

**City Council Building
Chattanooga, Tennessee
April 10, 2007
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Benson gave invocation.

MINUTE APPROVAL

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

ELECTION OF OFFICERS - CHAIRMAN

Chairman Pierce opened the floor for nominations for Council Chairman.

Councilwoman Bennett nominated Councilman Page. Councilman Rico made the motion to close the nomination on the one said name; Councilman Franklin seconded the motion; the motion carried. **Councilman Page was unanimously elected Chairman of the Council.**

City Attorney Nelson expressed thanks to Councilman Pierce for his service over the last year and wished him happy birthday tomorrow! He stated down through the years it has always been the prerogative of the City Attorney to provide the incoming chairman with a gavel to serve the next term. He presented the gavel and striking plate to Chairman Page, who just happens to be his Council person, and expressed congratulations!

ELECTION OF OFFICERS - CHAIRMAN (Continued)

Chairman Page stated he would be remiss if he did not make comments about Councilman Pierce and noted that he enjoyed working with him as Vice Chairman. He stated (“tongue in cheek”) that he will not be as colorful as Councilman Pierce; that he has done an outstanding job and would like to do something close to what he has done. He stated the Council has taken a leap of faith in electing him as Chairman and noted that he is the only one on the Council who has messed up the Pledge of Allegiance! He asked the Council to bear with him; that when he mispronounces a name or word to stay with him and correct him as needed. He thanked them for their confidence and noted that he considers it an honor.

ELECTION OF OFFICERS – VICE CHAIRMAN

Chairman Page opened the floor for nominations for Vice Chairman at this time. Councilman Benson nominated Councilman Rico. Councilman Pierce nominated Councilwoman Bennett. Councilman Pierce made the motion to close the nominations on the two said names; Councilman Franklin seconded the motion; the motion carried.

On roll call vote on the two Council persons nominated:

BENNETT	BENNETT
BENSON	RICO
FRANKLIN	BENNETT
GAINES	BENNETT
PIERCE	BENNETT
RICO	RICO
ROBINSON	BENNETT
RUTHERFORD	BENNETT
PAGE	RICO

The vote was six (6) for Councilwoman Bennett and three (3) for Councilman Rico. **Councilwoman Bennett was elected Vice Chairman.**

At this time the Mayor was asked if he wanted to make comments.

Mayor Littlefield stated that he was on the Council when Councilman Pierce was elected Chairman the first time and he has done a marvelous job once again. He congratulated him on completing the year of service and congratulated the new Council Chair and Vice Chairman. He stated that all have performed well and was present to see the “changing of the guard”.

REZONING

2007-030: City of Chattanooga and Chattanooga Downtown Redevelopment Corporation, c/o Paul Page, General Services

On Motion of Councilwoman Robinson, 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 201 WALNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND ZONING ORDINANCE

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA) stated that this is a housekeeping matter for zoning regulations; that it refers to where in the zoning regulations the urban overlay is described when previously it was not in there. He stated this makes it clearer in the zoning regulations.

Councilman Benson stated that the Legal and Legislative Committee recommends approval.

On motion of Councilman Benson, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1705(1), REDUCED PARKING IN THE URBAN OVERLAY ZONE, INTENT

passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilman Benson, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 708(1), RELATIVE TO YARD SETBACKS FOR RESIDENTIAL USE IN C-3 CENTRAL BUSINESS ZONE

passed first reading.

REZONING

2007-032: City of Chattanooga

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone a tract of land located at 215 Lookout Street came on to be heard.

There was no opposition in attendance.

Mr. Haynes stated that the site plan for this request reflects townhouse and office use and is in keeping with the downtown plan.

On motion of Councilwoman Robinson, 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 215 LOOKOUT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

R-O-W NAME CHANGE

2007-033: City of Chattanooga, c/o Bill Payne

Pursuant to notice of public hearing, the request of City of Chattanooga, c/o Bill Payne to change the right-of-way name of the 100 block of Lawn Street Place to Moonstone Road came on to be heard.

Councilman Benson asked if we worked with neighborhoods to decide that this street would be called Moonstone Road. He asked if this is what they wanted; that neighborhoods do have a choice.

Mr. Haynes stated sometimes they do and (he) is not sure if it is standing procedure or not.

Adm. Leach stated the two street name changes were requested by citizens and they worked with them on this. He stated this request is located in North Chattanooga and the name was reviewed and approved by the neighbors. He stated no one showed up in opposition to the request.

R-O-W NAME CHANGE (Continued)

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 100
BLOCK OF LAWN STREET PLACE TO MOONSTONE ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

R-O-W NAME CHANGE

2007-035: City of Chattanooga, c/o Bill Payne

Pursuant to notice of public hearing the request of the City of Chattanooga, c/o Bill Payne to change the right-of-way name of the 400 block of Bennett Road to Tall Timber Trail came on to be heard.

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 400
BLOCK OF BENNETT ROAD TO TALL TIMBER TRAIL, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

REZONING

2007-036: Mack Beagles

Pursuant to notice of public hearing, the request of Mack Beagles to rezone part of a tract of land located at 1516 McCallie Avenue came on to be heard.

The applicant was present; there was opposition in attendance.

Mr. Haynes stated this request is for a drive thru restaurant; that the C-5 zone would not permit it but a C-2 zone would. The site plan was displayed by PowerPoint which showed that only a portion of the site that would be used; that it is adjacent to an existing restaurant to the east and other C-2 and M-1 businesses in the area. He stated residential properties are in the rear and separated by an alley; that the proposal is in keeping with the Highland Park Master Plan and compatible with adjacent development. He stated the applicant intends to expand to a more urban form at a later date; that this is his first phase and a restaurant use would be developed later. He stated this development would get him started and generate activity.

REZONING (Continued)

Mr. Haynes stated there is opposition from the Highland Park Neighborhood Association and read the conditions contained within the ordinance. He stated Staff would like to have seen a building up to the sidewalk, but if this would be approved and since it is not on the sidewalk a zero setback or some type of landscaping would be required.

Mack Beagles, applicant, stated that he is asking for approval to rezone a tract of land located at 1516 McCallie; that his intention is to build a business that would serve walk-up orders at a walk-up window and drive thru. He stated his future plans include a dining area for inside service; that the location was previously Gulas', which served the community over 50 years. He stated Wally's is adjacent and there are only two eateries on McCallie. He stated he has been in the restaurant business for over 25 years and it is his desire and objective to create a friendly and civic minded entrepreneurship with the Council's approval.

Cliff McCormick stated that he lives on Highland Park Avenue and is familiar with the proposal and the property. He stated he likes for anyone who wants to make a go of it to start business, yet has concerns and others do as well with the nature of this approval. He stated someone came before the Council a year ago asking for another change to C-3 who had a good idea and the neighborhood got behind them and it went away. He stated he is a little concerned about rezoning with good intentions; that the lot is vacant and with Council approval the applicant can change the plan and put in anything, which is one concern. He stated the other concern is that the property was zoned C-5, not easily but by a lot of hard work by people. He stated the C-5 zoning requires businesses to serve not only the neighborhood but other components and if this has a drive thru with two windows it does not really serve the neighborhood as it increases traffic down Duncan where children under ten are playing.

Mr. McCormick stated there would be the addition of odor from the dumpster which is 20 feet from the back fence of two different houses and trash is another problem. He stated these are the reasons it is thought a use of this type is not appropriate adjacent to an area working hard to make a difference. He stated anyone driving through the area can see that; that they have worked hard to make a difference in crime in the area and they worry this change will make a start to "sliding backward".

REZONING (Continued)

Carol Meyer was present representing the Highland Park Neighborhood Association and expressed thanks to Mr. McCormick for his comments. She concurred that the neighborhood welcomes businesses as it makes them more vital; that their problem concerns that of a safety issue; that two blocks on another side there is a light increase in traffic down Duncan and they are concerned about the children. She stated because of the laws of the Neighborhood Association Board they have to bring something to the general membership and can not vote until a meeting is set; that the Board discussed the matter and is in opposition to the change in zone; that an informal vote was taken and the consensus was that the general membership agreed with them. She stated their concern has to do with the drive thru issue and the safety of their neighborhood.

Mr. Beagles stated that he met with the neighborhood and listened to all their concerns and it is his thought some are irrelevant. He stated as a businessman no one wants trash in their parking lot nor in the street; that if it were a sit down restaurant the same amount of traffic would be generated. He stated that it would be even less traffic with this being a drive thru as a drive thru does not mean it would create more traffic. He stated it is the opinion of several of the neighbors that if this location were a Starbucks or Mama's Pizza beer would be served and they would be okay with that. He stated the drive thru is more trendy to a neighborhood and would fit with the lifestyle. He asked that the Council approve the rezoning.

Councilman Benson stated something was mentioned about beer and he did not want that to get out that beer would be sold. He asked Mr. Beagles if he is correct in thinking beer would not be sold. Mr. Beagles responded "correct".

Councilman Benson then asked Mr. Beagles to name the restaurants he has owned or operated.

Mr. Beagles stated that he has owned Armando's on Main Street and in East Ridge, a catering company and the Crème House in Ooltewah.

Councilman Benson asked if he had a good record at those establishments and no trash problems and inquired as to the hours of operation of the proposed business.

Mr. Beagles stated that he has to go by the rules as the environmentalists are very strict. He stated he plans to open at 11 a.m. and close at 8 p.m. five days a week.

REZONING (Continued)

Councilwoman Rutherford stated that she is concerned about beer sales and asked if the C-2 zone allows for beer and a liquor license. Mr. Haynes responded "yes".

Councilwoman Rutherford stated that she worked hard years ago with the Highland Park residents to downzone McCallie; that she voted against the request a few months ago and will vote against this tonight. She stated that she wants to see a condition put on that he could not have beer or alcohol on the premises.

Mr. Beagles stated it is not his intent to have beer or alcohol.

Councilwoman Rutherford stated that the intent does not matter because the zoning stays with the property regardless of who owns it.

At this point Councilman Benson made the motion to approve the request with the condition there be no alcohol; Councilman Rico seconded the motion. On roll call vote:

BENNETT	"NO"
BENSON	"YES"
FRANKLIN	"NO"
GAINES	"NO"
PIERCE	"NO"
RICO	"YES"
ROBINSON	"NO"
RUTHERFORD	"NO"
PAGE	"NO"

The motion failed.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A
TRACT OF LAND LOCATED AT 1516 MCCALLIE AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD
COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**
was denied.

REZONING

2007-043: Mandeep Grewal, M.D.

Pursuant to notice of public hearing, the request of Mandeep Grewal, M.D. to rezone a tract of land located at 637 Morrison Springs Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated this request is for medical offices and is located just outside the Red Bank city limits. He stated the property is adjacent to an existing residential structure, across from Red Bank High School and more vacant property. He stated there is no specific land use plan for the property and the proposal would not negatively impact adjacent uses. He stated the Planning Commission recommends approval subject to conditions.

Dr. Mandeep Grewal stated the clinic would serve the Red Bank and North Chattanooga areas and hopes it will be a good facility for the people in that area. He stated the dumpsters will not be seen from Morrison Springs Road.

On motion of Councilwoman Robinson, 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 637 MORRISON SPRINGS ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND
R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading.

REZONING

2007-044: Geoffrey Singer

Pursuant to notice of public hearing, the request of Geoffrey Singer to rezone tracts of land located in the 700 block of Natchez Circle came on to be heard.

Councilwoman Bennett stated that she wanted to make sure the applicant has requested withdrawal.

REZONING (Continued)

Mr. Haynes stated that he received an e-mail and phone call requesting withdrawal of this request and the associated PUD.

Councilwomen Robinson and Rutherford made the motion and second to withdraw the request pursuant to the request of the applicant.

Councilman Pierce stated the request for withdrawal or denial would have to be voted up-or-down; that if it is withdrawn the applicant could come back next week.

Councilwoman Robinson stated the request was denied by the Planning Commission.

City Attorney Nelson stated if the matter is denied the applicant can not bring it back; if it is withdrawn the applicant can bring it back.

At this point Councilwomen Robinson and Rutherford withdrew their motion and second for withdrawal.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS LF
LAND LOCATED IN THE 700 BLOCK OF NATCHEZ CIRCLE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
was denied.

REZONING

2007-046: Greg Vital

Pursuant to notice of public hearing, the request of Greg Vital to rezone a tract of land located at 5501 Old Hixson Pike came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Haynes stated this request is for an assisted living facility and nursing home. He displayed the site plan by PowerPoint and noted that the assisted living facility would be located on five acres, the senior retirement center on 4.3 acres, the greenway on two acres, a community lot consisting of eight acres and the nursing care center on 6.3 acres for a total of 18.4 acres.

REZONING (Continued)

Mr. Haynes stated that a more recent site plan shows the proposed school site for the Hixson Middle School to the north and existing residential; that across the street to the east and rear are vacant properties protected under a conservation easement by the Tennessee Wildlife Commission. He stated the Hixson North River Plan recommended low density residential and the proposal would not have any negative impact; that it would serve as a buffer to homes and the proposed school.

Mr. Haynes continued by stating that the Hixson leadership reviewed the proposal; that they formed the land use plan and are used as an advisory and "sounding board". He read from a prepared statement by Everette Fairchild, Chairman of the group, which expressed the Committee's endorsement of the plan and noted that it meets the needs in Hixson, is a good neighbor for the new Hixson Middle and High School, is an excellent use of the site and is the preferred use in contrast to other uses as condos and townhouses. He stated several Committee members expressed concern about privacy and protection of property for the residences to the south. He stated the community requested the RPA staff and Mr. Vital to do everything reasonable to screen the development to protect Mr. Standifer's privacy. He stated approval is recommended for the proposal from Planning subject to conditions. He stated the site plan was submitted on March 12 and any change shall be approved by the RPA staff.

Greg Vital stated that he is President of the independent health care property and worked with the RPA to get to this point. He stated there is a real need in the North River-Hixson area for additional senior services and this 20 acre site will be developed as a senior health care services campus. He stated the property is currently R-1 for residential use and the request is for R-4 to allow an assisted living, Alzheimer's Center, skilled nursing facility and retirement center. He stated they are excited about the School Board being in the process of building a new middle school and the construction would coincide, minimizing disturbance in the area. He stated the site is surrounded by the Tennessee Wildlife Resource property and one neighbor raised objections about screening. He stated they are happy to comply with the RPA to increase the buffer in addition to required fencing, which has been added to the proposal. He stated they have taken all the steps necessary to work with agencies and the planning leadership council; that they have met with the Board of Zoning Appeals and have been granted a special use exemption subject to this zoning. He expressed disappointment that he has not been able to satisfy the neighbor with the 20 foot buffer; that it is his thought in the long run everyone will be happy with this use in the neighborhood. He stated he would appreciate the Council's support of this request.

REZONING (Continued)

Greg Ashley of the Tennessee Wildlife Commission stated that the Commission owns two tracts directly east and west of this proposed development. He stated there was a little confusion at Planning that the area was in a conservancy; that it is, in fact, a wild life management area operated by the Tennessee Wildlife Commission wherein those areas on Tuesday, Thursday and Saturdays of each week beginning September 1 and running through the last day of January is a combination small game waterfowl and big game hunting. He stated the only thing he would suggest to Mr. Vital is that he never contacted him (Ashley) and the overseer of the two areas. He stated he wanted to make the Council clear there will be fire arms shot on those three days of the week that might become distressing to this development; that they have done this for seven years and it is very successful and popular with Chattanooga sportsmen. He stated that he wanted to make the Council clear that the land will be used by sportsmen from September 1 – January 30.

Mike St. Charles of Chambliss, Stophel and Bahner was present on behalf of the Standifers who are opposed to the project. He stated it is not that they do not think it is a good project that has been needed on the north side; it is a good project in the wrong location. He stated the Standifers have invested a substantial amount of time and effort for the last eleven years and the land use plan for this area is R-1 not R-4; that their investment was made in reliance with the land use plan. He stated they are concerned that the R-4 use will increase density intensity that the R-1 would not and are concerned about traffic and loss of privacy. He stated there was discussion about the buffer supplied by the Type-B plan and Mr. Vital has agreed to the fence; that the Standifers requested additional requirements which were rejected and they have not been able to come to an agreement on those requirements.

Mr. St. Charles stated Dr. Standifer looked at some of the other issues and, basically, has two types of owner disputes – one is the location of the property line which is used as the ingress and egress driveway between the two properties and Dr. Standifer has rights to that joint driveway easement. He stated also, based on discussion, there is an equitable claim the Standifers have on the property itself. He stated they could not work out the arrangements and had no choice but to file a suit which is a pending lawsuit involving these two issues. He stated it would be inappropriate to rezone this property if Dr. Standifer prevails on his claims as he would be the equitable owner and would not want the property to be rezoned. He requested that the matter be deferred until those rights are resolved in court.

REZONING (Continued)

Greg Vital stated that he wanted to address what was said with regard to contact with the Tennessee Wildlife Association. He stated that he did contact the office in Crossville to make sure they were aware of plans for rezoning; that it was thought it was premature subject to the rezoning and understands they do hunt. He stated it is his hope they would be just as sensitive to the children at the middle school as the seniors so there will not be a problem; that many of his people still hunt and fish and will enjoy that. He stated in reference to the Standifer's offer after the last RPA meeting they asked for additional landscaping in the form of a six foot tall berm with fencing on the property which would be unreasonable. He stated a twenty foot buffer of trees has been granted as well as a fence that goes beyond the property line determined by surveyors. He stated this evening is the first time he heard of the equity claim and he (Vital) was not named. He asked that the matter move forward as he has authorization from the Hixson family that has owned the property close to 200 years to rezone and has a binding contract.

Councilman Benson asked if this development is as good, better or worse than Morning Pointe on Shallowford Road.

Mr. Vital stated that the project would be better; that the Morning Pointe project was done in 2000 and this project will be along the patterns of the one in Ooltewah.

Councilman Benson stated that he was president of the Ashwood Homeowners Association when the proposal for Morning Pointe was requested and there were some anxieties in the entire neighborhoods around Shallowford and Twinbrook; that the job done there was better than residential and more private than if there had been homes. He stated the project did not put traffic out on the road and it is his guess the residents were too old to drive!

Mr. Vital stated they would teach them how to hunt!

Councilman Benson asked for clarification that the project would be better than the one on Shallowford.

Mr. Vital responded "absolutely"; that it will be a campus development like the one in Ooltewah.

Councilman Benson stated that the landscaping at the facility on Shallowford is beautiful and hopes it will continue at this location.

REZONING (Continued)

Mr. Vital stated that the landscaping will be phenomenal and will be an asset; that they are working with the greenway folks and the school and a city park has been talked about. He stated they want to be a good neighbor and the Council will be pleased.

Councilwoman Robinson stated that she actually toured the facilities this company has developed and can confirm what Councilman Benson has stated; that she is impressed with the landscaping and campus-like setting they have.

On motion of Councilman Franklin, 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 5501 OLD HIXSON PIKE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT OT CERTAIN CONDITIONS**

passed first reading.

REZONING

2007-047: Tom Cofer

Pursuant to notice of public hearing, the request of Tom Cofer to rezone a tract of land located at 5005 Highway 58 came on to be heard.

The applicant was present; there was no opposition.

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 A TRACT OF
LAND LOCATED AT 5005 HIGHWAY 58, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**

passed first reading.

INVESTMENT TRUST

On motion of Councilman Rico, seconded by Councilwoman Bennett,
A RESOLUTION ESTABLISHING AN INVESTMENT TRUST FOR THE PURPOSE OF PRE-FUNDING OTHER POST-EMPLOYMENT BENEFITS AS PROVIDED IN TENNESSEE CODE ANNOTATED, TITLE 8, CHAPTER 50, PART 12, SUBSTANTIALLY IN THE FORM ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
was adopted.

TEN-YEAR CAPITAL PLAN

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION APPROVING A TEN-YEAR CAPITAL PLAN FOR THE RENAISSANCE AND PRESERVATION OF THE MEMORIAL AUDITORIUM AND TIVOLI THEATER SUBSTANTIALLY AS SET FORTH ON THE FORM ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT WITH ALLIED ARTS TO CONDUCT PRELIMINARY RESEARCH AND PLANNING FOR CAPITAL CAMPAIGNS TO SUPPORT THE RENAISSANCE AND PRESERVATION OF THE MEMORIAL AUDITORIUM AND TIVOLI THEATER IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00)
was adopted.

GRANT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR AND THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A "SAVE AMERICA'S TREASURES" GRANT FROM THE NATIONAL PARK SERVICE IN AN AMOUNT UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), WHICH WILL REQUIRE MATCHING FUNDS UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), TO BE USED FOR DRAINAGE SYSTEM REPAIRS AND MODIFICATIONS, INCLUDING RESTORATION OF DRAINAGE-DAMAGED AREAS OF THE MEMORIAL AUDITORIUM
was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING APPOINTMENT OF JONATHAN W. HAGEN AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

GRANTS

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND, IF AWARDED, ACCEPT THREE (3) BYRNE MEMORIAL GRANTS FROM THE OFFICE OF CRIMINAL JUSTICE PROGRAMS IN NASHVILLE IN A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED NINETEEN THOUSAND TWO HUNDRED SEVENTEEN DOLLARS (\$119,217.00) PER YEAR FOR THREE (3) CONSECUTIVE YEARS AND AUTHORIZING THE REQUIRED LOCAL MATCHING FUNDS IN A TOTAL AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS (\$18,333.00) PER YEAR
was adopted.

BONDS

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SEVENTEEN MILLION SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$17,750,000) CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2007A AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO
was adopted.

TERMS OF BONDS

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION OF THE CITY OF CHATTANOOGA, TENNESSEE, APPROVING THE TERMS OF BONDS TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO
was adopted.

PRELIMINARY PUD

2007-045: Geoffrey Singer

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS THE PRESERVES AT DALLAS PARK, ON A TRACT OF LAND LOCATED AT 1849 KNICKERBOCKER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was denied.

OVERTIME

Overtime for the week ending April 6, 2007 totaled \$9,367.24.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **BILLY DAVID MUMPOWER** – Family medical Leave, Codes Coordinator, Land Development, effective February 12 – May 4, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **JARED B. SULLIVAN** – Resignation, Officer, effective April 3, 2007.

PURCHASE

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

BUZZI UNICEM USA AND CEMEX (Best bids)
R0097219/B0003937

PURCHASE (Continued)

Portland Cement (*Dual contracts; these vendors are located on opposite sides of town. Awarding two contracts will help promote fuel efficiency and better utilization of worker man hours by allowing the work crews to go to the nearest supplier.*)

HOTEL PERMIT

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following hotel permit was approved:

SHERATON READ HOUSE HOTEL – 827 Broad Street, Chattanooga, TN

PURCHASE

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Finance Department:

VESTEX INC. (Sole source)
R0097501

Address Validation Software per TCA 6-56-304.2

\$13,100.00

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following purchase was approved for use by the Mayor’s Office, General Services Division:

LOWE’S, INC. (Best bid)
R0097538/B0004026

Appliances for City Hall

\$17,352.14

COMMITTEES

Councilwoman Robinson stated that the Health, Human Services and Housing Opportunities Committee met today for a report from Community Impact, our partner in neighborhood revitalization.

Councilman Rico reminded Council members of the **Public Works Committee scheduled on Tuesday, April 17 at 3 p.m.**

CABLE FRANCHISE BILL

Councilwoman Rutherford inquired as to whether there was an update on the AT&T Franchise.

City Attorney Nelson stated that he had not heard anything other than what he has read in the paper.

Councilwoman Bennett stated that the TML District 3 meeting is scheduled for Friday, April 20 and this matter is to be discussed. She stated everyone should receive a memorandum announcing the meeting.

ORIENTATION OF PERSONS APPOINTED TO CITY BOARDS

Councilwoman Robinson stated that she would like to make a suggestion for the Council's consideration in regard to the persons appointed to City Boards; that the appointees be given opportunity to have an orientation session to familiarize themselves on our processes, such as Roberts' Rules which we follow for all our meetings. She stated that it should be recommended that Boards have orientation to instruct them to follow the same procedures we do and elect a Chairman on a basic year-to-year. She stated her comments are not made in the form of a motion just as a topic to take up at the appropriate committee level.

Councilman Franklin expressed that Councilwoman Robinson's suggestion is a great one, especially when it comes to Roberts' Rules. He stated that he would add a caveat to that to review each board individually based on expertise that is needed for some of them as it relates to their chairman and make sure when it comes down to rotation that is applicable that those chairpersons have the expertise necessary, such as the Board of Variances and Appeals wherein the chairperson would go out and do field work to find out about the different cases. He stated that should be considered when there is discussion.

ORIENTATION OF PERSONS APPOINTED TO CITY BOARDS (Continued)

Councilman Benson stated that he likes what Councilwoman Robinson said and should be discussed in one committee.

City Attorney Nelson commented that under the present committee structure it is his thought the Legal and Legislative Committee would be the place for it; that with the new Chairman coming in he may revamp committees somewhat and can await his pleasure over the next week-or-so.

Chairman Page stated that it is his thought the committees would stay in tact for now; that he does plan to go back to the three members per committee. He asked if Councilman Benson is willing to have it discussed in Legal and Legislative Committee.

Councilman Benson stated it could come up in Legal and Legislative in two weeks and a rough draft would be prepared.

Councilman Pierce stated that Chairman Page mentioned going back to the original committee form and the Council's Rules of Order. He stated if we go back to that form, the Council would have to "brush up" on Roberts' Rules and know what the Committees are, who they consist of and allow them to function; that everyone should not take part and control them. He stated there is a lot about Roberts' Rules the Council is not adhering to and maybe the Council needs to take a little course!

City Attorney Nelson stated that Roberts' Rules provide we will abide by them except where other rules of Council, ordinance or Charter of the city supersede them. He stated for instance under Roberts' Rules a quorum of nine would be five and three people could pass a measure, but because of the Charter it still takes five. He stated there are a lot of reasons where there is sort of a "mish mash" that we give priority to the Council's Charter or an ordinance or resolution from the city.

Chairman Page suggested that the matter be discussed in the Legal and Legislative Committee in two weeks (April 24).

UTC TOUR

Councilman Pierce reminded Council members of the tour at UTC scheduled for April 24 from 1:30 p.m. – 2:30 p.m. He stated everyone would return in time for the committee meeting scheduled for that day. He expressed hope that all Council members would go and that transportation could be provided.

MAYOR'S DISTRICT 1 MEETING

Councilwoman Bennett expressed thanks to the members of the Council for the honor to serve as Vice Chairman. She thanked administration for participating in last Thursday's Mayor's meeting in Lookout Valley. She stated the citizens really enjoyed it and were able to get answers to questions.

SHIRLEY DEAKINS

Shirley Deakins of 222 Baker Street stated that she almost did not come to the meeting this evening as she feels more and more out of the mainstream when she sees the persons who come before the Council and the types of projects and monies that seem to be driving the destiny of our area. She stated that she was present to address the issue of the cable industry; that she is not really interested in whether AT&T gets a state franchise or Comcast if it continues. She stated that the thing that concerns her is that she reads of the growing population of elderly people who are not all well healed and have no source of income to engage in nefarious activities; that they are not likely to do it but maybe before it is over the amount of money she has earned buys less and less. She stated that she has felt for a long time there should be some accommodation from Comcast in the ways of basic cable or ways those of us were considered; that we are not considered by Comcast and are not regulated and this has been going on for years and years. She stated not only did the City Council refuse to regulate Comcast but the Council also neglected getting funds they could have gotten based on nefarious or nebulous ways of figuring out how much their net or gross profit is.

Ms. Deakins continued by stating that she thinks it is sad that things have gotten so powerful and important that the gentrification process in developers of so called economics continues to wind itself around and around and around. She stated many of us are growing older and deprived of news at times to the point that we could be in war in five seconds! She stated there has not been some type of negotiation for that growing population of people who do not traffic drugs but would like to enjoy culture that does not cost \$20 or \$45 "a pop"; that they still like to access C-SPAN and still have a brain, yet she does not know how long it will last! She stated she does not like to come to talk to the Council as it depresses her; that what angers her is what forces her to come.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, May 17, 2007 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)**