

**City Council Building
Chattanooga, Tennessee
May 18, 2003
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hakeem, Littlefield, 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, Randy Burns gave invocation.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 404, SUBSECTIONS (3), (5) AND (8), TO INCORPORATE NEW
LANGUAGE RELATIVE TO SIDE YARD REQUIREMENTS AND MINIMUM
FRONTAGE IN THE R-4 SPECIAL ZONE**

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

AMEND ORDINANCE 11510

MR-2003-224: City of Chattanooga c/o Phillip Lynn

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE AMENDING ORDINANCE NO. 11510, ADOPTED
JANUARY 13, 2004, CLOSING AND ABANDONING AN UNOPENED
PORTION OF MORGAN STREET AT THE INTERSECTION OF 28TH STREET,
MORE PARTICULARLY DESCRIBED HEREIN, TO INCLUDE THE
TRIANGULAR PORTION AT THE NORTHEAST CORNER OF LOT 1, AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**

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

CLOSE AND ABANDON

MR-2004-008: City of Chattanooga c/o William McDonald

On motion of Councilman Lively, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING AN UNMAINTAINED
ALLEY LOCATED EAST OF THE 4700 BLOCK OF COVINGTON STREET,
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.

REZONING

2004-042: James E. Citty

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 TRACTS OF
LAND LOCATED AT 1412 AND 1420 CRAWFORD STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2004-064: Ray Allen Jones

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4031 BRAINERD ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**

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

REZONING

2004-065: James A. Tipton

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PART OF A
TRACT OF LAND LOCATED AT 1343 BURGESS ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM 4-1 RESIDENTIAL ZONE TO R-
3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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.

REZONING

2004-073: City of Chattanooga c/o Chattanooga Housing Authority

On motion of Councilman Taylor, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 3811 CHANDLER AVENUE AND IN THE 3800 BLOCK
OF OHLS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-
1 MANUFACTURING ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**

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

REZONING

2004-074: Southmark, LLC

On motion of Councilman Hakeem, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 2103, 2105, 2109 AND 2111 DUNCAN AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL
ZONE TO R-3 RESIDENTIAL ZONE WITH CONDITIONS AND C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

2004-086: Bobby Fairbanks and Jerry Hagan

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1605 GUNBARREL ROAD AND 7388 APPLGATE
LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE
ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

CLOSE AND ABANDON

MR-2004-071: Michael Dowlen

On motion of Councilman Taylor, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
UNOPENED 3600 BLOCK OF 16TH 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 second reading. On motion of Councilman Franklin, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

INTERIM BUDGET

Councilman Pierce stated this Ordinance and Resolutions (c) and (g) were discussed in today's meeting of the Budget and Finance Committee and approval is recommended.

On motion of Councilman Pierce, seconded by Councilman Littlefield,
AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2004, PENDING THE ADOPTION OF THE 2004-2005 ANNUAL BUDGET

passed first reading.

AMEND CITY CODE

Councilman Littlefield stated that this matter has become more complicated and comprehensive. He made the motion to defer the matter one more week.

On motion of Councilman Littlefield, seconded by Councilman Lively,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, ARTICLE V, SECTION 160, RELATIVE TO BILLING AND CHARGES FOR DISTRICT WRECKERS

was deferred one week.

CLOSE AND ABANDON

MR-2004-021: Connie Henry Fernandez

Councilman Hakeem stated this request, as well as Ordinance (e) is recommended for denial pursuant to last week's Public Works Committee. He stated the Committee's recommendation is to approve the temporary use permit as reflected in Resolutions (a) and (b). He stated the applicants are aware of the temporary use recommendation.

On motion of Councilman Taylor, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING TWO (2) ALLEYS LOCATED IN THE 4900 BLOCK OF BEULAH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was denied.

REZONING

2004-052: Joseph Ryan Cooke

A representative for the applicant was present.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this request is located in the Avondale community at the intersection of Wilcox and Dodson. He stated the portion on the front was formerly the Bill Penney Boat and Marina sales and the request is for C-2 for a convenience store. He stated both Planning and Staff recommend approval only of the M-2 portion on the front and denial of the portion requested on the north side or back portion. He stated a fifteen-foot right-of-way is needed on Dodson to allow for a turning lane; that the conditions require that the site be used as a convenience store or gas station only. He stated in approving the front portion, it would be better for the back portion to remain R-2; that it is preferred that the back portion be deferred so that the applicant would not have to wait and go through the entire process again. He again reiterated that Staff and Planning recommend approval of C-2 for the front portion.

Atty. Arvin Reingold was present representing the applicant and stated that it was his understanding that the back portion is being denied solely because of the railroad right-of-way; that they are working with the railroad in an effort to get it taken care of and it is hoped to have it resolved within the year.

Chairman Benson clarified that the request is to approve the front portion and defer a decision on the back portion.

Mr. Pace stated that the legal description is only for the front portion; that the description could be checked prior to second and third reading to assure that it is correct. He clarified that the request is to defer a decision on the back portion.

Chairman Benson stated a definite timeframe is needed and asked if sixty days would be sufficient.

Atty. Reingold stated this would take awhile; that they are trying to find what kind of railroad goes through Dodson.

Chairman Benson stated the time could be extended if it is needed beyond the sixty days.

Atty. Reingold stated they are looking at possibly three-to-six months and asked for clarification that the matter could be renewed.

REZONING (Continued)

Councilman Littlefield clarified that the matter could be brought back up any time.

On motion of Councilman Littlefield, 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 1401 DODSON AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading. *[The back portion of the request was deferred sixty days (July 20, 2004).]*

CLOSE AND ABANDON

MR-2004-063: Hillard Wall

On motion of Councilman Taylor, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED
SOUTH OF THE 1700 BLOCK OF EAST 38TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**

was denied.

REZONING

2004-076: Henry C. Eickhoff and Karen Ford Eickhoff

Councilman Littlefield stated this item was discussed last week and it was made clear to the applicant and the proposed purchaser of the property at the time that we did not feel it would pass a proposal for a check cashing operation. He stated subsequently, the offer was withdrawn and the applicant is without a purchaser at this point. He stated that he does not want to hamper him from any further rezoning as he continues to sell the property; that he discussed with him, and he has agreed, to defer the matter eight weeks, which could be extended further if needed. He stated that he has other prospects "in the wings" and should be able to work out something before then. He made the motion to defer the matter with the understanding if another purchaser comes forth the neighborhood association would be notified so that the matter could be worked out.

REZONING (Continued)

Councilman Taylor asked for clarification that the former purchaser was going to have a check cashing operation.

Henry Eickhoff, owner of the property, stated that that was the former purchaser's proposal for a check cashing business along with a collection agency.

Councilman Littlefield stated that the former purchaser could not do it without both uses.

Mr. Eickhoff stated that the former purchaser withdrew the offer.

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 4400 BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was deferred eight weeks (July 6, 2004).

TEMPORARY USE

MR-2004-021: Connie Henry Fernandez

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING CONNIE HENRY FERNANDEZ TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 4900 BLOCK OF BEULAH AVENUE TO RESTRICT THE ACCESS INTO THE ALLEY USING A GATE OR SIMILAR BARRIER, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

MR-2004-063: Hillard Wall

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING HILLARD WALL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED SOUTH OF THE 1700 BLOCK OF EAST 38TH STREET TO INSTALL A FENCE FOR SECURITY AND SAFETY PURPOSES, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TRANSFER OF CREDITS

On motion of Councilman Littlefield, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE TRANSFER OF CREDITS FROM ONE ACCOUNT TO ANOTHER ACCOUNT WITHIN THE VARIOUS DEPARTMENTS, AGENCIES, AND DIVISIONS OF THE GOVERNMENT
was adopted.

SPECIAL POLICEMAN

Councilman Pierce inquired as to why the head of this department has been placed in the position of writing citations.

Admin. Curry stated that it appears on several occasions that it is necessary for him to accompany staff "in the field" not to primarily issue citations, but to enter onto the property. He stated that he wants coverage to make sure he is not in violation of any state or local statute or ordinance. He stated it might become necessary someday to apply for armed status; however, at this point he accepts the unarmed status.

On motion of Councilman Littlefield, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF KENARDO CURRY AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF NEIGHBORHOOD SERVICES TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

(At this point, Councilman Littlefield excused himself from the meeting and announced that the *Legal and Legislative Committee would meet at the regularly scheduled 3 p.m. time on next Tuesday, May 25.*)

**AUTHORIZE RPA TO DEVELOP COMMUNITY LAND
USE PLAN FOR ROSSVILLE BOULEVARD
COMMUNITY**

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON
COUNTY REGIONAL PLANNING AGENCY TO DEVELOP A COMMUNITY
LAND USE PLAN FOR THE ROSSVILLE BOULEVARD COMMUNITY WHICH
INCLUDES EAST LAKE, CLIFTON HILLS, CEDAR CITY AND PARK CITY**
was adopted.

**AUTHORIZE RPA TO DEVELOP COMMUNITY LAND
USE PLAN FOR THE EAST CHATTANOOGA AREA**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON
COUNTY REGIONAL PLANNING AGENCY TO DEVELOP A COMMUNITY
LAND USE PLAN FOR THE EAST CHATTANOOGA AREA**
was adopted.

NEIGHBORHOOD GRANTS

On motion of Councilman Franklin, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO
ALLOCATE ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00)
FOR THE AWARD OF 2004-2005 NEIGHBORHOOD GRANTS**
was adopted.

OVERTIME

Overtime for the week ending May 14, 2004 totaled \$97,671.77.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **BONNIE DODSON** – Promotion, GIS Specialist, Engineering, Pay Grade 11/Step 1, \$26,420.00 annually, effective April 30, 2004.
- **LYDIA JOHNSON** – Promotion, GIS Specialist, Engineering, Pay Grade 11/Step 3, \$28,988.00 annually, effective April 30, 2004.
- **TRAVIS M. BELL** – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 3, \$18,643.00 annually, effective May 19, 2004.
- **SMITTY L. O'HARA** – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 11, \$25,823.00 annually, effective May 19, 2004.
- **DAVID B. MASTERS** – Rehire, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 1, \$19,234.00 annually, effective May 19, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- **JEFFERY P. ELDRIDGE** – Promotion, Captain, Pay Grade F4/Step 8, \$47,903.00 annually, effective May 14, 2004.
- **DAVID TALLENT** – Promotion, Lieutenant, Pay Grade F3/Step 3, \$33,748.00 annually, effective May 14, 2004.
- **MICHELLE FUGATT** – Promotion, Lieutenant, Pay Grade F4C/Step 2, \$37,379.00 annually, effective May 14, 2004.
- **SETH MILLER** – Promotion, Lieutenant, Pay Grade F4C/Step 3, \$39,133.00 annually, effective May 14, 2004.
- **ADAM B. THOMAS** – Promotion, Senior Firefighter, Pay Grade F2A/Step 2, \$29,667.00 annually, effective May 14, 2004.
- **JOEL D. BUSTOS, CASEY L. PHILLIPS, RUSTY L. MOBLEY, MICHAEL DOZIER** – Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$31,055.00 annually, effective May 14, 2004.

PERSONNEL (Continued)

- **MICHAEL B. SCHROYER, ROBERT W. THOMPSON, KEVIN D. THOMAS, TRACY L. SMITH, PATRICK A. MANSFIELD** – Promotion, Senior Firefighter, Pay Grade F2/Step 2, \$29,667.00 annually, effective May 14, 2004.
- **STEVEN D. MCCALLUM** – Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$32,442.00 annually, effective May 14, 2004.
- **GARY ANDERSON** – Termination, Captain, effective May 12, 2004.
- **STEPHEN DAVIS** – Family Medical Leave, Captain, effective May 3 – July 26, 2004.
- **CHRIS FRYAR** – Family Medical Leave, Lieutenant, effective May 3 – July 26, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **FRANCES EVERSLEY** – Resignation, School Patrol Officer, effective April 26, 2004.
- **CARLITHA PALMER** – Family Medical Leave, Communications Officer, effective May 4, - June 2, 2004.
- **SARA A. FORD** – Retirement, Communications Officer, effective May 25, 2004.
- **TIFFANY L. PARKER** – Family Medical Leave, Police Records Clerk, Sr., effective May 17 – September 17, 2004.

PERSONNEL DEPARTMENT:

- **JEFFREY E. CLAXTON** – Hire, Risk Manager, \$61,936.00 annually, effective May 14, 2004.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchases were approved for use by the Public Works Department:

EDGETECH AMERICA, INC. (Single source)
R0076602

Software Technical Training Services per TCA 6-56-304.2

\$12,490.00

CHEROKEE TRUCK EQUIPMENT (Best overall evaluated proposal)
R0073271

Three (3) Automated Garbage Collection Trucks (*A lower proposal was received from McNeilus Truck & Mfgr. Company, however, Cherokee Truck offered the best buy-back agreement and parts warranty. These two benefits make the Cherokee Truck offer the best bid for the City when considering a five (5) year equipment commitment.*)

\$532,578.00

PUBLIC WORKS SAFETY AWARDS LUNCHEON

Admin. McDonald reminded Council members of the safety awards luncheon scheduled for Wednesday at 11:30 a.m. He stated each Council member received an invitation and looks forward to seeing them.

REFUND

On motion of Councilman Hakeem, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund for tax year 2002 due to duplicate payment:

MEMORIAL HOSPITAL \$2,583.42

HEARING: THOMAS HORTON

City Attorney Nelson reminded Councilmen Benson, Robinson and Lively of the hearing for Thomas Horton scheduled for Monday, May 24 at 3 p.m. He indicated Councilman Littlefield would serve as alternate.

HEARING: JOHN POINTER

City Attorney Nelson stated that Mr. Pointer's hearing would have to be rescheduled. He stated Councilman Benson has a conflict due to the monthly meeting of the Regional Planning Agency and that the annual conference of the Tennessee Municipal League would be convening in Chattanooga and will be the second day of the meeting here.

The hearing for Mr. Pointer was rescheduled for Monday, June 28 at 3 p.m. with Councilmen Benson, Lively and Hakeem serving as the panel hearing the request.

HEARING: GARY ANDERSON

City Attorney Nelson reported that a request for hearing has been received from Gary Anderson regarding his termination from the Chattanooga Fire Department.

A hearing for Mr. Anderson was scheduled for Monday, July 12 beginning at 1 p.m. with Councilmen Lively, Robinson and Pierce serving as panel members; Councilman Page volunteered as alternate.

JOBS ANNOUNCEMENT: U. S. XPRESS

Councilman Page announced that U. S. Xpress would be expanding and bringing an additional 1,000 jobs to Chattanooga. He stated ground would be broken on a 50,000 square foot building and forty acres located off Jenkins Road would be purchased from the county to accomplish this. He stated this is good news for Chattanooga!

COMMITTEES

Councilman Hakeem reported that the **Public Works Committee would meet on Tuesday, May 25 at 4 p.m.** He noted that the Committee tagged onto the meeting of the Legal and Legislative Committee today to discuss a couple issues before the Public Works Department which included the proposed transition in the brush and trash division, knuckleboom trucks and the RFP regarding the transfer station and management of the landfill. He stated there would be more information for discussion at the next meeting of the Committee.

(Councilman Franklin excused himself from the meeting at this point.)

JACK TROTTER

Jack Trotter of 510 Airport Road stated that he is a licensed general contractor and attends First Wesleyan Church. He addressed the Council regarding a stormwater runoff problem from Grace Baptist Church, indicating that the water runs from under the asphalt. He distributed several documents and indicated that he has gone to Stormwater for research. He made reference to various letters that had been sent to Grace Baptist and the Church's response was that they probably never had a survey performed of the property. He quoted various sections of the *City Code* referencing land distributing activities and the application process. He stated stormwater regulations state no stormwater is allowed to drain onto adjacent properties and that it is the property owner's responsibility if there is runoff. He stated that it is his understanding this regulation is enforceable permanently.

Mr. Trotter continued by stating that an ordinance states something can be done and the city has the responsibility to do something about this runoff problem. He stated nothing has been done to correct Grace Baptist's problem of water runoff to make them reimburse for destruction of property. He expressed thanks to Councilman Benson for returning his calls and expressed appreciation to other officials.

PASTOR DAVID MARCUM

Pastor David Marcum of First Wesleyan Church distributed copies of correspondence from Admin. McDonald dated May 10, 2004 wherein mention was made of the meeting with him and Jack Trotter and the concurrence that there is water going underground and "bleeding" through the slope from Grace Baptist's athletic fields onto First Wesleyan's parking lot. The letter confirms that the problem is not within the authority of the City to handle.

PASTOR DAVID MARCUM (Continued)

Pastor Marcum distributed printed information to the Council and stated that he has been pastor of First Wesleyan for four years and there has been a continual flow of water coming from Grace's field right next to their line; that the flow is like a river for several days after raining. At this point he introduced Phillip Mabry who did a comprehensive study for the Church in 2001.

PHILLIP MABRY

Phillip Mabry of 9006 Tennga Lane stated that he was retained by First Wesleyan to look at the drainage problem of their parking lot. He stated he went to the site and talked to the pastor and met with William Payne and reviewed the file. He stated that he prepared the information Pastor Marcum distributed and explained that he did not perform a subsurface investigation, only a visual examination. He stated that it was obvious to him that the soccer fields were built immediately adjacent to the Church's existing parking lot and based on the folder he perused there had been prolonged draining and it is his understanding it continues. He stated significant erosion is evident which has been corrected using concrete and installing a French drain around the field that is filled with gravel and a PVC pipe to drain the water away. He stated this is not a good condition as it keeps the asphalt continually wet which causes freezing during the winter, creating a safety hazard for people using the parking lot. He stated it is not good from a geo-technical standpoint as the water soaks into the ground and whenever heavy trucks come in they damage the pavement.

Mr. Mabry recommended deepening the curb to cut off the water and having a shallow ditch between the curb and slope so water coming out would be picked up in the ditch. He stated what is not included in his report is when the parking lot is rebuilt someone can dig trenches to see if the ground is saturated or put in shallow wells; that there may be a need for a French drain under the edge of the parking lot to intercept the flow of water.

Chairman Benson expressed appreciation for their patience, indicating that their concern has been well documented. He stated that he made a site visit and knows there is damage. He stated that he does not know if the city has any authority or responsibility regarding this matter, as it is a civil situation.

Admin. McDonald stated that it is his belief the City has no responsibility; that this water seeping through the ground comes out at the base of the slope and flows across their parking lot. He stated this is not something stormwater has any authority over at all; that this is a complaint between two property owners.

PHILLIP MABRY (Continued)

Chairman Benson asked Admin. McDonald if he has a copy of all the information distributed by Messrs. Trotter and Marcum. Admin. McDonald responded "yes".

Chairman Benson asked that Admin. McDonald review the information and get with the engineer to assess the matter one more time. He indicated to Messrs. Trotter and Marcum that he knows there is damage and there is a need to find out who is responsible and what authority the city has.

Mr. Trotter made reference to the various codes and inquired as to whether there is a need to talk with Mr. McDonald to tell him anything new he has not heard.

Chairman Benson stated that the City Attorney is present and Mr. Trotter could talk with him following the meeting.

SISTER BEY

Sister Bey reminded Council members that she is an honorary member of the Tennessee General Assembly and displayed a photo of former Senator Gore and a copy of the City's *Charter* that was written in 1989. She stated that she has chosen to come before the Council before going to Judge Edgar; that everything the Council is doing is not on her paper (*Charter*). She stated the *Charter* was changed for representation and none on the Council had anything to do with the new *Charter*, not even the City Attorney! She stated that she read in the paper that the city is "calling" firemen from down in Georgia to work in this city and suggested that they stay in Georgia! She also indicated that she has been to Senator Frist and she wants the Council to know what they are doing is illegal. She stated that she wants this straightened out and let the police out-of-town stay in their states. She stated she is a widow on fixed income and does not know who Countess Jenkins is; that she told people to "sit" on her property. She stated the city does not own her property as she bought it from the Housing Authority under Urban Renewal and it has been paid for since 1995. She stated that she wants an answer; that money is being carried away and we are stuck with the bill.

STEVE WEST

Steve West stated that he works for Public Works and indicated that at today's Committee meeting he forgot to thank the Council for listening to him and others in the department. He expressed appreciation for the Council's concern of them and their families' well being.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, May 25, 2004 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)**