night. **On motion of Councilwoman Robinson, seconded by Councilman Lively, this hearing was set for July 1<sup>st</sup>.**

Councilman Pierce pointed out that the properties won't be assessed until the regular tax season and questioned why the rush for this date. Attorney Nelson explained that it has to be no less than 30 days or more than 45 days after the petition is received and there are only two days within that timeframe.

Mr. Hays again apologized for messing up this short session.

**LOUISE HAMMONDS**

Mrs. Louise Hammonds of the Oak Grove Community was present to invite the Council to come out and visit their neighborhood. She stated that they had lots of problems and had a wonderful inspector, Alice Williams, but she could not get to all of their problems. She urged that the Council come through their community; that Kenardo Curry was supposed to pick a community, and they would like to see him choose their community. She stated that they had no sidewalks and had to walk through mud; that other communities have nice sidewalks, and they had to walk in the road and dodge traffic. She mentioned that there were lots out there that belong to the City that are grown up "waist high"; that they really have problems and the children in the community have no place to play, and the vacant lots are "snakey". She urged the Council to revisit their community and drive through it and see the problems they are having.

**MIKE DELLO STRITTO**

Chairman Franklin noted that there was a gentleman in our midst this evening named Mike Dello Stritto; that he is leaving us for a much warmer climate and that we wish him well.

Councilman Lively stated that we should give Mr. Dello Stritto the privilege of coming to the podium and telling us where he going to and also answer questions from the Council since he has always asked the Council questions.

**MIKE DELLO STRITTO (CON'T)**

Mr. Dello Stritto stated that he was going to the ABC affiliate in West Palm Beach, Florida; that he had timed this meeting, and it should have been six minutes and 30 seconds and Ken Hays had screwed it up. Mr. Dello Stritto stated that he had had lots of fun covering the Council; that it had been a great two years and hopefully he would be back in Chattanooga some Tuesday night and could come by. In the meantime he would be enjoying palm trees and the ocean and making the Council jealous!

**SHIRLEY DEAKINS**

Shirley Deakins of Baker Street addressed the Council next. She stated that more and more she was convinced that there was a conspiracy and a corruption by a network of “old boys” and some “old girls”; that what it amounts to is a “gang bang” in terms of being able to buy and sell houses and to get a mortgage. She stated that you could not get anything done in this “old boy” network; that you would have thought this kind of thing would have ended with the Indians and the Carpetbaggers, but it was still going on. She stated that she was sick and tired and that she was declaring war! She mentioned damaging information that was coming out of old Variance Board minutes; that she was going back through them and wished to have an Ordinance that gave T. D. Harden the right to tell her that if her house burned down, she could not rebuild it.

Attorney Nelson explained that if it were out of zone, there would be only a limited amount of time to rebuild it.

Ms. Deakins stated that the threat was there in Mr. Harden’s words and that this had been left out of the minutes. She stated that she did not have the power to fight this herself, and she would have to get someone to represent her; that there had been an abuse of power and the City was using Boards that were cohorts with each other and people that were related, which she thought was called nepotism; that there was a conflict of interest and gross unethical conduct.

Attorney Nelson stated that he was looking an Ordinance up for her. Ms. Deakins stated that she would like to have this Ordinance—that everybody is in “cahoots” and there are no cops up there.

Chairman Franklin indicated appreciation for her comments.

**SHIRLEY DEAKINS (CONT'D)**

Ms. Deakins urged the Council to take a look at North Chattanooga and see the gross misconduct going on with those thinking they have the power of God but actually have the morals of Beelzebub.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, June 3<sup>rd</sup> at 6:00 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)**