

**City Council Building
Chattanooga, Tennessee
April 14, 2009
6:00 p.m.**

Vice Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gaines, Gilbert, Rico and Robinson present; Councilmen Bennett and Pierce were absent due to the run-off election; Councilman Page was absent due to personal commitment. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, City Attorney McMahan gave invocation.

COUNCILWOMAN GAINES

Vice Chairman Benson noted that Councilwoman Gaines would be coming off the Council after tonight. In speaking for the entire Council he stated that it has been a pleasure to have the presence of her company.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2008-155: Grady H. Dagnan

On motion of Councilman Rico, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
UNOPENED 300 BLOCK OF DELAWANNA TERRACE, 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**
passed second and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE II TO REVISE THE DEFINITIONS OF "BED AND BREAKFAST" AND "BOARDING HOUSE" AND AMENDING ARTICLE V, SECTIONS 304(2) AND 404(2) TO PROVIDE FOR LOT AREA REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS IN R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE
passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilwoman Robinson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V AND ARTICLE VI BY PROVIDING FOR A REVOCABLE SPECIAL EXCEPTIONS PERMIT FOR NON-PROFIT HERITAGE EDUCATIONAL FACILITIES AND TO ALLOW SAID USE IN CERTAIN ZONES
passed first reading.

REZONING

2008-114: Mehdi Malekzadeh

The applicant was present; there was no opposition.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this request is for R-4 for a beauty salon that has been held since September of last year as it was not supported by the land use plan in the area. He stated that the matter was deferred until a new policy was completed; that the Standifer Gap and Lee Highway policy is one of the resolutions on the agenda tonight. He stated during the interim, while the policy was being created and presented to Planning, the revised policy actually does support the request by the applicant. He stated the Council has the option of sending the matter back to Planning based on the new policy or the Council could act on it tonight using the new policy as a guide; that the new policy does reference R-4 with conditions.

REZONING (Continued)

Vice Chairman Benson stated that he is caught in limbo noting that the Council has the option of going ahead and acting, turning it down or sending it back to Planning to ask them to review it in light of the land use plan.

At this point Mr. Haynes displayed the request by Power Point reflecting the residential character of the neighborhood. He stated the applicant volunteered the condition that the R-4 request would be for a beauty salon only, noting that the property is located adjacent to residential property. He stated there is no specific recommendation at this point due to the new policy in place.

Mehdi Malekzadeh stated that he had lived in the house the last ten years and moved out last year due to the noise and wanted to make it a hair salon. He distributed photos of the site and mentioned that he planned to plant trees in front. He stated down the street is an animal hospital and Shallowford Commons.

W. C. Newell stated that it is his thought Mr. Malekzadeh has done everything he has been asked to do to put in the beauty shop and should get the zoning. He stated planting trees are a road hazard and does not want any beside his house. He reiterated his thought the request should be approved as it has been through the Planning Commission and back here.

Councilwoman Berz asked if there are people for or against this matter; that she and Councilman Benson share the Shallowford Road area as she has the south and he the north. She stated a big meeting was held about this and (she) needs to know if appropriate meetings with the neighborhood were held to have some idea of how they feel.

Karen Rennich, Director of Comprehensive Planning with the RPA, stated Planning was requested to take another look at the land use recommendations and a public meeting was held in August or September of last year which was well attended. She stated the matter went to the Planning Commission with a draft policy and the matter was deferred six months. She stated the policy is posted on the web site and a reminder was sent through e-mail to those who provided contact information. She stated upon the recommendation of Councilman Benson, meeting notifications were sent by mail to property owners; that about 70 notices were mailed giving people a two week notice regarding the Shallowford Road policy, not specifically any zoning case.

Councilwoman Robinson stated on the face of it it looks like a spot zone.

REZONING (Continued)

At this point Vice Chairman Benson passed the gavel to Councilman Rico to conduct the meeting so Vice Chairman Benson could address the issue.

Councilwoman Berz agreed the request looks like a spot zoning, noting the location of Mr. Newell's residence.

Mr. Newel acknowledged that he lives north of Mahala Acres in location to the proposed site.

Vice Chairman Benson stated that he has known Mr. Newell for ages and noted that he (Newell) would like for the area to have commercial on it, too. He stated the property owners in the area do not know this and expressed appreciation to Mrs. Rennich for sending the notices, noting that they are just not here and he can not defend their absence. He stated Mr. Newell is an advocate for commercial zoning up and down the street; that the land use policy has houses turned westward and eastward and there was no recommendation of any of those to be considered for offices, just those actually facing the street.

Mr. Haynes addressed the issue of Councilwoman Robinson's question in reference to spot zoning and noted that Mrs. Rennich's presentation regarding the policy will address this. He stated this technically would be spot zoning as the property is surrounded by R-1, however, the question is whether spot zoning is illegal – spot zoning is not illegal; that spot zoning has historically been overturned and taken to court. He stated the court supports spot zoning if it is supported by the land use plan; that if it is in an area that supports a land use plank, then the spot zone is supported.

Councilwoman Robinson stated given the Shallowford Road/Standifer Gap policy resolution that is to come before the Council tonight, does the policy talk about the recommendation that this area be R-4 with conditions as that is what Councilman Benson is making reference to.

Vice Chairman Benson stated that houses in that area face south; that those that face north, west or east have different recommendations, noting that he does not want to build up false hopes. He stated the Council has three choices: turn it down, pass it or send it back to Planning and tell them to look at it in light of the new land use policy.

REZONING (Continued)

Councilwoman Gaines stated that she wanted to make a comment similar to Councilwoman Robinson's and in looking at the comments in the revised land use policy and the Council's options, she asked Councilman Benson if it is his thought it is necessary to send it back to Planning under the new policy.

Vice Chairman Benson stated action could be taken tonight if the Council feels deeply about it; that he could argue either way on this.

Councilwoman Gaines stated that she would lean to the Councilman for the district to get a general idea as to how comfortable he is with the recent land use policy or if he is more comfortable with it going back to Planning.

Vice Chairman Benson stated it is his thought the process would be voided without full information; that he has talked to the applicant who does not mind it going back to Planning even though he (applicant) would rather have it approved tonight. He stated the applicant has been very nice about the whole situation and the neighborhood feels it is better to give it "one more shot". He **made the motion to send the matter back to Planning.**

Councilwoman Berz expressed agreement with Councilman Benson's comments, noting that it is better for the applicant; that if it goes back to Planning and comes back to us no one can argue that proper process was not followed.

Councilwoman Robinson expressed her comfort with the matter going back to Planning; that the decision made here is exactly what could happen all down the street. She stated that she would prefer procedure is followed to protect the applicant and any further action down the road.

On motion of Councilman Benson, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 6709 SHALLOWFORD ROAD, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL
ZONE TO R-4 SPECIAL ZONE**

was referred back to the Regional Planning Agency.

At this point, the gavel was returned to Vice Chairman Benson to continue conducting the meeting.

REZONING

2009-020: A. C. Properties, Inc.

Pursuant to notice of public hearing the request of A. C. Properties, Inc. to rezone a tract of land located at 1908 Cowart Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated this request is to extend the C-3 zone with conditions. He noted that the request is supported by the Downtown Plan.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1908 COWART STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**

passed first reading.

REZONING

2009-026: Ray A. Smith

Pursuant to notice of public hearing the request of Ray A. Smith to rezone a tract of land located at 328 Browns Ferry Road came on to be heard.

Mr. Haynes stated this request is surrounded by R-2 and Planning recommends approval.

On motion of Councilman Rico, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 328 BROWNS FERRY ROAD, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM R-4 SPECIAL ZONE
TO R-2 RESIDENTIAL ZONE**

passed first reading.

REZONING

2009-027: Tina Harvey Crawford

Pursuant to notice of public hearing the request of Tina Harvey Crawford to rezone a tract of land located at 400 Garden Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated that request by the applicant is for R-4 and noted that it is for the Chattanooga Nature Center to construct an elevated cabin for overnight stay. He stated the matter of overnight stay is what got the attention of the permitting office as they suggested rezoning to R-4 for that purpose. He stated they met with the applicants along with inspection personnel to discuss the matter and in the beginning stages it was felt R-4 would be okay, however Staff looked at it more closely and were not comfortable at all with R-4 in the middle of an R-1 area. He stated they met with the Nature Center and some of the residents in the area and Staff came up with a different approach and solution by creating special permit. He stated the solution is in the form of a resolution on tonight's agenda allowing use as a heritage educational facility permit which allows uses like this for environmental, cultural or historically based facilities for educational purposes without changing the zone; that requests will be conditioned to site plans submitted. The request was displayed by PowerPoint which highlighted the drawing of the elevated cabin. He stated the request for R-4 should be denied as it is not appropriate and approval of the special exceptions permit as a non-profit heritage facility is requested. He stated this is what Planning and the applicant have agreed to and what most of the residents in the area said is satisfactory, too.

Councilwoman Robinson asked if this would be limited to one cabin on the site and if there are more requested they would have to come back to request them.

Mr. Haynes stated that the requests are conditioned to the site plan; that they are limited and any uses on the site plan has to come back through the process.

Myra Fox of 311 Garden Road stated that she questions anybody present who would object as she is not sure what they would object to. She stated that she was present representing fourteen homeowners, all of which object to the R-4, however, everyone is in support of the special permit.

REZONING (Continued)

On motion of Councilman Rico, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 400 GARDEN ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO R-4 SPECIAL ZONE
was denied.

SPECIAL EXCEPTIONS PERMIT

2009-027: Tina Harvey Crawford

Councilmen Robinson and Gilbert made the motion to move Resolution (e) forward on the agenda; the motion carried.

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR NON-PROFIT HERITAGE EDUCATIONAL FACILITY ON A TRACT OF LAND LOCATED AT 400 GARDEN ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

REZONING

2009-029: W. C. Helton

Pursuant to notice of public hearing, the request of W. C. Helton to rezone a tract of land located at 200 East 37th Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated this is a request to use the former Franklin Middle School for the proposed use of offices and a training facility. He stated Planning recommends approval to R-4 with two conditions: *for use as a proposed training and health center only and use of the existing structure only.*

REZONING (Continued)

W. C. Helton stated that he is a retired school administrator and went into environmental consulting and training in later life. He stated his home base is in Blount County and had been in Hamilton County working for the school system for nearly 20 years. He stated he has successfully taken former school buildings and churches, restructured them and made them viable in the community using their own forces, which is what they plan to do here. He stated they do have offices and have had them in North Georgia for a long time, as well.

Councilwoman Gaines asked if Mr. Helton has met with the neighborhood association in the general area.

Mr. Helton responded "yes, not on a formal basis"; that they met with Maria and talked to her.

Councilwoman Gaines asked if he has met with citizens of the community.

Mr. Helton responded "no," that they have not met with active groups in the community as they have not had an opportunity to do so. He stated the ones he has talked with onsite seem to be very pleased; that they want to keep the building in good shape and make it an integral part of the community and plan to have programs for that purpose.

Councilwoman Gaines stated that she notices there will be offices and a training facility and asked if they would continue to make the building available to the Alton Park community for events. She asked exactly what type of offices will there be.

Mr. Helton stated they are restricted from having retail offices; that they will have offices for a consulting and training company and will make space available for other professional offices, as well. He clarified their intentions and stated that a lot of work needs to be done on this building as it has been vandalized and is in pretty bad shape; that it will take several months for them to start using the building.

Councilwoman Gaines asked if this would be an investment back into the community.

Mr. Helton stated that they would work with the community with activities such as bean suppers, programs in the auditorium and things of that nature to benefit groups in the community as well as their own.

REZONING (Continued)

Councilman Rico clarified that this request is in his district and everything has been worked out; that the community is getting a good deal.

Councilwoman Gaines stated that her questions to Mr. Helton were not to shed light he did not have a good facility and operation; that she was just curious to know what type of business it was. She stated she has known Mr. Helton for quite some time and is hopeful he did not take her questions in a negative way as that was not her intent.

Mr. Helton confirmed affirmatively that he did not take Councilwoman Gaines' questions negatively.

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 200 EAST 37TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM R-3 RESIDENTIAL
ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2009-034: Robert Hall

Pursuant to notice of public hearing, the request of Robert Hall to rezone a tract of land located at 1101 Greens Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated that the request is for R-4 for office use and noted that the Staff and Planning reviewed this and determined office use is okay. He stated the specific request is for a tree removal service, which was the part they were not as comfortable with as it would mean truck storage, parking and equipment storage. He stated they met with the applicant to explain their reservations; that the recommendation from Planning is for denial of the R-4. He stated the applicant sent a notice to the Staff and Clerk of Council requesting deferral for one week and possibly more, however, at least a week for sure.

REZONING (Continued)

Mr. Haynes stated Staff recommends denial of the R-4 and approval of O-1 subject to conditions; that the main concern has to do with storage of the equipment and the large trucks as part of their business parking in front. He stated there has been discussion regarding screening and adequate landscaping.

Gil Milton was present representing the applicant, John Pratt, of Chattanooga Tree Service. He stated the applicant could not be present due to the storms of the past week and has been covered with business; that they want to meet with the property owners and discuss their options with Mr. Haynes and RPA, which is why they are requesting deferral.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1101 GREENS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred one week.

AMEND CONDITIONS

2009-035: Flournoy Development Company

Pursuant to notice of public hearing the request of Flournoy Development Company to amend conditions imposed in Ordinance No. 12184 (Case No. 2008-179) on tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive came on to be heard.

Mr. Haynes stated the request is to amend conditions placed on the original rezoning. He stated the site is already zoned R-3 and there is no question about whether it can be rezoned to apartments; that the issue tonight is to amend conditions placed on the original R-3. He stated there is a list of 20 conditions, a few of which the applicant desires changes. The original site plan for the R-3 request was shown by PowerPoint wherein the north end of the building at the top closer to East Brainerd Road was shown; that another slide was shown with a slightly revised sight plan where the building once closer to East Brainerd Road had been moved away.

AMEND CONDITIONS (Continued)

Mr. Haynes stated one of the conditions is that buildings closer to East Brainerd Road would be no higher than three stories; that they are basically trying to amend conditions to allow the project to go forward and make site changes, but at the same time maintain adequate buffers and berms around the project for an appropriate fit for the residents. He displayed the last drawing showing the grading plan for the project noting that Planning recommends approval of all conditions.

Mike Price of MAP Engineers stated that the plan before the Council has gone through an exhaustive process through Planning and now for the second time is before this body. He stated the matter has been brought before residents of the community in numerous meetings and is now a good comprehensive plan addressing many of the issues and considerations of the residents of the area. He stated they have not satisfied all the residents in and around East Brainerd, however, it does address concerns of those right adjacent to the property that he believes should be the primary voice with regard to passage this evening. He distributed information to the Council stating the key is there are 22 different conditions, noting that the items bold faced are the requests for change. He stated when the request was initially passed it was passed with the condition if any changes to the plan were made it had to come back through the process to the community and back to the City Council. He stated they have done all those things and when the Council looks at the bold faced items they will find all conditions previously made for this development have been strengthened or new conditions added to really tighten down as far as what conditions are in order to develop this site.

Mr. Price stated part of this relates to the buffer in reference to Panorama, landscaping, berms and additional work as it relates to retention ponds and all sorts of things. He stated everything the community brought as issues were addressed; they did them and put them as conditions as the developer is working extremely hard to develop this and working with everyone involved. He stated the main difference is the shifting of the building away from East Brainerd Road and, more importantly, the original plan called for 100,000 yards of dirt to be hauled out which would mean 10,000 truckloads of dirt onto East Brainerd Road and carried in various directions. He stated the developer realized that was not necessarily a good plan for him or the community and developed a plan that actually required the movement of more dirt on the site that did not have to be hauled off; that it will stay on the site and by doing that the plan shifts it away from East Brainerd Road. He stated instead of towering over East Brainerd Road it shifts away and there will be a landscaped area between those buildings and East Brainerd Road.

AMEND CONDITIONS (Continued)

Mr. Price continued by stating based upon all the conditions agreed to and made a part of the ordinance, there were three others they talked about in the last week with the neighbors and one of them is basically there would be three separate cross-sections as to how it will be screened and if this passes he would like for it to be part of the record that the items were agreed to by the developer. He stated the second item is one relating to maintenance of the retention pond; that in the long term the owner of the property would maintain it. He stated that he had received word that Councilman Benson may have another condition he may want added if this passes tonight.

Vice Chairman Benson stated there is the need for trees between Kenmoor; that there would need to be 80 trees as that is a long block.

Mr. Price stated the sloped area between where the buildings are located and the landscaped area are on a berm, and below the apartments would be 80 trees with a number as half deciduous and half evergreens all Class II trees such as crepe myrtles and dogwoods to create aesthetics as far as what they might be looking at.

Gary Craven of 1114 Panorama, who lives in the second house from this project, stated that Mr. Sawyer wrote a letter to each member of the Council noting that the problem has been resolved. He asked that a copy be sent of what the Council will pass on second reading; that the last time they thought they had a berm at the end of the first reading, but when they got through with the project the berm disappeared. He stated they do not want that to happen.

Lois Kiselik of 7321 Kenmoor Drive, stated that she and her husband, Ronnie, support this development; that it is their thought it is the best use of this land. She stated their property backs up to the Flournoy development and the retention pond is behind their home. She stated the 22 conditions have been carefully worked out and noted that Councilman Benson requested the addition of the trees and if that is added they definitely approve this request.

A person with the development noted that agreement was expressed about the addition of the trees and would be included in today's record.

Ellsworth Gallimore stated that this plan is better than the one approved before as there will be less traffic as far as hauling off dirt is concerned. He stated it is a very good plan.

AMEND CONDITIONS (Continued)

Councilman Rico stated that everyone is familiar with the streets involving this issue and it is his hope the discussion from those in opposition would be from the people who would be affected by the project and not the overall people from surrounding areas, clarifying that it should be from those who are really affected.

Art Ryan of 7203 Sylvia was the first to speak in opposition and stated that he is within walking distance of this development and wanted to point out to the Council in addition to having the responsibility to develop property they also have the responsibility to protect it. He stated a proposal came up some years ago and the Council struck it down as an unapproved use; that this is an extension into their neighborhood on Panorama Ridge which is R-1 traditionally and the residents of the neighborhood are mostly single family; that it is a tranquil neighborhood and a lot of people moved there for that reason and it is his hope it will stay that way. He stated this development is designed to change with dramatic results by adding many new renters; that he heard a couple of immediate neighborhoods want to go along with this however the overall opinion is there is overwhelming opposition to this and the reasons are security from renters, additional traffic and, in addition, additional traffic poses health and safety hazards as there are many residents with kids, pets, and pedestrians who like to walk as exercise. He stated this involves a far greater area and the area between East Brainerd Road and Gunbarrel happens to bottleneck during rush hour and the addition of these units will add 300-600 more during rush hour and will slow down everyone. He pointed out there is no need for this additional housing capacity; that a mile away across Gunbarrel is a similar development already open from the same developer and at this point are barely half full. He stated a lot of the apartments have vacancies and he does not see any need for this; that the profit from this overall is a greater cost to the community as a result. He asked the Council to do the right thing and reject this and protect them from this development; that everyone has seen what happens nationwide as the consequences can last years and decades.

Councilman Rico stated everyone wants the Council to stop zoning; that they can not stop what is already rezoned.

Annette Craig stated that she lives on North Concord Road, a block before this and noted that they were not as involved as they should have been; that basically what happened was she was told by Mr. Benson at a meeting that this did not apply to her and she had no business speaking even though she can not get out of her road, now, and she resented that.

AMEND CONDITIONS (Continued)

Mrs. Craig stated they have worked in her neighborhood and referenced the five acres on the hill that were clear cut that could be seen from P&S where the developer put in 50 homes on a very narrow two lane road and they can not get out now. She stated their concern is that were told this did not apply to them; that they were not as involved as they should have been as there is a lot of opposition and a lot of people are not here tonight as trees are down on their homes and they are tired of fighting. She stated they have fought and fought and fought in their neighborhood and they are tired, but they will continue to fight!

Jack Vincent 1108 Ridge Top Drive stated that he is not too far from Panorama; that they had bids for this property and seven were clearly voted out. He stated Mr. Gallimore worked very well with their neighborhood group and they are in agreement; that they worked out details that were for condominiums and it was in the middle of October when they had their eighth meeting planned. He stated Mr. Gallimore stated a developer in Florida was going to buy the property but things happened and he called at 4:30 in the afternoon and indicated things had changed and the developer pulled the application and dropped out and Mr. Gallimore told them the meeting was cancelled. He stated they had all the committees out, called all their people who were lined up to come and told them the meeting had been called off. He stated while this was taking place, he made a call to Councilman Benson and told him Mr. Gallimore had called the meeting off. He stated Councilman Benson called Mr. Gallimore who was driving enroute and told him to go ahead and have the meeting and to inform the people. He stated they had the meeting but could reach the people he had called and told not to come, thus they had only a few people there, which was not a representative number. He stated people were there and Councilman Benson called in the immediate neighborhood; that Mr. Gallimore wanted out for several reasons, however in the meantime there was a backup buyer who made a deal with Flournoy Development and the price was reduced. He stated plans had been drawn up for apartments and they had not gotten to the point to approve that; that they had a meeting and were told they would have to keep it R-1 and they put in 100 "shotgun" houses. He stated there was a fear factor and people voted for it; that he would like to have a recall vote due to poor representation of the community.

City Attorney McMahan clarified that the issue before the Council is to change the conditions of the property previously rezoned R-3 which would allow for apartments. He stated this Council does not have authority tonight to change this property back to R-1 as that would have to go back before Planning.

AMEND CONDITIONS (Continued)

City Attorney McMahan stated Planning can only consider, in his judgment, such application made by the owner as no one else has interest in the property. He stated this is strictly a question of whether to change the 22 conditions currently on the site with possibly three additional conditions, making it 25 conditions to build essentially as shown on the schematic drawings shown tonight.

Art Ryan interjected that the Council could at the very least stop the changes to which Vice Chairman Benson rapped the gavel as Mr. Ryan was out of order.

Vice Chairman Benson asked that Mr. Price make clear for the minutes exactly what conditions have been added tonight.

Mike Price stated that he **distributed a document defining where the berm would be placed and the slope that has been moved away from the right-of-way to put in a screen** pursuant to the drawing that was shown. He stated if the issue passes tonight they are asking that a **change be made in condition 19 where one row of trees would be added.**

Vice Chairman Benson added at this point that the developer must maintain the property.

Mr. Price continued by stating the change in **condition 15 is the change in wording from developer to "owner" with reference to the retention ponds**; that **condition 19 defines how the berm would be located on Panorama with 80 Class II trees placed in the slope area between the apartment buildings on East Brainerd Road and Kenmoor Drive with 40 evergreen trees and 40 deciduous trees.** He stated essentially before the Council tonight are two choices, to take the present zone and its conditions in a weakened state or take in much stronger worded conditions that gives much more protection to the residents around; that those are the choices "at the end of the day". He stated clearly this is a better option for everyone; that traffic signals will be installed which will alleviate any traffic concerns in terms of getting in and out and not pulling traffic into the neighborhood.

Vice Chairman Benson asked for the record if the past and present owners stand by what has been stated.

The response was "yes" from both.

Mr. Haynes clarified that condition 15 references "property owner"; that there should be the addition of "owner or owners".

AMEND CONDITIONS (Continued)

Councilwoman Berz stated that she needed clarification as she keeps hearing "developer" and "owner". She inquired as to the true owners of this and the developer.

Mr. Price clarified that the present owner is Ellsworth Gallimore and the developer is Flournoy. He stated when the conditions were written it was not the intention to say "developer owner" but who it is that is taking possession of the site; that the designation when the word "developer" got written it it should say "owner" who oversees the site.

Councilwoman Berz asked who ultimately intends to be the owner.

Mr. Price responded "Flournoy".

Councilwoman Berz asked if the request is speculative.

Mr. Price responded "no"; that it is land drawn, has gone out for bids and costs and is not speculative at all.

Councilwoman Berz stated when the neighborhoods met there have been allegations neighborhoods not directly part of this were told they did not have a say-so and inquired who was present in these meetings.

Mr. Price responded if the decision is taken off the table as far as the condominiums when that was proposed, just from the point of talking about the apartments his guess is there have been five-to-six public meetings well attended throughout. He stated they had taken telephone numbers and addresses, contacted them and lined up another discussion; that there were some more actively involved than others and all were contacted and we kept them informed. He stated there was never the intent to shut anybody out; that there were some things he did not want to hear in going through the process, but they were still open forums, including the one at Flournoy Developers in which all in opposition here tonight were in attendance.

Councilwoman Berz stated Mr. Price anticipated her question; that her question is when people voted they clearly understood they were voting for apartments and not condos.

Mr. Price responded "yes".

AMEND CONDITIONS (Continued)

At this point Vice Chairman Benson passed the gavel to Councilman Rico to conduct the meeting so Vice Chairman Benson could address the issue.

Vice Chairman Benson stated that he is the one that said he would pay more attention to the people that lived on the street surrounding Panorama and King Arthur as they have greater impact, in his mind, and stands by that. He stated two of the people speaking tonight in opposition live "1,000 yards away as the crow flies", as it has been stated, and that is the only way they would get there as it is thousands of yards away! He stated he would listen to them as they have credibility, but the people that are going to suffer or profit live right adjacent to it and they are the ones who he would have to put credibility to. He referenced a call from Jack Vincent to someone in Mintom to come to this meeting who lives ten miles away who does not even live near it noting that he might as well have called Bradley County! He stated the people who live a mile or two or three away are affected by traffic and more population, true, yet he still has to worry about the people who live right around this, and that is the reason for his stand on this. He stated if someone rezones next to him he would want his Councilman to hear him more than someone a mile-or-two-or-three away.

At this point, the gavel was returned to Vice Chairman Benson to continue conducting the meeting.

Elizabeth Stubblefield of 1014 Elaine Trail stated that she has a four year old daughter and noted she and her husband bought their home in 2002 and love the beautiful, peaceful neighborhood; that her daughter was born at Erlanger East and baptized at St. Martin's. She stated they love the community and have invested in the community as homeowners and taxpayers and own a home for the first time and love it.

Vice Chairman Benson gaveled Mr. Stubblefield as being out of order. He clarified the Council is only amending conditions.

Mrs. Stubblefield stated that she has concerns about the traffic signal and people using her road; that she came on her lunch break from her job at Moccasin Bend to say that.

Councilman Rico made the motion to approve on first reading however the motion failed for lack of a second.

AMEND CONDITIONS (Continued)

City Attorney McMahan reminded Council members that the ordinance before them has 22 conditions and proposed are three additional conditions; that the Council is only moving to approve the ordinance as described with three additional conditions.

Mike Price stated that he might be out of order and asked the Council to consider this as improving conditions on a zone that has already been rezoned.

Vice Chairman Benson stated the matter failed for lack of a second and a motion to reconsider must come from someone on the prevailing side.

Mr. Price asked if there was a motion to defer the matter until next week.

Vice Chairman Benson stated there was no motion to do that.

Councilwoman Robinson stated that the property is already rezoned and it sounds like a better landscaping plan with 80 trees and a lot more buffering. She asked if each side could be given an additional three minutes; that this Council is ready to leave the plan the way it is and she is not sure that is what the people want "at the end of the day".

Councilwoman Berz expressed agreement with Councilwoman Robinson's comments noting her thought that it has been made clear the rezoning in the past has already been approved so it is not a matter of the apartments.

City Attorney McMahan responded "yes" that they can still build 300 apartments on this site.

Councilwoman Berz stated what we are talking about is what they will look like; an old way as it was going to look and now a proposed new way. She stated her only concern was the process was a good process and the second concern was the plan changed without notice. She asked if the people understand now that they are considering apartments and not condominiums and the answer was true and she got her answer. She stated her thought what is confusing here is that it is not an issue of can apartments happen or not, apparently that has been approved so there are going to be apartments. She stated what is being asked are to change some of the conditions relative to the apartments to make them more pleasing and more protective with more trees. She stated what is missing is that the Council does not have a copy of everything talked about; that she is not saying that is wrong it is just that she has not seen it as the Council never got that part.

AMEND CONDITIONS (Continued)

At this point, Vice Chairman Benson "opened the floor" for each side to speak nine minutes.

Mike Price stated that he would like to add when the opposition is heard he would like to hear the changes they would want made to the plan be addressed tonight; that they are only talking about amending conditions and asked that they mention further conditions they want to change.

Lana Sutton of 7203 Sylvia Trail stated that she lives behind this 50 foot, 25 acre, 316 unit monstrosity that has been "shoved down their throats"! She stated they were told by Councilman Benson they did not have to oppose and did not have to show up as the threat was gone; that he called and told them that. She stated they were betrayed; that this made it through on a betrayal and that is why there was no second, it is "slippery"! She stated what she wants is for the amendment not to be passed; that Councilman Benson told them in the meeting minutes the people can listen and if the conditions are attempted to be changed the whole thing is over which means it would revert back to R-1. She expressed her thought that Councilman Benson should recuse himself for the misinformation he has given people including telling them they would get clapboard houses with five homes per acre! She stated they have been lied to and the neighborhood was told they would get ethnic minorities and they are afraid! She stated that she talked to the people across from this rezoning, including Mr. Hullender, whose son just bought a \$450,000 piece of property right next to this. She stated the Council should pass some kind of ethics code that makes this type of voting illegal and unethical; that Councilman Benson should recuse himself for telling people they would get clapboard houses if this is not approved.

Ms. Sutton stated she did not get a letter and this was spot zoning in their neighborhood, right in the middle of houses and is not supported by the land use plan. She reiterated she was not invited to any public meeting and lives on the same block; that there were public meetings and she did not attend because she did not know about any! She stated she was told by the block captain who works for Mr. Hullender who owns the property next door that the rezoning was off and that is why this thing passed and that is inappropriate behavior for the City Council and asked the Council to not allow this to happen again. She stated rezoning should not be slipped through, "snuck" through under the noses of neighbors and people who live close to something; that the Council should not just listen to people who stand to gain from this.

AMEND CONDITIONS (Continued)

Ms. Sutton stated Mr. Hullender is on the Planning Commission and failed to recuse him from the vote approving the rezoning. She stated that should be illegal and there should be a mandate a member should not be able to vote for his own property or things that affect their property values as that is disgusting! She stated that it should be mandated the yellow sign should be mandatory; that they never got the yellow signs and that is why they are all standing here wondering what happened; that they did not know about this and still want to fight the apartments. She stated the Council should also mandate that legal notices put into the newspaper should be clear; that the legal notice about this could not have been identified as the 25 acres for this project; that no one would have known this was the Flournoy, Hullender, Benson project. She stated seasoned veteran reporters did not recognize this was the 25 acre, 316 unit, 50 foot monstrosity that is going to tower over East Brainerd and change their skyline. She stated this monster is clobbering our neighborhood!

Councilwoman Gaines stated that she understands the concerns and remembered Ms. Sutton from the last time. She asked if she would stay in order when she is speaking to elected officials here today as she speaks to the issue as she has made comments today that could have been discussed on a lighter note.

Ms. Sutton stated that she wanted the Council to understand they do not want this; that they want it left as it is. She stated they want the amendment squashed and do not want them to grade it; that she knows what Councilman Benson told them was if they come back and got out of these conditions they were told it would revert back to R-1; that they want them not to be able to grade it or change the zone.

At this point Mr. Ryan attempted to speak again and Vice Chairman gaveled him as being out of order.

Ronnie Kiselik of 8321 Kenmoor Drive stated more than three-or-four times he and his wife delivered notices and made phone calls to everyone in the Kenmoor Subdivision, notifying them of the meetings they have had since 2001. He stated after awhile only a handful continued to come and the rest said to let them know what happens as they were not coming. He stated they were interested people and wanted to know what would happen as they did not want to put in the time and they (Kiseliks) were willing to. He stated condition 15 mentions about the owner and developer, which are one in the same; that if three years down the road Flournoy sells to, as an example, Sally Robinson, they want the condition to go with the sale so the owner has to keep up the property, which is the only reason for that technicality.

AMEND CONDITIONS (Continued)

Mr. Kiselik stated as far as the setbacks are concerned they have been gone over numerous times with numerous people.

Jeanette Wilkerson stated that she lives within the neighborhood of Audubon Acres and has lived there 20 years which is the reason they brought to attention what needed to be changed in condition 15 for the betterment of the apartments and whomever might be living there at the time it changed hands from developers to owners by someone one. She stated that covers the retention ponds and that sort of thing to help to keep mosquitoes down. She stated that is why they are asking those conditions be improved and added this evening; that the reason they asked for that is for the betterment and protection of the ones living within the area.

Chris Hannah of 1112 Panorama stated that he lives 300 feet back from this property line. He stated his concern is in all of this conversation the reason has been lost why it is being discussed; that the points brought up tonight seem muddled about getting back to R-1! He stated his main concern tonight is that he understands the revisions made and the concerns of Mr. Sawyer; that the changes give more protection. He stated they have agreed to do the 80 trees, change the setback and the change in the retention pond, as well as the verbiage about ownership. He stated it is important to get back to the three things; that the community is in support and the people who live directly across the street expressed no condemnation to the changes. He stated his concern is simply the movement of the buildings backward and that is an issue, as well as the four story building; that those are his concerns and (he) is in agreement with everything else.

Paul Pelletier of 303 Panorama stated that he lives across from the entrance and exit to this site. He stated he has worked with Mr. Price on numerous occasions and thinks the provision of the new plan brings into account everyone's concern and deals with them. He expressed his belief the revised plan is much better than the original; that he is the person most impacted by this development as it is right in his front yard! He stated he is not in opposition and noted that it is actually a good use for the property. He stated once all is said and done it will add to the community like the other apartment complexes such as Carriage Park and another further down East Brainerd Road. He stated it is well planned and actually does not have any impact in the area.

At this point Vice Chairman Benson passed the gavel to Councilman Rico to conduct the meeting so Vice Chairman Benson could address the issue.

AMEND CONDITIONS (Continued)

Vice Chairman Benson stated that Paul Pelletier and Chris Hannah both said it best as they live right next to this and can “throw their shoe” across and hit the property. He stated he would have to vote for the amendments; that they have done everything possible to make it a better quality of life for people who live around it. He stated to think of the other problems brought from people who do not live around it that would control the lives of those that are right across the street is something he could not have on his conscience. He stated that he is surprised at people who care so little for what is happening to the neighborhood down the street as some day it might happen to them right next door. He stated he could not see how anybody could not listen to the people next door and expressed agreement there will be traffic out there and in East Brainerd, he hoped, forever as long as we have a good economy; that we will try to do the best we can to meet those traffic needs as it brings more money in to meet those needs.

On motion of Councilman Benson, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND THE CONDITIONS IMPOSED IN ORDINANCE NO. 12184 (Case No. 2008-179) ON TRACTS OF LAND LOCATED IN THE 7200 BLOCK OF EAST BRAINERD ROAD AND THE 1200 BLOCK OF PANORAMA DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

At this point, the gavel was returned to Vice Chairman Benson to continue conducting the meeting.

REZONING

2009-036: Thomas A. Austin

Pursuant to notice of public hearing, the request of Thomas A. Austin to rezone a tract of land located at 2123 Hamill Road came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

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 2123 HAMILL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM
R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE**
passed first reading.

GRANT

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR
AND ACCEPT A GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY
OFFICE IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS
(\$300,000.00) WHICH WILL BE USED TO PURCHASE RADAR GUNS AND
PAY OVERTIME FOR TRAFFIC ENFORCEMENT WITH NO LOCAL
MATCHING FUNDS REQUIRED**
was adopted.

EASEMENT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PERMANENT
CONSERVATION EASEMENT FROM HIXSON DEVELOPMENT PARTNERS,
LLC THROUGH THE TRUST FOR PUBLIC LAND ON A PORTION OF LOT 2,
MORNING POINTE SUBDIVISION, AS SET FORTH IN EXHIBIT A
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO BE
USED AS PART OF THE CHATTANOOGA GREENWAY SYSTEM, AND
EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR
SAID EASEMENT**
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-002-201, 2008 CITY SIDEWALK REQUIREMENTS CONTRACT – CDBG, TO YERBEY CONCRETE CONSTRUCTION, INC. IN THE AMOUNT OF TWO HUNDRED SIXTY-EIGHT THOUSAND FIVE HUNDRED EIGHT DOLLARS (\$268,508.00), PLUS A CONTINGENCY AMOUNT OF THIRTY-ONE THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS (\$31,492.00), FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)

was adopted.

ADOPTION OF "SHALLOWFORD ROAD: STANDIFER GAP ROAD TO HICKORY VALLEY ROAD POLICY"

Karen Rennich explained that this policy modifies the plan for the area and does not change any rezoning. She stated the idea was with a widened Shallowford Road some properties are affected more than others and there are alternate land uses to single family residential.

Councilwoman Berz asked if the person who was here with what she understood was a great plan would include transitional things like what is on East Brainerd Road.

Mrs. Rennich stated by transition the policy does reference things like keeping existing structures, landscaping, appropriate signalization, lighting, parking and others; not new commercial uses coming out; that they are trying to move the intensity away from a five lane roadway.

Councilwoman Berz asked if a beauty salon person could fall within this, as long as he did not change the house at all and not have big signs.

Mrs. Rennich responded "right"; that they spent a lot of time looking at this; that they were very concerned about the impact of those going to another use as they do not want a "domino effect". She stated they wanted to provide relief to residents on the front of the road and address those immediately behind or facing neighborhood streets.

ADOPTION OF "SHALLOWFORD ROAD: STANDIFER
GAP ROAD TO HICKORY VALLEY ROAD POLICY"
(Continued)

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION ADOPTING THE "SHALLOWFORD ROAD: STANDIFER
GAP ROAD TO HICKORY VALLEY ROAD POLICY", ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**
was adopted.

PRELIMINARY AND FINAL PUD

2009-039: Signature Investments, LLC

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**A RESOLUTION APPROVING A REVISED PROPOSED PRELIMINARY AND
FINAL RESIDENTIAL PLANNED UNIT DEVELOPMENT SPECIAL
EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT, KNOWN AS
LONGHOLM AT RIVERVIEW PLANNED UNIT DEVELOPMENT, LOTS 1-32,
ON TRACTS OF LAND LOCATED IN THE 1100 AND 1200 BLOCKS OF
LONGHOLM COURT, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

"POWER OF ONE" LUNCHEON

On motion of Councilman Berz, seconded by Councilwoman Rico,
**A RESOLUTION AUTHORIZING THE OFFICE OF MULTICULTURAL AFFAIRS
TO SPONSOR THE 3RD ANNUAL POWER OF ONE MAYOR'S LUNCHEON
TO BE HELD ON JUNE 30, 2009 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.

GRANT

On motion of Councilwoman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND, IF AWARDED, ACCEPT AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE IN WASHINGTON, DC, IN A TOTAL AMOUNT NOT TO EXCEED EIGHT HUNDRED FORTY-TWO THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS (\$842,178.00), WHICH IS PART OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) WHICH IS FUNDED UNDER THE COPS HIRING RECOVERY PROGRAM IN THE AMOUNT OF EIGHT MILLION SIX HUNDRED EIGHTY-TWO THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$8,682,850.00) WHICH WILL BE USED TO HIRE FIFTY (50) POLICE OFFICERS AND PAY THEIR SALARIES FOR THREE YEARS. THE CITY OF CHATTANOOGA WILL BE REQUIRED TO FUND THESE POSITIONS ONE YEAR BEYOND THE EXPIRATION OF THE GRANT
was adopted.

OVERTIME

Overtime for the week ending April 9, 2008 totaled \$65,598.56.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPARTMENT:

- **MAURICE D. HORTON, SR.** – Reinstatement, Crew Worker 1, Range 2, \$26,753.34 annually, effective December 2, 2008.

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **DAVID JENKINS** – Retirement, Electronics Technician 1, Traffic Operations, effective April 10, 2009.
- **JASIMINUS A. TAYLOR** – Suspension (2 days without pay), Crew Worker 1, City Wide Services, effective April 8-9, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **ROBERT BATES, CHARLES BLEVINS, JOYCE BRIDGES, DONIELLE DEAN, JOHN LONG, SHAWN REESE, STEPHEN ROSE, PERRY J. STEPHENS** – Promotion, Fire Lieutenant, Range F3A, \$43,353.00 annually, effective April 10, 2009.
- **WILLIAM COMMINS, WILLIAM FRYAR, CHARLES STEELE, DAVID TALLENT, TERI VOGT-ROSE, STEPHEN WARREN, TRAVIS WILLIAMS** – Promotion, Fire Captain, Range F4A, \$49,132.00 annually, effective April 10, 2009.
- **WILLIAM MATLOCK, SETH MILLER, TERRI WHITESIDE** – Promotion, Staff Captain, Range F4C, \$49,132.00 annually, effective April 10, 2009.
- **STANLEY HALES** – Retirement, Fire Captain, effective April 10, 2009.
- **TRACI DOSSETT** – Suspension (2 days without pay), Firefighter Senior, effective April 12-13, 2009.

FINANCE DEPARTMENT:

- **ROBERT BORSKI** – Hire, Accountant, Range 17, \$44,000.00 annually, effective April 24, 2009.

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Berz the following purchases were approved for use by the various departments:

PURCHASES (Continued)

PUBLIC WORKS DEPARTMENT:

EXCALIBUR INTEGRATED SYSTEMS, INC. (Single source)
R0120882

Scanner Equipment per TCA 6-56-304.6

\$11,875.60

CHATTANOOGA POLICE DEPARTMENT:

KNOWLEDGE COMPUTING CORP. (Single source)
R0121095

Software Maintenance & Support per TCA 6-56-304-2

\$31,875.00

GENERAL SERVICES:

VULCAN FIRE SYSTEMS (Lowest and best bid)
R0119750/B0005884

Fire Suppression Equipment & Services

\$22,070.00

PERISCOPE HOLDINGS, INC. (Single source)
R0120472

Software Maintenance & Support per TCA 6-56-304.2

\$14,635.00

COMMITTEES

Councilman Rico stated that the **Public Works Committee is scheduled to meet on Tuesday, April 21 immediately following the agenda discussion.**

Councilwoman Robinson stated that the **Education Arts and Culture Committee has been rescheduled for Tuesday, April 21 immediately following Public Works** for an update on departmental programs.

Councilwoman Berz stated that the **Budget, Finance and Public Works Committee will have budget hearings April 15, 16 and 17 beginning as 9 a.m., as well as April 30 beginning at 1 p.m.** She reminded Council members that there was agreement to have an Audit Committee and the names for the Committee submitted by April 21. She stated there was a suggestion made that the new Council members would be obviated from being able to suggest any names and inquired as to the pleasure of the Council.

Councilman Rico made the motion that the submission of names be postponed a couple weeks as it looks as if there will be one-or-two more new people on the Council; Councilwoman Berz seconded the motion; the motion carried.

CHRIS WALKER HEARING

City Attorney McMahan stated since last meeting Atty. Mike Raulston asked the panel concerning Chris Walker to reconvene as there had been a problem regarding the employee. He stated, for the record, the panel including Debbie Gaines, Leamon Pierce and Sally Robinson declined to reconvene.

NEXT WEEK'S AGENDA

Dan Johnson stated that the ordinances passed on first reading would be heard on second and final reading on next Tuesday. He read through the remainder of the agenda which has been spread upon the minutes.

Resolutions:

- a) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Barge Waggoner Sumner & Cannon, Inc. to provide professional design services for expansion of the existing Heritage Park at 1428 Jenkins Road in the amount of \$24,550.00, plus a contingency amount of \$2,000.00, for a total contract amount not to exceed \$26,550.00.

NEXT WEEK'S AGENDA: APRIL 21, 2009
(Continued)

- b) A resolution authorizing the appointment of Scott Sargraves as special policeman (unarmed) for the City of Chattanooga Land Development Office to do special duty as prescribed herein, subject to certain conditions.
- c) A resolution authorizing the Director of General Services to execute a Tower Site Lease Agreement with the Board of Public Utilities of the City of Cleveland, Tennessee for use of a portion of the Candies Creek Ridge Water Storage Tank site in connection with the Public Safety Interoperable Communications System, with necessary easements for access and utilities in lieu of rent and for a term of five (5) years, with an option to renew.
- d) A resolution authorizing the Director of General Services to execute an Antenna Site License Agreement with Premier Towers, LLC for use of a large antenna site on Bean Mountain in Polk County for an annual rent amount not to exceed \$150,000.00 and a term of twenty-one (21) months as part of the Tennessee Valley Regional Communications System.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into an Interlocal Agreement with Hamilton County relative to the Planametric Photography Mapping Project for the Hamilton County GIS for 50% of the shared cost in an amount not to exceed \$95,126.00.
- f) A resolution requesting and encouraging the Legislature of the State of Tennessee to adopt legislation promoted by the Tennessee Public Safety Coalition which would enhance the penalties for certain violent crimes and provide for an increased number of prosecutors to enforce these laws.
- g) A resolution authorizing the award of Contract No. W-09-004-201, Miscellaneous Sanitary Sewer Manhole Adjustment Contract, to CK Masonry Company, Inc. In the amount of \$153,700.00, plus a contingency amount of \$6,300.00, for a total amount not to exceed \$160,000.00.
- h) A resolution authorizing the award of Contract No. W-09-004-202, Miscellaneous Sanitary Sewer Manhole Adjustment Contract, to Professional Concrete Finishing Company, Inc. in an amount not to exceed \$50,000.00.
- i) A resolution authorizing LaMonte P. Vaughn, Sr., on behalf of the Orchard Knob Neighborhood Association, to use temporarily the rights-of-way throughout the Orchard Knob Neighborhood to install Community Sign Markers, as shown on the list of sites and drawings attached hereto and made a part hereof by reference, subject to certain conditions.

NEXT WEEK'S AGENDA: APRIL 21, 2009
(Continued)

- j) 2009-PW-002 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 200 block of Godsey Street to the 2800 block of Northpoint Boulevard, as shown on the map attached hereto and made a part hereof by reference.
- k) 2009-PW-003 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 5100 block of Adams Road to the 5200 block of Wilbanks Road, as shown on the maps attached hereto and made a part hereof by reference.
- l) 2009-PW-004 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 900 block of Frazier Circle to the 3900 block of McDowell Street, as shown on the map attached hereto and made a part hereof by reference.
- m) 2009-PW-005 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 400 block of East 2nd Street to the 400 block of Bluff View, as shown on the map attached hereto and made a part hereof by reference.
- n) 2009-PW-006 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 100 block of Spring Street to the 100 block of Burke Lane, as shown on the map attached hereto and made a part hereof by reference.
- o) 2009-PW-007 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of 7311 through 7337 Standifer Gap Road to 7314 through 7319 Courage Way, as shown on the map attached hereto and made a part hereof by reference.

JOHN CRAWFORD

John Crawford, Chairman of the Variance Board and Friends of East Brainerd, stated that he heard a traffic light was going in the Panorama area, which has been one of his big concerns. He stated he is glad to hear it as a lot of people have to wait to get out on the roads and now will have a chance to get out and will make a big difference. He related the accident involving a woman who as eight months pregnant that was hit at this location and the impact killed the baby, noting that he has a special "thing" there.

NEWELL

Newell stated that the zoning on Shallowford Road should be 300 feet back regarding which way the house is turned on both sides of the road and noted anyone should be considered for emergency zoning regarding of what happens.

ADJOURNMENT

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, April 21, 2009 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)**