

**City Council Building  
Chattanooga, Tennessee  
June 9, 2009  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Ladd, McGary, Rico, Robinson and Scott; Councilmen Berz, Gilbert and Murphy were 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**

Councilman Rico asked Councilwoman Robinson to introduce the Boy Scout who would lead everyone in the Pledge of Allegiance.

Councilwoman Robinson introduced Boy Scout Will Raines, who was present with his father, "Bill" Raines. She made everyone in attendance aware that Will was present to meet requirements of the Citizenship Badge. At this point Will led everyone in the Pledge of Allegiance.

Following the Pledge of Allegiance, Councilman Rico gave the invocation for the evening.

### **SPECIAL PRESENTATION: PUBLIC WORKS EMPLOYEE AND MANAGER OF THE YEAR PRESENTATIONS**

Adm. Leach stated "Public Works Week" was celebrated a couple weeks ago and as part of that the Department recognizes outstanding employees in Public Works from a supervisor basis and from general Public Works' employees. He stated two persons were selected by a jury of their peers. He asked **Brian Lessman** and his wife, Kaye, to come forward, as well as Jerry Stewart and others. He stated Brian is the Department's "**Manager of the Year**" and is Plant Operations Supervisor at the Sewage Treatment Plant. He stated Brian has been with the Department 24 years and started as a laborer, received training and skills and was promoted to his current position; that he and his wife are part of our family of Public Works.

**PECIAL PRESENTATION: PUBLIC WORKS EMPLOYEE  
AND MANAGER OF THE YEAR PRESENTATIONS  
(Continued)**

Adm. Leach stated Brian is certified in Wastewater Operation-Grade 4 and in Collection Systems-Grade 2 and in charge of all biosolids processes. He congratulated Mr. Lessman and presented him with a framed photo of the Walnut Street Bridge, which is given to winners of the two awards.

**Brian Lessman** stated that he takes pride in his work and is honored to receive this recognition.

At this point, Adm. Leach asked **Luann Eller**, her husband, Jimmy, their goddaughter, Meagan, and their son, Zachary, to come forward, as well as Gary Hilbert and others. He stated Luann is the **"Employee of the Year"**. He stated Meagan is a freshman at East Tennessee State University and Zachary is a freshman at Boyd-Buchanan School. He stated Luann has worked five years in the Land Development Office under Gary Hilbert, is the "welcoming committee" in building permits and is one of the first persons a person meets representing the city in the Land Development Office. He stated this recommendation came from her peers, noting there are always good comments about her and the way she talks to folks in making them comfortable. He congratulated her and presented her with a framed photo of the Walnut Street Bridge.

**Luann Eller** expressed her thanks for the recognition and stated it is an honor.

Chairman Benson stated that he knows the spirit they have in working in Public Works as they are all dedicated service people. He stated they provide a service for nearly everything that makes this city go!

**JOHN P. FRANKLIN, SR.**

Chairman Benson recognized the presence of John P. Franklin Sr., former Commissioner of Education and Health of the former City Commission. He asked Mr. Franklin to join the Council on the dais for the remainder of the meeting, noting that he could not vote but wanted him up here (on the dais)! Mr. Franklin was given a standing ovation as he proceeded to the dais.

**AMEND CITY CODE**

On motion of Councilman McGary, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 2, BY ADDING A NEW ARTICLE XIV TO ESTABLISH AN AUDIT  
COMMITTEE AND PROCEDURES FOR THE CITY COUNCIL AUDITOR**  
passed second and final reading and was signed in open meeting.

**INTERIM BUDGET**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND  
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF  
THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST AND  
SEPTEMBER 2009, PENDING THE ADOPTION OF THE 2009-2010 ANNUAL  
BUDGET**  
passed second and final reading and was signed in open meeting.

**AMEND BUDGET ORDINANCE NO. 12139**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12139, THE BUDGET  
ORDINANCE, SO AS TO APPROPRIATE FOUR MILLION FIVE HUNDRED  
THOUSAND DOLLARS (\$4,500,000.00) FROM THE GENERAL FUND  
RESERVES DUE TO SHORTFALL IN PROJECTED REVENUES FOR THE  
CURRENT FISCAL YEAR**  
passed second and final reading and was signed in open meeting.

**MORATORIUM**

**Councilmen Rico and McGary made the motion and second to move Resolution  
(j) forward on the agenda; the motion carried.**

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that the reason for the moratorium is that Planning disagrees with certain Staff approved subdivision plats; that the moratorium is for certain building permits and mentioned that it excludes those that are not creating new lots and the other is there is a consolidation or combination of lots. He stated those two cases are excluded and it will "catch" everything else.

## MORATORIUM (Continued)

Mr. Haynes stated the 60 day moratorium will give Planning and Staff time to look at the infill lots provision and requirements and come back to the Planning Commission with changes.

Councilman Benson stated there is a legal question involved that needs to be presented publicly.

**Atty. John Anderson** of Grant, Konvalinka and Harrison was present on behalf of Ron and Deborah Smith of Morris Hill Road and noted there are a number of residents present who are affected by this, as well. He stated this relates to the Staff approved subdivision entitled Lauren Hudson Sexton Subdivision that was approved and then the plat was recorded. He stated the issue that was presented was twofold -- it is believed this may have been in violation of what infill lot regulations are and the Staff approved it; that he does not think it was crystal clear, noting Greg Haynes and Barry Bennett do an outstanding job and he has great respect for both as they worked through what they thought was permitted for them to do. He stated the neighbors in the area felt they should have had notice; that turning one lot into three resulted in an awkward flag lot and a small building pad was left. He stated homes in the area are of substantially greater value than the ones developed for this subdivision; that this is the ambiguity that the infill regulations applied to and they believed it did; that the Staff believed they did not, which is an honest difference of opinion. He stated as a result, this type subdivision was approved by Staff and recorded without any notice to the neighborhood; that this creates a situation where there is degradation of property values as a result of the subdivision of a lot into lots not in keeping with the character of the neighborhood. He stated the matter was presented in May to Planning and Planning voted to stop the plat even though it had been recorded.

Mr. Anderson stated he was present at Planning on yesterday and present tonight and noted Councilman Benson stated this is something he was advised by Staff the Council needs to take care of. He stated that has one copy of a letter that was submitted at Planning on yesterday on the issue from a homeowner's standpoint; that one of the issues involves the *Tennessee Code* where it states two or more lots have to be approved by Planning. He stated he is not certain Staff has the ability under the *Code* to do this; that due process should have been available to property owners here.

## MORATORIUM (Continued)

**Howell Clements** stated he has lived on Morris Hill Road for 35 years and his primary complaint is (1) they had no notice; (2) most of the people have lived in this neighborhood for 36 years and to put two salvage houses on one lot dramatically changes the neighborhood; that when they bought their homes no one ever dreamed one lot would contain three houses! He stated he has six lots and can put 18-24 houses up there, but he does not think anyone ever anticipated this; that this is not a criticism because he has great respect for RPA and Staff; that this is something that "fell through the cracks"! He stated this is a situation, if taken literally, where a legislative or judicial body would have no right to appeal one man's decision to review it as that is simply not the way most citizens in the U.S. work. He suggested further that under Tennessee Code 6-2-21 this Commission had inherent authority to review the Planning Commission's decision if it has been delegated to one man. He stated it is his thought the elected officials of this community should be the ones who make the final decision and also thinks this is an intrusion and radical change of a neighborhood; that they never anticipated any detriment to property values and it is something that will, in essence, deteriorate the neighborhood.

Councilman McGary stated that he heard the allegation there was no notification given as to this decision.

Mr. Haynes responded "correct"; that no notification is given for any subdivision whether Staff approved or before Planning; that the agenda will be on the website as to subdivision approvals or reviews before Planning. He stated there is no requirement that they notify and there never has been as long as he has been with the Agency.

Councilman McGary stated that he was trying to ascertain the parameters of this situation, if it is something that could reoccur.

Mr. Haynes responded that he does not know if it was a fluke and expressed agreement with Atty. Anderson that there is a difference of opinion on how regulations are interpreted for subdivisions; that there are certain plats Staff is given authority to approve and they receive a lot of plats; that they look at them to make sure they meet the requirements on the checklist. He stated it is their professional opinion that it did meet the requirements and the applicant took it and recorded it, which is standard procedure. He stated in this case the neighborhood on the other side of the property was aware of the plan as they heard from the property owner or through discussion in the neighborhood. He stated they agreed with Staff's opinion, so Planning has asked Staff to look at improvements that can be made, and that is what they will be doing over the next months.

## MORATORIUM (Continued)

Chairman Benson stated Planning wants this prerogative they themselves have delegated to Staff to be tightened up so this does not happen anymore.

Mr. Haynes stated they would go back to the "drawing board" and see which type of plats should come to Planning and, to be quite honest, in the future, they would be more careful sending someone they have the slightest bit of question about. He stated they do have that flexibility and charge within subdivision regulations. He stated this was a fluke; that it was one that was very close to what the requirements say; that to qualify as an infill it has to be adjacent to two lots in an acre and sized small; that they had one a little over an acre and another side less than an acre. He stated this was not a vacant lot which was two of the "big kickers" that stood out about this. He stated this does not qualify as an infill lot and Staff approved it.

Chairman Benson stated this resolution puts a 60 day moratorium on all building permits on Staff approved subdivisions and gives 60 days to try to tighten it up.

Mr. Haynes stated they will be able to bring something back in 30 days and would have suggestions at the next Planning meeting.

Chairman Benson made reference to correcting the problem.

Mr. Haynes responded "not this particular problem; that it would be up to an attorney in this particular case because it is a recorded plat".

City Attorney McMahan stated today is the first time he heard of this and has not had any opportunity to research it. He stated one thing the new Council members need to know is that it is their responsibility to respect the zoning ordinance as it has minimum lot sizes for certain kinds of developers. He stated the responsibility to develop subdivisions is with the Planning Commission itself, so to a great extent they are the ones that have to find whatever the solution is. He stated that he strongly suspects this person has already started building out there and has a feeling it will be a private lawsuit with the persons who are interested therein.

Chairman Benson stated this resolution puts everything on hold for 60 days.

Atty. Anderson expressed appreciation for the Council's action.

**MORATORIUM (Continued)**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION DECLARING A MORATORIUM ON BUILDING PERMITS FOR LOTS IN STAFF-APPROVED SUBDIVISIONS FOR SIXTY (60) DAYS, OR UNTIL THE CITY COUNCIL CAN ACT UPON THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY'S RECOMMENDATIONS, WHICHEVER OCCURS SOONER**  
was adopted.

**AMEND CITY CODE/ZONING ORDINANCE**

Chairman Benson stated this matter was heard in Legal and Legislative Committee today, noting that Committee Chair Councilman Murphy was present for the Committee meeting but left afterward to care for his wife (who had had surgery). He stated the decision was to withdraw the matter and start all over again.

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2, 38-185 AND 38-527, RELATIVE TO THE REGULATION OF NIGHTCLUBS**  
was withdrawn from the agenda.

**AMEND CITY CODE**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPER 5, BY ADDING A NEW ARTICLE VI, SECTIONS 5-189 THROUGH 5-194, RELATIVE TO SPECIAL GATHERING PERMITS**  
was denied.

**AMEND CITY CODE/ZONING ORDINANCE**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY AMENDING ARTICLE II TO ADD DEFINITIONS FOR "GARDEN CENTER," "GREENHOUSE, COMMERCIAL," AND "NURSERY, COMMERCIAL," AND AMENDING ARTICLE V, SECTIONS 38-187(3), 38-206(2), 38-321(1), AND 38-473(12) WITHIN C-2 CONVENIENCE COMMERCIAL ZONE, URBAN GENERAL COMMERCIAL ZONE, M-2 LIGHT INDUSTRIAL ZONE, AND PARKING REQUIREMENTS SECTIONS TO INCLUDE THESE AS PERMITTED USES**  
passed first reading.

## REZONING

### **2009-057: John P. Franklin, Jr.**

Pursuant to notice of public hearing, the request of John P. Franklin, Jr. to rezone a tract of land located at 1016 Peachtree Street came on to be heard.

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

Councilman Rico stated the Franklins have met with the neighborhood association and there is no opposition.

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1016 PEACHTREE STREET, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS AND DRAWINGS  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM  
R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2009-063: Michael Barnes**

Pursuant to notice of public hearing, the request of Michael Barnes to rezone tracts of land located at 1514 and 1516 Ely Road come on to be heard.

The applicant was present; opposition was in attendance.

Mr. Haynes stated the request is for C-2 for expansion of an existing business of a fence company. The property was shown by PowerPoint showing the existing fence company and the dotted line reflecting the part the applicant wants rezoned C-2; that part of the area that has been expanded into is currently in violation of zoning as the R-1 zone has a portion of the business extended into it. He stated the Staff reviewed the request and feels that the C-2 encroaches into the residential area along Ely and extends too far from Hixson Pike and would set a negative precedent as the Hixson-North River Land Use Plan recommends low density residential and could have a negative effect. He stated Planning and Staff recommend denial of the C-2.



## REZONING (Continued)

**Atty. Michael Williams** was present representing Michael Barnes and stated his client “jumped the gun” and knows there is opposition. He stated his client is willing to withdraw the application or request tabling it for 60 days to have a chance to go back to Planning to explain what he is trying to do and talk to those in opposition. He stated he (Barnes) is willing to reduce significantly the area he is attempting to rezone; that he owns the fence company and is willing to put up an attractive fence barrier. He stated the opposition relates primarily to the view and he (Barnes) can fix that through fencing and other matters. He stated that it is his thought if there is some time allowed to discuss the matter with Planning and with those in opposition he might be able to get a different conclusion. He requested that they be allowed to withdraw or postpone.

Councilwoman Robinson stated she is not sure she wants to go forward with this as this is located in District 2. She stated as noted it is in opposition to the Hixson-North River Plan adopted by all the neighbors; that the adjoining R-1 is a big consideration, as well. She stated she certainly can not support this and will vote to deny; that she is not sure withdrawal should be considered. She stated there is not a question of getting the neighbors to agree as it goes against the Plan.

**Wanda McCaleb** spoke in opposition and indicated that she lives next to where Mr. Barnes wants to do this. She stated she has lived there three years and he already had the residential portion done since she has lived there. She distributed photos and a petition with 20 names of those in opposition that she also presented at the Planning Commission. She stated everyone within the neighborhood tries to keep their yards looking pretty, nice and clean and this request does present a problem; that it is an eyesore and brings down their property values. She stated the fence is not going to help as he has a weave in the fence that is presently there and it does not do any good. She stated he has two nice houses there and she really does not know why he wants to mess up his place with this!

**James Anderson** spoke next and stated that he went to school with Mr. Barnes and this is nothing personal. He stated he is a contractor and has equipment like he has outside and has to put it in a warehouse and feels that is what they need, a bigger place. He stated this would bring down the value of everyone's property and does not feel he should have low value on his property because somebody else wants to expand into residential rather than buy commercial property. He stated his taxes keep going up and the value keeps going up; that if he gets that expanded into commercial Mr. Barnes' property values go up and his (Anderson's) goes down!

## REZONING (Continued)

Mr. Anderson stated everyone around the area is retired and can not afford to pay higher taxes; that the way he says he would fence the property and hide it sounds good, but why hadn't than been done rather than what it looks like now.

**Nancy Anderson** stated they have a nice neighborhood and Mr. Barnes makes a lot of noise when loading and unloading his fence equipment; that there are a lot of little children and the way the equipment is arranged attracts a lot of bees and wasps. She stated it is a total nuisance to the area with the noise, it is an eyesore and there is nothing good about it! She stated he needs a five acre tract of commercial to operate out of; that this is residential property and he wants to expand into the back yard of it. She stated rental tenants do not care what he does as he has his rent cheaper than other people's rent; that it seems unfair to the neighborhood. She stated she would like for the Council to settle this tonight as all have taken time out of their schedules two times.

Atty. Williams stated Mr. Barnes has been at this location for 28 years and as far as taking property values down he sees no evidence of that; that in fact in talking about taxes going up and values going up they are right. He stated it is his thought Mr. Barnes is willing to make concessions and reach middle ground. He reiterated he has been in business here for 28 years and has put quite a bit of good will at this location; that he is a fine citizen of this community and is willing to do what it takes to find middle ground. He stated he is only asking to be able to have a little extra storage area of property he also owns behind his business.

**Councilman McGary** expressed appreciation for the presentation and noted some items raised "red flags"; that Mr. Barnes was not being a good neighbor as he would have stayed within what the residents want and would have consulted them and put up a fence that was acceptable to others. He stated he is of the opinion withdrawal would not make the matter worse or better. At this point he **made the motion to deny the request; Councilman Rico seconded the motion.**

On motion of Councilman McGary, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1514 AND 1516 ELY 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 C-2 CONVENIENCE COMMERCIAL ZONE**  
was denied.

## REZONING

### **2009-067: Helen W. Henley**

Pursuant to notice of public hearing, the request of Helen W. Henley to rezone a tract of land located at 116 Peerless Avenue came on to be heard.

A representative for the applicant was present; there was no opposition.

Chairman Benson asked if the applicant is agreeable with the C-5 zone. The applicant responded "yes".

Councilwoman Robin asked what the applicant plans to do with the property.

**Peter Henley** was present representing his mother, Helen Henley, and stated he wants to build a building with three units and have a workshop/studio, noting that he is an artist and plans to live in one portion and lease out the other section. He stated that he spoke with the people at Planning about this and there is no opposition and it seems everyone is in favor of it. He stated that he hopes to become a well known artist within the next 10 years! He stated Councilwoman Robinson knows him as he and her son rock climbed for years. He stated that he intends to make it a building of good use and be very productive there.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 116 PEERLESS AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM  
M-1 MANUFACTURING ZONE TO C-5 NEIGHBORHOOD COMMERCIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## AMEND CONDITIONS

### **2009-075: Greg Vital**

Pursuant to notice of public hearing, the request of Greg Vital to amend conditions imposed in Ordinance No. 11957 (Case No. 2007-046) on property located at 5501 Old Hixson Pike came on to be heard.

The applicant was present; there was no opposition.

**AMEND CONDITIONS (Continued)**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND THE CONDITIONS IMPOSED IN ORDINANCE NO. 11957 (CASE NO. 2007-046) ON PROPERTY LOCATED AT 5501 OLD HIXSON PIKE, BEING 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 first reading.

**REZONING**

**2009-078: Tennessee Temple University**

Pursuant to notice of public hearing, the request of Tennessee Temple University to rezone tracts of land located at 1715 Union Avenue and in the 1700 block of Kirby Avenue came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated Tennessee Temple wants to add two dormitories to their boundary and the conditions need to be amended.

Councilman McGary inquired as to a "different condition #3" as referenced on the Council's agenda.

At this point Mr. Haynes asked the Clerk of Council to read condition 3 on Planning's version which states: *"Use as dormitories by Tennessee Temple University, Tennessee Temple Academy or Highland Park Baptist Church only"*.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1715 UNION AVENUE AND IN THE 1700 BLOCK OF KIRBY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE WITH CONDITIONS TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2009-079: 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.

Chairman Benson inquired as the conditions for parking for this request in getting in-and-out on East Brainerd Road.

Mr. Haynes stated this request was before the Council two months ago for a request for R-4 which does not allow truck parking. He stated the discussion was whether they could get C-2, which is what they wanted, and the Council sent it back to Planning for review as C-2 commercial. He stated the Planning Commission and Staff reviewed the matter and it is back before the Council for C-2 with conditions.

Chairman Benson stated there is no one in opposition and the conditions are stringent enough.

Mr. Haynes responded that the conditions are for office use only and allows for accessory outdoor storage.

Chairman Benson stated there are offices all around; that Mr. Hall can put parking to the side; that the big thing is they did not want parking facing the street as it would look like an automobile sales lot. Mr. Haynes responded "yes".

Councilwoman Robinson stated there was so much opposition when it came before the Council and they were asking for screening.

Mr. Haynes responded that there was no opposition to this request; that this property did come up two years ago for a different use. He stated as far as landscaping this request will have to comply with the landscape ordinance.

Chairman Benson stated this request is for commercial with office only conditions and the reason for that is to have the ability to park his trucks.

Councilwoman Scott stated that she must be mistaken as it was her thought there were some residents that were upset over the fact they would be parking where they were. She asked if there had been any notice to them.

**REZONING (Continued)**

Mr. Haynes responded "yes"; that the sign is the notice. He stated the residents showed up at Planning in support of this request.

Councilman McGary asked if there would be parking spaces for only four (trucks). Mr. Haynes responded "yes".

Councilman McGary then asked if the trucks will be parked night and day.

Mr. Haynes responded that the applicant did have a pre-submittal meeting with city inspectors.

**Gil Milton** came forward representing Chattanooga Tree Service and stated that they are buying the property.

Councilman McGary asked if the four trucks would be parked night and day.

Mr. Milton responded that they would not be parked during the day, only at night.

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, 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 C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2009-080: Jay M. Philippose**

Pursuant to notice of public hearing, the request of Jay M. Philippose to rezone tracts of land located at 7415 and 7419 Ziegler Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated this request has been before the Council before, noting that the original request was made in November of last year for the complete 5.8 acres.

## REZONING (Continued)

Mr. Haynes stated Planning deferred the matter in December for a traffic impact study, brought back to Planning in February, approved for R-4 for the complete 5.8 acres and before the Council the next month. He stated under normal situations when a case is denied the applicant has to wait nine months to reapply, however, in this case the Council brought the matter back up on April 21 and sent it back to Planning for review.

Chairman Benson stated the entire thing was requested for the 5.8 acres and John VanWinkle was here and was the one who said too much traffic would be created without a traffic light. He stated Dr. Phillipose told him originally that he would much rather have just the first "square" (as reflected by PowerPoint) and ended up with the whole thing which caused it to be sent back. He stated it is before the Council in order for him to have an opportunity to use the portion of his land which has the same zone on both sides that he is asking for, clarifying that it is not spot zoning.

**Dr. Phillipose** stated he plans to build a surgical office complex on this one acre property. He stated when he went before Planning he had requested the property shown in red by PowerPoint to be rezoned and is now asking for half of that property to be rezoned to enable him to build a surgical suite and an office and Planning approved it.

Chairman Benson stated R-4 is on both sides and across the street and the community supports this.

Councilman McGary asked if the Council is voting to rezone 7415 and 7419, wanting to know which is which.

Mr. Haynes referred Councilman McGary to the site plan on the new request, noting that the Council sent the request back to review just a small portion that is less than two acres. He stated the applicant brought in a site plan that extended beyond that and the Council sent it back. He stated the site plan extends just a little bit and he (Haynes) conferred with the City Attorney to clarify whether the Staff should review the extended portion; that they got the directive that it was okay to review the request on the site plan submitted. He stated Planning reviewed the request May 11 and the site plan was slightly larger and Staff recommended approval subject to four conditions.

Councilman McGary again inquired as to the address listed.

Mr. Haynes stated it is for the 7400 block as there are no addresses on the parcels, clarifying there are two parcels.

**REZONING (Continued)**

Councilman McGary asked if 7415 and 7419 fall within the "red" block as shown by PowerPoint.

Mr. Haynes responded "yes", as well as a half block behind that, again noting Planning approved this at their last meeting.

Councilman McGary stated what he is seeing is R-1 and asked if 7415 and 7419 fall within any of this.

Mr. Haynes stated the part in "red" was sent back to the Council as the site plan extends to the north of the "red" area a little bit into the next lot going east and west. He stated Planning and Staff reviewed it and they are okay with the request as it is a much more appropriate request, in their opinion, than the 5.8 acres.

Councilman Benson stated it is R-4 on both sides and in the back and it would be on his own property that is R-1. He expressed hope that the Council would not see Dr. Phillipose come back wanting to rezone that portion!

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 7415 AND 7419 ZIEGLER 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 R-4 SPECIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilman MGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 18, RELATIVE TO GARBAGE AND REFUSE**

passed first reading.



**GRANT**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS AND CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE UNBROKEN YOUTH INITIATIVE AND "WHAT'S GOING ON?" PARTNERSHIP READING INITIATIVE**  
was adopted.

**CONTRACT**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-028-202, HAMILL ROAD IMPROVEMENTS – HIGHWAY 153 TO HIXSON PIKE – PHASE 2, TO TENNESSEE DIRTWORKS, LLC. IN THE AMOUNT OF THREE HUNDRED SEVENTY-FOUR THOUSAND ONE HUNDRED DOLLARS (\$374,100.00), PLUS A CONTINGENCY AMOUNT OF THIRTY-SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$37,400.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED ELEVEN THOUSAND FIVE HUNDRED DOLLARS (\$411,500.00)**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING WILLIAM S. LEWIN TO USE TEMPORARILY THE RIGHT-OF-WAY AT 4519 BALCOMB STREET TO ALLOW THE PORCHES OF THREE HOUSES TO PROTRUDE INTO THE RIGHT-OF-WAY SUBJECT TO CERTAIN CONDITIONS**  
was denied.

**CONTRACT**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-07-001-201, RIVER STREET EXTENSION – PHASE I, TO DILLARD CONSTRUCTION, LLC IN THE AMOUNT OF SEVEN HUNDRED TEN THOUSAND ONE HUNDRED NINETY AND 53/100 DOLLARS (\$710,190.53), PLUS A CONTINGENCY AMOUNT OF SIXTY-NINE THOUSAND EIGHT HUNDRED NINE AND 47/100 DOLLARS (\$69,809.47), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED SEVEN HUNDRED EIGHTY THOUSAND DOLLARS (\$780,000.00)**  
was adopted.

ACCEPT FUNDS

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT FUNDS FROM TENNESSEE VALLEY AUTHORITY IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) FOR THE INSTALLATION OF A "LOW IMPACT PARKING LOT" AT RENAISSANCE PARK AS PART OF CONTRACT NO. E-07-001-201, RIVER STREET EXTENSION, PHASE I**  
was adopted.

CONTRACT

On motion of Councilwoman Ladd, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ASSET PROPERTY DISPOSITION, INC. TO DEVELOP A NEIGHBORHOOD STABILIZATION IMPLEMENTATION PLAN FOR THE UTILIZATION OF THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS (\$40,000.00)**  
was adopted.

PUD

**2009-074: Tennessee Temple University**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING A PRELIMINARY INSTITUTIONAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED INSTITUTIONAL PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND BEING GENERALLY BOUNDED ON THE NORTH BY BAILEY AVENUE, ON THE SOUTH BY BENNETT AVENUE, ON THE EAST BY SOUTH WILLOW STREET, AND ON THE WEST BY SOUTH HICKORY STREET, 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 adopted.

**ABANDONMENT OF PRELIMINARY/FINAL PUD**

**2009-081: Tennessee Temple University**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION APPROVING THE ABANDONMENT OF A PRELIMINARY AND FINAL INSTITUTIONAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT (CASE NO. 2008-160) FOR A PROPOSED INSTITUTIONAL PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND BEING GENERALLY BOUNDED ON THE NORTH BY BAILEY AVENUE, ON THE SOUTH BY BENNETT AVENUE, ON THE EAST BY SOUTH WILLOW STREET, AND ON THE WEST BY SOUTH HICKORY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

was adopted.

**SPONSORSHIP**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF GRANTED, ACCEPT A SPONSORHIP FROM AT&T IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) FOR "THINK & DRAW AND TALK ABOUT IT" BOOKLETS AND THE "WHAT'S GOING ON?" READING PROGRAM**

was adopted.

**OVERTIME**

Overtime for the week ending June 4, 2009 totaled \$70,807.65.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**GENERAL SERVICES:**

- **DONALD TONEY** – Family Medical Leave (revised, increase from 9.9 to 12 weeks), Crew Worker 1, effective April 10-July 3, 2009.

## PERSONNEL (Continued)

### PUBLIC WORKS DEPARTMENT:

- **ANTONIO D. SANDS** – Suspension (2 days without pay), Equipment Operator 5, City Wide Services, effective June 3-4, 2009.
- **JASIMINUS TAYLOR** – Suspension (2 days without pay), Crew Worker 1, City Wide Services, effective June 2-3, 2009.
- **JASIMINUS TAYLOR** – Suspension (2 days without pay), Crew Worker 1, City Wide Services, effective June 4-5, 2009.
- **BILLY DAVID MUMPOWER** – Suspension (3 days without pay), Plans Review Specialist 2, effective June 5, 8-9, 2009.

### CHATTANOOGA FIRE DEPARTMENT:

- **DENNIS SCHIAVON II** – Resignation, Fire Lieutenant, effective June 4, 2009.
- **BRADFORD RANSOM** – Military Leave Extension, Firefighter, effective May 29 – July 1, 2009.
- **JUMAANE LANIER** – Suspension (revised, day 2 of suspension taken 6/5/09 instead of 6/7/09), Firefighter Senior, effective June 5, 2009.

### EDUCATION, ARTS AND CULTURE:

- **CORETTA L. HOLMES** – Termination (Fiscal 2010 Budget Recovery), Cultural Arts Coordinator, effective June 30, 2009.

## HOTEL PERMIT

On motion of Councilman Rico, seconded by Councilman McGary, the following hotel permit was approved:

**DELTA QUEEN HOTEL** – 100 River Street, Chattanooga, TN

**AREA ROUNDUP**

Chairman Benson expressed thanks to the Chattanooga Police Department for the area roundup that was conducted this past weekend.

Chief Williams stated that they picked up persons with 47 federal charges which were the worst of the worse, as well as 50+ persons on state charges. He stated they had been working on this for several months and it just came to fruition within the last three weeks or so.

Councilman Benson stated that it took some overtime to accomplish that; that overtime for the next overtime report will reflect that.

Chief Williams responded that they worked around the clock; that it is a good testament to how well the patrol, gang unit and investigators worked on this. He stated it was seamless and obviously nothing got out about it; that when the indictments came in they got them up quickly before they could run. He stated it was a good operation.

**EXPRESSION OF THANKS**

Councilman McGary expressed thanks to Chief Williams for the field trip this afternoon in reference to the ordinance voted on earlier with reference to nightclubs. He stated Council members were able to see/hear how noise carries at 250, 500, 750 and 1,000 feet.

**REFUND**

On motion of Councilman Rico, seconded by Councilwoman Ladd, the Administrator of Finance was authorized to issue the following refund due to Hamilton County Tax Assessor's correction to real property portion:

<b>KENCO GROUP</b>	\$1,431.30
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**BOARD APPOINTMENT**

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

**BOARD APPOINTMENT (Continued)**

**BOARD OF SIGN APPEALS:**

Appointment of ***CHARLOTTE VIENNA MARTIN*** to fill the unexpired term of Mattie Shoulders for a three year term expiring June 30, 2010, representing District 7.

**PURCHASES**

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

GENERAL SERVICES:

**BROOKER FORD (Lowest, complete bid)**  
**R0121696/B0006036**

Purchase of a Ford Cargo Van

\$18,479.00

**CHEROKEE TRUCK EQUIP. LLC (Lowest and best bid)**  
**R0122122/B0006045**

Purchase of Truck Utility Bodies

\$21,231.00

**DIGITAL SAFETY TECHNOLOGIES (Single source)**  
**R0122533**

Purchase of Additional Warranty Coverage for Police Cruiser Camera Systems per TCA 6-56-304.2

\$25,000.00

**PURCHASES (Continued)**

**MAPCO FLEET, INC. (Only bidder)**

**R0119773/B0005883**

Blanket Agreement for the Purchase of Remote Fuel at the Fuel Pump

\$115,000.00 Estimated Annual Cost

**PRO CHEMICAL PRODUCTS (Lowest and best bid)**

**R0121645/B0006053**

Blanket Agreement for the Purchase of Truck Wash Chemicals

\$28,000.00 Estimated Annual Cost

PUBLIC WORKS DEPARTMENT:

**EDISON AUTOMATION, INC. (Lowest and best bid)**

**R0121229/B0005990**

Purchase of ABB Flow Meters and Transmitters

\$37,936.00

**RAMSEY TRUCKING COMPANY (Primary contract; lowest and best bid)**

**THOMAS BROTHERS CONSTRUCTION COMPANY (Secondary Contract, Lowest acceptable substitute)**

**R0121926/B0006035**

Blanket Contract for the Purchase of River Sand

\$11,050.00 - (Ramsey) Estimated Annual Cost

\$ 4,542.50 - (Thomas) Estimated Annual Cost

**AVANTI MATERIAL SALES LTD. (Lowest and best bid)**

**R0122014/B0006034**

Blanket Contract for the Purchase of Sewer Group Chemicals

\$43,000 Estimated Annual Cost

**PURCHASES (Continued)**

**HACH COMPANY (Lowest and best bid)**

**R0121230/B0005992**

Purchase of All Weather Refrigerated Samples

\$12,655.20

**SIEMENS WATER TECHNOLOGY CORP. (Lowest and best bid)**

**R0122010/B0006033**

Blanket Contract for the Purchase of Liquid Calcium Nitrate

\$643,500.00

**WASTEQUIP-HOLT (Lowest and best bid)**

**R0121925/B0006046**

Purchase of Open Top Containers

\$13,344.00

**SPRAYMAX, INC. (Lower and better bid)**

**R0122415/B0006071**

Blanket Agreement for the Purchase of Herbicide Treatment Services

\$9,000.00 Estimated Annual Cost

HUMAN SERVICES DEPARTMENT:

**CERTIFIED INSTALLATION (Lowest and best bid)**

**R0121304/B0005997**

Purchase and Installation of New Carpeting

\$16,256.90



**PUCHASES (Continued)**

CHATTANOOGA POLICE DEPARTMENT:

**REMAINS TO BE SEEN (Lowest and best bid)**

**R0122332/B0006089**

Purchase of Promotional Items

\$13,572.50

FINANCE AND ADMINISTRATION:

**LINK2GOV (Lowest and best proposal)**

**R0118985**

Requirements Contract for the Purchase of Online Payment Services

\$30,000.00 Estimated Annual Cost to Service Users

MAYOR'S OFFICE/INFORMATION SERVICES:

**AIRNET (Single source)**

**R0122222**

Maintenance Co-Location Storage

\$6,835.00

PARKS AND RECREATION:

**COMPETITION ATHLETIC SERVICES (Lowest and best bid)**

**R0122128/B0006050**

Purchase of Contractor's Services to Resurface Rivermont Park Tennis Courts

\$13,910.00

**PURCHASES (Continued)**

PERSONNEL DEPARTMENT:

**PHYSICIAN SALES AND SERVICE, INC. (Best bid)**  
**R0121532/B0005994**

Blanket Agreement for the Purchase of Medical Supplies

\$20,000.00 Estimated Annual Cost

**REJECT BIDS**

On motion of Councilman Rico, seconded by Councilwoman Ladd, all bids for purchase of Spectrophotometer on R0118854 for Public Works' Waste Resources Division were duly rejected; revision of specifications and a new advertisement is recommended.

**COMMITTEES**

Councilwoman Scott reminded Council members of the meeting of the **Economic Development Committee scheduled for June 16 immediately following Public Works** to discuss a PILOT for Chattem.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, June 16 immediately following the agenda session.**

**CITY'S WEBSITE**

Chairman Benson stated Councilmen Scott and McGary have submitted information with reference to new approaches to the website.

Councilwoman Scott stated the Council had discussed preliminary goals for the direction of the Council's focus and efforts over the next year and one of the goals was that of improving communication between city government and residents, as well as government employees and between departments.

### CITY'S WEBSITE (Continued)

Councilwoman Scott stated toward that goal, what she and Councilman McGary are trying to do is look at and assess the interest and need to improve different avenues of communication and what they first wanted to look at is that of the website for the City and ways it can be enhanced to make it more user friendly, and in relation to that they want to do a survey of residents and distribute information about that to the Council to see how we might be able to assess what the needs of the community are and have ideas for getting feedback to improve the website. She stated more information would be distributed as to what she and Councilman McGary are working on.

Chairman Benson inquired as to the city's web master. The response was Phillip Stevens and Robert Ellis. Councilwoman Scott noted that both have agreed to meet with them.

### NEXT WEEK'S AGENDA : JUNE 16, 2009

The agenda for June 16, 2009 is listed below:

#### Ordinances - Final Reading:

- a. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by amending Article II to add definitions for "Garden Center," "Greenhouse, Commercial," and "Nursery, Commercial," and amending Article V, Sections 38-187(3), 38-206(2), 38-321(1), and 38-473(12) within C-2 Convenience Commercial Zone, Urban General Commercial Zone, M-2 Light Industrial Zone, and parking requirements sections to include these as permitted uses.
- b. 2009-057 John P. Franklin, Jr. (From R-2 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1016 Peachtree Street, more particularly described herein and as shown on the maps and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- c. 2009-067 Helen W. Henley (From M-1 to C-5). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 116 Peerless Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to **C-5 Neighborhood Commercial Zone**, subject to certain conditions. **(Recommended for approval by Planning.)**

## NEXT WEEK'S AGENDA: JUNE 16, 2009 (Continued)

- d. 2009-075 Greg Vital (Amend Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to amend the conditions imposed in Ordinance No. 11957 (Case No. 2007-046) on property located at 5501 Old Hixson Pike, being 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. **(Recommended for approval by Planning.)**
- e. 2009-078 Tennessee Temple University (From R-1 & R-3 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 1715 Union Avenue and in the 1700 block of Kirby Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-3 Residential Zone with conditions to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- f. 2009-079 Robert Hall (From R-1 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, 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 C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- g. 2009-080 Jay M. Philippose (From R-1 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7415 and 7419 Ziegler 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 R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- h. An ordinance to amend Chattanooga City Code, Part II, Chapter 18, relative to garbage and refuse.

### Ordinances – First Reading:

### Resolutions:

- a) A resolution accepting the highest and best offers for certain parcels of property acquired by the City of Chattanooga and Hamilton County through previous delinquent tax sales and authorizing the Director of General Services to enter into and execute deeds conveying said parcels to individuals as shown on the list attached hereto and made a part hereof by reference.

NEXT WEEK'S AGENDA: JUNE 16, 2009 (Continued)

- b) A resolution authorizing the Mayor to enter into and execute an Interlocal Agreement with Hamilton County, Tennessee relative to maintenance and operational funding for the Bessie Smith Hall located at 200 East Martin Luther King Boulevard.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with CSX Railway to conduct preliminary engineering services relative to a proposed trail under the South Chickamauga Bridge in an amount not to exceed \$10,000.00.
- d) A resolution authorizing the award of Contract No. E-09-040-201, Summit Landfill Gas Extraction System Additions, to SCS Field Services in the amount of \$294,260.00, plus a contingency amount of \$29,340.00, for a total amount not to exceed \$323,600.00.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Electric Power Board (EPB) to relocate existing facilities within an existing EPB easement relative to Contract No. E-08-028-201, Old Hixson Pike Roadway Improvements Project, in an amount not to exceed \$14,712.50.
- f) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Electric Power Board (EPB) to relocate existing facilities within an existing EPB easement relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Phase 2, in an amount not to exceed \$21,216.00.
- g) A resolution authorizing the Administrator of the Department of Public Works to amend the agreement with Civic Engineering for implementation of Azteca City Works at the Waste Water Treatment Plant to increase the contract amount by \$9,600.00 for additional services required, for a revised total amount not to exceed \$39,470.00.
- h) A resolution authorizing Elemi Architects, on behalf of Joshua McManus with CreateHere, to use temporarily the right-of-way at 55 East Main Street to install signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**
- i) A resolution authorizing Elemi Architects, on behalf of Madia Siniard with Madia's Studio, to use temporarily the right-of-way at 48 East Main Street to install signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**

NEXT WEEK'S AGENDA: JUNE 16, 2009 (Continued)

- j) A resolution authorizing Elemi Architects, on behalf of Mariah S. Mayfield with Shadowbox, to use temporarily the right-of-way at 46 East Main Street to install signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**
  
- k) MR-2008-120 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing the Director of General Services to enter into a Lease Agreement with the Chattanooga African American Museum and Hamilton County for property located at 200 East Martin Luther King Boulevard, more particularly described herein, for a term of ten (10) years and for a monthly rental rate of \$1.00 and other good and valuable consideration.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, June 16, 2009 at 6:00 p.m.

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CHAIRMAN

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CLERK OF COUNCIL

(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS  
FILED WITH MINUTE MATERIAL OF THIS DATE)