

**City Council Building
May 11, 2010
6:00 P.M.**

Chairman Rico called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Invocation was led by Councilman McGary, followed by everyone participating in the Lord's Prayer.

MINUTE APPROVAL

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

Chairman Rico stated that there were no Special Presentations so the Council would move into the agenda, noting that everything had been discussed earlier in committees, which started at 3:00 P.M. and everyone was invited to attend those committee meetings.

**FIREFIGHTERS & MDA
APPRECIATION WEEK**

Mayor Littlefield asked to be allowed to make a Special Presentation in regards to the Muscular Dystrophy Boot Campaign. With him at the podium were Holley Carroll with the Muscular Dystrophy Foundation, Rusty Rymer, and Chief Flint.

Mayor Littlefield read the following Proclamation:

Whereas: Muscular Dystrophy refers to a group of more than 40 neuromuscular diseases that cause generalized weakness and muscle deterioration; and

Whereas: Two of the most common neuromuscular diseases include Duchene's muscular dystrophy, a disease found in children that progresses slowly, with survival rare beyond their late twenties, and Amyotrophic Lateral Sclerosis (Lou Gehrig's Disease) a disorder that progresses rapidly in adult clients; and

Whereas: Members of the Chattanooga Fire Department serve and protect citizens throughout our city every day; and

Whereas: Members of the Chattanooga Fire Department are a symbol of pride, honor and strength; and

Whereas: Firefighters across the nation are some of the largest contributors in the United States to the Muscular Dystrophy Association and their donations provide comprehensive medical services to tens of thousands of adults and children with neuromuscular diseases and contribute to research for treatments and cures; and

Whereas: Firefighters in the City of Chattanooga unselfishly donate their time and energy to the Muscular Dystrophy Association; supporting the Muscular Dystrophy Association, last year raising over \$25,220

Now Therefore,

In order to pay tribute to the unwavering service and charitable efforts of the Chattanooga Fire Department, I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim the week of May 11, 2010 as

**CHATTANOOGA FIREFIGHTER AND MDA
APPRECIATION WEEK**

**MDA APPRECIATION WEEK
(CONT'D)**

Ms. Carroll of the Muscular Dystrophy Association thanked the Council for allowing them to be here. She also thanked the Chattanooga Firefighters for their efforts over the last 20 years, stating that they hoped to beat the \$25,000 raised last year. She thanked everyone for their support.

**AMEND CITY CODE
ELECTRICAL CODE**

On motion of Councilwoman Scott, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, SECTION 14-2, IN ORDER TO ADOPT THE
NATIONAL ELECTRICAL CODE OF 2008 AS THE OFFICAL
ELECTRICAL CODE OF THE CITY OF CHATTANOOGA AND
TO AMEND SECTION 14-3, REGARDING CERTAIN
AMENDMENTS TO THE 2008 NATIONAL ELECTRICAL
CODE**

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

**AMEND CITY CODE
NON-CONSENSUAL TOWING**

Councilman Benson moved that the Ordinance as passed on first reading be approved. This was seconded by Councilwoman Scott. He reminded the Council that the Beer and Wrecker Board is appointed by the Council and that they had been working on this a long time; that it was a very difficult problem, and the Council did appoint these people, who have much knowledge concerning wreckers. He also noted that this had been discussed in two or three committee meetings. He felt that the Ordinance that the Beer and Wrecker Board had proposed should be passed in order to see how their recommendation works—that the Council should not tamper with this because the Beer and Wrecker Board had dealt with this issue first hand; that people had been taken advantage of in some situations, and we should appreciate what they have recommended. He went on to say that this could be changed down the road if there were problems, but we needed to get something in place before Riverbend, when we will be having out-of-town visitors and some will park innocently. He noted that the Beer and Wrecker Board recommended this as a fair approach, and it was still below other major cities.

NON-CONSENSUAL TOWING
(CONT'D)

Councilman McGary asked that Mr. Fred Weinhold approach the podium in order to get an understanding if the winching fee had been removed from the Ordinance, noting if this fee was included, we could amend the cap in order to add in this fee. He wanted to know where the winching fee appeared in this equation.

Mr. Weinhold stated that it was included in the existing Ordinance for Police tows; that the proposal that they made to the Council was for non-consensual towing—that the winching fee would be an additional add-on.

Councilman McGary confirmed that if this was approved, the cap would not include the \$50.00 winching fee; that the towing companies would have to “eat” this cost as part of their business.

Councilwoman Ladd asked that someone from the towing industry speak; that during committee one of the concerns was the \$65.00 after hour fee charge—that they were charging \$35.00 for after hours and \$30.00 more if the owner removed the vehicle from their lot the same evening that it was towed—that it would be only \$35.00 if they left it until the morning.

Mr. Less Cantrell of S&H Towing explained that they charged a night time fee if they had to leave their beds and go out at night and then go down again the next morning for the owner to get their vehicle to go to work. He stated that sometimes the people could be pretty violent at night.

Councilwoman Ladd indicated that this fee could be capped at \$35.00 instead of asking for a cap of \$250 and the winching fee and after hour fee could be added; that there was never an option that the owner could get their car that night.

Mr. Cantrell indicated that sometimes owners want their vehicles that evening or on a Sunday.

Councilwoman Ladd stated that that would no longer be a service; that the cap could include a winching fee, and the owner would lose the advantage of being able to get their car that night.

NON-CONSENSUAL TOWING
(CONT'D)

Mr. Cantrell noted that many wrecker services work out of their home and are always on call and can't even go out to eat at night. Councilwoman Ladd noted that this was just an industry hazard. She went on to say that she did not see it being taking advantage of anyone by allowing a fee of \$250.00; that people know if they pull into certain lots that they will be towed and there will be an expense.

Councilwoman Scott noted that if a victim has a wreck and calls the towing company, they will get a winching fee added.

Councilwoman Ladd stated that the Beer and Wrecker Board did study this and did an outstanding job in bringing this under their jurisdiction and setting a cap, and she agreed with it being under their jurisdiction and there being a cap, but she felt their cap was too low and suggested **capping the fee at \$215.00, including a winching charge and reducing the after hours service fee. She made this in the form of a motion. This was seconded by Councilwoman Berz**, who felt this was a good compromise. She went on to say that she lived in the district where cars are towed on Friday and Saturday nights and that thoughtless folks block up the roads and businesses; that she would hate to make the fee so low that it would not be cost beneficial; that this is a voluntary fine as people choose to break a rule, and we should not make it comfortable for them. She stated that she did value the service of the towing companies and also the service of the Beer and Wrecker Board; that she was uncomfortable with this Ordinance taking away the winching fee and the companies having to work at a loss; that they are making a living with their business and doing a service, and she felt the cap for non-consensual towing should be \$215.00, and she thanked the towing companies for what they do.

Councilman Gilbert asked that "winching" be explained since many in the audience might not know what we are talking about.

Mr. Cantrell responded that when cars break down on the side of the road the owner can give the towing company a key but with non-consensual tows they have to "winch" the car with no keys available and many of the cars are expensive, and they can be damaged; that it is a lot of extra work with non-consensual tows because you have to drag the vehicle as if it had no wheels.

NON-CONSENSUAL TOWING
(CONT'D)

Councilman McGary stated that he appreciated the comments of Councilwoman Ladd and her compromise; that if the car was towed on the weekend, it could not be returned until Monday; that if indeed it was towed and the owner chooses not to wait until Monday, they would have to pay an extra fee and that would be an option they would exercise.

Mr. Cantrell stated that they could put this fee in as an option.

Councilman McGary noted that if there is a \$250 cap, that would be a choice the owner of the car would have—that the vehicle might be their sole source of transportation, and they would be penalized if they could not pick up the vehicle until Monday—that he felt this might be too austere.

Councilwoman Scott asked Mr. Cantrell if he was speaking for all towing companies that are out there as to what they might or might not do in regards to opening up at nights and questioned if the Council should alter this Ordinance based on that; that Mr. Cantrell is saying he would be willing to go with a different fee.

Mr. Cantrell responded that he was pretty much speaking for most of the towing companies—that they all just wanted a fair shake.

Councilwoman Ladd stated that she had no problem with capping this at \$250; that she felt that this was much more palatable and would be coming half way with the Beer and Wrecker Board by saying \$250 and the option remains open; that the fee would not be \$250 if the owner chose to leave their car there until Monday.

Councilman Benson stated that with the pressures of Riverbend coming on that we need to do something to protect our citizens; that we have the choice of the Beer and Wrecker Board right here and Mr. Weinhold was shaking his head that Mr. Cantrell was not speaking for all of the towing companies; that he felt that picking away at this Ordinance was nothing but a problem; that the Council should pass what the Beer and Wrecker Board has spent months on; that to not pass this was a discredit to them and their credibility. He urged that the Council go ahead and approve what we have without picking this apart. He asked what the amendment to the Ordinance actually was?

NON-CONSENSUAL TOWING
(CONT'D)

Councilwoman Ladd responded that it was to cap the fee at \$250.00 with our proposed ordinance in front of us. **This was seconded by Councilman McGary.**

Councilman Murphy stated that there was no competitive market for this service, questioning if the towing companies would “jerk” someone out as soon as they park. He added that the district wreckers are not competitive either; that he had taken part in some ride-alongs and when there was a wreck, the owner of the vehicle was asked if they had a wrecking company that they wished called, with the officer stating that it would probably be more expensive if they called one; that we were discussing capping something at a much higher rate than the market rate and had gone round and round with this; that the Beer and Wrecker Board had spent more time on this than the Council had; that he felt we should call the roll in the order that the amendments were made and see what happens.

Councilwoman Berz confirmed that the \$250 cap was all-inclusive with winching and everything; that if the owner came in after hours, there would be no add-ons—that it could be whatever.

Mr. Cantrell stated that they charged \$135 at Riverbend.

Councilwoman Berz stated that this was a high fee and with capping, all they would do would be no more than \$250; that we had heard horror stories of more than \$250, and this would never be more than \$250, which she thought made good sense.

Councilwoman Robinson stated that she would like to point out two things; that we are talking about non-consensual towing where the towing company would not have their keys and non-consensual would have to “winch” every time and there would be an add-on of \$50.00, which would make it \$175 during the day and \$185 at night; that her question was could not the towing operators communicate with the customer on their own—that when they pick up this vehicle and have to winch it will cost an extra amount and if you wait until Monday morning to get your vehicle, this is all you will pay. She questioned if the Council had to regulate the conversation after the towing takes place.

NON-CONSENSUAL TOWING
(CONT'D)

Attorney McMahan responded that as he understood it, that in order to get to the \$250, it would be \$135 at night and then \$50 for winching and another \$65 if the car is picked up that night or on Sunday—that this would get to the \$250; that the towing company and the owner could have a conversation about the \$65.00 fee.

Councilwoman Robinson questioned if we have to regulate that part too?

Councilwoman Berz stated that Councilwoman Robinson had a good idea; that this Ordinance does not allow for those conversations; that it is a \$135 cap with no concerns about winching; that we don't need to regulate the world; those are other kinds of conversations that we don't need to be regulating.

Councilwoman Ladd stated that we could cap it at \$250 and there would be the option of reducing to \$215 if they choose not to pick up their car that night; that they could not charge above \$250 but could have further conversations.

A roll call vote was taken on this amendment as follows:

COUNCILWOMAN SCOTT	“NO”
COUNCILWOMAN ROBINSON	“NO”
COUNCILWOMAN LADD	“YES
COUNCILMAN BENSON	“NO”
COUNCILMAN GILBERT	“YES”
COUNCILWOMAN BERZ	“YES”
COUNCILMAN MCGARY	“YES”
COUNCILMAN MURPHY	“NO”
CHAIRMAN RICO	“NO”

The motion failed.

NON-CONSENSUAL TOWING
(CONT'D)

Councilwoman Robinson then suggested a cap of \$175 during the day, which included the \$50.00 winching and \$185 at night. She made this in the form of a motion, and it was seconded by Councilman Gilbert.

Councilman Murphy asked if the towing company would have to show that winching is necessary? Councilwoman Robinson felt that with non-consensual towing there would always be winching. Councilman Murphy noted that certain vehicles don't require winching. Councilwoman Robinson still felt that this would work best.

Councilman Benson again brought up Riverbend and people outside our city; that we want to encourage these people to come here and attend Riverbend and some might park inappropriately and would not have the money to get their vehicle out of storage; that we want to leave the best taste in our visitors' mouths; that there had been some victims at the hands of wrecker companies with one charging \$400; that he still felt we should go with the Beer and Wrecker Board's recommendation.

Councilman Gilbert stated that the bottom line was "just don't park where you're not supposed to". He stated that he was in favor of a cap of \$175.00 during the day and \$185.00 during the night, which would include winching.

Councilwoman Berz noted that previously the companies could not have other discussions; that this should allow any further discussion that they wanted.

A roll call vote was taken on the amendment suggested by Councilwoman Robinson as follows:

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY
CODE, CHAPTER 35, ARTICLE IV, RELATIVE TO VEHICLES
FOR HIRE FOR NON-CONSENSUAL TOWING**

**NON-CONSENSUAL TOWING
(CONT'D)**

COUNCILWOMAN ROBINSON	“YES”
COUNCILWOMAN LADD	“YES”
COUNCILMAN BENSON	“NO”
COUNCILMAN GILBERT	“YES”
COUNCILWOMAN BERZ	“YES”
COUNCILMAN MCGARY	“YES”
COUNCILMAN MURPHY	“NO”
COUNCILWOMAN SCOTT	“NO”

The amendment to this Ordinance passed.

At this point in the meeting, Chairman Rico recognized the presence of Reverend McDaniel in the audience.

**AMEND CITY CODE
ZONING ORDINANCE**

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV,
SECTION 38-401(1)(f), PLANNED UNIT DEVELOPMENT;
RESIDENTIAL REGARDING MAJOR CHANGES**
passed first reading.

AMEND CITY CODE
ZONING ORDINANCE

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV,
SECTION 38-32, GENERAL REGULATIONS RELATIVE TO
ALLOWING THE CHATTANOOGA-HAMILTON COUNTY
REGIONAL PLANNING COMMISSION TO APPROVE
VARIANCES FOR LOT SIZE, LOT FRONTAGE, AND
SETBACKS RELATIVE TO THE CREATION OF LOTS AS PART
OF A NEW SUBDIVISION**
passed first reading.

AMEND CITY CODE
TOWNHOUSE ZONE

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II,
DEFINITIONS AND ARTICLE V, DIVISION 3, RT-1
RESIDENTIAL TOWNHOUSE ZONE, AND DIVISION 5, R-T/Z
RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE
REGARDING TOWNHOUSES**
passed first reading, with Councilwoman Scott voting no.

LIFT ZONING CONDS.

(2010—Thomas Palmer)

Mr. Greg Haynes, Director of Development with RPA, presented this request. He explained that that there were two conditions that the applicant wished to be lifted to allow some flexibility; that the Planning Commission recommended approval of this subject to a Parking Plan and approval by the City Traffic Engineer. He stated that the Staff was also supportive with this condition; that the applicant has had conversations with John Van Winkle, and they are pretty close to getting a Parking Plan approved.

LIFT ZONING CONDS.
(COND'T)

Mr. Haynes continued with a slide presentation, noting that this was at the corner of Rossville Ave. and Main Street; that they need more commercial space and that this is architecturally significant. He stated that the two conditions in Ordinance No. 11974 are restrictive; that they want to use this for weddings and corporate retreats and basically the recommendation is to approve lifting the two conditions subject to a Parking Plan being approved by the Traffic Engineer.

The applicant, **Thomas Palmer**, spoke next. He stated that he had been working with the Planning Commission and with the Traffic Engineer in developing a Parking Plan and brought copies to hand out, which is made a part of this minute material. He noted that he had had five conversations with the Traffic Engineer, and they were really close to securing parking; that he had an agreement with two other property owners for 105 spaces; that events would take place when these businesses were not operating; that he would have valet service and an electric cart to shuttle people; that this was pretty significant both architecturally and historically; that the parking issue will always be there; that they wanted this to become a community building for events.

Councilman McGary asked in discussions with the Traffic Engineer, when will the concerns come to a conclusion? Mr. Palmer responded that he felt like Mr. Van Winkle would agree; however nothing had been signed. He felt that he probably would be okay with this as they were about there; that Mr. Van Winkle had a larger concern with the future of the area and parking as a whole; that this was not as urban as downtown, but it was urban; that the property would be worthless if they could not do what was being proposed.

Councilman McGary responded that he appreciated the applicant getting with Mr. Van Winkle; that we pay him good money, and he felt like we would be short changing him to approve this without hearing his side. He recommended deferral until this is brought to a conclusion.

Mr. Palmer stated that he thought Mr. Van Winkle was on board; that Mr. Haynes knew more about the issue and had approved the applicant to work with Mr. Van Winkle.

**LIFT ZONING CONDITIONS
(CONT'D)**

Councilman McGary asked Mr. Haynes for clarification.

Mr. Haynes stated that he had a memo from Mr. Van Winkle; that he was willing to agree but had some questions concerning the valet parking and how this would be run before this becomes final; that Mr. Van Winkle suggested that this be passed on first reading tonight subject to this being worked out. Councilman Benson agreed that this was only first reading.

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT
THE CONDITIONS IMPOSED IN ORDINANCE NO. 11974
(CASE No. 2007-058) ON TRACTS OF LAND LOCATED AT
1601, 1607, AND 1613 ROSSVILLE AVENUE, 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

2010-039 City of Chattanooga—RPA

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE TRACTS OF LAND LOCATED AT 6851 AND 6857
BIG RIDGE ROAD, 1438 DAHL SPRINGS LANE, AND
VARIOUS PROPERTIES IN THE 6400-6500 BLOCKS OF
FAIRVIEW ROAD AND 6400-6800, AND 7000 BLOCKS OF
HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN,
FROM TEMPORARY R-1 RESIDENTIAL ZONE, RT-1
RESIDENTIAL TOWNHOUSE ZONE, R-2 RESIDENTIAL ZONE,
R-3 RESIDENTIAL ZONE, R-5 RESIDENTIAL ZONE, AND C-2
CONVENIENCE COMMERCIAL ZONES TO PERMANENT R-1
RESIDENTIAL ZONE, RT-1 RESIDENTIAL ZONE, R-3
RESIDENTIAL ZONE, R-5 RESIDENTIAL ZONE, AND C-2
CONVENIENCE COMMERCIAL ZONES**
passed first reading.

LIFT CONDITIONS

(2010-041 Jerry Hagan)

Mr. Greg Haynes, Director of Development with RPA, presented this case to request amending conditions. Condition #2 of Ordinance 11246 will now state "*Limited to professional offices, medical or dental offices, clinics and single-family dwellings only with the understanding that the single-family dwelling may be combined with the other permitted uses*". This is being amended to allow a particular use. He noted that the Staff is recommending approval but the Planning Commission is recommending denial.

Councilman Benson noted that no one is in objection, and they have been working on this for a long time.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT
AND AMEND CONDITION NUMBER 2 IMPOSED IN
ORDINANCE NO. 11246 ON A TRACT OF LAND LOCATED
AT 7374 APPLGATE LANE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**

passed first reading.

REZONING

(2010-42 Robert McNutt)

Chairman Rico asked if there was any opposition in the audience?
There was none.

On motion of Councilman McGary, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 784 EAST
MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN
CONDITIONS**

**was deferred for one week to allow questions from the
neighborhood.**

REZONING

(2010-50 Ken DeFoor/Valor GP

Chairman Rico asked if there was any opposition. There was none.

On motion of Councilman Benson, 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 7518 STANDIFER
GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

(2010-51 John S. Wise)

Councilman McGary asked if the applicant had talked to Mr. Van Winkle on this issue? Mr. Haynes responded that it is very similar to the other case; that the Planning Commission approved this subject to a Parking Plan; that there is the same issue concerning parking; that to be sure, Mr. Van Winkle wants to review and approve the Plan; that this will allow the applicant more flexibility.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 203 EAST MAIN
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

(2010-54 Ann Jones-Pierre)

The applicant was not present and there was no opposition.

Councilman McGary stated that they were requesting R-4 Zoning, but it was O-1 Office that had been approved.

Mr. Haynes agreed that the approval was for O-1 subject to four conditions; that they did speak to the applicant and she understood the conditions and O-1 was being recommended. A representative was in the audience and confirmed that the applicant was okay with the conditions.

On motion of Councilman McGary, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE TRACTS OF LAND LOCATED AT 1141 EAST 3RD
STREET AND 1144 GARFIELD STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-3
RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO
CERTAIN CONDITIONS**

was substituted. On motion of Councilman McGary, seconded by Councilwoman Berz, the Ordinance passed first reading.

**AMEND BUDGET ORD.
ALLIED ARTS/POPS PROJ.**

Councilman Murphy stated that he had a problem with this and questioned why the appropriation was not honored in the first place; that this should have been paid already.

Mr. Johnson explained that this was a 2010 appropriation to Downtown Partnership of \$80,000.

Councilman Murphy asked if there were no stipulations? Mr. Johnson explained that the money was to be used to conduct downtown events. Councilman Murphy responded that this Council acts on the Budget and there are no conditions; that the events should have already been done and this is a reimbursement; that he would move to deny this; that this is not an appropriation that should be funded and taken out of another organization.

**ALLIED ARTS/
POPS PROJ. (CONT'D)**

Councilman Murphy went on to say that the only way the Council acts is through spending power, and the Council should exercise this right; that he would recommend that we deny this and that the original Budget be followed and to find another way to fund this.

Councilwoman Robinson stated that she was the former Executive Director of Downtown Partnership and funds are appropriated for upcoming events; that this decision came up because Chattanooga Downtown Partnership has been dissolved and is no longer in existence; that there was \$40,000 left and the organization is now out of business, and they were asked by Allied Arts for a much loved program by the citizens which occurs around the 4th of July; that there are picnics and families come together and enjoy the symphony; that without this appropriation, that concert was not going to take place; that Downtown Partnership is dissolved and out of business; that Allied Arts will raise the rest of the money needed if the City will re-allocate this money.

Councilman McGary stated that the language specifies “re-allocated”.

Upon questioning, Attorney McMahan noted that he had not reviewed the Budget Ordinance; that normally money is allocated to an organization; that Downtown Partnership is not a legal entity but is an operating division of RiverCity.

Mr. Johnson stated that the check went to the Downtown Partnership as indicated.

Councilwoman Scott questioned any activity such as this when we have funding issues during a tight Budget time; that we need to look at this in terms of all priorities that we have at this time.

Councilwoman Ladd stated that she agreed with Councilwoman Scott concerning the spending and belt-tightening; however this event brings thousands of people into downtown where they go to restaurants and shop, and it is a way to have an influx into our tax revenue, mentioning the towing fees jokingly; that it is good for business and the downtown area as people will park, eat, and walk across the bridge; that it is a great effort and good will, and she supported this proposal.

ALLIED ARTS/
POPS PROJ. (CONT'D)

Councilman Murphy moved to deny this Ordinance. His motion died for lack of a second. He stated that if the Council wanted their Budget to mean something, it should be followed, and he was very upset; that if we won't follow the Budget, what is next? He stated that this was our spending priority; that it was what the Council passed and it should mean something; that this was very troubling to him because it is our Budget Ordinance and Administration won't follow it if they don't want to; that this was **not** okay with him.

Councilman Benson stated that he was also troubled about the \$40,000, but he was troubled about how it is being spent.

Mr. Johnson explained that last year they allocated \$100,000 to Downtown Partnership and in 2010 it was \$80,000 and Downtown Partnership had been paid one-half of this through RiverCity and now Downtown Partnership was dissolved, and they stopped the payment.

Councilman Benson questioned if we did not know how it would be spent?

Mr. Johnson responded that it would be for Pops in the Parks—that it cost about \$70,000 to put this on.

Councilwoman Berz stated that she was confused; that we allocate money to this group for events; that it was a line item and went to Downtown Partnership, and they got closed down; that rather than giving it back to the General Fund, they were transferring it to a group or an event. She stated that this seemed straightforward and was not nefarious.

Councilman Murphy stated that he had asked Mr. Burns to research this and he asked that Mr. Burns come to the podium.

Mr. Burns stated that by way of research he had looked at last year's Budget, and it was a line item to Downtown Partnership; that Attorney McMahan had said it was similar to other line items, with no back-up in the Budget Ordinance itself—that it was just an allocation. Councilman Murphy confirmed that it was just a line item.

**ALLIED ARTS/
POPS PROJ. (CONT'D)**

Councilwoman Scott stated that she wanted to ask a question of Mr. Johnson—that when we allocate for a particular entity, is it divided up over certain periods or if you get it all on day one or one-half or one-fourth? Mr. Johnson stated that it varies—that this is a question for our CFO. Ms. Madison agreed that it varies.

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010
BUDGET ORDINANCE NO. 12288 TO REALLOCATE THE
REMAINING FORTY THOUSAND DOLLARS (\$40,000.00) OF
A TOTAL EIGHTY THOUSAND DOLLARS (\$80,000.00)
APPROPRIATION TO DOWNTOWN PARTNERSHIP TO
ALLIED ARTS OF GREATER CHATTANOOGA FOR THE POPS
PROJECT**

passed first reading on roll call vote as follows:

COUNCILWOMAN LADD	“YES”
COUNCILMAN BENSON	“NO”
COUNCILMAN GILBERT	“YES”
COUNCILWOMAN BERZ	“YES”
COUNCILMAN MCGARY	“YES”
COUNCILMAN MURPHY	“NO”
COUNCILWOMAN SCOTT	“NO”
COUNCILWOMAN ROBINSON	“YES”

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH HAMILTON COUNTY AND THE
TENNESSEE DEPARTMENT OF TRANSPORTATION FOR A
ONE MILLION SEVEN HUNDRED TWENTY-THREE
THOUSAND SIX HUNDRED ONE DOLLARS (\$1,723,601.00)
TRANSPORTATION ENHANCEMENT GRANT FOR
CONSTRUCTION OF THE DOWNTOWN RIVERWALK AND
PROVIDING TWO HUNDRED FIFTEEN THOUSAND FOUR
HUNDRED FIFTY DOLLARS (\$215,450.00) IN MATCHING
FUNDS IN THE FISCAL YEAR 2011 CAPITAL BUDGET
WHICH MATCHES DOLLAR FOR DOLLAR THE
CONTRIBUTION PROVIDED BY HAMILTON COUNTY FOR
THIS PURPOSE

was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN
AGREEMENT WITH BROWN AND CALDWELL FOR
ENGINEERING SERVICES FOR THE IMPLEMENTATION OF
EQUIPMENT MAINTENANCE AND RELIABILITY
IMPROVEMENT PROGRAM, IN AN AMOUNT NOT TO
EXCEED ONE MILLION FIVE HUNDRED SEVENTY-THREE
THOUSAND EIGHT HUNDRED DOLLARS (\$1,573,800.00)

was deferred for one week for further review.

**SPECIAL EXCEPTIONS
PERMIT**

(2010-038 MI BELVIN)

Chairman Rico asked if the applicant was present and also if there was opposition. The applicant was present, and there was opposition.

SPECIAL EXCEPTIONS
PERMIT (CONT'D)

Mr. Greg Haynes of RPA made the presentation, stating that the Council had seen this before in the form of a request to rezone for use of a triplex, which was defeated. This is a Request for a Special Permit for a duplex. The Special Exceptions Permit route is still on the books, and this applicant is requesting a Special Permit. The property is in the Hixson area on Norcross Road and is a duplex in an area that is currently zoned R-1. A Special Exceptions Permit would be needed to allow a duplex in this R-1 Zone. Both the Staff and Planning Commission recommend approval.

The applicant, **Mi Belvin**, spoke on behalf of her clients. She gave some background. Her clients requested to rezone to R-3 and were denied on the grounds that this was spot zoning, and she then came across this Special Exceptions Permit, which is consistent with the area and Zoning Study. She stated that issuing this Permit will benefit the neighborhood and both criteria have been met. She went on to say that the purpose of this Special Permit is to provide relief for a two-family dwelling; that relief is necessary here; that her clients would have to spend \$210,000 to convert this to R-1 and just to do the minimum request to convert meters would cost \$17,000. She asked that the Council grant relief as her clients had lost their non-conforming status; that they were first time homebuyers and were not aware of this. She stated that she was not excusing this, but it has happened and may happen again. She went on to say that tenant and landlord issues have other avenues of relief, and the only issue here is whether or not this Special Permit should be granted, and it had been found that all of the criteria had been met and only the Council could provide relief.

Mr. Paul Hatcher spoke in opposition on behalf of his clients, David Pass and Sabina Crosen, who both live on Norcross Rd. He stated that suffice it to say that these houses are very nice and well kept, and the one in question is not well-kept and has been a triplex; that the owner does not live on the property the best that they could tell; that she does not live here and has not taken care of the problems, and the problems include a loose pit bull, junk cars, dope, and domestic violence. He added that the police have been called out many times. He continued, stating that Planning heard this as a rezoning from R-1 to R-3 in order to keep it as a triplex. This was in December of 2009, and this was denied. It was also denied in January of 2010 and now this was a back door effort.

SPECIAL EXCEPTIONS
PERMIT (CONT'D)

Mr. Hatcher questioned how this would be of benefit to the neighborhood, stating that Mr. Pass would get \$25,000 less for his property because of this nuisance beside him. He noted that the applicants bought this house for \$90,000 and were already \$40,000 ahead; that this was hurting the neighborhood; that it had been multi-family since 1972 as a triplex. He stated that the purpose of the grandfather clause is to protect the owner and give him time to conform; that this property had had 38 years to conform; that they had tried to get this rezoned and this Special Exceptions Permit will just extend this non-conforming use indefinitely, and he was asking that the Council deny this. He stated that if they were inclined to approve this that he would ask that it be required that there be owner-occupancy. He added that he would not try the attention span of the Council with photographs, but he was asking that this be denied.

Ms. Belvin spoke again. She stated that she had personally been to the Zhang's home and seen their home and that they do live there; that she, herself, had lived in a single-family home in Birmingham and had issues with the neighbors; that she had been living in an apartment for a year here in Chattanooga and had had no problems; that people will have problems with neighbors, and we were not talking about tenants. She reiterated that she had seen their home and that they were married; that the Planning Commission and Staff says that this fits. She asked that the Council give them relief—that they had unbarred the windows and painted all the rooms and replaced the floors.

Councilman Gilbert asked Ms. Belvin how many meters the unit had and was told three.

Councilman Benson explained that the Special Permit came into existence because of an incident on Holly Street, and the entire neighborhood asked for this; that the owner lived across the street, and the whole neighborhood asked for this as it was ideally built. He noted that this was the only Special Exceptions Permit that the Council had approved and all since had been denied as the neighborhood objected. Again, there is the question that the owner does not live here. He questioned how this got by the Planning Commission?

SPECIAL EXCEPTIONS
PERMIT (CONT'D)

Councilwoman Robinson stated that she represented this district and that she felt bad for the people who bought this; that it was a triplex, and the 100 days has expired and there is opposition from the surrounding neighbors; that this is the second time this has been through the Council; that it is a non-conforming use and nothing has changed; that under the circumstances, this is spot zoning, and she could not support this.

Councilwoman Berz stated that people needed to do due diligence; that this is the umpteenth time that the Council has heard that people have not done due diligence; that indeed the role of the grandfather clause is to give time for a conforming use, and we cannot obviate a mistake that was made earlier—that this is not the right way to go. She asked that people please not come to the Council when they have not done due diligence and have received a good deal on a foreclosure. She stated that she was against this.

Councilman McGary stated that his heart went out to the Zhangs and Mi Belvin; that his question was for the City Attorney—he asked if we could pass a moratorium with the understanding that we deny this until we can have further discussions as to the way we want to go and if we had to vote on this application tonight?

Attorney McMahan explained that there could be no moratorium on our own Ordinance; that this case could be deferred to study this.

Councilman McGary wanted to eliminate others coming before the Council until the Council decides the direction that they want to go.

Councilman Murphy stated that the other issue with putting a moratorium on applications being made was that it would subject these people to a delay—that the policy might be changed, and it could benefit them actually and engender support. He asked how many square feet this property contained and was told 3700, which he confirmed was an actual construction company figure.

Councilman Gilbert asked if there was anyone in the neighborhood that supported this? Mr. Hatcher responded “none that we know of”.

SPECIAL EXCEPTIONS
PERMIT (CONT'D)

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS
PERMIT FOR A DUPLEX IN R-1 RESIDENTIAL ZONE, ON A
TRACT OF LAND LOCATED AT 4317 NORCROSS ROAD,
MORE PARTICULARLY DESCRIBED HEREIN**
was denied.

AGREE. DEFERRAL

The Resolution concerning the Agreement with Brown and Caldwell was deferred for one week. It was requested that the deferral be for two weeks. **On motion of Councilwoman Ladd, seconded by Councilwoman Berz, this Resolution will be deferred for two weeks rather than one.**

BRAGG POINT PUD

(2010-45 Bragg Point Properties, LLC)

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
**A RESOLUTION APPROVING A PRELIMINARY AND FINAL
PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS
PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT,
KNOWN AS BRAGG POINT PROPERTIES, LLC, ON A TRACT
OF LAND LOCATED AT 3144 THROUGH 3212 SOUTH
CREST PLACE, 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.

Councilman Murphy stated that he wanted to hear from the applicant, as there had been something before the Variance Board, and he wanted to know if they were inter-related.

BRAGG POINT PUD
(CONT'D)

Greg Vital responded that they were inter-related; that this was for a PUD in order to sell units individually; that when this PUD was before the Variance Board the concern was that the distance is less than needed under a normal PUD; that there was no opposition. Councilman Murphy stated that many of the neighbors believed that this was the best thing since "sliced bread, mother and apple pie"; that this is needed for individual ownership. He asked that someone let the Variance Board know that the Council had passed this unanimously.

Councilwoman Robinson stated that Mr. Vital was to be commended; that this was a gorgeous PUD and that he had done a great job with all of the encumbrances on the land and what he did was like "landing on an aircraft carrier".

Councilman Benson stated that each member of the Council should get in touch with their Variance Board representative to let them know we believe in this; that it was deferred because of lack of knowledge.

AGREEMENTS

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO AGREEMENTS WITH AQUATERRA ENGINEERING FOR CONDUCTING TWO PHASE II ENVIRONMENTAL SITE ASSESSMENTS AT THE MAIN STREET AND OCOEE STREET SITES IN THE APPROXIMATE AMOUNT OF SEVENTY-THREE THOUSAND DOLLARS (\$73,000.00)

was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO AN AGREEMENT WITH PM ENVIRONMENTAL, INC. FOR CONDUCTING A PHASE II ENVIRONMENT SITE ASSESSMENT AT THE WISDOM STREET SITE IN THE APPROXIMATE AMOUNT OF TWENTY-TWO THOUSAND EIGHTY DOLLARS (\$22,080.00)

was adopted.

CONTRACT ADDENDUM

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE FIRE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO AN ADDENDUM TO SUPPLEMENTAL FIRE SERVICES CONTRACT WITH TRI-COMMUNITY FIRE DEPARTMENT, INC. FOR PROTECTION OF THE OOLTEWAH ANNEXATION AREA WITHIN THE CITY OF CHATTANOOGA, TENNESSEE, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS ANNUALLY OR THIRTY-SEVEN THOUSAND FIVE HUNDRED (\$37,500.00) QUARTERLY BEGINNING JULY 1, 2010, AND SUBJECT TO AN ANNUAL INCREASE OF FIVE (5%) PERCENT DURING EACH SUBSEQUENT YEAR OF THIS SUPPLEMENTAL FIRE SERVICES AGREEMENT DURING THE TERM OF THIS AGREEMENT BEGINNING JULY 1, 2011

was adopted.

CMAQ GRANT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENTS (CMAQ) GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR THE CHATTANOOGA REGIONAL ITS SYSTEM, STATE PROJECT NO. 33LPLM-F0-066 AND PIN 114321.00, FOR PE AND DESIGN OF A REGIONAL ITS SYSTEM TO BE OPERATED BY THE CITY TRAFFIC ENGINEERING DIVISION

was adopted.

STREET NAME CHANGE

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**A RESOLUTION TO CHANGE THE NAME OF ENTERPRISE
SOUTH BOULEVARD AND A PORTION OF ENTERPRISE
SOUTH PARKWAY TO NAME VOLKSWAGEN DRIVE**
was adopted.

OVERTIME

Overtime for the week ending May 6, 2010, totaled \$41,941.80.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPT.:

- **HERBERT BICKFORD, BRANDON MURRAY, ALEX VAUGHN, STERLING LUND, JR., & BRANDIE ELLER**—Hire as Crew Workers 2, Range 4, Annual Salary of \$22,050.00, effective 4/30/10 for the first three employees; 5/3/10 for the fourth employee; and 5/5/10 for the fifth employee.
- **PAUL MOUNT**—Resignation of Park Ranger, effective 5/6/10.
- **ZANE FOX**—Promotion to Crew Worker 2, Range 4, \$23,373 annually, effective 5/7/10.
- **GLORIA PARKER**—Hire Crew Worker 1, Range 2, \$22,050 annually, effective 5/7/10.

PERSONNEL (CONT'D)

PUBLIC WORKS DEPARTMENT:

- **GRADY E. SHOOK**—Resignation of Crew Worker 2, effective 4/26/10.
- **ANTONIO D. SANDS**—Resignation of Equipment Operator 5, effective 4/26/10.
- **DOUG PELL**—Demotion to Inventory Clerk, Range 5, \$26,797.51 annually, effective 4/23/10.

CHATTANOOGA POLICE DEPARTMENT:

- **PETER C. MILLER**—Resignation of Police Officer, effective 5/3/10.
- **DAVID STREIP**—Retirement of Police Lieutenant, effective 5/6/10.
- **JAMIE RIDDLE**—Military Leave of Police Officer, effective 5/10-7/20/10.
- **KENNETH HOGANS**—Suspension of two days without pay for Master Police Officer, effective 5/12—13, 2010.

Chief Rawlston recognized the retirement of Lieutenant David Streip with 28 years of service.

TREASUER'S OFFICE:

- **VIRGINIA HICKS**—FMLA for Tax Specialist, effective 5/6-7/29/10.

REFUNDS

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

BAARE METALS, LLC	\$3,779.69
BI-LO LLC	\$2,235.60

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

GEXPRO (Best Bid Meeting Specs.)
Requisition R24368

SCADA Software License Upgrade

\$16,706.85 (Three Year Service Agree.)

GENERAL SERVICES DEPT.:

PARRISH WRECKER SERVICE
Requisition R24977

Blanket Contract for Towing Services

\$27,000.00 (Estimated Annually)

CHATTANOOGA POLICE DEPT.:

RICOH (Lowest and Best Bid Meeting Specs.)
Requisition R23747

Blanket Contract for the Lease of Copiers

\$13,696.80 (Estimated Annually)

PERSONNEL DEPARTMENT:

NEOGOV (Sole Source Purchase)
Requisition R27499

Software Maintenance Agreement for Applicant Tracking System

\$16,080.00 (Annually)

**BOARD APPOINTMENTS/
RE-APPOINTMENTS**

Councilman Murphy noted that one of the Board Appointments lived on Signal Mountain; that he was sure he was an excellent human being, but he questioned someone being outside of the City, even though he was sure he was qualified. He also noted that a couple of these folks have given office addresses—Mr. Logan and Mr. Mabee, and he would like to know whether they live in Chattanooga and also why we need to go outside of the City for Board Appointments; that we have excellent folks that live in the City and if we are forced to go to somewhere like Red Bank or East Ridge, he would like to have a caveat as to why they are better qualified. However, he stated that it rubbed him the wrong way to go outside the City unless there is a compelling reason.

Mr. Johnson stated that he knew that Mr. Mabee lived in the City and that he thought Warren Logan did, too.

Councilman Benson stated that he thought we were improving on getting people who lived in the City; that we had one the last time that lived in Dayton; that he agreed with the concept and thought both of the ones mentioned by Councilman Murphy lived in the City.

Councilwoman Scott wanted to know the one that Councilman Murphy had referred to that did not live in the City? Mr. Burns responded that it was Julian Bell, III. She stated that she would request that these nominations that are pending to be deferred until we find out where they live for sure; that right now it is speculation, and she felt these concerns were valid; that we need to know if they all live in the City for a fact.

Councilman Benson stated that he was afraid we were getting too personalized; that this might be okay for the future; that he did support this philosophy; however we have policemen and other employees who live outside the City. He stated that he could support telling the Mayor that in the future, they need to live in the City.

Councilwoman Scott suggested voting on each Board Appointment individually.

Councilman Murphy stated that he was not saying he did not want those outside the City, but we should have a really good reason if they don't live in the City.

**BOARD APPOINTMENTS/
RE-APPOINTMENTS (CONT)**

Mr. Johnson suggested just separating the one that lived outside the City.

On motion of Councilwoman Berz, seconded by Councilwoman Scott, the Appointments and Re-Appointments will be voted on with the exception of the one on Signal Mtn. and it will be deferred.

Councilman Benson questioned for what purpose this would be deferred—What would change in a week? Councilwoman Berz removed her motion to defer, stating that Councilman Benson was right. Councilman Murphy stated that he would still like to hear something about him.

On motion of Councilman Benson, seconded by Councilman Gilbert, the following Board Re-Appointment was approved based on the fact that this is an experienced person and a reputable builder. **Councilmen Murphy, McGary, and Scott voted “No”.**

CHATTANOOGA DOWNTOWN REDEVELOPMENT CORP.:

- Re-Appointment of **JULIAN BELL, III** for a three-year term, expiring **May 18, 2013.**

On motion of Councilman Benson, seconded by Councilwoman Ladd, the following Board Appointments and Re-Appointments were approved:

OFFICE OF MULTICULTURAL AFFAIRS ADVISORY BOARD:

- Appointment of **BRISTON SMITH** for a term to expire **June 30, 2012.** This is a District 1 Representative.

CHATTANOOGA-HAMILTON COUNTY AIR POLLUTION CONTROL BD.

- Re-appointment of **ROBERT “BOB” HOWARD** for a four-year term expiring **May 18, 2014.**

**BOARD APPOINTMENTS/
REAPPOINTMENTS (CONT)**

CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION:

- Re-Appointment of **DAVID DALTON** for a three-year term expiring **May 18, 2013**.

NORTHSHORE/C7 REVIEW COMMITTEE:

- Appointment of **BRANDI G. HILL** for a three-year term expiring **May 18, 2013**.

SPORTS AUTHORITY OF THE CITY OF CHATTANOOGA:

- Appointment of **DR. MAURICE “BUDDY” S. RAWLINGS, JR.** for a two-year term expiring **May 18, 2012**.

CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMM.:

- Appointment of **JOSEPH SHORTER, III** for a term to expire **May 31, 2014**.
- Re-Appointment of **DALE MABEE** for a term expiring **May 31, 2014**.

ELECTRIC POWER BOARD:

- Re-Appointment of **WARREN LOGAN** for a term expiring **April 15, 2014**.
- Re-Appointment of **JOE FERGUSON** for a term expiring **April 15, 2013**.

COMMITTEES

Councilwoman Robinson announced that there would be a **Health, Human Services and Housing Opportunities Committee** to be held immediately following the Agenda Session on **Tuesday, May 18th**. There will be a continuation of the discussion regarding the 100 Day "Grandfather" Clause and also discussion concerning the Special Exception Permit.

Councilman Murphy reminded the Council of the **Legal and Legislative Committee** to be held immediately following the Housing Opportunities Committee on **Tuesday, May 18th**. A discussion will be held concerning Pop Up Parties and where we stand on the legislation, as well as Ordinances/Resolutions within this Committee's jurisdiction.

Councilman McGary stated that an **Education, Arts & Culture Committee** was held today, and it was announced that the Wine Ordinance passed the State Legislature, and we will be given an opportunity to apply for a license. He stated that there would be a follow-up meeting in four weeks concerning the renovation of the Auditorium.

Councilwoman Berz stated that **Budget, Finance and Personnel Committee** meetings would start next **Tuesday, May 18th at 2:00 P.M.** The Mayor will present his Budget and there will be a time allotted for questions relating to the Budget. She stated that she hoped that the Budget could be passed by the second week of June, which would set a record. The Capital Budget will also be brought forward for the Council to look over. She stated that next week's presentation will be lengthy; that the Budget Department had done an excellent job, and she was looking forward to working together with them.

NEXT WEEK'S AGENDA:
MAY 18, 2010

Chairman Rico stated that the agenda for next week was discussed during the Agenda Session this afternoon.

JUSTIN CASEY

Mr. Justin Casey of 5071 Ringgold Rd. addressed the Council concerning Pop-Up Parties. He had questions concerning some of the terms that were used and wanted to know what this entailed—if it applied to 50 or more people at any events with alcohol after 11:00 P.M. He stated that bars were licensed and do business including the matter of security; that it was recorded that none were licensed in the City for security that would take on this responsibility. He wanted to know what it entailed to get this license. He stated one of his main concerns was RiverBend where there is some voluntary security; that as a citizen, he owned a production company, and they hired their own security; that they had also taken out an insurance policy, and he thought that this would be an extra step that they should not have to take; that he was already taking the proper steps, and this could hurt people who are trying to do the right thing. He suggested maybe a harsher fine for fire code violations and holding owners more responsible.

DAVID CASSELL

Mr. David Cassell of 5001 Club Drive addressed the Council. He stated that his concern was also the Pop-Up issue. He thanked members of the Council for taking care of gang violence. He stated that he owned his own business with concert promotions and non-profit events. He questioned if he would have to “pull” another permit. He stated that one of the things that he would suggest would be a registration system that the police can look up on a computer. He also suggested increasing the punishment and enforcing the laws we have now, emphasizing increasing the punishment to curtail people from doing this. He stated that he did non-profit events but no Pop-Up Parties.

STEPHEN WEST

Stephen West of Rotary Drive addressed the Council, stating that he was a City employee and had heard by way of the “grapevine” about the Mayor’s Budget—that he would be raising taxes, but there was nothing in the Budget for City employees. He stated that employees had been frozen for three years without a raise; that everything was going up but employees’ salaries; that property taxes are increasing and once the Shelter gets built, city employees will be there.

STEPHEN WEST (CONT'D)

Mr. West reiterated that there was nothing in the Budget for employees and that the employees give their hearts and someone needs to make sure that something is put in the Budget for employees—just a little piece. He stated that the employees do a hard service for the City and had been frozen for awhile; that half of the Councilmembers had two jobs but employees with children can't afford two jobs. He urged the Council that when the Mayor presents his Budget that they ask for something in there for employees—that everything is going up but their salaries and employees had been stuck for the last three years; that everyone appreciated the longevity pay, but it only paid a couple of bills and then it was gone. He urged to make sure there is something in there for employees.

Councilman Gilbert stated that City employees have to pay what others pay; that going three years with no increase is very difficult; that it is difficult to survive with no money. He encouraged the Council to look at increases for employees because they deserve it; that if they shut down, the City shuts down; that we need to look out for our people because they are the backbone of the City.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, May 18th, 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)**

