

**City Council Building  
Chattanooga, Tennessee  
May 10, 2005  
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce, Rico and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

### **PLEDGE OF ALLEGIANCE**

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

### **MINUTE APPROVAL**

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

### **SPECIAL PRESENTATION: PROCLAMATION TO WIDOWS HARVEST GROUP**

Chairman Robinson expressed that the Council was honored by the presence of the Widows Harvest group. She read and presented a proclamation signed by Mayor Littlefield proclaiming a "Special Day of Prayer and Devotion for Widows" on May 14 during their annual Widow's Harvest Conference. She also had an Honorary Citizen Certificate for the Conference speaker, Orna Greenman, who could not be present.

Andy Mendoza distributed brochures regarding the week's celebration and thanked the Council for their recognition on behalf of all the widows who could not be present as it is difficult for many of them to come out in the evening. He stated that he wanted the Council to know that there have been international ties over the last five years that extend as far as Africa, Pakistan and Israel. He stated everyone knows about Chattanooga as a city that cares and honors widows. He stated he is very proud to be part of this community and his somewhat small help in contributing to the Widows Harvest group.

**CLOSE AND ABANDON**

**MR-2005-003: City of Chattanooga**

Councilman Hakeem explained that Ordinances V(a), VI(a) and (b) and Resolutions VII(a) – (j) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Page,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED PORTION OF THE CITY'S RIGHT-OF-WAY ALONG THE WEST LINE OF THE 300 BLOCK OF NORTH LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

Councilman Benson stated this matter was discussed in Legal and Legislative Committee and made the request for it to be returned to Committee. He stated that he received a call from Rev. Mike Chatman of City Church who indicated that youth need music and they have 200-400 who gather on Sunday evenings and the noise from the music will be extended further than 50 feet into the neighborhood.

City Attorney Nelson asked if sound amplification devices are being used.

Councilman Benson stated that the neighborhood knows this and have complained before. He stated this ordinance does put "teeth" in the law, however, from the way he it reads if Rev. Chatman uses a PA system in any way it would preclude that; that he does not know how many other churches would be affected by this.

City Attorney Nelson stated that might be a good connection to make; that there is a federal law that prohibits states and cities from interfering with religious activities and services, so you may want to draw that into the ordinance and send it back to Committee.

Councilman Benson stated that it is his thought this would not preclude their religious activities.

City Attorney Nelson stated that it very will might.

**AMEND CITY CODE (Continued)**

On motion of Councilman Benson, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 25, ARTICLE III, SECTION 25-68(a), SO AS TO ADD A NEW  
SUBSECTION PROHIBITING CERTAIN SOUNDS**  
was referred back to the Legal and Legislative Committee for further discussion.

**CLOSE AND ABANDON**

**MR-2002-014: Joe Glover**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY  
LOCATED IN THE 300 BLOCK OF WORKMAN ROAD (PREVIOUSLY  
HAMILL ROAD), MORE PARTICULARLY DESCRIBED HEREIN AND AS  
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2003-141: South Broad Associates, LLC**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING AN EIGHT INCH (8")  
V.C. PIPE LOCATED ON THE OLD 34<sup>TH</sup> STREET RIGHT-OF-WAY, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
passed first reading.

**REZONING**

**2004-222: RMP, LLC**

Pursuant to notice of public hearing, the request of RMP, LLC to rezone a tract of land located at 2909 Faxon Street came on to be heard.

The applicant was not present; there was no opposition in attendance.

**REZONING (Continued)**

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this is a case that was deferred a few months ago. He stated the property is located on Faxon Street in the Rossville Boulevard area. He stated there is a residential structure located at 2909 Faxon and the request is for rezoning to M-1 for expansion of the building south of the residence. A diagram of the site in question as well as a site plan was displayed by PowerPoint, which included other businesses south of the site. He noted that he had not been out to the location recently to see if the home is still on the site and did not know if Councilman Pierce had had an opportunity to do so, as well. He stated Staff recommends denial as the Rossville Boulevard Plan does not support the rezoning of this property to M-1 and Planning recommends approval with conditions. He stated since the applicant is not present he did not know if action should be taken or if the matter should be postponed one week so that the applicant could be contacted to appear next week.

Councilman Pierce made the motion to table the matter one week so the applicant could be present and noted that opposition was present the last time this was discussed.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2909 FAXON STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1  
MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred one week.

**REZONING**

**2004-033: Chattanooga Neighborhood Enterprise**

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this matter was deferred from an earlier meeting for a request of C-3 by Chattanooga Neighborhood Enterprise (CNE) for residential development. He stated several conditions are attached to this request and it is recommended for approval by both Planning and Staff.

## REZONING (Continued)

Mr. Pace stated there is one condition {2(d)} that is attached which is normally attached to commercial properties which states, "There shall be a percentage of openings (doors and windows) on the ground floor of primary street façade of no less than thirty percent (30%)". He stated this will be a residential structure and thirty percent would be hard to match with doors and windows on front of the façade. Photos were displayed of the area showing the vacant properties and mixed uses of higher density and single family housing. He again reiterated that the request comes with a recommendation for approval with conditions, again noting that condition 2(d) should be excluded.

Councilman Hakeem asked if administration has had an opportunity to look at the item that was brought up when this was presented before. He asked if the question has been satisfied.

Mr. Pace stated that he was not sure; that Councilman Pierce brought up the question of infrastructure and Messrs. McNutt and Pfitzer are present tonight.

Councilman Pierce stated that there was discussion regarding infrastructure and he does not have any problem going on with the rezoning tonight. He stated there is a \$400,000 tag for Phase I and potentially one million for the total infrastructure. He stated he did meet with the Mayor however he is not sure the Mayor is ready to "sign off" on it. He stated if the rezoning is passed, it would be noted this does not mean the city will do infrastructure at this point. He stated we are talking about opening an unopened roadway which is private property.

Mr. Pace stated the property is under the ownership of CNE or Lyndhurst; that he is not certain who. He stated if it is not owned by the city it would be private property.

Councilman Pierce stated the Mayor had a question about the city going in and building a road on private property, which is part of the division of the sale of this property. He stated if the Council wants to rezone the property he has no problem with it, but does not want to commit the city for infrastructure.

Mr. Pace stated the property would be dedicated to the City as part of the development; that the city would not have to purchase it.

Councilman Benson stated that was his concern; that he did not want anything to lock the city into a moral obligation to build a street. He asked if this in any way locks the city with capital monies.

## REZONING (Continued)

Mr. Pace stated rezoning has nothing to do with infrastructure or what has been worked out about infrastructure or new improvements on the property; that this is just rezoning of the property.

Councilman Benson stated that he wants it reflected in the minutes that approval of the motion for rezoning in no way implies that will occur.

Councilman Hakeem stated that he heard from Councilman Pierce that that is something that can be considered and he is hearing from Councilman Benson that he is saying "no way".

Councilman Benson responded, "no," he is not saying "no way".

Councilman Hakeem asked in no way this will lock the city in, is that the key.

Mr. Pace responded that this is rezoning the property.

Councilman Pierce asked if CNE is willing to build the road and then dedicate it to the city.

Bob McNutt of CNE stated they currently have an agreement this is a redevelopment partnership with the city; that they plan to dedicate that to the city. He stated pursuant to discussion they have asked the city to put infrastructure in as they put in the redevelopment; that they (CNE) are putting money into the neighborhood as an investment to revitalize as part of their effort.

Councilman Pierce asked what money CNE is putting in as it is city money to begin with. He stated that he knows Lyndhurst is involved.

Mr. McNutt stated Lyndhurst, CNE and the city are partners; that Lyndhurst has put millions in this as in other neighborhoods such as M. L. King, for example. He stated CNE, the city and Lyndhurst have put investments into neighborhoods to make them sustainable for revitalization and that same pattern would be here. He stated they are not asking the city to put money in all by itself; that rezoning, as Councilman Benson suggested, is not conditioned on the city putting in infrastructure.

Councilman Hakeem stated that he is trying to understand if we have a problem with CNE; that other partners have worked with CNE over the years and it is though the Council feels this project is a private development.

## REZONING (Continued)

Councilman Hakeem asked who it is being done for and queried Mr. McNutt if CNE is going to make money off this like regular development persons.

Mr. McNutt responded "no"; that their role, as referenced during the tours of M.L. King and the area in question with the new Council members, is to be a pioneer in the neighborhood. He stated they have put money in to leave money in and not for profit as neighborhoods get to the point where it can attract the private sector. He stated it is their hope by platting nearly 40 lots they will have a private sector; that they are building lots into this and redevelop quickly thanks to the work of the city and CNE; that it is not for CNE to be the ones to make money.

Councilwoman Rutherford stated that she did not go on the tour and is in favor of the rezoning. She stated that she wanted to understand whether they were coming back in a few months to ask for money to do the infrastructure.

Jeff Pfitzer responded that they have been working for the last year with CNE, Lyndhurst and the property owner developing a model that actually allows them to develop in a way that is proper for blending in the neighborhood; that it is a healthy, sustainable, mixed income neighborhood. He stated they are in the process of briefing the new Council members and the Mayor and he (Pfitzer) has been in discussion with the Mayor and at the appropriate time (he) will brief the entire Council on that proposal as a separate matter. He stated this does involve the city spending money already in the capital budget and set aside for this.

Councilwoman Rutherford asked Mr. Pfitzer to "walk her through" the process and asked if he knows what approximately it will cost to do the infrastructure.

Mr. Pfitzer stated that had very recently been established by the city engineer and based on current costs the infrastructure for this development is \$400,000. He stated if we go in what Councilman Pierce referred to as a broader bicentennial neighborhood investment there is an additional \$500,000 - \$600,000 expense in the capital improvements budget over the next several years to do improvements on 17<sup>th</sup> Street that will support that, but it is not critical to this parcel's development.

Councilwoman Rutherford stated once the infrastructure is in and you are building and selling houses, the money CNE makes from building the houses, where does it go.

## REZONING (Continued)

Mr. Pfitzer stated this actually is a similar mode of what was done in other areas where actually Lyndhurst and CNE purchased the land and the early development of the parcel will be developed at a loss, probably; that once the market is assimilated to the RFP to attract developers the remainder will be developed by private development. He stated no profit is made "at the end of the day" by CNE; that the city eventually recovers money through the tax rolls.

Councilwoman Rutherford stated that she wants to see this work but it is difficult to explain to the private sector why we are not going to build streets in their subdivisions and that will probably put more money back into tax revenues than what Mr. Pfitzer is talking about. She stated it just hard to justify when talking to constituents in the private sector.

Mr. Pfitzer stated that he welcomes the opportunity to talk about this in more depth; that it is their belief this is a piece of the city that has value that is not being utilized; that it is a portion of the city in neglect and they are reinvesting to maintain historical investments of over 100 years in this portion of town as in other parts where there is neglect.

Councilwoman Rutherford inquired as to the price the houses.

Mr. McNutt responded on this particular land the estimated price would be \$100,000 - \$175,000.

Councilwoman Rutherford intimated that the average cost would be \$150,000 and inquired as to the number of houses.

Mr. McNutt responded that there would be forty and then around the park where land is already assembled approximately 80 units are projected. He stated 25% would be affordable housing with some rental; that there would be diversity in housing in the neighborhood that will make it sustainable and keep it revitalized.

Councilwoman Rutherford stated if her math is correct, \$150,000 X 40 equals out to six million dollars which shows a profit out of that.

Mr. McNutt stated that the estimate is closer to eight million; that the city would put in \$500,000 and CNE and Lyndhurst would put in one million leveraging six-to-eight million. He stated this is a very good use of Foundation money and city tax money.



## REZONING (Continued)

Councilman Benson stated that someone on the Council must have misunderstood; that Mr. McNutt understood what he (Benson) was saying. He stated for clarification one more time if the Council changed this ordinance tonight it does not lock us in on a "no turn back" course.

Mr. McNutt stated this land is zoned M-1 and it does not need to remain next to an up and coming neighborhood.

Councilman Benson stated this is not a "back door approach" forcing the Mayor into a position he has to put money into building a road.

Mr. McNutt stated that they would have to look at the different redevelopment strategies if it is not the city for partners. He stated the partnership is made with the city and they cannot revitalize by themselves, neither can the city.

Councilman Benson again noted that the zoning does not mean we will pursue it.

Mr. McNutt stated the Board would have a hard time if they did not have a partnership and revitalization team in place and they need to have time to discuss that. He stated this is the first step just for rezoning.

Councilman Pierce stated the property owner is here and would like to see if he wants it zoned or not.

James K. Glenn stated he has been the owner of the property for the past eighteen-plus years; that it is an excellent piece of property that has so much potential being revitalized and returned to a residential neighborhood. He stated he has worked with Bob McNutt, CNE and Lyndhurst through conversations and this has been ongoing for about a year with a lot of depth of planning. He stated the neighborhood has been involved and all are in harmony with moving forward and seeing this become a revitalized neighborhood. He stated he has been in the neighborhood for the past 37-40 years and has seen such enormous change in this area and this seems like a real dream come true for all of us in that area. He stated there has been a lot of planning going on for the past year and is something that has become a partnership deal through his meeting with the community and organizations. He stated he has "signed off" and has been "sold" on this as being the way to go; that if this is not possible he does not know where else he wants to go. He stated the way it is now is not the way it needs to be for the benefit of the neighborhood and investments prior made.

## REZONING (Continued)

Mr. Glenn stated if he were developing himself he would ask the city to partner up; that a nonprofit organization such as CNE and the good work they have done in helping the community, he does not have any hesitation or reservation about asking the city to put in money because the city will get it back, so what is the problem!

Councilman Pierce asked if there would be any objection to tabling the matter ninety days until the Mayor has time to look at it and the capital budget; that this money is in the capital budget already. He stated this is a new administration and there are other capital gains we need to do throughout the city. He stated there has been a lot of capital money previously committed from this Council for projects not on the "drawing board" six months ago; that all he is asking is to give the Mayor opportunity to see whether the money is in place. He stated if this is tabled or zoned is a decision that will have to be made as it is Mr. Glenn's property at this point. He stated that he understands Lyndhurst's position if it is not zoned or the infrastructure put in they will not be a part of the team. He stated the Council has to make a decision now; that it is getting late and some members of the Council have another meeting to go to.

Mr. McNutt stated the answer to Councilman Benson's question is "yes" they would take the rezoning; that they never intended not to have any "funding strings" to it. He stated he is relaying to the Council what has been in discussion for awhile and rezoning is the first part of it. He stated if they have to wait another time for the rezoning he would be comfortable with it.

Councilman Pierce stated if the matter is rezoned tonight there would have to be discussion with the Mayor.

Councilman Hakeem stated what he has to say will probably upset some people. He asked for a vote and move on to the next item.

Councilwoman Bennett stated that she and others did take a tour of the property and was able to see the community support; that looking at downzoning would be of benefit to the community.

Councilman Page stated at this point he has no idea of what the Council is voting on! He stated that he would like clarification of what the Council is voting on. He stated he understands the zoning but also understands the owner and CNE. He stated that he wants to know what it would cost, the benefit structure and what the city would get out of it in more detail; that he would like to see the dollars as he has no idea what they are wanting right now.

## REZONING (Continued)

Councilman Page stated that he does not know at all what he is voting on with regard to funding and any other infrastructure.

Mr. McNutt stated that there is a detailed budget and he would need to bring that and could at some point. He stated going forward with the zoning would be Mr. Glenn's choice as owner.

Councilman Benson noted that his question has been answered.

Mr. Glenn stated that he was sorry for his limited knowledge of what should be done at this time, whether to go on and do the rezoning and then wait for the other part of the equation, or leave it like it is. He stated he does not want to "roll out from under" an opportunity that is all commercial, zone residential and the city not sign-off on it at all.

Councilman Benson stated that he wants to understand as he really values what CNE has done and there is no question about that. He stated before any words are put in his mind, he asked that it be made clear as it is great what CNE has done; that the Council should take a tour of where this is and look at it. He expressed agreement with Councilman Pierce that a new administration is in place and the Mayor has a right to establish his priorities as he has to represent the entire city. He stated every portion of this city has things that money needs to be "plowed" into and invested well. He asked that the Council be given time and not preclude the Mayor from having his right of leadership. He stated he was afraid Councilman Pierce was moving too fast; that he (Benson) is more for rezoning as long as it does not lock us into over a million dollars.

Councilman Hakeem stated that it is interesting to him where we are; that we have an opportunity to help people to solidify the investment we have made here and we have a problem with it! He stated we can spend \$800,000 on a park and land and it is no big deal. He asked why is it if the Mayor has a problem why do we have to get it second hand; that if he wants to tell us something about it, why doesn't he come and tell us! He stated if we have a problem with CNE, if we have a problem with the Foundation let's not take it out on the community. He stated there is a saying, "we can stand like a gnat and swallow a camel"; that this is a project that helps people and he questions the Council's priorities.

## REZONING (Continued)

**Councilman Pierce made the motion to table the matter 90 days** and give the group an opportunity to meet with the Mayor and see if it works out with him. He stated he would not put the owner under pressure for rezoning at this time; that he does not have to wait 90 days if it is cleared with him (Mayor) and his office. **Councilwoman Rutherford seconded the motion.**

Councilman Hakeem noted that it is asinine to do so.

Mr. Glenn stated it was over a year ago when all of this started; that as far as who was Mayor or not never entered his mind. He stated now all of a sudden he is hearing there could be a problem they were not aware of. He asked what is happening as his enthusiasm is "going south". He stated he would almost like to get it rezoned yet he has no legal counsel here.

Councilman Pierce clarified that his motion was not to deny, just table the matter.

Prior to the vote, Councilman Benson noted his unreadiness and stated that he did not want to do anything here by not taking action. He asked Mr. McNutt if the Council was doing anything that would "hurt" tonight; that if the Council did not take action will it "hurt" the project.

Mr. McNutt stated that would depend on the partnership between Mr. Glenn, the neighborhood, the city and CNE; that they have to have all of them, which is very important. He stated they are ready to go forward as they have paid for civil engineering, platting and have a right-of-way in anticipation of the zoning change; that they have spent a small amount of money. He stated nothing is guaranteed in the future; that they have no problem and are willing to give the Council a tour.

Mr. Pfitzer added that the Mayor has been briefed and he would be discussing it further with him. He stated the Mayor gave his "blessing" in a meeting with Councilman Pierce that they proceed with the zoning, but would continue discussion on funding of the infrastructure.

Chairman Robinson asked if there was any further discussion on the issue of the tabling motion.

Councilman Hakeem attempted to speak at this time however Councilman Pierce interrupted and made reference to Robert's Rules of Order with regard to a tabling motion taking precedence and all discussion ceasing.

Councilman Hakeem again attempted to speak and Chairman Robinson attempted to carry forth the vote on the motion to table in an attempt to cease discussion. Councilman Pierce asked City Attorney Nelson to clarify the tabling motion issue.

Councilman Hakeem then interjected that the Chairman was “telling him to shut up”; that she was “letting him (Pierce) speak and telling him (Hakeem) to shut up”!

Chairman Robinson clarified that she asked if there was any future discussion on the issue of the tabling motion, in no way preventing Councilman Hakeem from making comments.

Councilman Hakeem stated that it seems this will not pass on first reading. He stated if the Mayor has any reservation or if the Mayor has already been briefed it is his hope all will get together between now and the second reading.

At this point, Councilman Page called for the question.

**Councilman Pierce made the motion to table the matter 90 days; Councilwoman Rutherford seconded the motion. On roll call vote:**

Bennett	“No”
Benson	“No”
Franklin	“No”
Hakeem	“No”
Page	“Yes”
Pierce	“Yes”
Rico	“No”
Rutherford	“Yes”

**The motion failed.**

**At this point Councilman Hakeem made the motion to pass the ordinance on first reading with the removal of item 2(d) in the conditions with the objective of the Mayor having an opportunity to review further between now and second reading; Councilman Rico seconded the motion.**

City Attorney suggested that a time be set aside for everyone to know when the second reading would take place.

Councilman Hakeem stated if the Mayor cannot review the matter between now and next Tuesday, the matter could be put off three weeks if that is appropriate.

**REZONING (Continued)**

Councilman Benson stated that it could be tabled week-by-week.

On motion of Councilman Hakeem, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1902, 1904 AND 1920 ROSSVILLE AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-  
3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading with the exclusion of condition 2(d) and review by the Mayor prior to second reading ; Councilman Pierce abstained.

**AGREEMENT**

**Councilman Hakeem** stated that he has a neighborhood meeting this evening and apologized for having to leave early. He **made the motion to move Resolution 7(i) forward on the agenda; Councilman Franklin seconded the motion; the motion carried.**

Councilman Hakeem stated this Resolution was discussed in today's Public Works Committee and for the most part the Committee came up with a compromise. He stated it has come to his attention since the meeting that Raines Brothers is not fulfilling their obligation when it comes to minority participation at the Electric Power Board (EPB) project and to allow them to move forward now without any commitment, what we have been dealing with over the years would continue where people say they will do "x, y, z" and it does not materialize.

At this point he made the motion to either table or deny. It was noted he incorporated two motions and was asked which motion he wanted to make.

**Councilman Hakeem clarified that his motion was to table the matter two weeks.**

Councilman Benson stated that he is not privy to the information that has come forth since the 4 p.m. meeting and Councilwoman Bennett feels the same way.

Chairman Robinson stated there is not enough information at this point.

Councilman Hakeem asked Atty. Williams to address the Council from the lectern.

## AGREEMENT (Continued)

Atty. Walter Williams stated he represents a minority contractor and brought the matter to the attention of the Power Board sometime ago when they let the contract for the new building. He stated that the contract referenced specific requirements relative to not only minority participation, but black participation, respectively. He stated that he called it to the attention of several Board members that the requirements had not been met and the question was raised at a Board meeting that there were concerns. He stated a letter did go out by the Chief Legal staff of the Board to Raines indicating they had not met requirements and a response was requested. He stated after reading about the new renovations at City Hall and the same contractor he became concerned. He stated the city owns the EPB and questions why the city would award another contract to one who has not fulfilled obligations made to the city itself on a building going up now. He stated he is not opposed to Raines, but there is a need to hold a person's "feet to the fire". He stated he is the one that brought this to the attention of Councilmen Hakeem and Franklin and if anyone has questions to deal with him and it can be verified by Power Board minutes. He reiterated that the question was raised and a letter went out from legal staff of the Board relative to failure to comply with specific requirements.

Councilwoman Rutherford asked if there has been any response from EPB and Raines or still awaiting (a response).

Atty. Williams responded "no"; that there has been telephone communication and the statement was made that they "could not find a contractor". He stated the statement was made and he can "back it up"; that his client was told by one of Raines' officers, "we like you and think you can do the work but we are not going to do more than we are forced to do". Essentially, he stated, they were saying, "Until they make us they are not going to do anything". He stated something is wrong about that; that a contract is awarded because of specific requirements. He stated two or three Board members spoke to the issue when consideration was given while choosing the contractor; that the crucial thing involves minority participation and specifically black participation. He stated Raines received the contract based on those assurances.

Councilwoman Rutherford expressed her thought that the minority contractor's bid was much higher and was not accepted; that the black contractor was not chosen because the bid was so much more.

Attorney Williams noted that the statement was made and he could bring the Raines representative in and challenge the person to deny or admit that he stated "he was not going to do any more than he was forced to do".

**AGREEMENT (Continued)**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RAINES BROTHERS, INC. RELATIVE TO CONTRACT NO. E-04-03-200, CITY HALL RENOVATIONS, IN AN AMOUNT NOT TO EXCEED SEVEN MILLION FORTY-ONE THOUSAND DOLLARS (\$7,041,000.00), INCLUDING A CONTINGENCY AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00), SUBJECT TO CONTINUING APPROPRIATION**

was deferred two weeks on roll call vote:

Bennett	"Abstain"
Benson	"Yes"
Franklin	"Yes"
Hakeem	"Yes"
Page	"Yes"
Pierce	"Yes"
Rico	"Yes"
Rutherford	"Yes"

**(COUNCILMAN HAKEEM EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)**

**REZONING**

**2005-047: Walter L. and Barbara H. Crox**

Pursuant to notice of public hearing, the request of Walter L. and Barbara H. Crox to rezone a tract of land located at 4340 Bonny Oaks Drive came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated that the request is for R-4 and the structure on the property is currently vacant. He stated a restaurant was located on the property in the past and the location is near Highway 58 off Bonny Oaks. He stated the request is for R-4 for a funeral business with no chapel; that the matter is recommended for approval from the Staff and Planning with conditions prohibiting chapel visitation or funeral services, the loading area would be to the rear of the structure away from the R-1 zone, no outdoor storage and all easements are to be retained.



**REZONING (Continued)**

Walter Crox of 2114 Chapman Road stated that he has concerns about the request by RPA regarding outdoor storage; that he does not understand if it makes a difference if they could park their hearse there or not. He stated the condition concerns him and he would much prefer to see that provision stricken.

Councilman Franklin stated that the provision does not prohibit parking vehicles on the property.

Councilman Pace expressed that Councilman Franklin is correct regarding the parking of vehicles. He stated there cannot be any storage of vaults or caskets or cartons of materials outside; that they would have to be inside the enclosed area. He clarified that vehicles would not be considered outdoor storage.

On motion of Councilman Franklin, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 4340 BONNY OAKS DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2005-051: Stan Phillips**

Pursuant to notice of public meeting the request of Stan Phillips to rezone a tract of land located at 1017 Mountain Creek Road came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated that the property would be used for an office and the structure would be retained. He displayed other R-4 businesses to the north along Mountain Creek Road and R-1 properties to the south of the request. He stated the request is recommended for approval from Planning and Staff and the applicant has met and is working with the traffic engineer on parking at the location, which should be worked out before moving in.

**REZONING (Continued)**

On motion of Councilman Benson, 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 1017 MOUNTAIN CREEK ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
4 SPECIAL ZONE**  
passed first reading.

**REZONING**

**2005-054: D L Developers, LLC (J. Lamar Howard & Bryan O. Freytag)**

Pursuant to notice of public hearing, the request of D L Developers, LLC to rezone a tract of land located at 5506 Cassandra Smith Road came on to be heard.

The applicant was present; considerable opposition was in attendance.

Mr. Pace stated this request is closer to Hixson Pike than Hamill Road and there is a predominantly single family R-1 zone to the south, west and east of the site. He displayed a copy of the proposed subdivision plat referencing that the property is currently vacant. He stated the request comes with a recommendation for approval from Staff and Planning with the condition the property could only be used for single family detached housing, a maximum of 57 lots, a twenty-foot landscape buffer and all easements are to be retained.

**Messrs. Bryan Freytag and Lamar Howard** introduced themselves as partners with D L Developers. Mr. Freytag stated that the property is currently zoned R-1 and they wanted the RT-Z for a zero lot line to build single family detached dwellings, known as patio homes, that would be marketed for the retired community. He stated the development would consist of level houses with wheelchair access with all masonry construction; that they would be 2,000 square feet with a price range of \$250,000.

Councilman Pierce asked if the property were not rezoned, how many R-1 structures could be built without the setback.

Mr. Freytag stated if he changed to R-1 the number would be reduced to 46 and right now they would get 57, noting that they would have to donate one lot for a detention pond for stormwater runoff. He stated they may end up losing lots as they want to maintain level lots and cater to the elderly.

## REZONING (Continued)

**Aaron Fitzsimmons**, President of the Preston Station Homeowners Association, spoke in opposition to the request and noted their concerns involved increased traffic on Cassandra Smith and Hamill Roads at morning drop-off and afternoon pick-up times, which is getting worse. He stated safety concerns for children waiting for the school bus along Cassandra Smith Road and increased traffic delays at the railroad crossing on Hamill are other concerns. He also mentioned that if this development is passed without action concerning infrastructure the same will be true of future developments. He referenced the North River Community Plan and how the proposed development does not comply. He made reference to excerpts from the Transportation Planning Organization's report of September, 2003 which noted safety and security with regard to the roads originally being designed as rural routes that now serve large numbers of suburban homes and that the average daily traffic on Hamill and Cassandra Smith Roads and many other arterials and collectors are deficient in Corridor Six. He displayed photos of waiting traffic at Big Ridge Elementary during morning drop off and asked the City Council to deny the zoning request until improvements to Cassandra Smith and Hamill Roads are in place.

**John Richards** of the Old State Run Homeowners Association stated that the principle purpose of the Hixson-North River Community Plan was to maintain and improve the quality of life in their neighborhoods and that the natural amenities such as North Chickamauga Creek, woodlands and hillsides are an important part of the community's identity and quality of life. He stated that is what makes the Hixson-North River area unique and is one of the reasons they call this area home. He stated the economic impacts would result in traffic that will lower existing values and that smaller and lower priced homes are proposed. He stated the reason given primarily for the recommendation was that the presently zoned R-1 would allow for higher density for growth; that 42 of the 57 lots are below what the minimum square footage is for R-1 and he was not sure how to calculate that. He stated architectural diversity will be absent and that each home in Old Stage Run are uniquely different and not a "cookie cutter" pattern noting that the proposed development, in looking at the drawing, will all look alike. He stated in regard to environmental impact an additional impervious surface will be created and there will be more runoff. He stated the residents ask that the Council deny the request; that they would like to see a mandate that equal lot sizes be required on Cassandra Smith Road. He stated they would like to see this request delayed to be considered with the other proposal that would be coming before the Council at its next rezoning meeting on June 14.

## REZONING (Continued)

Mr. Richards stated they would like for the Council to initiate a request for an environmental growth plan for the North Chickamauga Creek watershed area of Hixson before unbridled growth permanently damages the ecosystem. He presented the Clerk of Council with a petition signed by 159 residents.

**Bill Mitchell** of the Heritage Ridge Homeowners Association stated that his subdivision is next to this lot and all their concerns have been previously stated by the first two presenters. He stated one of the concerns he has is in reference to the other property that is coming up that will be reviewed; that he is afraid it will cause a landslide effect on Cassandra Smith and what it will do to the traffic there. He stated Hamill and Cassandra Smith now are the quick and easy corridors to get around Northgate for access to Hixson Pike going north. He stated he would like to see a traffic count done for this area to see the amount of influx that would come in; that road conditions are suspect now for this kind of development and he could see the city having to spend a lot of money. He stated they have problems with people trying to turn around to drop children off at Big Ridge Elementary, relating the dangerous circumstances on the first day of school when a little girl was hit. He concluded his comments by stating that Heritage Ridge residents want this request denied.

Mr. Freytag stated that the RT-Z zoning has less traffic than R-1 because of the people this project would be catering to as they would not have children with automobiles traveling as much as those working. He stated the basic traffic count is 349.6 trips for R-1 with the same number of houses and 147.84 in RT-Z. He stated this is actually calculating down with 46 rather than 57 in RT-Z based on the demographics of people buying the houses. He stated as far as traffic, this project is only 500 yards from Hixson Pike, a red light and a four-lane area; that people will not have to travel down Hamill and Cassandra Smith Roads. He stated as far as the Plan, Number 6 of the Plan recommends more houses for seniors and specialty retirement houses and/or patio homes. He stated Heritage Ridge and Old Stage Run have zero lot lines and he is not asking for anything they do not have. He stated that he sent out 126 letters for a meeting last week and only seven homeowners showed an interest and came.

Councilman Benson stated this came through Planning and, as a member of the Planning Commission, he and the Staff studied it closely and noted that Staff and Planning recommend approval. He stated that he wants the neighborhood to understand that he has been through so much of this in East Brainerd and it came to the point if they could get a tweaking of a zoning change conditions can be placed which would qualify the development and minimize many negative environmental problems that would come from this.

## REZONING (Continued)

Councilman Benson stated the property is now R-1 and the development would probably be good with good developers and a plan, noting that there is a "predator" in this district they are working on now. He stated the Staff and Planning approved because they know conditions could be placed upon the property which could include no dumpsters emptied during the night, light intrusion, setbacks, buffers and many other things. He stated he would defer to the Councilman in this district as he does not want to tell those in attendance that they have serious doubts about the R-1 with no conditions as long as they know what they are getting into. He stated he would not vote against this on the grounds the infrastructure should come first because if that precedent is set some communities would not get repairs or anything developed, noting that there is a place in his district where the infrastructure is far behind. He stated that it is his hope they know what they are asking for when they ask the Council to turn this down.

**Councilman Page** expressed thanks to the developers for meeting with the neighborhood and giving them the courtesy of hearing their plans and listening to what they are developing. He stated the point has kept coming up that we do have a plan which calls for this area to remain R-1; that the plan is operating clearly now and references low density. He stated we have a plan we are going by and this is spot zoning if you look at the zone near Hixson Pike as there is residential on both sides and across the street. He stated there is a tremendous amount of land that will be developed in the future and for this Council and this Plan to stay low density and R-1, it is his thought as the Council person for this district that this is one of the areas he represents where both the builders and developers are residents. He stated those roads are small and our commitment has been to keep the area R-1. He **made the motion that the request be denied; Councilwoman Bennett seconded the motion.**

Councilwoman Rutherford asked if RT-Z is in the plan now as it is not a spot zone. She asked if it is true this abuts against RT-Z.

Councilman Page stated that there is R-1 on both sides of this request.

Councilwoman Rutherford expressed that she was real concerned about this situation. She stated she has researched the developers and asked questions about them; that she feels they will build a good community. She stated if she lived here she would rather have 57 retired families than 46 R-1 (families); that under R-1 there are flooding problems that will not be addressed under R-1 and it would have to be addressed under RT-Z. She stated she does not see any benefit of R-1, yet sees a lot of benefit of the RT-Z.

**REZONING (Continued)**

Councilman Page stated he was not here to defend or not to defend that he is going by the Plan. He stated the rest of the property most likely is very difficult to build on and one of the things that has been recommended by Public Works is this is the way to get housing into a small area as opposed to building on a slope that is difficult to build upon. He stated the developer met with the neighborhood without taking issue with how many units you can really build. He stated he is not an engineer, but has been advised it would be a smaller number than what comes through when you say R-1. He stated how many can actually be built moves into a higher density decision.

Councilwoman Rutherford stated that it is her thought when it comes to Planning and Staff it is something that should be looked at very carefully.

**Councilman Page made the motion to deny this request; Councilwoman Bennett seconded the motion. On roll call vote:**

Bennett	"Yes"
Benson	"Yes"
Franklin	"Abstain"
Page	"Yes"
Pierce	"No"
Rico	"No"
Rutherford	"No"
Robinson	"Yes"

**The motion failed.**

**Councilwoman Rutherford then made the motion to approve the request on first reading; Councilman Rico seconded the motion. On voice vote the motion failed.**

City Attorney Nelson explained that the *City Charter* requires any action for approval or denial must be by absolute majority of the City Council and each vote has to have five votes either to approve or deny or no action is taken, in which case the item remains on the agenda. He stated this item will remain on the agenda for next week when an additional person will be present and the vote will be taken at that time.

Councilman Benson stated that the Council would need further clarification regarding RT-Z before the next meeting to clarify some of the questions about density and possible benefits of RT-Z.

REZONING (Continued)

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5506 CASSANDRA SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS**

will appear on next week's agenda for vote by the full Council.

*(COUNCILMAN PIERCE EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)*

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING KEN DEFOOR TO USE TEMPORARILY AN EXISTING SEWER EASEMENT AT 600 RIVER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO ALLOW BALCONIES TO OVERHANG INTO THE SEWER EASEMENT, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING ADAM KINSEY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON MARKET STREET IN FRONT OF TGI FRIDAYS TO INSTALL A CANOPY SIGN PROJECTING APPROXIMATELY FOUR FEET SIX INCHES INTO SAID RIGHT-OF-WAY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING MIKE B. KELLEY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON NORTH CREEK ROAD TO PLANT SEVEN (7) CLASS 1 TREES, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE**

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON MOCCASIN BEND ACCESS ROAD TO INSTALL A TEMPORARY ENTRANCE SIGN, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**CONTRACT**

On motion of Councilman Benson, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 3-05-033-101, WALNUT STREET BRIDGE FIFTH BIENNIAL INSPECTION, TO LICHTENSTEIN CONSULTING ENGINEERS, INC. FOR A TOTAL AMOUNT NOT TO EXCEED THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00)**  
was adopted.

**EASEMENT**

On motion of Councilman Benson, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, PERMANENT DRAINAGE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT FROM CLIFFORD AND LOUISE A. WOLFE AT 2105 HAMILL ROAD, PARCEL NO. 110J-A-012, TRACT NO. A-12, RELATIVE TO THE HAMILL ROAD WIDENING AT HIGHWAY 153 PROJECT, CONTRACT NO. E-02-008, FOR AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND FOUR HUNDRED SIXTEEN DOLLARS (\$18,416.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Benson, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. E-04-001-100, PAVEMENT CONDITION DATA AND MANAGEMENT PROGRAM, WITH QORE PROPERTY SCIENCES, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000.00)**  
was adopted.



### CONTRACT ADDENDUM

On motion of Councilman Franklin, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE ADDENDUM NO. 2, WITH TWH ARCHITECTS, INC. RELATIVE TO CONTRACT NO. E-04-039, INTERIOR DESIGN SERVICES FOR THE RENOVATIONS TO CHATTANOOGA CITY HALL, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FOUR THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$104,560.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED FOUR THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$604,560.00)**  
was tabled two weeks.

### CONTRACT

Councilman Benson stated that it is his thought this is not related to the previously deferred Resolutions.

Admin. McDonald responded "yes, it is"; that it is a different company but is also related to the renovation work on the city hall building. He stated if we are not going to do the renovation work we do not want to do this.

On motion of Councilman Franklin, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-04-039-202, CITY HALL RENOVATIONS ENVIRONMENTAL ABATEMENT, TO FIRST RESPONSE, INC. FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED TWO THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS (\$102,531.00), INCLUDING A CONTINGENCY AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00)**  
was tabled two weeks.

### ACCEPT PROPOSAL

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION ACCEPTING THE PROPOSAL OF FRIENDS OF THE ZOO TO BUILD THE COUGAR EXHIBIT, INSTALL HVAC IN CARTER SHOP, AND DESIGN THE SNOW LEOPARD EXHIBIT FOR THE CHATTANOOGA ZOO AT A COST NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), WITH THE CITY CONTRIBUTING A MAXIMUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)**  
was adopted.

### PURCHASE AUTHORIZATION

On motion of Councilman Franklin, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF  
PLAYGROUND EQUIPMENT FOR THE PARK PLACE PLAYGROUND FROM  
GAMETIME PLAYGROUND EQUIPMENT FOR THEIR LOW BID IN THE  
AMOUNT OF TWENTY-THREE THOUSAND SIX HUNDRED EIGHTY-THREE  
DOLLARS (\$23,683.00)**  
was adopted.

### AUTHORIZATION TO FILE LAWSUIT

On motion of Councilman Franklin, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO FILE A  
LAWSUIT AGAINST MARK ROBARDS D/B/A/ ROBARDS EXPRESS TO  
ENFORCE THE PROPERTY ZONING USE FOR HIS PROPERTY AT 2201  
HAMILL ROAD**  
was adopted.

### OVERTIME

Overtime for the week ending May 6, 2005 totaled \$12,193.22.

### PERSONNEL

The following personnel matters were reported for the various departments:

#### PUBLIC WORKS DEPARTMENT:

- **JEREMY POARCH** - Promotion, Electrical/Instrument Maintenance Supervisor, Waste Division, Pay Grade 19/Step 1, \$35,957.00 annually, effective April 20, 2005.
- **JOSHUA L. JONES** - Suspension (3 days without pay), Crew Worker, City wide Services, effective May 6 - 10, 2005.

## PERSONNEL (Continued)

### CHATTANOOGA FIRE DEPARTMENT:

- **EMILY SMITH** – Suspension (2 days without pay), Lieutenant, effective May 10, 2005.
- **MICHAEL WRIGHT** – Family Medical Leave, Firefighter, effective May 2, 2005.
- **DAVID ANDERSON** – Family Medical Leave expired, Captain, effective May 10, 2005.
- **DAVID ANDERSON** – Leave of Absence without pay (Medical), Captain, effective May 11, 2005.

### CHATTANOOGA POLICE DEPARTMENT:

- **BARBARA LOVELESS** – Resignation, Communications Officer, effective May 1, 2005.
- **RICHARD PHILLIPS** – Suspension (28 days without pay), Police Officer, effective May 4, 2005.
- **DAVID FRYE** – Demotion (28 days suspension without pay and demotion from Lieutenant to Officer, Police Officer, Pay Grade P1/Step 9, \$40,988.00 annually, effective May 4, 2005.
- **ROBERT STEPHENSON** – Resignation, Police Officer, effective May 6, 2005.
- **WILLIAM D. REDMAN** – Resignation, Police Officer, effective May 6, 2005.
- **AMY E. MCBRYER** – Resignation, Communications Officer, effective May 12, 2005.
- **JOSHUA D. MASSENGALE** – Resignation, Police Officer, effective May 12, 2005.

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

- **JERRY MITCHELL** – Resignation, Administrator, effective April 15, 2005.

**PERSONNEL (Continued)**

NEIGHBORHOOD SERVICES DEPARTMENT:

- **KENARDO CURRY** – Resignation, Administrator, effective May 1, 2005.

**EMERGENCY PURCHASE**

The emergency purchase of Milling Machine Repair, issued to Roadtec, Inc. in the amount of \$66,446.39 per emergency purchase order P0022667 for the Public Works Department was duly reported and signed in open meeting.

**PURCHASES**

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

**ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) (Single source)**

**R0082323**

ArcView/Arc Editor Software Maintenance per TCA 6-56-304-2

\$15,116.44

**CIBA SPECIALTY CHEMICALS CORPORATION (Lowest and best bid)**

**R0081970/B0002298**

Emulsion Polymer

\$.89 (Unit Price)

**PURCHASE**

On motion of Councilman Franklin, seconded by Councilman Rico, the following purchase was approved for use by the Finance and Administration Department for City Court:

**INCODE SOFTWARE SYSTEM (Single source)**

**R0082378**

Annual Software Maintenance & Support

\$24,230.37

**REJECT ALL BIDS**

On motion of Councilman Franklin, seconded by Councilman Page, authorization was given to reject all bids on R0080375/B002150 for Network Services Consultant for the Information Systems Division. The specifications will be revised to better describe service needs and will be re-advertised.

**COMMITTEES**

Councilman Franklin reminded Council members of the meeting of the **Parks and Recreation Committee** scheduled for 4 p.m. on Tuesday, May 17.

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee** for Tuesday, May 17 at 3 p.m.

**ADJOURNMENT**

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, May 17, 2005 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)**