

**City Council Building
Chattanooga, Tennessee
July 20, 2004
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, Councilman Franklin 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.

REZONING

2004-068: Richard Burke

On motion of Councilman Lively, 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 2807 WALKER ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO O-1 OFFICE 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.

REZONING

2004-105: SEW Construction, LLC

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the conditions have changed since last week as an additional right-of-way has been donated to the City for ingress into the development along Noah Reid Road. He stated some conditions have been eliminated and others would remain. The amended conditions: “(1) *donation of five (5) additional feet from the existing right-of-way along the west side of Noah Reid Road the full length of the property for ingress and to pay the City for curb/gutter and road base for work to be done;* (2) *relocate subdivision entrance south to improve sight distance for traffic exiting the subdivision onto Noah Reid Road;* (3) *a 25’ undisturbed buffer along the north property line;* (4) *the street yard along Noah Reid Road to incorporate the existing large trees with new planting of trees or shrubs as required to meet the intent of Type “C” of the landscape ordinance;* (5) *no back-out parking onto Noah Reid Road;* (6) *only one entrance to Noah Reid Road;* and (7) *all existing easements are retained*”. He stated that the developer and public works have come to an understanding of the conditions. He stated a gentleman is present who wants to address the Council regarding water and flooding.

Tony Green of 7401 Francis Road stated that he was flooded again on Saturday and still has a problem with water and the Council had assured him something would be done so that this development would not affect him if the property were raised. He stated that he still does not see how this development will not cause a similar problem with water and wants a guarantee in writing that it will not flood him out. He stated water off Noah Reid Road used to go down to Shallowford and was piped under the road and now runs down on him and it has happened for the last two Saturdays. He stated he has lived in the house and survived two divorces and now it looks as if he is going to lose the house due to stormwater runoff! He stated that he does not care if the developer builds it up, yet he is worried about the water and tired of doing all this.

Admin. McDonald stated that last week he spoke with Mr. Green and told him the department would come out and take a look and see what could be done that has not been done, however, they were not able to do that, as there is a backlog of things they are looking into. He stated they would look at Mr. Green’s situation and look at the plans to make sure there would be no additional water pushed on him.

Chairman Benson inquired as to the building permit.

REZONING (Continued)

Admin. McDonald stated that the land-disturbing permit would include the stormwater drainage system to make sure there would not be any more water going off the site than before.

Chairman Benson assured Mr. Green that comments made in reference to his situation would be a matter of record.

Mr. Green stated every time he is assured of something it gets worse!

Chairman Benson asked Mr. Green to remember the date, as it would be on record.

Larry Watson of 6322 Francis Drive stated that he lives two doors over from Mr. Green and his property floods, as well. He stated that there is a sewer line between his property and the house next door and his main concern is that bad sewerage runs out of the sewer. He stated that his mother-in-law lives in the basement of his home, which he has converted into living space for her, and is a double amputee.

Chairman Benson asked Mr. Watson to remain after the meeting and speak with Admin. McDonald to see if the matter could be remedied to some extent.

Councilmen Lively and Littlefield made the motion to substitute the amended conditions to this Ordinance; the motion carried.

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 7229, 7231 AND 7233 NOAH REID ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE 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

2004-109: Tony Daniel

On motion of Councilman Page, 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 5927 WINDING LANE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-5 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE**

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

AMEND CERTAIN CONDITIONS

2004-110: Carmack & Johnson, LLC

Mr. Pace stated Mrs. Millard has one more question regarding the final phase of the development on Sutton Road.

Noleeka Millard of 908 Sutton Drive stated that she is aware of the 45-foot buffer on the east side of the property and the agreement states “...*by waiving any opposition to zoning case number 2004-110 and agreeing to the lifting of the conditions set forth in Ordinance 11421, Carmack and its successors and assigns shall not place, build or construct improvements of any type, including, without limitation, roads and parking lots, within 45’ of the east line of the owner’s property, which is shared with and divides Carmack’s property from the Owner’s property ...*” She stated the agreement has been recorded in the Deed Office and her question is that she has been told if Mr. Carmack should want to build on this property, he can since that was not in the minutes; that the 45’ buffer did not go along with the 50’ at the back; that her concern is would she have to pay for the lawsuit and would be responsible for all of it. She stated her concern is the city would have nothing to do with it and that this is not the way she understood it.

City Attorney Nelson stated that the agreement has been recorded in the Register’s Office and it is a covenant running with the land, which restricts his use of the property; that Mrs. Millard might have to enforce it herself or her successors, but Mr. Carmack would have to pay court courts and pay his own lawyer. He stated it would be an economically long situation for him to violate the agreement.

Mrs. Millard asked if the city would not pay.

AMEND CERTAIN CONDITIONS

City Attorney Nelson stated if the city entered into the contract to enforce it, it would be an illegal contract. He stated contract zoning is something the city cannot do.

Mrs. Millard asked if she is perfectly safe in accepting this without having to pay for all this, which is her concern.

City Attorney Nelson stated it would be up to her and her successors to enforce the agreement if necessary; that the city could not do that because it is not part of our zoning law.

Mrs. Millard stated that is the part that bothers her; that it should have been.

City Attorney Nelson indicated his thought that Mr. Carmack is not going to violate the terms.

Councilman Littlefield offered additional assurance and stated that he knows Mr. Carmack and his whole family and he has been here before and would have to come back. He stated this has been such a high profile issue he did not think he (Carmack) would violate this and will live up to it.

Mr. Carmack responded, "That is correct".

Mrs. Millard stated that she has the utmost confidence in Mr. Carmack and feels he will do and has done more than he has had to do.

Councilman Littlefield stated that this covenant travels with the land and is stronger than zoning; that the Council can go back and change the zoning ordinance, but this is a covenant.

Mrs. Millard stated that that is all she wanted; that she had just heard this tonight and was upset and was not sure what to do. She expressed thanks to the Council and appreciation to each member for the way they handled the case. She stated the Council has always been patient!

Councilman Page thanked the residents of the neighborhood, Mrs. Millard and Mr. Carmack, indicating that this has been a long laborious event. He expressed belief that they have the best they could have with regard to protection of Mrs. Millard and that he looks forward to a good development and knows Mr. Carmack will follow through.

AMEND CERTAIN CONDITIONS (Continued)

On motion of Councilman Page, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 11421 ON PROPERTY
LOCATED AT 912 SUTTON DRIVE, BEING MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2004-123: Tag Bailey

On motion of Councilman Littlefield, 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 727 BATTERY PLACE, 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 Councilwoman Robinson, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2004-124: Tagner H. Bailey

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 110 DOUGLAS STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

CLOSE AND ABANDON

MR-2004-009: City of Chattanooga and Chattanooga Housing Authority

On motion of Councilman Taylor, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED IN THE 3800 BLOCK OF CHANDLER AVENUE, AN UNOPENED PORTION OF OAKLAND AVENUE LOCATED IN THE NORTH LINE OF THE 500 BLOCK OF WEST 42ND STREET, THE UNOPENED 600 BLOCKS OF WEST 40TH STREET AND WEST 41ST STREET AND A PORTION OF THE UNOPENED 700 BLOCK OF WEST 40TH STREET RIGHT-OF-WAY, 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 Taylor, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2004-011: City of Chattanooga

Councilman Hakeem stated that this Ordinance was discussed in today's meeting of the Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING AN EXISTING SANITARY SEWER EASEMENT, LINE AND MANHOLES 436 AND 437 LOCATED IN THE CENTER LINE OF THE 3400 BLOCK OF PLUMWOOD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

REZONING

2004-052: Joseph Ryan Cooke

Mr. Pace stated this matter was deferred from a previous case on Dodson and Wilcox about a railroad right-of-way. He stated he is not certain whether the applicant has the agreement together and asked that the matter be deferred one week.

REZONING (Continued)

City Attorney Nelson asked if Mr. Pace has the legal description, as there is one "sliver" that would be rezoned.

Mr. Pace indicated that he would have the information prior to next week.

On motion of Councilman Pierce, seconded by Councilman page,
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
was deferred one week.

PRELIMINARY PUD

2004-121: Barry A. Payne

Mr. Pace stated this matter was deferred from last week, as there were questions about Kirkman Road and the additional right-of-way needed for ingress and egress through the development. He stated Admin. McDonald and others in public works have been working with the applicant to come to an agreement or understanding that there would be the following conditions: *"donation of ten (10) additional feet from the existing right-of-way along Kirkman Road for ingress/egress to the development, with curb/gutter paving to be paid for by the developer; change the northwest boundary line to exclude a triangular area 100 x 100 being part of lots 54 and 55 as shown on the preliminary planned unit development plan; and the requirements as listed in the subdivision review attached hereto and made a part hereof by reference"*. He stated when the final PUD comes back the final conditions will be reflected and the legal description will not change.

Councilman Littlefield stated that he had held this up last week due to questions about the entrance into Kirkman Road. He stated he was concerned about the intersection and nothing was scaled. He stated he talked with John VanWinkle last evening and he assured him this was fine, is more than 300 feet from the intersection and is perfectly workable. He stated he received a couple telephone messages from Ms. Peterson who had expressed her understanding the city engineer had recommended the entrance go into Tyner and that is not the case if anyone got that message.

PRELIMINARY PUD (Continued)

Chairman Benson stated Mrs. Ralph Penney was concerned about the Tyner entrance and school buses getting up-and-down as the road narrows.

Mr. Pace reminded everyone that the right-of-way would be widened an additional ten feet.

Councilman Hakeem asked the City Attorney if the wording is acceptable in regard to the 100 feet for the gentleman that protects him, the PUD and us.

Mr. Pace responded when the final plan is drawn it must reflect that part that is being eliminated. He stated if it were adopted tonight the triangular piece would change and we would have to go back through the whole process. He stated by the Council making it a condition to attach to the final PUD it will not have to go back through the process.

Councilman Hakeem again posed the question to the City Attorney.

City Attorney Nelson responded "yes".

Kirk Johnson of 7201 Tyner Road stated that he lives on the east side of Kirkman Road and was present last week asking that the entrance be changed from Kirkman Road to Tyner Road; that the buses use one of the exiting easements for a second access which alleviates traffic through the school zones and Bonny Oak. He stated his family bought the Tyner Church property years ago and is in the process of being sold; that his grandmother donated the land to the parsonage years ago; that the 247 foot frontage along Tyner Road is 50 feet deep on a 1.4 acre tract, and they always knew the 50 foot easement would go back into the property for access at a future time. He stated there are 24 houses on Kirkman Road that will benefit if there is a second access onto Tyner Road and twenty-six substantial acres that a developer could develop 100-120 houses. He reiterated his request for a second access off Tyner Road, not replacing Kirkman, but a second access.

Councilman Littlefield stated in all due respect he understands the traffic off Tyner; that he was concerned additional access would complicate school zoning and in this case he would have to trust the professional opinion in that regard. He stated he certainly would not want to do anything to make the school zone any less safe.

PRELIMINARY PUD (Continued)

On motion of Councilman Littlefield, seconded by Councilman Lively,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS PAYNE ON KIRKMAN PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 2817 AND 2827 KIRKMAN ROAD, 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.

SPECIAL POLICEMEN

On motion of Councilman Page, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF FRANK NEWSON AND RYAN MEEKS AS SPECIAL POLICEMEN (ARMED) FOR ERLANGER HEALTH SYSTEMS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

GRANT

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2006, IN THE AMOUNT OF ONE HUNDRED SIXTY-NINE THOUSAND FORTY DOLLARS (\$169,040.00) WHICH, IF AWARDED WILL REQUIRE LOCAL MATCHING FUNDS OF EIGHTEEN THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$18,782.00)
was adopted.

OVERTIME

Overtime for the week ending July 16, 2004 totaled \$23,914.11.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **NATHAN D. HOLLINGSWORTH** – Hire, Pretreatment Inspector, Waste, Pay Grade 10/Step 1, \$25,208.00 annually, effective June 25, 2004.
- **ANTHONY D. SPEARS** – Suspension (one day without pay), Crew Worker, Sr., Citywide Services, effective July 14, 2004.
- **DONALD L. SHOEMAKE** – Resignation, Heavy Equipment Operator, Citywide Services, effective July 12, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- **PHILLIP HYMAN** – Promotion, Captain, Pay Grade F4/Step 5, \$42,641.00 annually, effective July 23, 2004.
- **CHARLES PATTERSON** – Promotion, Captain, Pay Grade F4/Step 8, \$47,903.00 annually, effective July 23, 2004.
- **ROY DEAN ROGERS** – Promotion, Lieutenant, Pay Grade F3/Step 5, \$36,767.00 annually, effective July 23, 2004.
- **BRAD PETTY** – Promotion, Lieutenant, Pay Grade F3/Step 4, \$35,258.00 annually, effective July 23, 2004.
- **JAMES NICK SAYNES** – Hire, Firefighter/Cadet, Pay Grade F1/Step 1, \$27,057.00 annually, effective July 23, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **DORIS MABRY** – Suspension (one day without pay), Communications Clerk, effective July 14, 2004.

PARKS, RECREATION ARTS AND CULTURE DEPARTMENT:

- **REGINALD COTTON** – Termination, Crew Worker, effective July 6, 2004.
- **EMILY TOUCHSTONE** – Resignation, Zoo, Zookeeper, effective July 20, 2004.

REJECT BID

On motion of Councilman Taylor, seconded by Councilman Franklin, approval was given to **reject the only bid and cancel Requisition R007441** for the Cedar Hill Playground Resurfacing, Head Start Division of the Chattanooga Human Services Department.

REJECT ALL BIDS

On motion of Councilman Hakeem, seconded by Councilman Franklin, approval was given to **reject all bids on R0075648/B0001559** for Safety Shoes for the Waste Resources Division of the Public Works Department.

PURCHASES

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

LORD & COMPANY (Only bid)

R0075741/B0001672

Motorola MOSCAD Systems Maintenance

(Price information available and filed with minute material)

WASTEWATER PRODUCTS, INC. (Lower and better bid)

R0077014/B0001717

Odor Control Chemicals

\$70.00 per gallon

HOTEL PERMITS

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

EASTGATE MOTEL – 5611 Brainerd Road, Chattanooga, TN

FAIRFIELD INN BY MARRIOTT – 2350 Shallowford Road, Chattanooga, TN

HOTEL PERMITS (Continued)

HAMPTON INN – 3641 Cummings Highway, Chattanooga, TN

HAMPTON INN – 1920 Cummings Highway, Chattanooga, TN

KNIGHT’S INN – 3655 Cummings Highway, Chattanooga, TN

NORTHSIDE MOTEL – 442 Cherokee Boulevard, Chattanooga, TN

PARK INN – 7638 Lee Highway, Chattanooga, TN

REFUNDS

On motion of Councilman Hakeem, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds:

For overpayment of taxes through bankruptcy court for tax year 2002:

C. Kenneth Still -- \$2,152.46

For refunds due to property that was assessed by the State of TN per Assessor Property for tax years, 200, 2001, 2002 and 2003:

Covenant Transport, Inc. -- \$13,763.95

For refunds due to State Board of Equalization correction to real property portion:

Pavestone Company -- \$2,294.59

BOARD APPOINTMENT

On motion of Councilman Franklin seconded by Councilman Hakeem, the following board appointment was approved:

BOARD OF SIGN APPEALS:

- Appointment of **JEFFREY WILSON** to fill the unexpired term of Malcolm Walker representing District 5 for a term to expire July 31, 2006.

HEARING: TERRY TISDALE

Councilman Lively stated that he and Councilmen Hakeem and Page heard the appeal of Terry Tisdale who was terminated from the 311 Office on yesterday. He stated the panel voted to uphold the City's ruling for termination.

COMMITTEES

Councilman Taylor scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, July 27 immediately following the Legal and Legislative Committee meeting.**

Councilman Littlefield stated that the **Legal and Legislative Committee is scheduled to meet on Tuesday, July 27 at 3 p.m.** in the Council Assembly Room as opposed to the Conference Room. He stated an announcement in conjunction with the Mayor's Animal Care Trust (ACT) is expected.

Councilman Hakeem stated the **Public Works Committee is scheduled to meet on Tuesday, August 3 at 4 p.m.** He asked Admin. Curry a question with regard to the personnel matter regarding the Zookeeper listed in the personnel transactions reported to the Council. Admin. Curry responded that the matter is a question for the Parks and Recreation Department and/or Darde Long.

RICH BAILEY

Rich Bailey, of 519 Sterling Avenue, stated that he had spoken to Council members regarding a matter than has come up in his neighborhood. He stated two blocks north of Girls' Preparatory School (GPS) a series of events have become apparent, as GPS seems to be assembling land to enlarge their campus. He stated what is happening at the moment is that the house at the corner of Island Avenue and Sterling has been undergoing internal demolition. He stated that he discussed the matter with Henry Yankowski and found that this type of demolition actually requires a permit, however, a permit has not been pulled. He stated the neighborhood would like an opportunity to discuss this with GPS and he went by today and spoke with the "number two" person as the Headmaster was out-of-state. He stated the house was in good shape before GPS bought it six-to-seven years ago and allowed it to deteriorate. He asked the Council to implement a moratorium on demolition. He stated as of today a request for a permit had not been received in public works and it normally takes about three days to work through the process.

RICH BAILEY (Continued)

Mr. Bailey again requested the moratorium to allow time for discussion between the neighborhood and the school to see if there is a solution. He asked if there is any way of putting the matter on the agenda for next Tuesday for a vote on a moratorium.

Councilman Littlefield informed Mr. Bailey that the Council "stared down this road" some months ago regarding a historic structure and testimony from Planning Staff that works with the Historic Zoning Commission; that the Council would go back and revisit that. He indicated that Mr. Rich had a roll of undeveloped film and asked that he get it developed and leave copies so the Council could look at them. He informed Mr. Rich that the Legal and Legislative Committee has a busy agenda for next week and would be glad to take this one and see if there is anything that can be done next week, if possible.

Councilman Hakeem asked if the neighborhood has a historic designation.

Mr. Bailey responded "no"; that at this point neither one is presently in that part of the neighborhood.

Councilman Hakeem then asked if it is his understanding that GPS owns the property and that the outer portion is not being torn down, only from the inside.

Mr. Bailey responded "yes"; that the school made the decision at some point last week. He stated this is the first event; that the second event is that the staff was told to take whatever they wanted out of the house and three windows have been pulled out of the wall, leaving a hole (in the wall). He stated the structure is what he would call unsecured and open and is a nuisance. He stated that he learned this afternoon from public works that this does require a permit and that has not been pulled.

Councilman Hakeem asked if Mr. Bailey's interest is not to have the house left open.

Mr. Bailey responded "ultimately, yes"; that as far as he knows discussions have been happening between others from the neighborhood and there is no formal association; that there are ten-to-fifteen in the neighborhood that are concerned about this demolition as well as a larger pattern that will be part of this.

City Attorney Nelson stated that the immediate answer to the problem if they are demolishing the house without a permit is by giving a stop work order.

RICH BAILEY (Continued)

Mr. Bailey stated that it is his belief that will happen tomorrow as a result of his conversation with Mr. Yankowski.

City Attorney Nelson urged Mr. Bailey to take a look and see what other properties GPS owns in the area.

Mr. Bailey indicated that he has done that.

City Attorney Nelson stated that the Council would hate to issue a blanket moratorium for the entire area without any more than what we now have.

Mr. Bailey again asked if the matter could be on the agenda for next week.

Councilman Littlefield stated that he would try to have it prepared for next week, but if a stop work order is issued tomorrow, he is hopeful some discussion will ensue with GPS as to what will happen with the house. He stated that he was a little concern regarding Mr. Bailey's statement that the inside has been demolished and widows pulled out.

Mr. Bailey stated that it is a "smallish" house; that several of the front windows have been pulled out of their frames and the carpeting has been pulled out to reveal hardwood floors, however, no hardwood has been ripped out.

Councilman Franklin clarified that the Councils stop work order is for Mr. Bailey to do what he needs to do until there is a meeting next week and then possibly offer a moratorium.

Mr. Bailey inquired as to how long the stop work order would be in place.

Admin. McDonald stated that the stop work order would depend upon whether they proceed with it promptly on tomorrow to "cure" that by applying for a permit. He stated they have not issued a permit publicly within three days before trying to do that; that it would be fairly quickly.

Mr. Bailey asked if the stop work order does not come with the duration of the project.

Admin. McDonald reiterated if they "cure" the problem; that as soon as they "cure" the problem they would have to remove the stop work order.

SHIRLEY DEAKINS

Shirley Deakins stated that she lives directly across from GPS and does not know who is networking with whom and trying to get information from anyone is "tighter than a tick". She stated it has taken her years to uncover what has taken place on Baker and Jarnigan Streets in this larger pattern of block-using, which impacts everyone one of them there. She stated that a similar thing happened when a house Bob McNutt owned burned and was never taken care of or looked into at the federal, state or local level; that firemen knew they needed to investigate it thoroughly. She stated when the house burned it was one of six that were impacted in over a year and was still under arson inspection; that someone went by and started pulling the inside of the house out and taking it off after dark. She stated that she attempted to find out if a permit had been pulled because she was concerned that the people investigating the arson needed to go back and look at the materials in the house. She stated a permit had not been pulled, which is typical of Mr. McNutt, and because he had not she called the police after the arson department of the Chattanooga Fire Department told her to call them (police).

Ms. Deakins stated after people continued to demolish the house other types of things surrounding these type of issues happened where abusive power is concerned. She stated they tore down houses and she went to check it out at the County Courthouse and discovered quitclaim deeds were "all over the place" in the name of Rachel Terellia of TCT Valley Contractors, one of the contractors that worked for CNE; that the signs in front of the homes read, "totally owned and being renovated by TCT Valley Contractors". She referenced a home for sale that was listed in yesterday's newspaper, as well as a concern with regard to information coming from Pam Hurst's office. She also referenced a developmentally diagnosed child that lives at 202 Jarnigan and the mortgage that is associated with CNE. She asked that the Legal and Legislative Committee look into what is happening around GPS as they may get involved in things on her street and she would not put anything past these people!

ADJOURNMENT

On motion of Councilman Littlefield, seconded by Councilman Pierce, the meeting of the Chattanooga Council was adjourned until Tuesday, July 27, 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)**