

**City Council Building
Chattanooga, Tennessee
June 17, 2003
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Page gave invocation.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: SISTER CITY DELEGATION
FROM RUSSIA**

Gene Hyde stated that he was not wearing the Urban Forester "hat" today, but was present as a Board Member of the Sister City Association of Chattanooga. He presented the delegation from Nizhni Tagil, Russia which consisted of Yelena Iliina, Ludmilla Smetanina, Svetlana Chebotarkova, Lana Krivonogova and Svetlana Filonova, who served as spokesperson for the group.

Svetlana Filonova stated that it was a great pleasure to be in this country and City and an honor to be at the Council meeting. She stated Chattanooga is a very nice city and that they were told that Chattanooga was a very beautiful city from previous visits of others from Nizhni. She stated Nizhni and Chattanooga have so much in common with the river and the hills from which they can see a nice view of the City.

**SPECIAL PRESENTATION: SISTER CITY DELEGATION
FROM RUSSIA (Continued)**

Ms. Filonova indicated that their roads are always in repair, also! She stated there have been several groups to visit from Chattanooga as well as those from Nizhni Tagil visiting Chattanooga, however the Mayor or Council from either City has not visited. She presented gifts from the government of Nizhni Tagil, which included a book in English and another describing the business life of the city.

Ms. Filonova stated the relationship between the two cities is going very smoothly and with the help of Gene (Hyde) they went to the Riverbend Festival on Saturday and saw a lot of talented children who could sing and dance. She stated they a lot of such groups in her city and that would be a big basis for future exchange and preparation. She expressed her thanks to the Council for welcoming them.

Chairman Franklin expressed the Council's pleasure in having the delegation in the City and having Nizhni Tagil and one of Chattanooga's Sister Cities. He commended Gene Hyde for the excellent job he has done in showing the City's amenities and extended heartfelt wishes for a pleasant stay. At this point he presented the delegation with a book illustrating the history of the City of Chattanooga and asked that they take it back to their government leaders.

AMEND ZONING ORDINANCE

On motion of Councilman Lively, seconded by Councilman Pierce,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 404, SUBSECTION 8, TO INCORPORATE NEW LANGUAGE
RELATIVE TO ATTACHED FEE-SIMPLE OFFICES**

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

REZONING

2003-062: Teresa F. Bryant

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 7331 SHALLOWFORD ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE**

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

REZONING

2003-068: Chattanooga Neighborhood Enterprise

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1511 JEFFERSON STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2003-067: Chattanooga Neighborhood Enterprise

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 310 EAST 37TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3MD
MODERATE DENSITY ZONE**

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

REZONING

2003-069: Chattanooga Neighborhood Enterprise

On motion of Councilman Page, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 520 EAST 17TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Lively, seconded by
Councilman Littlefield, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2003-070: Neeld J. Messler, II, Rick Wood

On motion of Councilwoman Robinson, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 47, 51 AND 55 EAST MAIN STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN
CONDITIONS**
passed second reading. On motion of Councilman Hakeem, seconded by
Councilman Pierce, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2003-072: Brent Warner/St. Elmo Improvement League

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4501 ST. ELMO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Benson, seconded by
Councilman Littlefield, the Ordinance passed third and final reading and was
signed in open meeting.

REZONING

2003-075: Cumming Cove, LLC

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 4214 CUMMINGS HIGHWAY AND 4010
CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM
RT-1 ZERO LOT LINE RESIDENTIAL ZONE AND C-2 CONVENIENCE
COMMERCIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE**

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

REZONING

2003-076: City of Chattanooga

On motion of Councilman Lively, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO PERMANENTLY ZONE
VARIOUS ANNEXATION PROPERTIES, LOCATED ON JENKINS ROAD
EXTENSION, MIDDLE VALLEY ROAD, EAST BRAINERD ROAD, MORRIS
HILL ROAD, CUMMINGS HIGHWAY, WAUHATCHIE PIKE, BIRMINGHAM
HIGHWAY, HUNTER ROAD, HILLTOP ROAD, MOUNTAIN VIEW ROAD,
BONNY OAKS DRIVE AND OLD LEE HIGHWAY AND AS REFERENCED
ON THE DOCUMENTS ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, PURSUANT TO ARTICLE 12, SECTION 100 OF THE CITY
OF CHATTANOOGA ZONING ORDINANCE**

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

CLOSE AND ABANDON

MR-2003-071: Frances H. Bowman

On motion of Councilman Page, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF TWO
(2) UNOPENED ACCESS ROADS LOCATED NORTH OF THE 900 BLOCK
OF ROBINS CREST ROAD, MORE PARTICULARLY DESCRIBED HEREIN
AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

CLOSE AND ABANDON

MR-2003-066: RWM Technologies, Inc.

On motion of Councilman Lively, seconded by Councilman Page,
**AN ORDINANCE CLOSING AND ABANDONING BARNES AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

CLOSE AND ABANDON

MR-2003-056: Derek & Amy Blakney

Councilman Lively stated Public Works has a problem with this.

Admin. McDonald stated this request is recommended for denial from the Public Works Department and it comes with no recommendation from the Planning Commission. He explained that the applicants thought they needed to abandon this to build a house and it worked out that they found they did not need to do this. He stated they thought they needed it to get access to the street, and by closing this it would have isolated another piece of property. He reiterated that the applicant found out they did not have to have this closure to build their house and they are happy with the denial as they are proceeding to build their house.

On motion of Councilman Littlefield, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 1800
BLOCK OF BRADFORD STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE**
was denied.

ADOPTION OF CHATTANOOGA PUBLIC ART PLAN

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**A RESOLUTION APPROVING AND ADOPTING THE CHATTANOOGA
PUBLIC ART PLAN**
was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO THE MARTIN LUTHER KING CSO CONTROL FACILITY, CONTRACT NO. CSO-6-99, WITH DOWNS ENGINEERING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIVE THOUSAND FOUR HUNDRED SIXTY-FIVE AND 22/100 DOLLARS (\$5,465.22), FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED EIGHTY-SEVEN THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 22/100 DOLLARS (\$187,187.22)

was adopted.

TEMPORARY USE: DELTA ENVIRONMENTAL CONSULTANTS, INC.

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING DELTA ENVIRONMENTAL CONSULTANTS, INC., ON BEHALF OF WORSLEY COMPANIES, INC., TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 4100 BLOCK OF SHALLOWFORD ROAD TO INSTALL A GROUND WATER MONITORING WELL, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: INTECH, INC.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING INTECH, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 2800 BLOCK OF BELLE ARBOR AVENUE TO INSTALL NETWORK AND COMMUNICATION LINES, AS SHOWN IN THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: QDOBA MEXICAN GRILL

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING QDOBA MEXICAN GRILL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 414 MARKET STREET TO INSTALL AN AWNING AND TO USE THE SIDEWALK FOR DINING WITH A THREE (3) FOOT RAILING AND AN ENTRANCE DOOR OPENING TO THE SIDEWALK AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PURCHASE OF REAL PROPERTY

MR-2003-110: City of Chattanooga

On motion of Councilman Pierce, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL
PROPERTY LOCATED AT 907 WALL STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FOR USE AS A PARK, IN AN AMOUNT NOT TO
EXCEED TWENTY-TWO THOUSAND DOLLARS (\$22,000.00)**
was adopted.

OVERTIME

Overtime for the weeks ending June 6, 2003 (\$16,560.14) and June 13, 2003 (\$87,608.15) totaled \$104,168.29.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **MICHAEL BRIAN ALBRIGHT** – Resignation, Police Officer, effective June 13, 2003.

PUBLIC WORKS DEPARTMENT:

- ✍ **KENNETH MORRISON** – Retirement, Construction Inspector, Engineering, effective July 1, 2003.
- ✍ **GERALD JOHNSON** – Voluntary Demotion, Crew Supervisor Senior, Citywide Services, Pay Grade 12/Step 7, \$34,940.00 annually, effective June 27, 2003.

PARKS, RECREATION, ARTS AND CULTURE DEPARTMENT:

- ✍ **REGAN STONECKER** – Hire, Zookeeper, Pay Grade 6/Step 1, \$19,834.00 annually, effective May 21, 2003.
- ✍ **GARRY CLARK** – Retirement, Inventory Clerk, effective May 30, 2003.

PERSONNEL (Continued)

- ✍ **TIMOTHY GAMBRELL** – Resignation, Crew Worker, Sr., effective June 2, 2003.
- ✍ **WILLIAM COTTON, III** – Termination, Ranger, effective May 30, 2003.
- ✍ **CRAIG ELY** – Resignation, Asst. Zoo Supervisor, effective June 19, 2003.
- ✍ **ANDREA BALDWIN** – Resignation, Recreation Specialist, effective June 12, 2003.
- ✍ **JEFFERSON SANDERS** – Hire, Crew Worker, Pay Grade 3/Step 1, \$18,100.00 annually, effective June 16, 2003.

PURCHASES

On motion of Councilman Littlefield, seconded by Councilman Lively, the following purchases were approved for use by the Chattanooga Human Services Department:

SARA LEE BAKERY GROUP (Lower and better bid)

R0062646/B0000779

Bread Contract

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

PLAY MART, INC. (Lower and better bid)

R0068242/B0000790

Play Center

\$14,242.67

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following purchases were approved for use by the Parks and Recreation Department:

TIECO TURF AND INDUSTRIAL EQUIPMENT (Best bid)

R0066405/B0000795

Sweeper Vacuum

\$14,144.46

PURCHASES (Continued)

BROOKER FORD (Best bid)
R0069772/B0000813

Pick-Up Truck

\$22,726.18

PURCHASE

On motion of Councilman Hakeem, seconded by Councilwoman Robinson, the following purchase was approved for use by the Public Works Department:

BIRD MACHINE COMPANY (Single source)
R0059985/P0019149

Centrifuge Repair per TCA 6-56-304.2

\$51,419.10

HOTEL PERMITS

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following hotel permits were approved:

HAMPTON INN – 2420 Williams Street, Chattanooga, TN

WINGATE INN – 7312 Shallowford Road, Chattanooga, TN

SIESTA INN OF CHATTANOOGA, 3210 South Broad Street, Chattanooga, TN

STONE FORT INN, 120 East Tenth Street, Chattanooga, TN

PARK INN (Formerly Country Hearth), 7638 Lee Highway, Chattanooga, TN

RESIDENCE INN BY MARRIOTT, 215 Chestnut Street, Chattanooga, TN

HAMPTON INN, 1920 Hamill Road, Chattanooga, TN

COMFORT INN, 3109 Parker Lane, Chattanooga, TN

HOLIDAY INN EXPRESS, 3710 Modern Industries Parkway, Chattanooga, TN

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Page, the following purchase was approved for use by the Chattanooga Police Department:

CARDIAC SCIENCE, INC. (Single source)
R0070831/P0019565

Twenty-five (25) Automated Defibrillators per TCA6-56-304.2

\$50,000.00

Councilman Page inquired as to whether the Police Department is part of the first responder program as opposed to the fire department as the first responder. He stated that it was his thought the Fire Department carried the defibrillators.

Scott Dieter, Safety Coordinator for the Police Department, responded "yes" they are part of the first responder program; that some of the officers carry the defibrillators and the department would like to make it standard equipment. He stated there are 65 defibrillators assigned to police officers and have found that the patrol officer will be the first ones at a scene where a victim is in need of such equipment.

Councilman Page asked if the officers have been adequately trained. Mr. Dieter responded "yes".

Councilman Hakeem asked if there is only one company that provides the defibrillators. Mr. Dieter stated this is a sole source company and are the same ones currently used in the department and the ones the officers have been trained to use.

REFUNDS

On motion of Councilman Pierce, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refunds for real and/or personal property taxes, due to assessment changes:

TENNESSEE WASTE HAULERS, LLC -- \$3,435.32

COLONIAL BAKING CO., C/O THE EARTHGRAINS CO. -- \$3,866.59

BFH LTD., C/O FLETCHER BRIGHT CO. -- \$3,167.14

PURCHASE

AMERICAN PAPER & TWINE (Lowest and best bid)

R0056119/B0000765

Cleaning Supplies

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

NUSA CONFERENCE UPDATE

Admin. Curry stated that he was present to give an update on the NUSA Conference that was held last month, indicating that 1400 people were in attendance for the conference and by all accounts was a success in spite of factors involving shrinking departmental budgets around the country and the torrential rain! He stated over 250 volunteers participated from the Chattanooga community and over 500 City residents attended, indicating that he saw some of the Council members in attendance. He stated the largest city's delegation was from Birmingham with over 275 attendees and that Knoxville had over 35. He stated over 72 workshops were scheduled and 38 tours were held; that the conference included every race and nationality of people with 32 states represented from the United States. He stated over 500 neighborhood associations from around the country attended and caused an economic impact of \$1.7 million on the downtown community. He stated it was felt this was a "feather in the City's cap" in terms of neighborhood revitalization and Chattanooga remains on the "cutting edge" of neighborhood revitalization and preservation. He thanked the Council for their support of the conference, Neighborhood Services and Chattanooga neighborhoods.

Chairman Franklin expressed thanks to the many volunteers, employees and neighborhood associations who helped to make the NUSA Conference a success. He stated the "red carpet was rolled out"!

LAWSUIT

City Attorney Nelson asked the Council for authorization to file a lawsuit against the Chattanooga Gas Company for their failure to pay franchise fees.

On motion of Councilman Littlefield, seconded by Councilman Lively, the City Attorney was duly authorized.

**WITHDRAWAL OF PUBLIC HEARING REQUEST FOR
JULY 1**

City Attorney Nelson stated that the Clerk of the Council received a communication from Ken Hays of RiverCity requesting withdrawal of the request to hold a public hearing on July 1 regarding the petition to create the Market Street Business Improvement District signed by Central Business District Property owners that he previously presented to the City Council. He stated Mr. Hays' communication indicated that RiverCity is currently exploring an alternative method of financing that surfaced after his presentation to the Council and if it works as he anticipates, this method of financing for the improved streetscape project would be more attractive to the property owners and would not require a bid.

On motion of Councilman Benson, seconded by Councilman Lively, the request for a public hearing on July 1 was withdrawn.

NEIGHBORHOOD COMMUNITY ASSOCIATIONS

Councilwoman Robinson reported that the North Chattanooga Neighborhood Association and the Northside Community Association are scheduled to meet on June 19 at 7 p.m. at Northside Presbyterian Church.

COMMITTEES

Councilman Benson scheduled a meeting of the **Budget and Finance Committee for Tuesday, June 24 immediately following the Legal and Legislative Committee meeting.**

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, June 24 at 4 p.m.**

Councilman Littlefield stated **the Legal and Legislative Committee will meet as regularly scheduled at 3 p.m. on Tuesday, June 24.** He indicated that the meeting might follow an abbreviated schedule.

HOMER GOINS

Homer Goins stated that he was present last week regarding the flooding situation involving his home. He stated over the past sixteen years, five different plans have been addressed to correct the stormwater problems by Hamilton Place, indicating that one plan consisted of four phases. He stated phases one and two were initiated and he was promised through a letter from Mayor Kinsey that phase three would take place. He stated Mr. McDonald was under the impression that there was no phase three and he (Goins) presented proof of the letters from the Mayor's Office and Jack Marcellis indicating that they did have a plan and there were four phases. He stated he brought the information for proof, clarifying that he does not question Mr. McDonald's honesty indicating that he has a good idea where he got his information.

STEVEN HARPER

Steven Harper stated that he was present representing a number of business owners on the southside and is the owner of Antiques On Main. He stated a petition was circulated throughout the southside community in an effort to protect the homeless and the Union Gospel Mission. At this point, Mr. Harper read the petition:

“The Union Gospel Mission on East Main Street in Chattanooga is now closed while the owner, Highland Park Baptist Church, razes important historic buildings in complete disregard for the historic integrity of the entire Southside community. Furthermore, the destruction of these historic buildings and the recent storm, which blew the façade into Main Street and onto the sidewalk, may have structurally damaged the Union Gospel Mission building to which it was physically attached, potentially creating a serious danger to its occupants. The undersigned respectfully petition the City Council and the Mayor to require the Union Gospel Mission *to obtain a Certificate of Occupancy and to bring up the remaining portion of the building to local and national structural, construction and health standards, for its planned re-use both as a restaurant and hotel or housing project.* We feel that it is important for our community to address the issues of the homeless, and therefore, we must insist that these poor, homeless people deserve protection under the law and are entitled to the important safeguards offered by our building codes and health standards.”

Mr. Harper stated the petition was signed with over 35 signatures of business owners. He stated there are three points about this petition: first, they are trying to encourage the City Council not to allow activities of the Union Gospel Mission to be grandfathered in this building.

STEVEN HARPER (Continued)

Mr. Harper stated the Mission has ceased operation and the homeless people are now gone and moved to other locations. Mr. Harper stated the second point involves the intentional demolition of property adjacent to this building and the unintentional catastrophic collapse during this storm blew off the façade of two buildings and bricks “flew” into his parking lot. He stated there is a serious problem with the structure that should be investigated and it is their feeling it should not be grandfathered-in. He stated the third point involves a question for the Council or anyone regarding the failure to obtain a permit to start tearing down the buildings. He stated two buildings were torn down prior to obtaining a permit, and it was his understanding from hearsay that one cannot begin a project without proper permits and the rest of the structure cannot be grandfathered-in.

City Attorney Nelson responded “no”, that is not the way the Statute reads. He stated basically the property is issued a permit for use out of zone and if it is destroyed, then they have one hundred (100) days in which to come back and rebuild it and put it back to use; that it is grandfathered as a matter of law, not a matter of choice of the Council. He stated we are talking about one hundred days of construction that has to occur in order to repair it and they have to get going. He stated the property is structurally unsound and the Building Inspector needs to go by and look at it.

Admin. McDonald confirmed that they (Building Inspector) have already looked at it.

Mr. Harper stated that he is very concerned about the activities there and the safety of the homeless people who do not have bathroom facilities during the day; that 54 are living on the second floor of the building without proper ventilation and windows. He stated he is not sure about the fire codes.

Chairman Franklin expressed appreciation for Mr. Harper’s comments and asked that he file the signed petition with the Clerk of the Council.

Councilman Hakeem stated that he needed to have certain points clarified. He stated Mr. Harper mentioned in one instance that persons there had been moved out to other locations and then he heard him say 54 people were living up stairs. He asked what is happening?

Mr. Harper stated that 54 people were what the past activity entailed. He stated that he read in the paper last December the discussion about a number of people housed in the upstairs of that building.

STEVEN HARPER (Continued)

Councilman Hakeem asked Mr. Harper if he was telling the Council now that the building is not occupied. Mr. Harper responded, "That is correct".

Councilman Hakeem asked Mr. Harper what he expected or would like to see the owner do.

Mr. Harper stated before allowing people to stay and be served he would like for the owner to have a complete health inspection of the restaurant and adhere to the building codes that all other business owners in the City adhere to.

Councilman Hakeem asked if the building is to be reoccupied.

Mr. Harper stated that was his understanding; that he heard it through hearsay and does not know. He stated his and others concern is it will be occupied and would go back to its former use.

Councilman Hakeem stated that his concern is that Mr. Harper is stigmatizing an entity that hearsay is saying they are not doing "x, y, and z". He asked if he has talked with the owner of the property.

Mr. Harper responded, "yes"; that he has spoken with the preacher across the street on numerous occasions.

Councilman Hakeem stated that he thought he heard Mr. Harper say that Highland Park Baptist church was the owner. Mr. Harper responded "yes".

Councilman Hakeem then inquired as to the preacher across the street. Mr. Harper stated that the preacher represents Highland Park Baptist and he assumes represents the owners. He clarified he was not trying to stigmatize anyone.

Councilman Hakeem made reference to the hearsay Mr. Harper spoke of, indicating that the property is actually in Councilman Pierce's district. He stated that he has concerns about making comments on hearsay as it can be damaging to the institution.

Mr. Harper stated it is not their wish to stigmatize anyone; that they are only asking the City and County to ensure that before a use such as housing a number of people occurs at that location that it be inspected for that use.

STEVEN HARPER (Continued)

Councilman Hakeem stated that it was his thought Mr. Harper was being premature.

Councilman Littlefield stated that an important point has been brought up and indicated that he did not think anyone wants to pursue the issue of what Highland Park Baptist Church does in the downtown area; that they have had the Union Gospel Mission for many years which was moved from one place to the other. He stated it is a very necessary function and is one of few organizations that wanted to undertake it and everyone has great admiration for their work. He stated one other organization such as Cornerstones has been very concerned about the abrupt removal of part of the buildings as it undermines the historic tax credits for the whole district. He stated other issues that might be coming before the Council in coming weeks is relative to the sudden removal of buildings of this nature and whether to put other ordinances in place to make sure of the process before that happens. He stated there are good things happening in this part of Main Street and all are concerned. He stated that he did not realize the damage that had occurred by the storm; that this frequently happens when part of the building is taken down and the interior wall of a building is exposed that is never intended to be on the outside. He expressed appreciation to Mr. Harper for bringing the matter to the Council and encouraged him to leave his number with the Clerk of the Council in an effort to make contact with him and the neighborhood as the issue is dealt with in the future.

Mr. Harper expressed his thanks.

Councilman Hakeem stated that it sounds as if someone wants the location for another type business. He asked Mr. Harper if anyone has spoken to him about buying the property.

Mr. Harper stated that it was his understanding \$1.2 million is being asked, which is a significant amount.

Councilman Hakeem asked Mr. Harper if he "heard" this. Mr. Harper responded, "yes", unless Councilman Hakeem has other information.

Councilman Hakeem stated that it bothers him that as we talk about putting new conditions and ordinances in place that we are acting on a lot of hearsay. He stated it is his thought someone needs to sit down with representatives from the Church, clarifying that he has a problem with hearsay and wanted to make that point clear.

STEVEN HARPER (Continued)

Mr. Harper indicated that he would get direct information for the Council. **(Mr. Harper's petition is filed with minute material of this date.)**

Councilman Littlefield stated that the issue he was talking about was on the issue of illustrating the problem of historic buildings; that it did not have as much to do with this particular building as with other buildings torn down in the City.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, June 24, 2003 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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