

**City Council Building
Chattanooga, Tennessee
May 22, 2007
6:00 p.m.**

Vice Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Gaines, Pierce, Rico, Robinson and Rutherford present; Chairman Page was absent due to personal commitment. 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, Councilwoman Robinson 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.

SPECIAL PRESENTATION: STEVE PACK, PUBLIC WORKS EMPLOYEE OF THE YEAR

Adm. Leach stated one of the joys we have is to recognize folks who excel and enjoy their work. He stated as a follow-up to the proclamation presented by Mayor Littlefield last week for "National Public Works Week" he had been working with staff to develop an agenda for the "Week" and included was recognition of a special employee. He stated tonight he has the privilege of doing that; that there was a selection process that involved the employee's peers and a lot of good folks in Public Works. He stated this person works 24/7 and the department has a lot of experienced folks. At this point he recognized **Steve Pack as the Public Works Employee of the Year** and noted that he is an employee in the Traffic Operations branch within the Traffic Engineer's Office. He introduced Steve's parents and immediate supervisors, John VanWinkle and Bill Brewer.

**SPECIAL PRESENTATION: STEVE PACK, PUBLIC
WORKS EMPLOYEE OF THE YEAR (Continued)**

Adm. Leach stated Steve is a native of Chattanooga and a graduate of East Ridge High School; that he has worked for the city as a teenager during the summer breaks from school and upon receiving his welding certification began working full time for the city in 1993. He stated Steve has always been fascinated by learning how machines work and, more importantly, sought ways to make them more efficient than the original concept. He stated since coming to work for the city, Steve has sought innovative ways to improve daily operations in the Traffic Division and as a result of these efforts, developed a special mounting bracket for use in attaching parking meters to existing light poles, saving the city considerable money and eliminated the need for a separate pole (for the meter). He stated that he worked with city engineers in developing special traffic signal poles, which, once designed, had to pass extensive testing of the welds.

Adm. Leach continued by stating that chief among Steve's many accomplishments is the development of a specialized tool to hydraulically install poles for traffic safety signs and, prior to this development, traffic operations employees used sixteen pound hammers to drive the poles into the ground. He stated while a specialized truck was available to install these poles the cost was prohibitive, thus, Steve designed, fabricated and installed a new system on an existing truck that used hydraulics to install the poles at a cost of only \$11,000 per unit, a savings of \$54,000 per unit and a total savings to the city of over \$270,000! He stated Steve's experience, expertise and willingness to move to the next level are exemplary; that he is being recognized for his extraordinary dedication to his job and department which reflects great credit to himself and the City of Chattanooga. At this point he presented an acrylic plaque to Steve and expressed how proud he was of him.

In closing remarks, Adm. Leach reminded the Council of the remaining activities for "National Public Works Week" noting that at Warner Park on Wednesday 300 students have been invited to look at displays, on Thursday an awards ceremony and luncheon is scheduled at the First Tennessee Pavilion and on Friday there will be exhibits at Miller Plaza. He expressed appreciation to the Council for their support throughout the year and noted that the department is delight to serve the city every day!

Councilman Benson stated that he was impressed with Mr. Pack's accomplishments and expressed thanks to him for all he has done for the community.

**SPECIAL PRESENTATION: STEVE PACK, PUBLIC
WORKS EMPLOYEE OF THE YEAR (Continued)**

Councilman Franklin expressed agreement with comments made by Adm. Leach and Councilman Benson and noted that Mr. Pack is a great candidate for the Snodderly Award awarded through TML.

Adm. Leach noted that Mr. Pack's name has been submitted for the Award.

INTERIM BUDGET

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF
THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND
SEPTEMBER 2007, PENDING THE ADOPTION OF THE 2007-2008 ANNUAL
BUDGET**

passed first reading.

CLOSE AND ABANDON

MR-2007-040: Patricia Robinson

Councilwoman Rutherford made the motion to deny this request; Councilman Rico seconded the motion.

Councilwoman Gaines stated that she met with several members from the Chamberlain area this weekend and walked through the alley. She noted that there is a concern with the easement for BellSouth and what Mrs. Robinson has petitioned for faces Chamberlain. She **motioned that the matter be deferred two weeks** for a better understanding as to the other opening at Bailey Avenue. She stated last week there was discussion regarding an investment for Mrs. Robinson and the reason for visiting the Chamberlain site was to actually speak with citizens living in the area. She stated that they do have concerns for safety; that she sees more than just what was described as an investment for Mrs. Robinson as there is genuine concern from what she witnessed with the two houses. **Councilman Franklin seconded the motion.**

Barry Hurlbert stated that he purchased 108 Chamberlain in 1981 and it is less than ten feet from the alley. He stated that he did not purchase this as a quick turnaround investment and has been there a long time. He stated cars have hit the houses on both sides and one is owned by Mrs. Robinson and the other is his.

CLOSE AND ABANDON (Continued)

Mr. Hurlbert stated the cars drive too fast and has hit fences and a child was hit on a bicycle coming out of the alley because of the blind exit onto Chamberlain. He stated he is speaking mostly from the safety side and expressed his wish that the Council could consider abandonment of the alley or table the matter until further investigation as has been suggested.

Councilman Rico stated that denial of the permanent closure was agreed upon and the city is willing to give temporary usage. He stated a fence will be put up there and if it is safety that the residents want they will get it with a fence. He stated Public Works did not want to turn it over and there might be a need for it some time later and the city will have to buy it back, however the city might not ever need it. He stated temporary use means there will be no taxes and it could be used from now on.

Councilman Benson stated safety is not an issue; that the temporary use is safe or safer than a permanent closure – so safety is not even an issue. He stated the real issue is the citizens of Chattanooga and their ownership of land that would be going away to two people. He stated at Planning Mrs. Robinson said “if the city had to buy it back”, that is the problem; that someday we might and if we do not give it way to a citizen we will not have to buy it back. He stated the chance is, as Councilman Rico mentioned, the city might never need it; that in this case it would not be fair to the rest of the citizens for us to give away property and lose our option in case of emergency.

Councilwoman Rutherford stated that Councilmen Rico and Benson expressed what she was going to say; that she has told people a temporary use equals eternity, so if safety is a concern, please do not be concerned. She stated there will be the same safety benefit with the Resolution the Council will approve.

Councilman Pierce stated Councilman Benson may be misleading when he says “give away property”; that the city does not own alleys, we only have rights-of-way and once we have no further use for the alley then they are abandoned and it reverts back to the property owner. He stated that he went out to the site and saw no one; that he was not in committee when this was discussed. He stated he could not find the alley and does not know where he went wrong. He stated that he noticed the telephone power line there and the question in his mind was whether that would be abandoned by the telephone company and normally we do not close where there are some public utilities.

CLOSE AND ABANDON (Continued)

Councilman Pierce stated he still planned to try to find the alley again and noted that there are over 500 alleys in the city and the city has elected to clean various alleys. He stated there are a lot of alleys on the list and was looking at the list today but could not determine which was clean or not as he had not looked at the list in a long time. He stated if there is no further use why would Public Works make a recommendation not to abandon the alley and asked what use the city would have for it.

Adm. Leach stated that the alley was used mainly for access; that there are a series of open alleys and the actual recommendation or request by Bell South is to maintain their easement. He stated nothing could be built over it and one of the issues from Public Works is if there is ever a need to go in for whatever use, they would prefer not to go in and buy an easement.

Councilman Pierce stated that is speculative and is the same position about a piece of property on 13th Street that the city owns.

Adm. Leach stated in this case Public Works is requesting they have temporary use; that it can be fenced and they can utilize their own space; that BellSouth wants to maintain their easement.

Councilwoman Gaines asked Adm. Leach if he visited the property.

Adm. Leach responded that his staff did.

Councilwoman Gaines stated that she entered on the Chamberlain Avenue side of the property and walked back to the left of Mr. Hurlbert's house and the right of Mrs. Robinson's house. She stated what they are requesting is right at their back gates; that they walked into Bailey Avenue and BellSouth's easements and other alleys mentioned are facing the Bailey Avenue entrance and closure would not interrupt their easement. She stated all of BellSouth's easements and utilities are toward the Bailey Avenue area; that the largest tract of land is on Chamberlain and the lady's is on Bailey.

Adm. Leach stated that he can not defend BellSouth; that it could have been the Gas Company or EPB, however in this case it is BellSouth or AT&T and they requesting to keep the easement open.

Councilwoman Gaines stated that she wants the matter deferred for two weeks. Councilwoman Rutherford noted that she has a motion on the floor for denial.

CLOSE AND ABANDON (Continued)

City Attorney Nelson noted that the motion to defer takes priority.

Councilwoman Rutherford asked what would be accomplished in two weeks.

Councilwoman Gaines stated that the two week timeframe would give the Public Works Department and all of us an opportunity to visit this property and come back and talk about the closure; to get past the temporary piece and close the alley for good.

City Attorney Nelson clarified that the motion to defer has priority; that if the tabling motion fails the vote would go back to the original motion for denial.

On roll call vote on Councilmen Gaines and Franklin’s motion and second to table one week:

BENSON	“No”
FRANKLIN	“Yes”
GAINES	“Yes”
PIERCE	“Yes”
RICO	“No”
ROBINSON	“No”
RUTHERFORD	“No”
BENNETT	“Yes”

The motion failed on a 4-4 vote. The original motion and second by Councilwoman Rutherford and Rico for denial was now on the “floor” for vote. On roll call vote:

BENSON	“Yes”
FRANKLIN	“No”
GAINES	“No”
PIERCE	“No”
RICO	“Yes”
ROBINSON	“Yes”
RUTHERFORD	“Yes”
BENNETT	“No”

The motion failed on a 4-4 vote.

City Attorney Nelson stated both motions failed and the matter would be placed on the agenda next week until it is decided.

CLOSE AND ABANDON (Continued)

Councilwoman Gaines stated that the site is not far from the post office on Bailey Avenue and she would be happy to meet Council members there; that it is an interesting piece of property. She stated if Council members could see it and walk it with her they would understand that a closure would in no way encroach on the utilities.

Councilman Pierce stated that this matter has been voted on and asked if it could be discussed once the vote has been cast.

City Attorney Nelson responded "yes"; that it is still a subject to debate. He stated the matter has not been closed and the Council has not moved on to the next item.

Councilman Pierce stated that the alley is less than 100 feet; that it is 89 feet and is not an entire alley. He stated what he would like for the Council to do, if they are willing, is that after the tour of the Community Kitchen next week it will not take ten minutes to run by Chamberlain; that the tour is at 1:30 p.m. and we would have time to be back for committees and vote on the matter and move on.

Councilman Benson stated some of the Council members have already been out there.

Councilman Rico expressed that the staff should be respected for what they have done; that they know that we have to trust their professionalism as to what they are doing.

Councilwoman Gaines expressed agreement with Councilman Rico's comments and noted that the Council should still, at some point, look at the property; that this has nothing to do with not respecting staff.

Councilman Pierce stated that he never puts all his trust in staff or one man; that he is here to make a decision and make up his own mind.

Councilman Rico stated the temporary use in Resolution (d) allows them to get what they want.

Councilwoman Rutherford stated Councilman Rico voiced what she felt; that she thought it was an advantage to them to have the temporary use; that a permanent closure would cause her to vote differently.

CLOSE AND ABANDON (Continued)

Councilwoman Rutherford stated that they get exactly what they want and need in a temporary closure and the city is protected; that she does not see that we are putting them at any disadvantage.

Councilwoman Gaines expressed hope that Council members would visit the site by Tuesday.

Councilwoman Rutherford noted that she might go by before Tuesday.

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE 1500 BLOCK OF CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

will appear on next week's agenda for first reading due to failure of votes for tabling and denial.

REZONING

2007-058: Gregg Juster c/o Elder Healy & Company

Councilman Benson stated that this matter was deferred due to being speculative. He stated that he talked with Messrs. Healy and Haynes and thinks a good job has been done; that it is his thought this should be the prototype for a lot of things. He stated there was some concern about changing and giving carte blanche which could hurt and diminish adjacent property.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA) stated that they have come up with a solution; that there was a lot of confusion about the suggested use language; that the focus should be on restricted uses the community and neighborhood may not prefer. He read from a list of prohibited uses that would be incorporated into the conditions: *no convenience store, liquor store, alcohol package store, adult-oriented establishments, pawn shops, payday lending establishment, car wash, day care, communications towers, self storage, winery, commercial establishments open after 12:00 midnight, billiard halls/bowling alleys, medical facilities, auto repair shop, animal hospital/grooming, funeral home/crematories and no more than 30% of building shall be used for commercial use without special exception.* He also pointed out that there was a condition in the Resolution from Planning that referenced *"parking requirements and no graveled parking area"* which has been deleted at the request of the Traffic Engineer.

REZONING (Continued)

Elder Healy stated that the first condition which states "*residential and restaurant or deli use only*" will be taken out.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1601 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

ADOPTION OF NORTH SHORE PLAN

Councilwoman Rutherford stated that there are still questions and concerns regarding this Resolution and made the motion to table the matter thirty (30) days or four (4) weeks.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADOPTION OF THE NORTH SHORE PLAN
was tabled four (4) weeks (June 19, 2004).

DONATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM THE UNITED WAY OF GREATER CHATTANOOGA, INC. IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) TO THE DEPARTMENT OF EDUCATION, ARTS AND CULTURE FOR "CONNECTING THE DOTS - A SUMMIT ON ARTS AND SOCIAL ISSUES"
was adopted.

TRANSFER OF CREDITS

Councilwoman Robinson inquired as to the definition of "credit".

Adm. Madison explained that the purpose is to authorize transfer of budget appropriations from one department to another within the general fund to prevent over expenditure.

Councilwoman Robinson stated that in other words "credit" means funds.

TRANSFER OF CREDITS (Continued)

Adm. Madison responded "yes", dollars.

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

TEMPORARY USE

Councilmen Benson and Rutherford made the motion and second to approve this Resolution.

Councilman Benson noted that the temporary use is being given for safety. Councilman Pierce stated that the applicant might not want the temporary use and made the motion to table the matter until next week: Councilman Franklin seconded the motion.

On roll call vote on Councilmen Pierce and Franklin's motion and second to table one week:

BENSON	"No"
FRANKLIN	"Yes"
GAINES	"Yes"
PIERCE	"Yes"
RICO	"No"
ROBINSON	"No"
RUTHERFORD	"No"
BENNETT	"Yes"

The motion failed on a 4-4 vote. The original motion and second by Councilmen Benson and Rutherford to approve was now on the "floor" for vote. On roll call vote:

BENSON	"Yes"
FRANKLIN	"No"
GAINES	"No"
PIERCE	"No"
RICO	"Yes"
ROBINSON	"Yes"
RUTHERFORD	"Yes"
BENNETT	"No"

TEMPORARY USE (Continued)

The motion failed on a 4-4 vote.

City Attorney Nelson stated that both motions failed and the matter will come back next week.

A RESOLUTION AUTHORIZING PATRICIA ROBINSON TO USE TEMPORARILY AN UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE 1500 BLOCK OF CHAMBERLAIN AVENUE, AS REFERENCED IN CASE NO. MR-2007-040 AND SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

will appear on next week's agenda due to failure of votes to table and approve.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING JERRY MOODY TO USE TEMPORARILY 725 CHERRY STREET TO INSTALL OUTDOOR SEATING, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was denied.

OVERTIME

Overtime for the week ending May 18, 2007 totaled \$8,731.71.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **RICK DAVIS** – Promotion, Traffic Systems Technician, Traffic Engineering, Pay Grade 14/Step 11, \$47,573.00 annually, effective May 11, 2007.
- **BRENDAN CLEARY** – Hire, GIS Specialist, Sr., Engineering, Pay Grade 15/Step 6, \$40,000.00 annually, effective June 4, 2007.

PERSONNEL (Continued)

- **ROY E. DUNCAN** – Retirement, Traffic Control Crew Worker, Traffic Operations, effective May 8, 2007.
- **MATTHEW TUCKER** – Resignation, Engineering Designer, Engineering, effective June 5, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **KEVIN AMOS, JESSICA RABE, CHRISTIE TONEY** – Hire, Police Service Technician, Pay Grade 5/Step 1, \$20,000.00 annually, effective May 11, 2007.
- **MOZELLE THOMPSON** – Retirement, Communications Officer, effective May 18, 2007.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchase was approved for use by the Department of Parks and Recreation:

SMITH TURF & IRRIGATION (Lower and better bid)
R0097870/B0004051

Top Dresser

\$10,995.00

PURCHASES

On motion of Councilwoman Gaines, seconded by Councilman Franklin, the following purchases were approved for use by the Mayor’s Office, General Services Division:

NABCO ELECTRIC CO. INC. (Lower and better bid)
R0098878/B0004155

Three-Phase Electrical Installation for a Chiller at Bessie Smith Hall

\$25,000.00

PURCHASES (Continued)

JOHNSON CONTROLS, INC. OF CHATTANOOGA (Single source)
R0098248

York Absorption Chiller Maintenance in DRC per TCA 6-56-304.2

\$11,667.84 annually

CAROLYN'S TEMPRESOURCE, INC. (Change Order #2)
R0089991/P0024914

City Wide Temporary Employment Services

\$ 46,300.00 – Original Contract (8/25/06)
30,000.00 – Change Order #1 (1/9/07)
30,000.00 – Change Order #2
\$106,300.00

KEY'S CARPET CENTER (Lowest and best bid)
R0098313/B0004124

Carpet and Installation for Annex First and Fourth Floors

\$13,888.75

CHEROKEE TRUCK EQUIPMENT, LLC (Lowest and best bid)
R0097946/B0004041

Purchase and Installation of Three (3) Truck Utility Bodies

\$21,879.00

CITY EMPLOYEES' CREDIT UNION

Councilman Benson stated that an 87 year old man came to see him and Councilwoman Bennett and was very upset and disturbed and the Council should know about this. He stated the gentleman has money in the City Employees' Credit Union and has written a letter to the Mayor and a copy to each Councilman.

CITY EMPLOYEES' CREDIT UNION (Continued)

Councilman Benson stated that the man went to a city credit union meeting in January or February and was told the credit union would no longer pay off on any death benefits which has been a long standing agreement of up to \$2,000 and upon death, \$4,000. He stated that it is his thought the gentleman could bury himself but other employees probably could not and were counting on that. He asked if this should be grandfathered-in; that if a new program comes along that is fine but it is felt those to whom the commitment was made should be grandfathered-in. He stated the gentleman was told a letter would be written to him in thirty days and to this day nothing has been received.

Councilman Benson continued by stating that the gentleman wanted to know why the Council would sponsor or authorize an agency that would default on their commitments. He stated that he tried to explain to the gentleman that the Council has nothing to do with it and his answer was that the credit union is using offices across the street that belong to the city.

City Attorney Nelson stated that he did not know of any influence the Council has at all as he has not looked into the credit union's operation in years. He stated that it is governed by members elected by the members.

Adm. Daisy Madison corroborated City Attorney Nelson's comments.

Councilman Benson stated that the credit union is defaulting on commitments.

Adm. Madison stated that she does not know what the contract says as the credit union has been around the city for a long time and they have just served as a mechanism for city employees who may not be able to get a loan elsewhere, they could go there, get a co-signer and secure a loan. She stated this is not a city entity and we have no control or involvement, except to authorize and administer payroll deductions.

Councilwoman Rutherford expressed wonderment as to whether the members have paid in toward this benefit or if it is just a complimentary benefit granted to members.

Councilman Benson stated that members get that much less interest while the company pays insurance on it.

Adm. Madison expressed that it is probably provided to employees as an incentive.

CITY EMPLOYEES' CREDIT UNION (Continued)

Councilwoman Rutherford stated that she has been banking at the TVA Credit Union and sometimes they send things that she does not have to pay for; that if they took it away she would not think they are doing anything particularly wrong.

Councilman Benson insisted that Councilwoman Rutherford does pay for it; that it is not free!

Councilwoman Rutherford stated that she did not enroll for it and does not write a check for that benefit.

Adm. Madison stated that it is paid for by way of income, but not directly.

Councilman Pierce stated that it is his thought this is something the Council should look into; that it is hard for employees to borrow through a credit union. He stated he does not know if it is the Council's job to contract with the credit union so employees may have one, but he is certain other credit unions would welcome our employees. He stated that he is of the opinion the Council should look into some type of eviction notice.

Councilwoman Rutherford asked who authorized the credit union to exist on city property.

City Attorney Nelson stated he has been with the city thirty-nine (39) years and that pre-dates him.

Councilman Benson asked Paul Page as the city's property manager to "get to the bottom" of this for the Council.

Mr. Page stated that there has been discussion about charging them rent and a lot of thought went into what to charge. He stated it is his thought they are non-city and should pay rent.

Councilman Benson inquired as to whether the City offers telephones and utilities.

Mr. Page stated that he did not know about the telephone system; that the city is paying for electricity and water, which would be included in a price per square foot. He asked the Council to tell him what to do about that.

Councilman Rico stated that the city should start charging them rent!

CITY EMPLOYEES' CREDIT UNION (Continued)

Councilwoman Rutherford asked Mr. Page to go back and figure it out. She asked if there is a contract or anything legally binding to us; that until we know that we do not know what Mr. Page can do with them.

City Attorney Nelson stated that he did not think there is anything out there, yet on the other hand, it is one of the items in city government that falls on the executive and administrative side and not legislative.

Councilman Benson suggested that Paul Page and Dan Johnson look into it.

Mr. Page acknowledged that he would be glad to do that.

COMMITTEES

Councilman Rico reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, May 29 at 3 p.m.**

Councilman Franklin stated that the **Parks and Recreation Committee will meet on Tuesday, May 29 immediately following Public Works.**

EUGENE SCHIMPF, III

Eugene "Buck" Schimpf, III stated that he lives at 800 Market Street and was present not as a developer but as a resident. He stated many on the Council will remember that he owned Loveman's and sold it several years ago and when the property was being developed he convinced people at the time that it would be a catalyst for a lot of downtown development. He stated he convinced people that there would be a demand for those who wanted to experience the vibrancy and convenience of downtown and it is personally gratifying to realize he was correct! He stated when he thinks of the vibrancy of the area it also causes him to think of the sights, sounds, smells and everything that makes urban living attractive. He stated that he was present to discuss a sound that has become quite a nuisance, noting that every Wednesday and Saturday there is a lady, whose name he does not know, that comes to Miller Park with loud speakers and hands out meals to the homeless.

At this point, Councilman Pierce interrupted Mr. Schimpf and stated that he invited him to be present this evening; that other Council members invited others to come to a committee meeting earlier.

EUGENE SCHIMPF, III (Continued)

Councilman Pierce stated that the whole matter was discussed in committee and asked that Mr. Schimpf connect with the City Attorney after the meeting to be apprised of what actions may be forthcoming.

Mr. Schimpf stated that he had agreed to come because he was told someone was needed to stand in front of the Council, so he got up! He stated that his name is now on the record and (he) has done his duty.

Councilman Pierce expressed appreciation to Mr. Schimpf for his presence.

DAVID AVANT

David Avant stated that he is a member of the ministry in question. He stated that the pastor of the ministry did not know they were in violation until very recently – 24 hours ago! He stated they have been trying to work with the Lieutenant downtown in an effort to work closely with the city; that they have been trying to follow all ordinances and requirements of Parks and Recreation. He stated that they started this ministry seven years ago and it was stated from day one that a permit would be needed from Parks and Recreation. He stated they have followed every guideline that has been asked and at one point under Mayor Corker they were stopped from coming in for two weeks. He stated they were recently told to contact 311, which they did; that 311 gave them a confirmation number as a permit is no longer issued. He stated a confirmation number is sufficient and they do want to work with the city, yet they feel they are actually being forced out of Miller Park. He stated people in the downtown region have an underlying problem yet the homeless do not need to be “kicked to the curb”. He stated that he understands there might be a possibility for use of the property across from the Community Kitchen. He stated the director of the ministry could not be present, yet he figured this might come up. He stated he would like to set up a meeting about this as opposed to being forced out and getting mean comments from Parks and Recreation people that contacted them just last night.

Councilwoman Robinson stated that this matter did come up this afternoon and she had a question about the place where this is taking place. She stated a few blocks from Miller Park is the Community Kitchen and there is a lot of ground around that area that might be a very good alternate site for this ministry; that it is really where the city’s investment was made in trying to put together our resources. She encouraged Mr. Avant to explore that feasibility as Miller Park will be under extensive renovation and another place must be found.

DAVID AVANT (Continued)

Mr. Avant stated that he was informed last night that renovation is scheduled; that they are all of a sudden cut off without any place to go. He stated they have been trying to do things the proper way and they should have been contacted before Monday.

Councilwoman Robinson stated the property on Eleventh Street is a big open space.

Mr. Avant stated the former Farmer's Market is in very bad condition.

Councilman Benson stated he was down there today and the last two buildings will be torn down. He stated there is sort of a pavilion there that is an ideal place and he is certain Mr. Zehnder could provide tables.

Mr. Zehnder nodded affirmatively.

Mr. Avant stated that he was approached by a resident of the Loveman's building who was very adamant about telling them to stop their ministry no matter what as he did not like the sound of their music. He compared the sound of his music to that of Night Fall music and noted that his ministry's wattage does not outweigh the sounds coming from Night Fall or Riverbend.

Councilman Benson stated that Mr. Avant would enjoy being down there (Farmer's Market area). Mr. Avant's response was "yes".

Councilman Benson stated that he noticed that Adm. Zehnder is nodding his head and asked that he identify himself (Zehnder) so they could talk after the meeting.

Paul Page stated he was in contact with the director this afternoon.

Councilwoman Bennett stated that some of this is a work in progress; that the Council will actually tour the Community Kitchen next week at 1:30 p.m.

Mr. Page stated he will talk with Mr. Avant and show him the nice place Councilman Benson is talking about.

GARY BALL

Gary Ball stated he was present representing Ridgedale. He invited Councilmen Rico, Pierce and the rest of the Council to the community's banner presentation scheduled for Thursday night at 5 p.m. He expressed thanks to Councilman Rico for helping secure the partnership grant for the banner. He stated food will be served and the time was changed to 5 p.m. so that the businessmen could come. He extended an invitation to Councilwoman Rutherford as the former Council person for the area and as one who has always been a friend to him. He stated the banner will be a positive influence for the neighborhood.

ADJOURNMENT

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, May 29, 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)**