

**City Council Building  
Chattanooga, Tennessee  
March 9, 2010  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. 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, Councilman McGary gave invocation.

**MINUTE APPROVAL**

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

**CLEAN WATER DISCUSSION**

Chairman Benson reported that it had been announced that the Clean Water Committee would meet today at 2 p.m., which they did, and would meet tonight in the Assembly Room, however it is not indicated on the agenda. He stated there is a place for visitors who would like to say something at the end of the agenda if anyone is present wanting to present their feelings on the clean water issue. He stated persons would have three minutes to make any presentation they wish and apologized for the misunderstanding the matter would be on tonight's agenda. He stated he does not know when it will be scheduled for the agenda, maybe two weeks from now, however he was not certain.

**AMEND CITY CODE: SIGN PERMITS**

Councilwoman Berz stated there have been several occasions where we have been talking about permit fees and for the record it is her thought it is important, since her main concern is budget and finance on this Council, that whenever we vote in a fee we are assured that those fees cover the real costs; that we had that assurance today but would like that for the record. She asked for the same thing on other ordinances for whatever the fee is that it does cover the cost; that we have been acting on a deficit budget which is unwise.

City Attorney McMahan stated that Department of Public Works would like to make this operative July 1; that it is currently written to be effective two weeks after its passage.

**Richard Hutsell**, Chief Zoning and Sign Inspector, responded "that is correct".

**Councilmen Rico and Robinson made the motion and second to amend the ordinance to reflect the operative date as July 1, 2010; the motion carried.**

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 3, SECTION 3-7, RELATIVE TO SIGN PERMIT FEES**  
Passed second and final reading and was signed in open meeting.

**WAIVE FEES**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE WAIVING THE LAND DISTURBING PERMIT AND ALL  
APPLICABLE FEES FOR THE TENNESSEE STREAM MITIGATION PROGRAM  
- FRIAR BRANCH RESTORATION PROJECT LOCATED AT 2453 HICKORY  
VALLEY ROAD**  
Passed second and final reading and was signed in open meeting.

**AMEND CITY CODE: FORGIVING INTEREST ON 2009  
WATER QUALITY FEES**

City Attorney McMahan stated May 31 is the last day this can be paid without incurring interest.

Chairman Benson stated he wanted it to be made clear that the back interest would have to be paid if it is paid beyond the May 31 date.

**AMEND CITY CODE: FORGIVING INTEREST ON 2009  
WATER QUALITY FEES (Continued)**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 31, SECTION 31-353(c), FORGIVING INTEREST ACCRUED ON  
2009 WATER QUALITY FEES IF PAID BEFORE JUNE 1, 2010**

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

**AMEND CITY CODE: FEES FOR DUMPING BRUSH  
AND LEAVES, SALE OF WOOD CHIPS AND LEAF  
COMPOST**

City Attorney McMahan stated this ordinance was amended a couple weeks ago to delete the reference to the "**dead animal pickup**"; that Public Works would also like this one to be operative on July 1.

**Councilmen McGary and Berz made the motion and second to amend the ordinance to reflect an operative date of July 1, 2010; the motion carried.**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 18, SECTION 18-124, RELATIVE TO FEES FOR DUMPING BRUSH  
AND LEAVES, AND FEES FOR THE SALE OF WOOD CHIPS AND LEAF  
COMPOST**

Passed first reading.

**AMEND CITY CODE: VEHICLE LICENSE FEES**

Councilman Murphy stated the e-mail he saw is a one-time communication that is going to go out in our agent's office or will there be regular training on the fact if you live in the city and have a car in the city and register your car in the city that fee is not option. He stated a one-time communication is better than nothing and asked if there is any kind of agreement with the agent for collection on this.

**Dan Johnson**, Chief of Staff, stated that he handled this with Bill Knowles, County Court Clerk; that he is subject to any procedure we would like to follow. He stated Mr. Knowles sent the e-mail Mr. Murphy saw and thought it was a good communication.

### AMEND CITY CODE: LICENSE FEES (Continued)

Mr. Johnson stated they have had communication before and he (Johnson) reiterated some of the things the Council said as it has not been communicated the way we like, which is why there was a change in the communication. He stated Mr. Knowles would be open to any additional reinforcement we would like to see done.

Councilwoman Scott asked if we are able to know how many tags are issued for the city, sort of a retrospect versus numbers to be able to compare those two to know how well we are doing at the end of a period.

Mr. Johnson stated he knew Councilwoman Scott would ask that question! He stated in 2008 in round figures 7,200 stickers were issued and in 2009 there were 82,100 issued; that there were 270,000 registrations in Hamilton County in 2009 and could not quite relate it to the other.

Councilwoman Scott stated all she was interested in was comparing the number of stickers to the number of tags.

Mr. Johnson stated that he asked the question whether Mr. Knowles knew exactly how many cars were within the city limits of Chattanooga and his data base does not have that because there are overlapping zip codes, noting there are 37415 codes in both Red Bank and Chattanooga; thus, their records do not indicate how many cars are in the city of Chattanooga but he does know how many stickers were sold.

Councilwoman Scott asked if he is sure we are getting at least our city sticker money. Mr. Johnson repeated that 82,000 stickers were sold in 2009 and there are 55,000 households in Chattanooga.

Councilwoman Robinson expressed appreciation for Mr. Knowles' offer to "take it to the next level" if we would like. She recommended that he have a training session with his people who do that and give them a script of how to present that on behalf of the city. She stated as Councilwoman Scott said this afternoon to make them aware that the sticker costs five dollars and they can be stopped by the police if they do not have it displayed and the fine is \$50. She stated she would like for him to have a work session with them to make sure they are "up to speed" on the new interaction.

Mr. Johnson stated he would communicate that to Mr. Knowles.

**AMEND CITY CODE: LICENSE FEES (Continued)**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 24, SECTIONS 24-392, 24-393 AND 24-395, RELATIVE TO  
VEHICLE LICENSE FEES**

Passed first reading.

**AMEND CITY CODE: LANDFILL FEES**

Councilman Murphy stated that he wanted to make the motion to amend this ordinance to be effective July 1. City Attorney McMahan clarified that the ordinance has already been amended to so reflect.

**Jerry Stewart**, Director of Waste Resources, stated that they are satisfied the fees will cover all their costs.

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES**

Passed first reading; Councilman Murphy voted "no".

**AMEND ZONING ORDINANCE**

On motion of Councilman McGary, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 28, ZONING ORDINANCE BY REMOVING IN ITS ENTIRETY  
DIVISION 27, DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT**

Passed first reading.

**AMEND ZONING ORDINANCE**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 28, ZONING ORDINANCE, RELATIVE TO SECTIONS 38-201(4)  
AND (5) OF THE UGC URBAN GENERAL COMMERCIAL ZONE**

Passed first reading.

## REZONING

### **2010-016: Alberta Cantrell**

Pursuant to notice of public hearing, the request of Alberta Cantrell to rezone a tract of land located at 2711 Benton Avenue came on to be heard.

The applicant was present; there was no opposition.

**Greg Haynes**, Director of Development Services with the Regional Planning Agency (RPA), stated that the request is for the R-4 zone and noted almost every property within the area is zoned M-1; that the request is for an assisted living facility. The definition for assisted living was given and it was noted that the site has a mixture of uses. He stated the Staff looked at the appropriateness of the use and the residents being served by the surrounding M-1 area; that pockets of residential dwellings are grandfathered-in. He stated the main point Staff made at Planning was the introduction of R-4 into the residential area as a spot zone in an area designated for heavy manufacturing would not be considering the health, welfare and safety of its residents. He stated Staff recommended denial and Planning recommended approval and there was no opposition to this.

**Alberta Cantrell** stated the rezoning is for a supportive living facility, not totally for mental but just like assisted living with daily medication and daily living. She stated she has the support of the community and has a letter (of support) from them for the facility. She stated the neighborhood is grandfathered-in for the residents in the area and the house at one time was used for supportive living.

Councilman McGary stated Ms. Cantrell did contact him a month or so ago and indicated her interest in having this property rezoned and asked him what she should do. He indicated that he informed her she needed to contact her neighbors to see if there was opposition and commended her for doing so.

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 2711 BENTON AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-4  
SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

## REZONING

### **2010-022: Deb Royal**

Pursuant to notice of public hearing, the request of Deb Royal to rezone tracts of land located at 1409, 1411 and 1413 Adams Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated this request for C-3 is an extension of an existing zone for the purpose to create urban scale lots for single family homes. He stated the property is currently vacant and across the street are townhomes and/or condominiums. He stated Staff and Planning recommend approval with the typical C-3 conditions; that this proposal is supported by the Downtown Plan.

Mr. McGary stated the owner is present and contacted him in regard to this property. He asked Mr. Haynes to show by PowerPoint the other property the applicant owns noting that she is looking to add additional property on the other side of the street and it is his thought it would be a good move and wholeheartedly supports this endeavor.

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 1409, 1411 AND 1413 ADAMS STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-  
3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

## CLOSE AND ABANDON

### **MR-2009-176: Rodger N. Ingram**

The applicant was present; there was no opposition.

Mr. Haynes stated this is an abandoned right-of-way that goes north-west and east-west; that the one running east-west runs beneath or through the existing building and the desire is to combine the properties, which is the reason for this. He stated Staff and Public Works recommend approval with two conditions: that it be approved by the City Engineer as part of the procedure and to retain any existing easements within the right-of-way.

**CLOSE AND ABANDON (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED ALLEYS LOCATED IN THE 2900 BLOCK OF ROANOKE AVENUE AND THE 2000 BLOCK OF CUSHMAN STREET WITH TENNESSEE AMERICAN WATER COMPANY TO MAINTAIN THE EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
Passed first reading.

**MEMORANDUM OF UNDERSTANDING**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NORTHSHORE GRANITE, INC. RELATING TO A DONATION OF CITY STONE PARK BENCHES**  
Was adopted.

**MEMORANDUM OF UNDERSTANDING**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM'S EXECUTIVE COMMISSION TO ESTABLISH A SEPARATE FUND**  
Was adopted.

**ACCEPT FUNDS**

On motion of Councilman Murphy, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT FUNDS FROM ADMAN ELECTRIC, INC. ON BEHALF OF VISION CHATTANOOGA 4<sup>TH</sup> STREET, LLC FOR SIX (6) PEDESTRIAN LIGHTS RELATIVE TO PROJECT NO. E-10-004, STREETScape CHESTNUT STREET AT 4<sup>TH</sup> STREET (HAMPTON INN) FOR A TOTAL AMOUNT NOT TO EXCEED FIFTEEN THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS (\$15,324.00)**  
Was adopted.



## TEMPORARY USE

On motion of Councilman Murphy, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING MARY E. POWELL ON BEHALF OF THE  
MENLO PARK NEIGHBORHOOD ASSOCIATION TO USE TEMPORARILY  
THE RIGHT-OF-WAY LOCATED AT THE FOUR (4) LOCATIONS TO INSTALL  
FOUR (4) COMMUNITY MARKERS, AS SHOWN ON THE ATTACHED  
DRAWINGS, SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

## SPECIAL EXCEPTIONS PERMIT

### **2010-017: Race Trac Petroleum c/o Philip Cochran**

The applicant was present; opposition was in attendance.

Mr. Haynes stated this property is currently zoned UGC and the current regulations for UGC require any auto-oriented use which includes gas station, drive thru or anything with auto-oriented use has to get a special permit from the City Council. The site plan was shown by PowerPoint for a Race Way gas station and convenience store between 25<sup>th</sup> and 26<sup>th</sup> Streets with the canopy over the gas pumps facing South Broad and the convenience store in the middle with trees and landscaping at the rear and a significant green landscape buffer and hedge at the front of South Broad Street. An aerial view of the site was shown showing the shrubbery fronting the sidewalk along South Broad and the current vacant property. He stated across the street is an idea of the buildings in proximity to the property, noting some of the older building and a few gaps in the blocks where there are openings noting that Kentucky Fried Chicken is across the Street. He stated the reason for the discussion about the intent of the requirements in UGC is to keep new development consistent and compatible with the existing development which is why it is called an urban development; that the UGC makes new development fit within an urban pattern, noting that the dotted lines refer to existing building setbacks as all the buildings are up close to the sidewalk as reflected by the pink dotted lines on the PowerPoint; that there are a few that set back, such as the Kentucky Fried Chicken building which is 100 feet back; that the lot to the south has a large gap with no buildings up to the sidewalk. He stated there is a mixture with some buildings coming up to the sidewalk and some that do not, some that do not exist at all and some vacant areas noting there are "gaps in the teeth".

## SPECIAL EXCEPTIONS PERMIT (Continued)

**Karen Hundt**, Director of the Design Center, stated 19 or 20 buildings are up close to the street and three-to-four that are set back. She stated the area is covered in three different land use plans: the Comprehensive Plan shows this as part of the urban areas, part of the Downtown Plan and also part of the South Broad Plan, all adopted and part of the urban area. She stated all call for mixed use, higher density, urban-type development with the buildings pulled up close to the street, which is why this zone was created to accommodate a lot of those types of uses in the area as we have not had a good tool in the urban area before that we could use. She stated a survey was conducted in the South Broad area involving about 70 people that participated to look at things like setback and they received a real positive response from folks when the buildings were pulled up closer to the street and less positive when the buildings were pulled back, which is really what this zone is intended to do. She stated the Staff has been working with Mr. Cochran from Race Trac and the South Broad community and they talked about a lot of different issues; that she knows they have agreed to do a lot of things the neighborhood has asked them to do. She stated the things the Staff is looking at is the overall intent of the zone fitting into an urban area and having a mix of uses, not just on the site even though they would like a mixed use; that the zone promotes mixed uses within each building and they are trying to get a mix of things happening here. She stated they would love to see a Race Trac come in this area and work with them but would like to see more happening on this site; that she knows they will bring good tax revenues into the city with the Race Trac which would be great; that one of the things this zone tries to encourage is a mix of uses so in the future there could be more types of development and more revenue coming in. She stated they would love to sit down and work more with Race Trac if they are willing and re-look at their site plan; that they have been doing some of that before and had good discussion and felt they were making some progress but some of the things they looked at that they thought would work, when Phillip (Cochran) went back to the Corporate office they did not want to do that, so that is why she is present tonight.

Mr. Haynes stated the Staff recommended denial of the request before the reasons that Karen went over, however, the Planning Commission -- due to support from the South Broad area and no opposition -- recommended approval.

Councilwoman Berz asked Ms. Hundt if she is saying there is no problem with Race Trac being there and the response was "correct".

## SPECIAL EXCEPTIONS PERMIT (Continued)

Councilwoman Berz asked if there is some sort of a challenge with the design not being closer to the street or multiple uses for that property, Race Trac and something else.

Ms. Hundt responded "yes"; that they would love to see Race Trac come there; that that would be a great use and something the community would like to see and hope it could be the best urban Race Trac in the country. She stated it would require them rethinking how they orient their buildings on the side and leaving room for some other types of development; that there was another PowerPoint slide where they looked at options to allow that to happen. She stated they have no problem with a Race Trac with that use; that based on the standards of the zone they would like to see it done in a different way.

Councilwoman Berz asked if the zone is fairly recent; whether the Council passed it fairly recently.

Ms. Hundt stated the urban general commercial zone is a fairly new zone created to be used for the urban area from the River to the Ridge and not just a South Broad Street zone; that it can be used in several districts, 25 or more neighborhoods in the urban area. She stated the South Broad area was the first area rezoned to this but it can be used in other areas.

Councilwoman Berz stated she noticed there is some opposition and asked if the opposition is not to the Race Trac per se, it is can we have more time to work out some of the challenging detail.

Ms. Hunt responded that she thought so and would let them speak to that; that certainly from the Staff's standpoint they have no problem with Race Trac itself.

Councilman McGary asked in reference to the design are there any other Race Tracs located within the downtown footprint with this same model or are there other models of Race Tracs in the city.

Ms. Hundt stated there are other Race Tracs in the city but she is not aware of any others in the downtown area; that she knows there is one on Signal Mountain Road, Amnicola and Hixson.

Councilman McGary asked if they have this same design; whether it is based on a suburban model or urban model.

## SPECIAL EXCEPTIONS PERMIT (Continued)

Ms. Hundt stated the design they are proposing is very similar to the suburban model they use elsewhere.

**Mike St. Charles** with the Chambliss Bahner firm stated he has been assisting Race Trac with this project; that Race Trac is a family-owned business with a reputation for doing quality products and being a low cost provider by fuel services to its customers. He stated they have worked diligently with the adjoining property owners and the merchants association and RPA to develop a project everybody will be proud of and beneficial to the company. He stated as Karen pointed out they have certainly been expanding their operations in Chattanooga and taking unproductive properties and adding them to the tax roll, as well as providing employment which is much needed. At this point he introduced Phillip Cochran, Senior Engineer with Race Trac, to answer more technical questions.

**Phillip Cochran** distributed copies of the proposed project to Council members for viewing and stated they have worked with the Staff, and mostly worked with the Broad Street community to find ways to improve their facility to blend in more with the neighborhood. He stated they found common ground working with their neighborhood branding, the colors they adopted for the South Broad area, reducing their signage onsite, increasing landscaping – typically they have a pretty impervious heavy site but in this case they have reduced their impervious surface and added additional landscaping areas; that this site is actually about 50/50 impervious and green space. He stated some of the issues the Staff mentioned, it is his belief most of the architectural issues have been overcome; that the issue is adding a mixed use and when they presented that to the corporate office it is basically impractical to carve off a piece of a the back of their property for an additional use. He stated what was decided was to move forward with the plan that they had talked to the Broad Street group about and got their support for and moved forward with that at the Planning Commission. He stated what he is presenting tonight is what was presented to Planning and got their support and would be happy to answer any other questions. At this point the PowerPoint system began working and renderings of the project were shown reflecting the landscaping, utilization of the existing street trees on front, the pedestrian area and plenty of green space.

Councilwoman Robinson inquired as to the number of stores Race Trac owns already. Mr. Cochran stated company-wide or within the chain company-wise there are at about 500 stores.

## SPECIAL EXCEPTIONS PERMIT (Continued)

Councilwoman Robinson asked how many of those are in downtowns. Mr. Cochran stated that is a good question; that he has been able to work over the entire southeastern area and most recently in the downtown Dallas, Texas area. He stated they have one in Lady Lake, Florida that he worked on and the other that comes to mind is in Garland, Texas near their downtown area, as well; that these are the ones he had personal experience with and knows "off the top of his head".

Councilwoman Robinson stated what she would like to know in those instances he is familiar with is there some accommodation for the fact it is in the downtown.

Mr. Cochran stated what they have run into in some of the downtown areas is not a requirement to put it closer to the street it has been more of an architectural consideration. He stated it has not been a use or actual location of the building, it has been more architectural; that they ran into a similar condition in Lady Lake, Florida which is a resort/retirement community. He stated they went before the City's Board of Adjustments and Appeals and asked for the same in Lady Lake, as well, and basically got the same layout. He stated this layout accommodates both the vendor and client traffic onsite to allow for the proper stacking internally; that he visited a competitor's site in the downtown here that has a traditional or urban type layout and actually there is no stacking allowed on the property. He stated for their own safety and movement of traffic on their sites they look for their layout for this sort of spacing in order to better accommodate our vendors and clients onsite.

Councilwoman Robinson stated the central request was to take the design, which is Race Trac's traditional design, but flip it and put the building store with the cashiers and concessions up closer to the street and the pumps in back, asking if that was not possible.

Mr. Cochran stated that is something they talked about with staff and the Broad Street group and got the support of the South Broad Redevelopment group on this; that that scenario actually creates a public safety problem. He stated putting the building up front against the street the cashiers will have limited or no visibility to the gas pumps; that basically their vision will be extremely limited at that point and in addition the stacking problem will be created with the cars onsite.

### SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Cochran stated the next issue is an aesthetic one if they pushed the building up and the canopy behind it a problem is created where there would be the rear of the building against Broad and from an aesthetic standpoint the rear of the building is really not anything anyone would want to be looking at.

Councilwoman Robinson stated it was her thought if it were closer to Broad Street there could be an entrance for pedestrians from the Broad Street side, is that not the case.

Mr. Cochran stated there would still be an entrance for pedestrians at the front of the store; that the cashier loses his visibility of the pump area with the gas pumps not being attended by anyone and creating a public safety concern there is no visibility by the attendant.

Councilwoman Ladd stated she cannot speak to Race Way in the setting of the downtown situation but the one in Hixson is one she frequents and has been open three or four months. She stated it is extremely neatly kept, clean, has a wide area to pull into and a lot of area around the pumps so there is no feeling of being unsafe moving around the vehicle while filling the car and cleaning the windows. She complimented them and said it was the best price in town; that she does not fill up until she checks their price and usually stops in the store in Hixson. She stated they have done a great job up there, well staffed, clean and very polite attendants. Mr. Cochran stated he would pass that along.

Councilman Murphy stated Mr. Cochran indicated there would be a visibility problem if the building was put on Broad; that right now there is no vehicular entrance from Broad in the way this has been laid out asking if he were correct. Mr. Cochran responded "yes".

Councilman Murphy stated if the back had a false façade of windows that are not actually windows might be considered, mentioning the Walgreens on the north shore with windows that are not actually windows. He stated if there is no actual entrance in the back but is a façade to keep the urban profile on main street the pumps stay functionally where they are now on the site plan and the clerk has exactly the same vantage point instead of their back being to a detention pond; their back is to a wall that does not go anywhere but fronts Broad Street. He stated he is confused as to how sight lines do not work that way.

### SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Cochran stated there is a two-fold problem; that Councilman Murphy mentioned the sight line and it is his thought the two may be envisioning two different things. He stated if the building is placed up front with the pedestrian entrance as Mrs. Robinson suggested, the cashier will be facing the front, Broad Street, thus there will be no visual access to see the canopies. He stated if it is flipped around and had the back of the building to Broad Street and the cashiers in the canopy, they actually run into an issue there with truck rotation around the site. He stated the problem with that is the building and canopy as suggested would be further away from the building at that point and traffic flow would be impeded. He stated they try to keep the canopy 45-50 feet from the building and they would actually have to be pushed back and take up more impervious surface because of the location of the existing driveways on 25<sup>th</sup> and 26<sup>th</sup> Streets.

Councilman Murphy asked if the need is for a different curb cut location; that he would hate to think we are designing around existing curb cuts and that is a little "nuts"; that we can make a different curb cut in a different location!

Mr. Cochran stated that is a good point; that the RPA Staff brought up one of the urban designs to them that had everything put to the side, but actually blocked off the curb cuts from 25<sup>th</sup> and 26<sup>th</sup> Street. He stated he offered to do that but would need a curb cut on Broad Street if the city is willing to give the curb cut on Broad but does not think that would be best from a traffic standpoint.

Councilman Murphy stated that his understanding of the UGC is to create along the main thoroughfare a hard edge visually and that can be accomplished with walls and Race Trac has done it with boxwood hedges in the plan; that his question for Ms. Hundt is if he is correct the UGC would call for a harder edge than shrubbery; that UGC speaks to shrubby as providing that edge.

Ms. Hundt stated Councilman Murphy is correct; that the UGC calls for a more hard edge, maybe a combination of a low brick wall, decorative fencing and landscaping; that they had a sketch that shows something like that.

Councilman Murphy stated that he understands a low masonry stucco covered block wall costs more and asked if Mr. Cochran has considered how often they would wind up replacing boxwood hedges that would get run over from people walking in-between them from Broad street. He stated part of him wonders if modification might not be in the store's long term interest.

### SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Cochran stated he would rather replace the boxwoods than have loiterers on the masonry wall; that the living wall they looked at they felt would be better for several reasons; that they felt it would not encourage loitering in front of the facility, would be aesthetically pleasing and would actually lend itself better to what they are trying to achieve with a greener facility. He stated Mr. Murphy brought up the cost of a masonry wall and from their standpoint they want their customers to feel safe coming in, and their guests to feel welcome and create a nice facility. He stated the UGC ordinance actually does allow for a screen to be created in the specific *Code*; in the guidelines provided it talks about a hard edge but the *Code* does allow for shrubbery and in their interest and the interest of their guests, clients and the neighborhood they felt it was much better served with greenery rather than doing a masonry wall.

Councilman Murphy asked either corporate-wide or industry-wide what is the typical longevity of a new store being constructed now; that we see Targets that go up and stay open for 12 years and then go away; what is the corporate history with longevity of a new store and the industry average.

Mr. Cochran stated he would have to lean to the audience and seek guidance from his colleague who has been there a little longer. He stated he knows in Dallas, Texas it is his belief they have stores there that are 35 years old in the Dallas, Fort Worth area, Florida and Atlanta, Georgia. He stated the longevity of most of their stores have been around 35 years; that in most cases the real estate is so preferable they will choose to rebuilt or add.

Councilman Rico expressed appreciation for all the interest in his district and stated that he knows the Council is trying to take care of him; that the Race Trac people have worked with the South Broad Redevelopment group which is a hard core group that will not let jet anything go in there as they are real "picky" because they are proud, we are proud of the South Broad Street area and want something nice. He state this is nice and asked the Council to support this as it is his district, a good thing for South Broad and they have worked long and hard, especially the South Broad Development group. He again solicited their support.



## SPECIAL EXCEPTIONS PERMIT (Continued)

**Mike Harrell**, President of the South Broad Street Development group, stated they have met with Phillip and folks from Race Trac and Race Way six-or-seven times and many of the same things the Council had questions about, they, too, had questions about -- flipping the building and moving things around. He stated while he is not an urban planner he certainly understands and has a better appreciation of the safety issue and some of the concerns they had in terms of why the building needed to be placed the way it is currently designed to be. He stated they took a very pragmatic approach with this as this property has been vacant for about ten years and prior to that there had been some abandoned property that has been torn down. He stated the economy we are in, the opportunity for the tax base and the increase in the number of jobs adds to the fact they did work very closely with us and toned some of the things they would do, as well as looking at the local context. He stated they have had a number of discussions with the folks at GMAC as to lighting and other things such as storm water runoff issues. He stated they have worked closely with them and felt they had satisfied our concern.

Chairman Benson clarified that the group supports this. Mr. Harrell responded "yes, we support".

**Steve Haase**, Chairman of the Smart Growth Action Team for the City's Green Committee, came forward to speak at this time.

Chairman Benson interrupted and asked for Mr. Haase's address and asked if he lives in the district, to which Mr. Haase responded "no".

Mr. Haase gave his address as 4510 Crestview Drive and continued by stating it is his thought the Design Studio has done a pretty good job of explaining why this plan is a bad fit for this piece of property. He stated he would like to see them put in a little bit more effort to fit their standard design or an un-standard design onto this property so it fits into the UGC zone they are trying to go into.

**Glen Craig** of 301 Park Road, Lookout, stated he actually drives by the site everyday and has no problem with the Race Trac or the development going there. He stated the one question he has, just as Mr. Murphy, is that it is his feeling this is a "cookie cutter" application from the other stores he has seen; that he has seen the new stores go up Signal Mountain Boulevard and some of the others and knows they are really nice stores.

## SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Craig stated it is his thought corporate has not made an effort for this type of zoning; that he is all for it but would like to see the architecture preserved as well as the green space and the intent of that area because he plans on driving by there for the rest of his life and would like to see that whole area developed architecturally and with street trees, landscape and the beauty we can provide in a UGC code zoning.

**Joe Martin** of 103 Ochs Highway in Chattanooga stated that he is a St. Elmo resident and has a small design firm that focuses on sustainability and is the current Chair of the Mayor's Green Building Climate Action Team and obviously his focus is on sustainability. He stated essentially what he sees is we do have a very suburban design and knows they made a good effort. He welcomed the commerce noting that it is a fantastic idea, but it is a suburban design going into what is "no man's land" right now but is currently planned to be a new organism development. He stated that the context is going to change pretty rapidly when the surrounding neighborhood gets developed and then we will have in place there a sort of suburban motif that will be out of place. He stated that he was "looking down the road" a little bit as far as that goes and if in that context we may have a chance to revisit the design before we hit the final button to go ahead. He stated there are some sustainable design issues that could really be addressed and know they discussed some of these but would push a little bit on that as far as using impervious pavement instead of a large retention pond. He stated there has been a lot of research of impervious surfaces to show because it creates an aerobic condition under the surface; that the micro-organisms that digest petroleum can actually thrive in that environment so a condition would be set up where the petroleum leaking from the vehicles will actually be digested in the subsurface zone and begin to eliminate the need for the big detention pond in the back and allow for a higher and better use for the green space. He encouraged everyone as a group to think "farther down the road" instead of taking the precise status quo to take this as an opportunity, and Race Trac in particular, to take this as a corporate opportunity as an advanced step in green building and urban design.

Councilman Murphy asked Admin. Leach if the city is really making people design around an existing curb cut, which seems "nuts" to him.

Admin. Leach responded "no, we are not"; that they actually worked with the Traffic Engineer to try to figure this out; that the issue is getting vehicles off and on Broad Street and be able to cue up and make turns; that we have established the location where the curb cuts need to be and are not in favor of anything off Broad Street.

### **SPECIAL EXCEPTIONS PERMIT (Continued)**

Admin. Leach stated the question was how can we get them off the major arterial and safely turn, including the truck traffic, which is one of the issues that seems to get lost; that these facilities do have fueling trucks that come and they have to have a route that is safe and does not interfere with the folks buying gasoline. He stated they have worked with the Traffic Engineer who is very agreeable to the location and access points and we really support that.

Councilman Murphy stated the curb cuts are not "frozen in stone"; that if they want to refigure things they can have different curb cuts; that it is just that traffic engineering would prefer not to have curb cuts on Broad Street.

Admin. Leach they do not want a curb cut too close to Broad Street, on the side street; that they have to have it far enough back so it can allow for the radius' that need to be in place. He stated they are very comfortable with the design we have right now from the traffic standpoint and do not want anything off Broad Street at that location.

Councilwoman Berz asked if the company has several different designs for their stations. Mr. Cochran stated they have Race Trac and Race Way brands.

Councilwoman Berz asked if there are different designs. Mr. Cochran stated there are several architectural designs; that there are several different styles around and the most current up-to-date is what is being offered and the best, aesthetically speaking.

Councilwoman Berz stated people have worked hard and this is good for the area, however, she noted coming up in a couple weeks is an alley closing that has to take place and asked if Mr. Cochran is aware of that.

Mr. Cochran responded that the request was actually running concurrently at Planning; that it was heard at the same time.

Councilwoman Berz stated there are good people on both sides who are not opposed to Race Trac; that they would like to "massage" it a little more. She stated she is hearing that from her colleagues and from Mr. Cochran and asked if that is possible; whether time is of the essence and whether another week or so could not take care of this.

## SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Cochran stated that they are under contract with this property and the contract is in the extension period and they do not have an option. He stated the contract to purchase ends with the extension filed at the beginning of February and ends at the end of March; that they are under time to get the zoning in place.

Councilwoman Berz stated another week would not make a difference as long as it is prior to the end of March.

Mr. Cochran responded that actually some of the things that people want "massaged" unfortunately just are not accommodateable.

Councilwoman Berz asked if they cannot do them or are they choosing not to do them.

Mr. Cochran stated they are not practical for their use; that he would not say they are choosing not to do as they have been glad to work with the Broad Street group and Staff and many of the architectural considerations, but some of the use items are just not practical for their use for a convenience store or for any sort of auto-oriented use.

Councilwoman McGary stated that he wanted to be perfectly clear as he had a similar question; that if we had concerns and wanted to see this "re-massaged" for a week Mr. Cochran is saying that is not a possible; that he is not willing to go to the corporate members and say "City Council has concerns about the design and is there any way to come up with another option". He asked Mr. Cochran if that is what he is saying, that he would rather not do that and have it voted on tonight.

Mr. Cochran asked for a moment to converse with another colleague.

Mr. St. Charles stated that the setback issues were addressed with the Board of Variances and has been resolved; that when Mr. Cochran and his colleague come back it is all in the definition of "massaging" and if there were more specifics about what we need. He stated it is his thought some of the gentlemen pointed out some things he is sure Race Way wants to have that is good for the community and the people are going to be proud of and they want to do that. He stated putting in something substantially different is something corporate cannot approve in the next couple weeks, again noting it would be nice to know more specifically what we are talking about at the site.

**SPECIAL EXCEPTIONS PERMIT (Continued)**

**Leslie Bachelor**, Real Estate Manager for Race Trac, 225 Cumberland Parkway, Atlanta, stated that they have asked the corporate office about “massaging” the plan and flipping it and they said “no”; that their CEO has been involved and he said “no” we cannot put the building in the front and the canopy in the back.

Councilwoman Ladd inquired as to the number of jobs this will bring to the area.

Mr. Cochran stated in looking at the opportunity for entrepreneurship to lease the inside there would be about a total of 16-20 employees depending on the total and about four shifts during the day: morning, swing, evening and late night.

Councilwoman Ladd inquired as to whether employees would be offered full benefits.

Mr. Cochran expressed his belief they are offered now to full time employees but not to part time, but “yes” to full time managers and associates.

Councilman Rico again stated that the people on South Broad have “massaged” this and the Council should go ahead and vote on it. He asked Council members for their support and “called for the question” at this point.

After the roll call vote was taken Mr. Cochran expressed thanks to the Council and stated that he has done work all over the South east, from Louisiana to Florida and Chattanooga has one of the most organized staff in RPA, Public Works and the building group who took the time with him. He thanked them for their professionalism and taking the time, especially when he “popped up” on a Thursday to meet with them!

Chairman Benson thanked Mr. Cochran for Race Trac’s interest in Chattanooga.

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN  
AUTO-ORIENTED USE AS A CONVENIENCE STORE WITH GAS PUMPS,  
ON TRACTS OF LAND LOCATED AT 2501 COWART STREET AND 2306,  
2500, 2516 AND 2528 BROAD STREET, MORE PARTICULARLY DESCRIBED  
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Was adopted; on roll call vote:

**SPECIAL EXCEPTIONS PERMIT (Continued)**

SCOTT	Yes
ROBINSON	Yes
LADD	Yes
GILBERT	Yes
BERZ	Yes
RICO	Yes
MCGARY	Abstain
MURPHY	Yes
BENSON	Yes

**SPECIAL POLICEMAN**

On motion of Councilman McGary, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF HOLLY BAKER AS  
A SPECIAL POLICE OFFICER (UNARMED) FOR MCKAMEY ANIMAL  
CARE AND ADOPTION CENTER, INC., TO DO SPECIAL DUTY AS  
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

**OVERTIME**

Overtime for the week ending March 4, 2010 totaled \$11,202.05.

**PERSONNEL**

The following personnel matters were reported for the various departments:

## PERSONNEL (Continued)

### NEIGHBORHOOD SERVICES:

- **DAVID HOOD** – Promotion, Code Enforcement Inspector 2, Range 14, \$34,201.00 annually, effective February 26, 2010.
- **TYRONE ARMOUR** – Voluntary Demotion, Neighborhood Relations Specialist, Range 14, \$34,201.00 annually, effective March 2, 2010.

### CHATTANOOGA HUMAN SERVICES:

- **EARLINE CAMERON** – Family Medical Leave, Teacher Assistant, effective February 24 – May 19, 2010.

### CHATTANOOGA FIRE DEPARTMENT:

- **DAVID L. ANDERSON** – Retirement, Staff Captain, effective March 4, 2010.
- **EMILY SMITH** – Return to Duty from Family Medical Leave, Fire Captain, effective March 5, 2010.
- **EUGENE MORRIS** – Family Medical Leave, Firefighter, effective March 7 – May 29, 2010.

## DONATIONS

Admin. Zehnder reported two donations to the Parks and Recreation: **(1)** A special promotion for the Department's Therapeutic and Recreation program sponsored by Chili's Downtown. He stated Chili's will donate \$120.00 to the Program. **(2)** Donation of a concrete and steel sculpture entitled "Anchored in Angst" to the City's permanent public art collection at a value of \$3,000 to be installed in front of the property at 406 Broad Street where Lupi's Pizza is located.

**On motion of Councilman McGary, seconded by Councilwoman Robinson, the donations were approved for acceptance.**

REFUNDS

On motion of Councilman McGary, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds of 2009 Water Quality Fees and/or Property Taxes:

MIDDLETON FAMILY LLC	\$ 10,252.80
TODD MORELAND	2,848.22
AMERICAN MATERIALS TECH	34,838.08
INDUSTRIAL DEV. BOARD	5,875.20
ARMSTRONG RELOCATION CO.	7,592.99
SUNTRUST BANK CORP. REAL ESTATE	1,617.13
ASTEC INC.	7,654.40
BROAD STREET LAND CO. LLC	4,019.16
APPLE EIGHT HOSPITALITY OWNERSHIP, INC.	8,556.42
EC HAMILTON PLACE REALTY LLC	2,962.79

COMMITTEES

Councilwoman Robinson scheduled a meeting of the **Health, Human Services and Housing Opportunities Committee for Tuesday, March 16 immediately following Public Works**. She stated that a presentation by Barry Bennett concerning special exemption permits will be given, noting that all agreed there might have been a little confusion when the Council voted last time with the way the Resolution was worded. She stated that she was one that voted with the prevailing side of that to defeat it when, in fact, weeks were spent discussing it; that the wording confused her and as a member of the side that prevailed she would like to bring it back for consideration by the Council and thinks the City Attorney will be working with Mr. Bennett in bringing it up for reconsideration.

Chairman Benson clarified that any two members or the Chair or Vice Chair can bring the matter back up.



## COMMITTEES (Continued)

Councilwoman Robinson stated that it is probably all of the above who would like to do that!

Councilman Rico stated the **Public Works Committee will meet on Tuesday, March 16 immediately following the Agenda session.**

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 16 at 2 p.m.** to continue discussion regarding the water issue.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, March 30** for an update on "Swag Fest".

Councilwoman Berz scheduled a meeting of the **Budget, Finance and Personnel Committee for Tuesday, March 16 preceding Public Works** for the quarterly report from the Fire and Police Pension Board, noting that they did not get to this today as the meetings ran long.

## CHRIS SCOGGINS

**Chris Scoggins** of 9474 Hackberry Lane, Soddy Daisy 37379, stated that he and his wife own the skateboard retail store in Coolidge Park located at 133 River Street. He stated as a small business owner he receives numerous inquiries from parents asking for a place where kids can skate without paying; that Chattanooga has numerous recreation areas including tennis courts and basketball courts but no free place legally for kids to skate. He stated if a skater skates two-to-three times a week at Chattanooga Skate Park it would cost as much as \$1200 a year and if a family has multiple children they cannot afford it; that this is a very valuable method in the new American campaign to fight obesity. He stated his question is what can be done to get a free place for Chattanooga kids to enjoy; that there are 8,000 in Chattanooga who rode skateboards this year.

Councilwoman Robinson expressed thanks to Mr. Scoggins for his comments and commended him for encouraging this outdoor activity which is very wholesome.

### CHRIS SCOGGINS (Continued)

Councilwoman Robinson stated the skate park is located in the south side and is very popular and has been very well received; that this was established for the purpose to provide a safe place where skaters could go instead of skating on our streets and destroying public property which was a huge problem ten years ago before the skate park. She stated that she would like to assign our Parks and Recreation administrator with this happy task to help us find another place.

### CAROL GADDY

**Carol Gaddy** of 2605 East 45<sup>th</sup> Street stated she came to speak to the Council about being "money grabbed" by this city government; that she was charged \$100 on her home when she went to city hall to pay taxes. She stated she did not know if the Council remembers her; that she told Councilman Rico if he was not going to help get the \$100 back and applied to this year's tax bill he could pull it out of his own pocket; that she has another house at 3205 with the same \$100 charge. She stated she was charged court costs and did not go to court and no one in this city spent any time in court with them, did not cost this city any money in court and is here again to put a demand and ask for an accountability of Councilmen Rico and Murphy on the two houses. She stated that she has no storm water runoff whatsoever as it runs under both houses; that they spent thousands of dollars because of that and have done that since 1994. She stated they have no curb, gutter, sidewalks and no storm water runoff and have paid this unconstitutional storm water fee and now sees in this year's tax bill the city decided to change the name of it.

Ms. Gaddy stated if this city turns into metro government where the Mayor is the virtual dictator; that instead of a representative form of government, "we the people" do not feel we have representation in this city because every time he wants \$100 here and there, the Council goes along with him and lets him have it. She stated the Council needs to say "no sir, the people cannot afford it". She stated her son's address is 3205 and he has made numerous phone calls to Councilman Murphy and sent a letter in writing but has had no response. She stated all they are asking is not only did they not get a credit on their tax bill, she has to pay a penalty because she wanted to come and try one last ditch effort and ask this city to refund them the \$100; that companies can get refunds when they overpay taxes, but simple taxpaying citizens beg and do not seem to get the \$100; \$100 on two different houses located here in the city.

### CAROL GADDY (Continued)

Ms. Gaddy stated they are a simple family and her son intended to be here to meet Councilman Murphy face-to-face as he voted for him; that he wanted to come with her tonight but was on a job interview. She stated when the city needs more money they cannot keep "killing the goose that laid the golden egg" in this city. She stated that she wants Councilmen Rico and Murphy to meet her and her son in the morning at 9:30 a.m. in City Hall when they pay their taxes to help them get the \$100 credit.

Councilman Murphy asked where Ms. Gaddy's son lives and his name. She responded 3205 Wood Avenue; that his name is Kelly Gaddy.

Councilman Murphy stated he would have to talk to him as he has not gotten any communications he has noticed; that he does not know if Wood Avenue is in his district or Councilman McGary's.

Councilman McGary asked Ms. Gaddy if she is asking for \$100. Ms. Gaddy responded "yes".

Councilman McGary asked if she has copy of the bill. She responded "yes" that she has to pay the bill tomorrow morning.

Councilman McGary stated he wanted to see a copy showing the charge of \$100; that if she gets a copy to him of that bill tomorrow morning he will cover his two Council people and will pay for that. He asked her to meet him tomorrow morning at 9 a.m. and he will pay the \$100.

Ms. Gaddy asked if he is paying the \$100 on the Wood Avenue house or the 45<sup>th</sup> Street house. Councilman McGary stated he is paying the \$100 to whatever house it goes to for her to put it toward; that he needs a copy of the bill.

Ms. Gaddy stated they were charged \$200. Councilman McGary stated she asked for \$100 and he would get her the \$100.

Ms. Gaddy stated she was charged court costs on each of the houses. Councilman McGary asked if they were clear; that if she gets a copy of the bill he would pay the \$100.

Councilman Rico stated that he remembers her; that he asked her to call him and he never heard from her.

### CAROL GADDY (Continued)

Councilman McGary reiterated if Ms. Gaddy brings him a copy of the bill that shows the \$100 she is being owed he would take care of the bill; that if he does not see it he will not pay for it.

Chairman Benson noted that Ms. Gaddy's time had expired.

### MONTE BELL

**Monte Bell** stated the Council knows his homeless status and addressed Councilman Murphy regarding a phone call made on his behalf to the Community Kitchen.

Councilman Murphy stated he made the call to him and the person answering the phone called out for Mr. Bell who was nowhere to be found.

Mr. Bell stated he could not find anyone who said they had received the call. He stated the area where his vehicle was removed illegally is in Councilman Murphy's district. He stated in accordance with *City Code* and the removal of an illegal parked vehicle, the procedures taken that particular month of August was not the proper procedure according to the Code. He stated State law references a similar provision in *TCA 55-8-159* which speaks of the procedure that should be taken for the removal of the vehicle. He stated on pictures he has that were taken by Mr. Chapman, the person in charge of that area, behind his vehicle are two abandoned homes; that he is a homeless man sleeping in his van and referenced a letter that was sent threatening to have the owner of the residence brought from Alabama to Chattanooga to have his vehicle removed and then the Chattanooga Police Department tagged his vehicle the same month, the week of his incarceration. He stated he would really like to have the vehicle returned and like the raw footage of his documentary returned, his bicycle and other items that were taken; that he proved on December 7, 2009 in a motion to dismiss the indictment filed against him and release him from the incarceration based on the grounds of censorship, judge shopping, theft, violation of freedom of speech, freedom of law, violation of expression of rights and on the grounds of violation of due process of law. He noted that was the first time out of 52 motions filed during his incarceration that a motion was sustained. He stated from that time point it shows there was one illegal arrest and the lengthy stay he had in incarceration was unfounded. He stated the East Chattanooga area is actually where he lives, although he is homeless and on the street on Eleventh Street, these two areas are where he grew up.

### MONTE BELL (Continued)

At this point Chairman Benson informed him his time was up noting that the Council did not allow Ms. Gaddy to go over her time.

Councilman Murphy asked if Captain Blaine completed the inquiry; that he turned Mr. Bell over to him if the police department towed his car as Captain Blaine was going to look into it for him. He asked he if was able to communicate back to Captain Blaine as to where his vehicle is.

Mr. Bell stated the 30 days was to be over today, the IA investigation into the matter; that they are wanting to go an additional 45 days and he has been on the street since January 22.

Councilman Murphy stated he referred him for the fundamental issue of where is his van.

Mr. Bell stated no one is claiming responsibility. Councilman Murphy stated he would send him an e-mail.

Mr. Bell continued by stating the community development department sent the letter which got the ball started to have the lady have the vehicle removed and then the police department, the same week, tagged his vehicle to have it removed. He stated neither agency is claiming responsibility for removal of the vehicle or items inside and he could not have responded according to the *TCA* nor to the *City Code* because of the illegal incarceration and his "hands were tied" for lack of a better phrase. He stated it did not afford him the opportunity to defend himself or his vehicle which was not abandoned; it was not an eyesore in the community . . .

Councilwoman Ladd stated that she wanted to clarify something to Mr. Bell; that it was mentioned earlier in his remarks that Councilman Murphy had made an attempt to reach him and he could not find anyone in the organization who said they received a phone call from him. She stated that she wanted him to know she was in a meeting with Mr. Murphy that morning and he was a little late arriving to the meeting and announced when he came in that his delay was the fact he was trying to find Mr. Bell; that he was trying to help Mr. Bell and had called and left messages and held on the telephone while someone in the building went to search for him (Bell). She stated no one in the organization he talked to might remember that but she distinctly remembers he was delayed in a meeting trying to reach him (Bell).

**MONTE BELL (Continued)**

Councilwoman Ladd stated the reason that stuck with her was Mr. Bell appeared before the Council that very night and she had heard his name that morning from Mr. Murphy and met him that evening when he came to the podium; that she knows Mr. Murphy has worked in his behalf and so everyone knows. She stated she is so proud to serve with the present Council members because they care, they do return phone calls and will honestly try to help if there are issues they can do anything about. She stated to Councilman Murphy's benefit she knows he did try to assist him.

Chairman Benson again informed Mr. Bell his time was up.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, March 16, 2010 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)**