

**City Council Building
Chattanooga, Tennessee
March 11, 2008
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

INVITATION TO MAYOR'S STATE OF THE CITY ADDRESS

Mayor Littlefield stated that it is not a requirement of the *Code* or *Charter*, that it is a tradition as far back as he can remember to have an annual State of the City address which had been done in different ways. He stated that he wanted to make sure if Council members did not receive written invitation of the State of the City address that it is scheduled for Thursday, March 20 at 4:30 p.m. at The Chattanooga and noted that a reception will be held at 4:30 p.m. with the speech following at 5:30 p.m. He stated that he promises to keep the event within the two hour timeframe and plans to go into some of the things he and the Council have accomplished together and the other challenges facing them. He stated that he wanted to make sure they were duly invited and would appreciate their coming.

Chairman Page stated that everyone looks forward to hearing the Mayor's address.

**ACKNOWLEDGEMENT OF COUNTY COMMISSIONER
LARRY HENRY**

Chairman Page acknowledged the presence of District 4, County Commissioner Larry Henry.

AMEND CITY CODE

Councilman Pierce stated someone from the neighborhood had asked to be given a couple minutes to address this issue.

Troy Beige of 912 East M. L. King Boulevard distributed a petition signed by the residents of the M. L. King community. He stated they are opposed to any increase in the speed limit above 25 miles or more; that many in the community were not appropriately aware of the first reading which was passed unopposed and now that they have talked, they are in agreement this is not something they want for M. L. King as many of them are living there and raising a family. He stated the petition represents 34 persons or 97 percent of those in agreement they do not want an increase. He stated that they know the increase being proposed is small, however given the ten miles per hour rule, people already tend to drive 8-10 miles over and any increase will increase the limit on a residential street. He stated many children live in the community, as well as pets and grandchildren and the residents do not see increasing the limit to be a safe choice. He stated there is currently no traffic issue to his knowledge or congestion and does not see the compelling reason. He stated that he did read Mr. VanWinkle's report and his reasons why; that there is poor visibility on that hill going toward Central that could cause issues and noted that several accidents have occurred at M. L. King and Central, making the point that increasing the limit would perpetuate increased accidents. He stated Olivet Baptist Church, the largest organization on the corridor with 5,000 members, also opposes the increase as they have parking lots on both sides of the street with members crossing the street on a regular basis. He stated that he moved downtown and loves it; that he moved on this street due to the slow limit and does not want any increase that would make it less safe for himself, his family and other residents.

Councilman Pierce stated that he was contacted prior to this coming up and personally did not see any reason not to raise the limit five miles per hour; that at the time the neighborhood association did not oppose it which was the reason he went on and went along with it. He stated now the community has "raised up" and has signatures, noting that he would like for the Council to "take him out of the mix", that he will vote but asked that they vote what they feel is in the best interest of that community.

AMEND CITY CODE (Continued)

Councilman Pierce stated that the increase does come with risks as the lanes are narrow and there is parking on both sides of the street; that if a person stops and opens their car door they are opening it to the extent it might be opened into the lane of traffic and to increase the speed limit would cause more accidents. He stated personally he supports it but has given his word, does not have any objections and would have to stick to his word.

Councilwoman Berz inquired as to the rationale for the increase in the speed limit.

John VanWinkle stated that there is no change in speed whatsoever and no significantly high increase in speeds. He stated this was recommended based on that; that to slow down to 25 would be construed as a speed trap and that is not what they want. He stated they want to create a speed that is safe and reasonable so as not to penalize people driving a speed they feel is safe and reasonable. He stated the recommendation is for the speed to be increased to what the prevailing speed is so there would technically be less violators by the law.

Councilman Benson stated that this ordinance is tied not only with M. L. King but ties into Davison Road, also.

Mr. VanWinkle stated that the ordinance could be amended any way the Council wants; that it ought to be emphasized that speed limits are based on the 85 percentile. He stated if the speed is too low there are drivers that pass others to get around them which make the road less safe. He stated that he wants to get the speed uniform at 35, which is reasonable for the road at East Central; that it is much the same kind of road except for on-street parking where it is not as dense.

Councilman Benson stated he does not have a problem with the ordinance however he does have a problem with the community coming and asking for safety to be enhanced. He stated the way the ordinance is written Davidson Road is included and M. L. King can be taken out. He stated that he voted in committee for Davidson and M. L. King to be increased according to Mr. VanWinkle's data; that at the time he did not know the community would object and thinks he should go back to the drawing table.

Councilman Pierce stated that he had tentatively given approval, but the way Mr. VanWinkle explained it to him we let people set the speed limit; that whatever they drive we set the limit to their liking.

AMEND CITY CODE (Continued)

Councilman Pierce stated that he does not think it is supposed to be that way; that Mr. VanWinkle is safety director and should give the speed he feels is safe for the area. He stated no one asked that it be put at 25 miles; that it was originally that way when the street went from one way to two way and now there is traffic on four lanes and could see 35 miles, but now that it has been reduced to two way it is a hazard to keep it at that limit. He stated that this is the second attempt at this and it is coming at a different direction this time. He stated he is open to whatever the Council does and could argue both sides of the case.

Councilwoman Berz stated that she agrees with what is being said, however, it is her thought the Council has to listen to the neighborhoods; that there are issues all over the place that deal with neighborhoods and it may not be statistically what is correct. She stated the Council has to listen to the neighborhood's wishes which they did not hear before.

Councilman Benson made the motion to approve the ordinance on second reading excepting/removing the speed on M. L. King from that; Councilman Rico seconded the motion.

Councilman Benson asked if the matter should be deferred until next week.

Councilman Pierce asked "why", noting that the petition speaks for itself. He stated he does not know what to suggest, either approve or deny the matter.

At this point, Councilwoman Robinson made the motion to deny the matter; Councilman Pierce seconded the motion; the motion carried.

City Attorney Nelson clarified that a motion was made by Councilman Benson to except M. L. King from the speed limit change and that motion passed. He stated a motion was then made to deny the whole thing and Davidson Road never got passed.

Councilman Pierce made the motion to approve the ordinance for the speed limit on Davidson Road only; Councilwoman Gaines seconded the motion.

On motion of Councilman Pierce, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, ARTICLE XIV, SECTION 24-502, SCHEDULE II, SPEED ON
THROUGH STREETS**

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

AMEND CITY CODE

Councilman Benson stated in Legal and Legislative Committee the matter was recommended for approval and it was discovered two things required attention; that we do need to make some provision for some of the people presently on the Taxi Board. He stated a nomination is scheduled for tonight and the ordinance is not clear as to how many people; that two people are to be from the industry but it does not make it clear. He stated there is some "tinkering" that has to be done and made the motion to postpone second reading until the City Attorney can bring back a revision to take care of this.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 35, RELATIVE TO VEHICLES FOR HIRE AND TO ADD A NEW
ARTICLE RELATIVE TO PEDAL CARRIAGE OR PEDICABS, RICKSHAWS
AND PERSONAL MOBILITY DEVICES USED AS VEHICLES FOR HIRE**
was deferred one week.

CLOSE AND ABANDON

Councilwoman Bennett made the motion to move Ordinance (b) and Resolutions (d) - (g) forward on the agenda; Councilwoman Gaines seconded the motion; the motion carried.

Councilwoman Gaines asked that Ordinance (e) be moved forward on the agenda following the discussion of Ordinance (b) and Resolutions (d) - (g); Councilman Benson seconded the motion; the motion carried.

2008-019: Mike Cooke

Councilwoman Bennett stated members from the community are present and a lot has transpired in the past 28 days. She stated an advisory group was called together to look at the issues surrounding this development and one of the key concerns were changes made from the time this proposal was seen at Planning until the time the Council saw it 28 days ago. She stated because of the size and scope of the project itself it was felt, due to the changes, it was justified to send it back to Planning. She stated it has been discovered there are significant historical artifacts from the Civil War actually located on Stringers Ridge and it is part of the historical register and they are still uncovering a lot of information and lot of homework still to be done relating to environmental issues and traffic.

REZONING (Continued)

Councilwoman Bennett stated there are still unanswered questions about what really fits on the Ridge, the environmental impact and what low impact development really means. She stated that a lot of issues were raised about the PUD process and her recommendation is to send it back to Planning for another look. She stated she has been advised by Planning that the PUD be deferred until the rezoning request comes back to the Council; that she would like to defer them and have them come back together. She stated information has been collected from persons from Hill City concerned about Stringers Ridge; that they have information and referral data from the meetings with historians and conservationists that she would like to have attached and sent back to Planning to look specifically at some of the issues identified by the neighborhood.

Councilwoman Berz stated that this is a very good example of the Council taking a serious look at a lot of zoning concerns we have in the city; that the Council is now looking at this zoning for considerations after the fact and it is probably a good thing the Council is and she has no problem with that. She stated that she wants the record to reflect that we have a lot of problems all over the city; that one was just dealt with in her area where zoning has been in existence since 1963 and it is absurd for a city that is growing like ours; that the Council should take a serious look at bringing zoning "up to snuff" relative to Chattanooga today.

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958 AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 200 BLOCK OF SAWYER STREET AND 900
BLOCK OF MERRIAM STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**

was referred back to the Regional Planning Agency.

PRELIMINARY PUD

2008-018: Mike Cooke

On motion of Councilwoman Bennett, seconded by Councilman Pierce,

**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT
DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED
PLANNED UNIT DEVELOPMENT, KNOWN AS THE STRINGERS RIDGE
PLANNED UNIT DEVELOPMENT, PHASE 1, ON TRACTS OF LAND
LOCATED IN THE 700 BLOCK OF HIGH RIDGE ROAD, MORE**

PRELIMINARY PUD (Continued)

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 referred back to the Regional Planning Agency.

PRELIMINARY PUD

2008-020: Mike Cooke

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS THE STRINGERS RIDGE PLANNED UNIT DEVELOPMENT, PHASE 2, ON TRACTS OF LAND LOCATED IN THE 700 BLOCK OF HIGH RIDGE ROAD, 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 referred back to the Regional Planning Agency.

PRELIMINARY PUD

2008-021: Mike Cooke

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS THE STRINGERS RIDGE PLANNED UNIT DEVELOPMENT, PHASE 3, ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF PURPLE HILL DRIVE, 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 referred back to the Regional Planning Agency.

ABANDONMENT OF PUD

2008-024: Mike Cooke

Councilwoman Bennett stated this abandonment should be deferred with the other PUD's involved in this case.

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,
A RESOLUTION APPROVING ABANDONMENT OF A MULTI-FAMILY HOUSING PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF PURPLE HILL DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, IN ORDER TO CREATE A NEW STRINGERS RIDGE PLANNED UNIT DEVELOPMENT

was referred back to the Regional Planning Agency.

RIGHT-OF-WAY NAME CHANGE

2008-035: City of Chattanooga c/o Bill Payne, City Engineer

Pursuant to notice of public hearing, the request of the City of Chattanooga to change the right-of-way name of the 100 block of South Crest Road to the 3100 and 3200 blocks of Bragg Reservation came on to be heard.

Bill Payne, City Engineer, stated this case has to do with a duplicate section of South Crest Road. He stated the section, as originally planned, was Sherwood and Ridge Avenue many years ago prior to coming into the city and were using the South Crest Road address. He stated at that time South Crest was labeled on both sides prior to construction of the interstate. By PowerPoint a large sweeping section was shown also known as South Crest Road and Mr. Payne noted at that time there was no changing of street names relative to this area. He stated as a result of systematic reversal of the issue with 911 this was identified as a duplicate section and the block range, even though it was officially Sherwood and Ridge Avenue, was utilized as a duplicate as referenced in *City Code* Chapter 32, Section 199, Prohibited Use of Duplicate Street Names. He stated this matter has gone through the mandatory referral process and there is concern in allowing this to continue as it could increase the city's liability at some point in the future due to delivery of emergency services. He stated John Stuermer, as well as representatives of the fire and police departments are present to answer questions relative to their concerns for public safety.

RIGHT-OF-WAY NAME CHANGE (Continued)

Mr. Payne stated this is an issue they see happening across the city and do anticipate that this issue is certainly not alone as there are 60 or more uses of the word "Crest" in street names alone; that the *City Code* is specific about additions of the use of prefixes such as north, south east, or west or a change in the suffix such as road, drive or street is not enough to prevent it from being a duplicate. He stated there are 40 uses of the word "Crest" in combination with other words such as Ridge Crest and many others in use already. He stated they are very concerned about this section remaining like this; that Planning recommended denial of the request, yet his department's concern is a public safety issue. He reiterated Chapter 32, Section 199 of the *City Code* states the Council has the sole authority for renaming street names and this request is subject to the provision of the *City Code* and regional address policy adopted by Resolution by this Council.

John Stuermer stated that he is before the Council to express the seriousness of this problem; that the addressing formula adopted by this Council is based upon the one used across the country. He stated when an emergency is called in 911 knows exactly where they are to respond; that the problem they now have is there are two sections of the street with the exact name and the resolution is to change it so it will not have the same root word, which is "Crest". He stated in the event someone calls in they are normally excited and do not always think to say whether it is "South" Crest because often times they will say "1234 'Crest'" and do not give the correct or complete address. He stated where there are multiple routes the telecommunicator is not able to determine which area of town they are in and get the right response. He stated this is a citizen safety issue, a public safety issue and the whole premise of establishing this criterion is to eliminate those potential incidents where that could happen frequently. He stated this is a problem not only in Chattanooga and Hamilton County; that the criteria is to establish names this Council has adopted as one acceptable across the United States for GIS readdressing. He stated that he speaks for the fire, police and emergency services as this is something they are concerned about and deal with on a regular basis. He stated they have a large number of these things and are working with the city to clean them up as this is for the safety of people in the area.

Dean Smith of 164 South Crest Road stated that he and all in the neighborhood are unanimously opposed and was present at the Planning Commission meeting last month. He stated they feel they are in a unique situation as there is a national park next door. He stated 911 is frequently utilized and based on his seven years living there not once ever has there been a delay in 911 calls. He stated as recently as this past December, someone called 911 and it was a matter of a few minutes that four police cars arrived in record response time.

RIGHT-OF-WAY NAME CHANGE (Continued)

Mr. Smith inquired as to where the time study, time trials and any other documented evidence concerning delays warranting change are. He stated he could go to the Internet and find step-by-step directions to his home and any other place in this area along with an aerial view of surrounding streets and does not know why this would be such a problem for our own GIS to guide 911 or emergency services to this area; that accurate information is out there. He stated last week Mr. Cooper said he wanted to keep this name for sentimental reasons; that this change would have a very significant impact on property values. He stated that he pulled the sales data for the past two years and per square foot the value is 33 percent on South Crest. He stated when people think of moving to Missionary Ridge they think of South Crest Road as it is like buying a house on the beach rather than a house away from the beach. He stated the area would be devastated with this change; that public works personnel think all a person has to do is change magazine subscriptions and that is not true as there are other legal costs involved, property deeds, estate planning, wills, powers of attorney -- anything from a legal perspective. He stated this is a nationally registered historic district, a linear district not like your typical neighborhood. He stated changing this block of homes actually changes the inventory of contributing property to the national register and would be splitting it into two separate districts as this is the largest national district in the state. He stated Missionary Ridge has withstood the test of time and there is no dispute Missionary Ridge is a big part of Chattanooga's history. He appealed to the Council not to be hasty in deleting this street name.

John Weathers of 172 South Crest Road thanked the Council for allowing him to speak about this. He expressed thanks to Chief Rowe for his proactive fire department in sending first responders to his neighborhood and thanked the Chattanooga police officers for their fine job of responding any time there is a problem in the area noting there has never, never been a problem. He stated that he did a map quest right to his house through Google. He stated he has lived in his house for 25 years and noted it was built in 1924 on South Crest Road, which is noted in the plans with the name South Crest Road. He stated Missionary Ridge School was there 75 years on South Crest Road and the city named that school addressed as South Crest Road. He stated his whole point is when access was built the road was named incorrectly; that access should not be South Crest but Crest access and when Planning looked at this they agreed with the neighborhood and that many community leaders can not be wrong. At this point, he deferred further comment to County Commissioner Larry Henry.

RIGHT-OF-WAY NAME CHANGE (Continued)

Commissioner Larry Henry stated that he was privileged to be present with his counterpart on the Council; that he does not get down here too often and it is sometimes good to come down and learn something! He stated a lot of what has been said is true; that as a public official he has to make decisions on resolutions that help the safety and welfare of our citizens, emphasizing the safety part. He stated he has served as Chair of the Advisory Council on Traffic Safety for the last six years, going on seven, and certainly safety is paramount with him. He stated the name of north and south Crest has been synonymous with Missionary Ridge all his life going back some 85 years and it does have historical significance to it. He stated he could not see changing the name is going to benefit or make any difference as far as public safety; that he sees a need for larger signage, probably further study in the numerical sequence of houses in question and possibly even GIS demonstrating and naming this a little better as far as 911 calls go. He respectfully asked the Council to really seriously consider this as this is heritage of the city of Chattanooga. He stated if this name is changed it would take the historical significance away from Missionary Ridge and put it into two separate districts, expressing that he really did not think anyone wants that to happen. He stated the impact would be astronomical on the residents as far as the financial part goes; that if it is going to hinder or make a difference in the 911 response to our emergency medical team or first responder he certainly would not stand before the Council today questioning it and the Council would not vote in favor. He stated he does not see the significance of it and neither did an eleven member Planning Commission see the need for it, noting that he served on the Planning Commission and has a notebook complete with reasons why they did not see this as significant and would be glad to provide a copy of the study to the Council.

Mr. Payne stated that he would like to find a way to resolve this and work with the residents but they were not able to reach a compromise that did not result in changing the street name. He stated that he would like to address several topics noting that he currently remembers a service call to the area and not being able to find it in a fast time and units patrolling have had issues that have happened in the city before with the fire department experiencing multiple alarms resulting in having units to be called and the unit may not be familiar with the area. He stated in addition, ambulance services provided by Hamilton County are not standard crews serving as they rotate shifts; that the issue is not so much for GIS as it is incorrect information related to dispatchers and being unable to send services to the right person. He stated to Google to an address does not do anyone any good if it is not dispatched as Crest Drive off Morrison Springs might get persons when they should be going to another location.

RIGHT-OF-WAY NAME CHANGE (Continued)

Mr. Payne stated better signage was mentioned and currently the sign markers are labeled at the intersection of South Crest and South Crest; that it is certainly thoroughly marked and is also potentially confusing when seconds count and they are trying to get a better naming system in place. He stated the historical district is already significant with the construction of Interstate 24 and does not feel this change makes it any worse or different than it already is. He stated South Crest is still a continuous road and Public Works feels there is no price on human life as public safety is a primary concern.

Councilman Benson stated there are two things that should be "off the table tonight" that sort of "muddies the water"; that one is the clerical hardship and there is no question about it; that he is weighing property diminishment and its values. He stated in a way they are exercising a legal fiat by diminishing people's property where there are strong historical values to their address at that property; that it is really that of diminishing people's property values. He stated there are people in East Brainerd not wanting theirs done and people in Hixson not wanting it; that each case stands on its own merit and is subject to a little creativity. He stated that he is concerned if the Council passes this ordinance that it says we can not use the same suffix or prefix noting that he does not recall passing it and that we could not use "north" more than once or "south" more than once.

Councilman Benson continued by stating that it is his thought it might be a little early in making a decision and we need to look at the ordinance as he does not want to selectively enforce the law. He stated that it is too early to make a decision until the Council looks to see what it says; that creativity could be used and better designation to come up with Bragg Crest or something like that, but we can not use "Crest" ever again in this city. He stated that the Council is caught up in a paradox and suggested the matter be deferred to go back to one of the committees, probably Legal and Legislative, and look to see what the *City Code* says that the Council passed and study it a little bit. He stated that he does not want to interfere until we have a better solution as we are acting too early. He stated if it is turned down we are breaking the ordinance and if it is approved we are diminishing property values, in his opinion, which is wrong for governmental fiat to do that.

Councilwoman Berz stated that she has too much respect for people's property rights and can not do "a taking", expressing that she was not on the Council when the ordinance was approved. She asked if Mr. Payne were saying we have to change North Moore and South Moore and all the streets that have "north" and "south"; that she needs a little help understanding otherwise this sounds very selective.

RIGHT-OF-WAY NAME CHANGE (Continued)

Mr. Payne clarified that the Section of the *Code* has been in place prior to 1985 referring to duplication of streets; that the portion adopted by the Council last year was the Regional Address Policy, reiterating that the *Code* was in place prior.

Councilwoman Berz asked if this action is outside of the 1985 *Code*.

Mr. Payne responded to address "north" and "south" are not options that we have to change as those are valid on their own; that "north" and "south" are directional prefixes indicating directions. He stated the point he is trying to make is that we can not simply take or add "north" or "south" to make a street unique on its own, reiterating that this is a duplicate section.

Councilwoman Berz indicated that she "got it" and noted that what she thinks is to say there are all kinds of streets all over the city are incorrect; that all are not going to go away and which one takes priority is what she is not hearing. She stated what she does think it sounds like is government is coming to help and asked why this does not feel right. She stated she would not vote to break the *Code* if it was passed and would like for the Council person to say we need to look at it as it looks like we will create havoc because of a rule that may not make sense in the real world.

Mr. Payne stated that they are taking a systematic approach; that any time they receive a referral from 911 that will always take priority; that this location has a twofold reason -- 911 and the location of the former school being split into multiple properties for readdressing. He stated the Crest Road name is not the issue but renumbering has to take place.

Councilwoman Berz asked if Mr. Payne has talked with people and if they understand renumbering.

Mr. Payne stated that they asked why renumbering alone could not stay and it is more to it than just renumbering as there is also the issue of a duplicate street. He stated this is a duplicate of the portion that wraps around I-24.

Councilwoman Berz stated if they agree they could go along with the renumbering and asked if that would help solve the problem.

Mr. Payne stated it would only solve the street numbering problem, that the other is the street name as it is a duplicate section.

RIGHT-OF-WAY NAME CHANGE (Continued)

Councilwoman Robinson stated that there are addresses on the mountain like East Brow and West Brow where property values are higher than on other parts of the mountain and it is her thought Crest on Missionary Ridge is Missionary Ridge Brow as Crest Road is on Missionary Ridge and gives property added value. She stated on Missionary Ridge, the Crest Road right-of-way has a view of the west of the city, east of the distant mountain, and these homes on Missionary Ridge sell for more, an intangible thing but absolutely a fact. She stated Missionary Ridge School property sold and luxury condominiums are being sold, an added value because of the view and that address speaks to that. She stated that it concerns her that a huge investment is being made for Bragg Point but in reliance on the fact that was the address they were using. She stated the last point is that the Council knows she really fought hard to keep the obnoxious cell tower issue from encroaching on the view shed of this area and she and others successfully fought that. She stated the thing that concerns her is all have been told that Bragg Reservation itself would have a separate Section 106 protection which would remove part of the provision used to protect that view shed; that she has been working with the National Park Service and there are certain boundaries these sections have and they want to be very certain nothing is being done to break the boundary of the protection for the National Park Service. She stated this is a really unique neighborhood and location and is just weighted with history and we have to help feel the burden and responsibility for it.

Councilman Rico stated when this first came up it was noted it should not be a problem; that he thought they have a right to come up with a name for every street. He stated then when 911 and the fire and police came to talk to the Council and told of the safety issue, we have to look at the safety issue as these are professional people. He stated just because the Planning Commission voted unanimously not to pass it he has to question the Commission's questioning of the professionals. He stated he has to go by that; that this is not his expertise and they know what they are doing.

Councilwoman Gaines stated that she is very concerned about the name change and was looking at the historic district and areas for tourists. She stated she is concerned with the property and depreciation of values. She **made the motion to defer the matter** for a look at it, not just for Missionary Ridge as all have some areas within their districts where there is concern and in the future it will fall upon us. She stated the "what if's" were mentioned prior to this discussion and she does not want to go back and "start the wheel over"; that it is very important that we continue to preserve our historic districts. She stated maybe there is something in the ordinance previously adopted so we can understand what we are dealing with.

RIGHT-OF-WAY NAME CHANGE (Continued)

Councilman Benson seconded the motion with the codicil there is a purpose for the deferral. He stated that it was said this was part of the 1985 *Code* and he does not want to break any ordinance. He asked if the motion means deferring two weeks to give time to take the matter to committee to study the *Code*.

Councilwoman Gaines amended the motion to defer the matter one month for an opportunity to read the 1985 *Code*.

Councilman Benson agreed with the amendment as the seconder of the motion and expressed appreciation to his County counterpart; that it seemed simple when it first came to bring the addressing system "up to speed"; that he realizes now more work is involved and it is a much more complicated issue. He stated if each one came before the Council for approval it would be a nightmare! He stated that we should look at creative procedures and policies we can enforce and identify when we do have areas warranting any special exception to talk with our County counterpart, even though they have a different policy it should be looked at, as well.

City Attorney Nelson stated there is a misconception out there that this went to Planning because of a mandatory referral and a mandatory referral does not require that. He stated the reason it goes to Planning is because the *Code* adopted before 1986 has a specific provision that says it will go to Planning and that makes a big difference. He stated we can not change mandatory referrals but can change the ordinance and the matter not come back before the Council.

On motion of Councilwoman Gaines, seconded by Councilman Benson,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 100
BLOCK OF SOUTH CREST ROAD TO THE 3100 AND 3200 BLOCKS OF
BRAGG RESERVATION, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE**
was deferred one month (April 8).

CLOSE AND ABANDON

MR-2007-183: Dale M. Smith

There was no opposition present.

CLOSE AND ABANDON (Continued)

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING PART OF SANITARY
SEWER LINE NO. 11454, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-030: City of Chattanooga, c/o Bill Payne, City Engineer

Pursuant to notice of public hearing the request of the City of Chattanooga to change the right-of-way name of the 400 block of West 6th Street to the 400 block of Gateway Avenue came on to be heard.

There was no opposition present.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 400
BLOCK OF WEST 6TH STREET TO THE 400 BLOCK OF GATEWAY AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

REZONING

2008-032: Claudio Cesar R. Costa

Pursuant to notice of public hearing the request of Claudio Cesar R. Costa to rezone a tract of land located at 4823 Winding Lane came on to be heard.

The applicant was not present; there was no opposition.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that the applicant telephoned the RPA office and the Clerk of Council and made the request to defer the matter until next month. He stated it is up to the Council whether to proceed.

Chairman Page asked if this is the request that is a spot zone and illegal. Mr. Haynes responded "yes".

REZONING (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 4823 WINDING LANE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL
ZONE**
was denied.

REZONING

2008-038: D & M Properties c/o Month Reeves & Don Walker

Pursuant to notice of public hearing the request of D & M Properties to rezone parts of tracts of land located at 7695 and 7701 Davidson Road came on to be heard.

The applicant was not present; there was no opposition.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PARTS OF
TRACTS OF LAND LOCATED AT 7695 AND 7701 DAVIDSON ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL
ZONE TO R-3 RESIDENTIAL ZONE**
was denied.

REZONING

2008-039: Jan C. Pass, PE/Earthworx, LLC

Pursuant to notice of public hearing, the request of Jan C. Pass, PE/Earthworx, LLC to rezone tracts of land located at 2100 Market Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated that this request is for the expansion of a car dealership, Mountain View Nissan. The area, the existing dealership and the proposed expansion was shown by PowerPoint at this time.

Mr. Haynes stated Planning recommends approval subject to the site plan presented at Planning; that the one the applicant has now has a little bit of a different site plan and heavier landscaping.

REZONING (Continued)

Councilwoman Robinson stated that she would like to see the landscaping and noted that this is a great project. She asked is it is possible for car lots to use permeable asphalt that drains stormwater.

Dixie Brackett of the Watson Partnership along with Mr. Watson of the Watson family stated they plan to enhance the area substantially using what is called "putting" in terms of permeability; that it has a special type of drainage system that enhances the ability of what is there to abort stormwater runoff. She stated it is a retention type design; that the design was changed from the original submission due to civil engineering as more greenery and landscaping was added, more flower beds, trees and medium sized shrubbery. She stated it is being designed in such a way that the stormwater runoff could be used by those in the area so that when it rains the system will still dry versus normal raised bed landscaping. She stated asphalt has to be designed in such a manner to withdraw loads of what is called "store front", a product of the vehicles. She stated that they have looked at the paving design and will have different types of pavement but based on engineering loads.

Chairman Page declared the public hearing duly closed.

Councilwoman Bennett stated that the request was recommended for denial by Staff and asked if that has been resolved. Mr. Haynes responded "yes".

On motion of Councilman Benson, 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 2100 MARKET STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM C-3 CENTRAL BUSINESS ZONE WITH
CONDITIONS TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT
TO CERTAIN CONDITIONS**

passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-040: City of Chattanooga c/o Bill Payne, City Engineer

Pursuant to notice of public hearing, the request of the City of Chattanooga to change the right-of-way name of an unnamed alley to the 2800 through 3000 blocks of Donna Lane came on to be heard.

There was no opposition present.

RIGHT-OF-WAY NAME CHANGE (Continued)

Councilman Benson stated that a street is being named a "Lane".

Mr. Payne explained there is not a prohibition using a suffix in more than one place; that this is an extension of a section and the "Lane" suffix is in keeping with the *City Code* extending the current land for this alley.

On motion of Councilman Rico, seconded by Councilwoman Bennett,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF AN UNNAMED ALLEY TO THE 2800 THROUGH 3000 BLOCKS OF DONNA LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

LUNCHEON SPONSORSHIP

On motion of Councilwoman Bennett, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE OFFICE OF MULTICULTURAL AFFAIRS TO SPONSOR THE 2ND ANNUAL POWER OF ONE MAYOR'S LUNCHEON TO BE HELD ON APRIL 3, 2008 AT THE CHATTANOOGAN HOTEL, INCLUDING THE SALE OF TABLES TO SAID LUNCHEON, AUTHORIZING ALL CITY DEPARTMENTS TO BUY TABLES AT SAID LUNCHEON, AND AUTHORIZING PROFITS OF SAID LUNCHEON TO BE PLACED IN AN ESTABLISHED EXECUTIVE PROGRAMS ACCOUNT FOR NEXT YEAR'S ANNUAL POWER OF ONE MAYOR'S LUNCHEON

was adopted.

CHANGE ORDER

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 RELATIVE TO CONTRACT NO. W-04-006-201, MISCELLANEOUS SANITARY SEWER REQUIREMENTS, WITH MAYSE CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIXTY-NINE THOUSAND SIX HUNDRED TWENTY-SIX AND 80/100 DOLLARS (\$69,626.80), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SEVEN HUNDRED TWENTY-FIVE THOUSAND NINE HUNDRED FOURTEEN AND 45/100 DOLLARS (\$725,914.45), AND AUTHORIZING THE ACCEPTANCE OF A CHECK IN THE AMOUNT OF SEVENTY-TWO THOUSAND SEVEN HUNDRED TWENTY-SIX AND 80/100 DOLLARS (\$72,726.80) FROM ROYAL CHEMICAL COMPANY TO THE CITY OF CHATTANOOGA INTERCEPTOR SEWER FOR THE RELOCATION OF SEWER ACROSS THEIR PROPERTY

was adopted.

WAIVER OF REVERSIONARY INTEREST

On motion of Councilman Benson, seconded by Councilwoman Bennett,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A WAIVER OF REVERSIONARY INTEREST AS TO EASEMENTS GRANTED BY THE RIVERCITY COMPANY TO LOVEMANS ON MARKET, LLC ON JUNE 19, 2002, SAID EASEMENTS RECORDED IN BOOK 6283, PAGE 643, AND BOOK 6283, PAGE 659, REGISTER'S OFFICE OF HAMILTON COUNTY, TENNESSEE, WAIVING ANY AND ALL RIGHTS TO CLAIM A RIGHT OF REVERSION TO THE PROPERTY DESCRIBED ON EXHIBIT A, ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, BUT ONLY WITH RESPECT TO THE GRANT OF EASEMENTS RECEIVED ABOVE

was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-001-201, RIVERFRONT PARKWAY ROADWAY MODIFICATIONS, TO YERBEY CONCRETE CONSTRUCTION, INC. IN THE AMOUNT OF THREE HUNDRED TWENTY EIGHT THOUSAND TWO HUNDRED FORTY-NINE AND 25/100 DOLLARS (\$328,249.25), PLUS A CONTINGENCY AMOUNT OF THIRTY TWO THOUSAND EIGHT HUNDRED TWENTY FIVE AND 75/100 DOLLARS (\$32,825.75), FOR A CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY ONE THOUSAND SEVENTY FIVE DOLLARS (\$361,075.00)

was adopted.

EXTENTION OF SPECIAL EXCEPTIONS PERMIT FOR PUD

2004-126: Michael Dowlen, The Palms

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION TO EXTEND THE SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT, REFERRED TO IN CITY COUNCIL RESOLUTION NUMBER 24579, ON TRACTS OF LAND LOCATED IN THE 6900 BLOCK OF DELBERT LANE, THE 1500 BLOCK OF NORTH CONCORD ROAD AND THE 3800 BLOCK OF INTERSTATE 75

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION TO APPROVE THE REQUEST OF THE 700 BLOCK DEVELOPMENT PARTNERS, LLC FOR THE TEMPORARY USAGE OF A PORTION OF THE 700 BLOCK OF MARKET STREET AND AN UNNAMED ALLEY FROM 7TH STREET TO THE DEAD END TO TEMPORARILY INSTALL A SAFETY FENCING TO REMAIN FOR A PERIOD OF APPROXIMATELY EIGHTEEN (18) MONTHS DURING THE DEMOLITION AND RECONSTRUCTION OF STRUCTURES, AS DESCRIBED ON THE ATTACHED EXHIBIT "A" AND "B.", SUBJECT TO APPLICANT PROVIDING COPIES OF A WRITTEN AGREEMENT WITH THE OTHER USERS OF THE ALLEY FOR ALTERNATE PROVISIONS FOR THEIR SERVICES, EXCLUDING PARKING
was adopted.

OVERTIME

Overtime for the week ending March 7, 2008 totaled \$8,596.90.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL DEPARTMENT:

- **LINDA MANNING** – Family Medical Leave, Administrative Secretary Sr., effective February 22 – May 16, 2008.

PUBLIC WORKS DEPARTMENT:

- **GRADY E. SHOOK** – Family Medical Leave, Crew Worker Senior, City Wide Services, effective February 28 – May 22, 2008.
- **EDWIN T. SPENCE** – Leave of Absence, Crew Worker Senior, City Wide Services, effective March 6 – April 3, 2008.
- **DAVID G. WOODYBY** – New Hire, Sewer Maintenance Truck Operator, Waste Resources, Pay Grade 10/Step 1, \$26,743.00 annually, effective February 29, 2008.

PERSONNEL (Continued)

- **DANNY L. VIAR, SR.** – New Hire, Plant Operator, Waste Resources, Pay Grade 9/Step 1, \$25,474.00 annually, effective February 15, 2008.
- **LUTHER E. BIBBS** – New Hire, Plant Operator, Waste Resources, Pay Grade 9/Step 1, \$25,474.00 annually, effective February 18, 2008.
- **WILLIAM M. JONES** – Suspension (7days without pay), Equipment Operator Sr., City Wide Services, effective March 10-18, 2008.

PURCHASE

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

SIEMENS WATER TECHNOLOGY (Change Order #1)
P0024852

Liquid Calcium Nitrate

\$264,550.00 – Original Contract approved 7/25/06
335,450.00 – Change Order #1 Increase
\$600,000.00 -- New Annual Expenditure Limit

ACCEPT DONATIONS

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the Chattanooga Police Department was authorized to accept the following donations.

GLS Consulting *(These items were donated to the SWAT team with no agreement for return of service. All items are to be used by the team for training purposes.)*

- Donation of Level III Body Bunker Shield
- 400 Rounds .308 Ammunition
- 40mm Less Lethal Launcher Cleaning Kit
- Haligan Tool
- Medical Backpack
- Incident Command Board System
- Ten (10) Sets of Blackhawk Hellstorm Kneepads

ACCEPT DONATIONS (Continued)

American Rental Association *(Paid the expenses for CPD Auto Theft Investigator Sgt. Austin Garrett to travel to Las Vegas to accept award for the Department's Auto Theft Unit for recovering over \$1,000,000 in both Tennessee and Georgia. Monetary gift to go toward the investigation of heavy equipment thefts.)*

- \$1,000 Cash Award

REFUND

On motion of Councilman Benson, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refund of property tax due to building expansion:

LJT Tennessee LLC	\$37,509.74
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REFUND

On motion of Councilwoman Gaines, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund of water quality fees and/or property taxes:

Hard Luck Land and Cattle	\$ 2,685.60
Leroy Phillips, Jr.	1,263.77
Flying B Development LLC	4,999.06
Memorial Health Care	1,109.20
Bryn-Mawr Estates	<u>12,382.71</u>
	\$22,440.34

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refunds of water quality fees and/or property taxes:

Oasis Park Properties LLC	\$ 6,053.14
Randall Hasslinger	2,061.84

REFUNDS (Continued)

Wise Properties-TN LLC	2,938.27
AmSouth Bank of Tennessee	13,170.69
Kenco Group Inc.	4,348.11
FedEx Ground Package	<u>\$28,993.09</u>
	\$57,565.14

REFUND

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the follow refund due to a split and transfer of buildings for 2008:

ABT Construction Co., Inc.	\$1,612.97
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REFUND

On motion of Councilwoman Gaines, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the follow refund due to E & R for 2007 per amended report from TMA Audit:

Material Handling Inc.	\$2,297.15
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PURCHASES

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

SOUTHERN PUMP AND TANK (Lowest and best bid)
R0105079

Two (2) E-85 Tanks

\$89,980.00

PURCHASES (Continued)

BROOKER FORD (Lowest and best bid) R0105985/B0004822

Two (2) Ford Trucks

\$43,860.00

BOARD APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following Board appointment was approved:

TAXI BOARD:

- Appointment of **MICHAEL SHUFORD** for a term expiring March 11, 2010.

COMMITTEES

Councilwoman Bennett reminded Council members of the budget meeting scheduled for tomorrow, Thursday and Monday from 9 a.m. – 12 p.m. and the non-profit organizations scheduled for Monday, March 24 from 9 a.m. to 1 p.m.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, March 25 at 3 p.m.**

Councilwoman Robinson stated that the **Health, Human Services and Housing Opportunities Committee is scheduled to meeting immediately following Public Works.**

POLICE DEPARTMENT ISSUE

Councilman Pierce stated that he wanted to make one more statement; that this afternoon there was a meeting in Legal and Legislative Committee and Chief Cooper came to give some type of explanation of what was going on. He stated that he point blankly feels that the meeting was to no avail as we know no more now than before he came down and he (Pierce) is not satisfied. He expressed appreciation to those who chimed in and asked questions and noted that his next position would be to go forward and seek other avenues as to whether there is any step to be taken to the extent of what has happened in the past.

POLICE DEPARTMENT ISSUE (Continued)

Councilman Pierce stated that from calls received prior to this, police morale and how discipline is handled are concerns when you look at those in the top that get no disciplinary action and it is his thought something is going on that is out of place. He stated that it is his thought there may be lawsuits coming from the Chattanooga police department in the future if we look at what has happened recently with Officer Goodine when a jury of twelve completely vindicated an officer on seventeen counts based solely on the way the case was presented. He stated he could not say whether he was guilty or not however the jury said there was not enough evidence to convict. He stated on other cases there will be lawsuits if we look at the hung jury that came back in the fireman's case and it will have to be done over. He stated that it is his in looking back at the Chattanooga police department and how they handle their cases it is his wish that the Council would take note tonight for the Chief to take into consideration for, whom and how he hands out disciplinary actions to officers in the future. He stated that is all he will say as he will be going to the POST Commission meeting tomorrow and will seek their input on whether to move forward with this case. He stated the City Attorney has informed him that there is nothing to go on but he feels otherwise.

FRANK ROSSELL

Frank Rossell of 367 Carnation Street and Vice President of the Professional Firefighters Association stated that he came to ask in light of recent reports whether the Council intends to move forward with the committee. He stated if so, he wanted to be assured the citizens appointed are all citizens of Chattanooga and would like for each member of the committee to take time to read the report for themselves.

Dan Johnson stated that he did not check addresses but does know that Ralph West is in the City of Chattanooga, as well as Todd Gardenhire and it is his belief that Jim Graham is, but is not positive. He stated the first meeting is a week from tomorrow at 3:30 pm. on the third floor of City Hall.

Councilwoman Bennett asked if a communication link could be set up; that Chief Parker stated if he is notified of meetings via e-mail he would send them out to employees so they are informed of the progress with the committee.

Mr. Johnson stated that is being set up and the minutes of the meeting will go out via that description, also, noting that the Council would also be informed.

Councilwoman Bennett stated even though that will be in place employees do not know when meetings are set up.

FRANK ROSSELL (Continued)

Mr. Johnson stated that he could not answer one way or another.

Councilwoman Berz inquired as to whether the meetings are open. Mr. Johnson responded "yes".

LAWRENCE CURRY

Lawrence Curry of 2312 Wilson Street stated that the manual he received regarding the Transportation Ordinance was supposed to have 66 pages but does not; that most pages the index refers to are not in the document.

Councilman Rico stated that Mr. Curry has the draft that was presented prior to the final one.

Chairman Page noted that a full copy of the document would be left for him at the Council Secretary's desk on tomorrow morning.

LOUISE HAMMONDS

Louise Hammonds, President of the Oak Grove Neighborhood Association, stated that she was present to thank Freeman Cooper and Jeannie Snyder who is one of the best policemen for helping clean up her community when there was no help from anywhere else. She stated they are the most outstanding policemen she has ever known; that they place themselves high above reproach. She stated when they wanted to file a complaint in her district, they were told by the City Attorney (and she has a letter) that they did not have a right to do that because their Councilman was going to court on assault and battery. She stated that they never had complaints against Jeannie Snyder and she is a fine person; that she is surprised this Council can down her good work; that they are way below reproach!

CLAUDIO COSTA

Claudio Costa stated that he has been in Chattanooga almost seven years and is a builder and developer. He stated last month was the first time he went before the Planning Commission and tonight is his first time before the City Council. He stated that he missed an opportunity at Planning last month and called Mr. Haynes to ask that his request (item VI (d) on tonight's agenda) be deferred one more month.

CLAUDIO COSTA (Continued)

Mr. Costa stated he did not have a chance to explain at Planning because he was the first one called; that he has since done his "homework" and has talked to all the neighborhood residents and showed them his intentions for the property on Winding Lane. He stated that he intends to build three duplexes as investment property for sale; that it would increase some property values for houses in the area. He stated that he has two acres and had Planning asked if the back portion would be developed he would have told them that he was willing to donate the back section for the community to do whatever they wanted. He stated that no one from the neighborhood was opposed at the Planning meeting or here tonight.

Chairman Page thanked Mr. Costa for coming forward and indicated to him that he could reapply; that the zoning on that case was illegal and a spot zone from the advice this Council received. He stated if he is doing something illegal it would be bad for him and the Council. He expressed appreciation to him for wanting to develop in the area and asked that he come back with something that meets the codes and laws the city has and not spot zoning.

JERRY SHORT

Jerry Short of 604 Maple Street Court on the Westside expressed thanks to Councilman Pierce for supporting the basketball team on the Westside; that the five year olds won first place in their division in a tournament on February 28 in East Chattanooga. He expressed thanks to Councilwoman Gaines, as well, and noted that a health and wellness fair would be held at the AIM Center on April 4 and fliers would be distributed and everyone would receive an invitation. He thanked Councilmen Page and Rico for coming to the Center's grand opening.

Chairman Page thanked Mr. Short for his work with the children.

Councilwoman Robinson expressed congratulations to the students who won.

Mr. Short stated that he would bring the students to a Council meeting so everyone could see them in person.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, March 18, 2008 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)**