

**City Council Building  
Chattanooga, Tennessee  
February 13, 2007  
6:00 p.m.**

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico and Robinson present; Councilwoman Rutherford was absent due to illness. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

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

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: JAMES A. S. WILSON**

Mayor Littlefield stated when he came to work for the city of Chattanooga thirty years ago there was a young attorney who was in the city attorney's office and worked with the Appeals Board quite a bit. He stated following that, the Executive Director of the Planning Commission, Thordis (T.D.) Hardin, served as Chairman of the Appeals Board for a number of years and the young attorney become a member of the Board and then served as Chairman.

Atty. Wilson stated he was not sure when he became Chairman, noting that it was after T. D. retired.

Mayor Littlefield stated that the records could be searched to confirm when he became Chairman. He stated Atty. Wilson served in this volunteer capacity, after being paid as an attorney, and carried the Board for many years after T.D. left the Board and retired. He stated that he knows Atty. Wilson served on the Board as representative from Councilman Page's district, however when the districts were reconfigured, District 4 ended up with two positions and only one could serve.

**SPECIAL PRESENTATION: JAMES A. S. WILSON**  
**(Continued)**

Mayor Littlefield stated that he and the Council wanted to honor Atty. Wilson tonight and express appreciation on behalf of the City of Chattanooga and all the citizens who have come before the Board over the years. He asked what the "A. S." in his name stands for.

Atty. Wilson responded that it is "Andrew Shannon".

Mayor Littlefield again thanked him for his service, noting that he did marvelous work for the city and will be missed.

Atty. Wilson stated that he came to the Board as the Board's attorney in August or September of 1972 when Bill Zachary retired and then City Attorney Eugene Collins appointed him as a member of the Board and served in that capacity until now. He stated that he was Vice Chairman under T. D. Hardin and when he retired he became Chairman. He stated that he always said when it was time to go he would be gone and, obviously, it is time to go – he's "outta" here! He stated that he appreciates this recognition very much.

Councilman Page thanked Atty. Wilson for his service; that he would be missed and expressed appreciation for his willingness to serve. He stated that he remembers when he called Atty. Wilson to ask him to continue serving and he remembers his comment as, "if I can still be of help to you then I want to do that." He stated that has been his answer for a number of years. He stated that he certainly appreciates him and noted that he held the Variance Board together. He stated that he would like to have it read into the record the historical perspective of the years he has served on the Board; that he and the Council Clerk had a discussion as to the amount of time spent on the board.

Atty. Wilson reiterated that he came to the city in 1972; that Bill Zachary retired in 1976 or 1977 and he became a member of the Board at that time and served as Vice Chairman with T.D. Hardin (as Chairman). He stated that he remained in that capacity as Board member and Vice Chairman until T. D. retire, but could not remember when that was as it was so long ago and it all runs together.

Councilman Franklin stated that he would be remiss if he did not have a word or two to say, noting that he had the privilege to serve with T. D., a good Episcopalian, Jim Wilson and Steve Leach. He stated in addition to being a politician's son, he got real experience serving on the Board of Appeals; that he appreciated the diligence and hard work Atty. Wilson did in his time of service on the Board. He stated that he did not realize he had been with the Board that long and again expressed appreciation and best wishes in all his endeavors.

## REZONING

### **2007-012: Bouman Development**

**Councilman Benson made the motion to move Ordinance (e) forward on the agenda; Councilman Franklin seconded the motion; the motion carried.**

Pursuant to notice of public hearing, the request of Bouman Development to rezone tracts of land located at 1500 and 1620 Watkins Street and in the 2500 block of East 16<sup>th</sup> Street came on to be heard.

The applicant was present; there was opposition in attendance.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this request is located in the Oak Grove community for rezoning to R-3 for an apartment complex located on the old Standard Coosa Thatcher site. He displayed the site by PowerPoint and noted there is residential, commercial and light manufacturing on surrounding properties. He stated according to the comprehensive plan this site could serve a variety of residential infill needs and Planning recommends approval subject to conditions.

**Robert Fisher** stated that he is a local commercial realtor and is present representing the developer. He distributed a handout that displayed the type of housing the developer, Chris Bouman, plans to build. He stated it will be a tax credit apartment with 72 units and a low density of 9 units per acre; that this is an \$8 million dollar investment in the community. He stated Mr. Bouman will be required to own the apartments for fifteen years, which is included as part of the financing structure. He stated they have been following the process in an effort to try to be interactive with the community and have met with several neighbors, including Mrs. Hammonds and Councilmen Rico and Robinson. He stated they have attended several meetings to be intuitive as to what the neighborhood wanted and their concerns.

Mr. Fisher stated it is his thought what has been a misconception is that the project will not be a Section 8 project; that this will be workforce housing similar to the Stone Ridge Apartments and the tax credit apartments in St. Elmo and they plan to build this complex similar to them in terms of quality and structure. He stated he has talked with Councilman Rico about this and informed him there would be no security problems and would be a welcome improvement to the neighborhood.

## REZONING (Continued)

In reference to the distributed document, Mr. Fisher referred the Council to the second page and the site known as Dogwood Place, a tax credit complex that has been well received. He stated the Regional Planning Agency is supportive of this and feels it meets the intent of the neighborhood plan. He stated that the neighborhood has lost 13 percent of its population in the last ten years and this would provide an opportunity to get new families and new growth in the neighborhood. He stated the owner of the development will be a huge stakeholder to the neighborhood who would be motivated to see that the community prospers; that he (Bouman) lives only an hour away and is very involved.

Mr. Fisher stated there is concern the tenants would be low income, non-attractive and some type of crime element; that this programs requires the income to be \$28,000 - \$40,000 in terms of annual income, which has to be verifiable. He stated the tenants moving in have to be gainfully employed and solid citizens. He stated that he met with the neighborhood and there were four-or-five key concerns in reference to security, increased traffic, type of tenants, whether the developer would do a quick sell and make a profit and that low rents would cause property values to go down. He stated in the newspaper a couple weeks ago there was an article about the neighborhood wanting single family housing, noting that it is a great idea to have but at \$90,000 an acre it is unlikely single family would be built. He stated in regard to security that will be addressed by having solid citizens there who are gainfully employed; that the entrance was initially going to be on Main Street but has been moved to Watkins Street to eliminate any congestion at the intersection of Watkins and Main. He stated in terms of traffic, the overall traffic will go down compared to what was there with trucks coming in and out. He stated they would like to take this property that is not being used, a former manufacturing site that will unlikely be used as manufacturing again, and convert it into a nice apartment community.

**Louise Hammonds** of the Oak Grove community asked everyone to stand who were present in opposition (a considerable number stood). She stated the communities of Ferger Place, Ridgedale, Oak Grove and Highland Park are represented here today. She stated Mr. Fisher indicated that he met with us several times; that she has been out of town and does not have to be at every meeting. She stated that she met with Gary Ball and a group of people and they did talk about another meeting. She stated her community has a flea market that has been zoned for 121 units of apartments and 32 are going up on Ryan Street. She stated if there is going to be another big unit in-between, they have a community of about fifteen elderly widow women who live by themselves; that this complex will be directly across from one person's house.

## REZONING (Continued)

Ms. Hammonds stated the city okayed some duplexes to be put in there and they are just now getting them cleaned up from drugs; that their biggest problem is with apartments. She stated she knows the renters will be screened and she asked the question on yesterday if an apartment is rented today and "Uncle Joe" moves in tomorrow from Atlanta and starts running drugs, are they going to screen him. She stated she could not get an answer because this is a government tax thing and they do not know what the government says about it; that it could be an invasion of privacy. She stated she and others have worked eight years to get their community to the point it is now and they really do not want any more problems as they have all they can handle. She stated older people like her will have to move as it does not seem fair for all of this to be placed in their community.

**Kevin Worland**, owner of McCracken Brothers on Dodds and Main, stated that he owns the building and has invested \$25,000 into it and intends to do more. He stated it has previously been mentioned there is a thirteen percent loss in residents in that area and (he) wondered how these 132 units would affect the percentage loss. He stated if this land could not be used for single family or duplex, it would be a better use for manufacturing because there would be more jobs. He stated he talked to business people around and their main concerns were that of property values; that he is hopeful this would be taken into serious consideration by the Council. He stated he is really afraid a few years from now if this complex is abandoned they would be back where they started; that single family would not be quickly abandoned.

**Amy Harrison** stated that she is President of the Ferger Place Neighborhood Association, and noted Ferger Place, Highland Park and Oak Grove communities are all historical areas. She stated she has been a resident of Ferger Place for nine years and when she first moved there it was on its way back up and they have just about gotten there now. She stated all of the houses have been bought as single family units; that one was turned into a multi-family use but has been turned back into single family. She stated they are very excited about what has started down on Main Street coming their way and this development is not in keeping with what is going on Main Street now. She stated she is afraid it will lower their property values as they are in an historical area and new development like this will absolutely damage them, somehow.

**Cliff McCory** read from a copy of the comprehensive plan that referenced suburban areas, density requirements and mixed uses. He noted that he wanted everyone in attendance to know what the plan states and what the Planning Agency says about developments such as this.

## REZONING (Continued)

Mr. Fisher stated with regard to the use of the land it would be nice if single family could be placed there, however at \$80,000 an acre that is not going to happen. He stated to go back to the owner and ask him to sell the property for \$30,000 an acre – why would he do that! He stated in terms of property values he would have to go back to what Curtis Adams said about the one in his district being an asset. He stated he does not think any property values will go down. He stated in terms of the units being built they do not have any control over that. He noted Mr. Bouman would have to address the screening of tenants.

**Chris Bouman**, the Developer, stated that he met with Mrs. Hammond and complimented her by noting that he knows people are proud of her. He stated he would not get involved if this development would be how they are describing. He asked that everyone look at the pictures before them on the handout because that is what it can be; that if any one can say it can not be an improvement they would take care of that and work with this community to do everything. He stated only people listed on the lease can be in the apartment and if something shows up that is not part of the lease they can not stay there and will be asked to leave. He stated his intention is to improve the community and be a part of it.

**Lou Miller**, former County Commissioner, stated that she did not come to make a speech, but wanted to share her concern. She stated Ferger Place has not always been as beautiful as it is now until they started getting the neighborhood together to plan for the future; that some thirty years ago a historical organization was organized and the streets have been paved, they have sidewalks and housing has been redeveloped. He stated this is the first planned subdivision south of the Mason-Dixon Line and is a place of history. She stated Highland Park is to be commended for what they have done and Oak Grove is in terrible shape over there and then McCallie School comes in and takes part of that or most of it. She stated old people have fought to buy their homes and invested in them. She asked that some consideration be given to recognize them and deny them (Bouman) to build what looks good on paper, but when you look over Chattanooga some housing built “ain’t” good! She stated public housing is in a terrible fix and why isn’t that fixed!

Councilman Benson stated when Mr. Fisher first spoke it was stated that the amount is \$90,000 an acre and during his second speech it was mentioned as \$80,000 an acre. He asked if he was leading into something.

Mr. Fisher stated \$8 million divided by nine (9) totals \$88,000.

## REZONING (Continued)

Councilman Benson asked if it is closer to nine acres with 72 units or 7.9 units per acre and at that price how can you make the "bottom line" come out without "cutting the corner" on construction. He stated \$90,000 an acre is a lot of money!

Mr. Fisher stated that is an excellent question; that they are financing with THDA which allows them to build better than they normally could; that if this were at the market rate the charge would be \$500,000.

Councilman Benson asked if the financing is less than six percent and if it is, how much less.

Mr. Bouman stated that the appropriate tax credit is on a per capita basis.

Councilman Benson then stated that he sees what is being done; that he would still like to know the quality of construction.

Mr. Bouman stated that the two developments listed in the handout are part of the same program; that they are the ones they can speak about and the quality will be exactly the same.

Councilman Benson stated that he has had experience with the Rainbow Creek property and it was a terrible experience that was finally remedied through management control; that it is too bad it ever started without that control. He asked where the home office would be.

Mr. Bouman stated the home office would be in Rainsville, Alabama; that they manage 232 complexes across seven states and are professional in what they do, not only the onsite manager, but maintenance, as well. He stated he would fire them if they do not do what they are supposed to do!

Councilman Benson stated that it sounds like Mr. Bouman means what he says; that this is an out-of-town office and there was some difficulty with Rainbow Creek which was managed out of Pulaski, Tennessee. He stated on first "blush" at the Planning Commission he thought this would be much better than manufacturing and it has been vacant for some time. He referenced the flea market site and a project that was rezoned a couple years ago from the person from New Orleans that, according to Gary Ball, finally did get approval for tax credits within the last couple days and will probably be moving forward. He noted that the THDA proposal has not been approved, yet, for this project.

## REZONING (Continued)

Mr. Bouman stated "that is correct"; that they will know in June. He stated the application was presented in March and he will know in June whether the project would be funded.

Councilman Benson asked if the proposal is not approved after the rezoning has been approved would it revert back to M-1. City Attorney Nelson responded "no".

Councilman Benson stated people in that community do not have faith in Mr. Bouman or the Council if the Council rezones any more property for a proposal like this. He stated that he believes in voting with the populace once they have been educated noting that it is his thought they are taking a risk by not going along with what we have here, but they might be right. He stated they think they are right and have all the information. He stated he is not ready to vote to approve at this point as there is a lot of ambiguity about this.

Councilman Page asked that he be told this is not Section 8; that it is for low income but not Section 8. Mr. Bouman responded "correct".

Councilman Page asked how applicants are screened; that he thinks it is important that people who live there do not have problems, again asking how people would be screened to make sure they would not be disruptive; that it is good for them to have good renters. He stated one of the things he has concern about is buffering and the ambiance and asked that Mr. Bouman address that. He stated his question is that the neighborhood is so concerned and it has not been stated what could happen to make this a good development or maybe the neighborhood thinks something is planned that we do not know about.

Mr. Bouman stated that the program management company is charged with screening applicants and reiterated that he will be with this program for fifteen years. He stated they would continually monitor it and the superintendent of the area will be in each apartment.

Councilman Page asked Mr. Bouman if he talked to the neighborhood about how he would make the project fit in.

Mr. Bouman stated that he talked with the neighborhood yesterday and is to meet with their neighborhood next Monday; that he asked permission to come to meet with them at Councilman Rico's request and he is prepared to do that. He stated he is not going to make money and run as that is not him; that he told Mrs. Hammonds this, as well.

## REZONING (Continued)

Mr. Bouman stated he is a Baptist Sunday school teacher that is trying to do a positive thing. He committed to the Council that this would be a positive thing and everything he is telling them is accurate and this would be the same program as what is displayed in the pictures in the handout. He stated it would be well managed.

**(Councilman Franklin excused himself from the meeting at this point)**

Mr. Fisher stated as for buffering, they had actually planned for the project to be further from the street, however Planning asked them to build them closer to the street. He stated in terms of tree buffering that really has not come up and nothing has been requested. He stated they could add trees, landscaping, and berms – whatever they need to do.

Councilman Rico stated that he has mixed emotions and has seen that the apartments could be an asset to the area and no problem. He stated when he ran his campaign he said he would represent the people and he would have to go with what they want. He stated he is saying that it is his belief this would be good for the area; that he is on the Council to represent the people and can not support it.

Councilwoman Robinson expressed agreement with Councilman Rico's conflicted feeling about this and related the comparison of when she was young and starting out she and her husband could not afford a house. She stated they had jobs but was not making much money and needed a place to live. She stated she does not think apartments in and of themselves are bad as we have a good program in our town for people who want to buy homes when they are ready, which is one thing CNE has done. She stated when people are starting out and know they have a future the day will come when they will have to live in an apartment for a period of time, and their next step would be that of homeownership, the way many of us began. She stated that she just feels different today and thinks apartments are a good first step with young people starting out. She stated incomes ranging from \$28,000 to \$40,000 a year still sounds like a lot to me; that they might be good neighbors and it is something to think about.

**At this point, Councilman Rico noted that this is being proposed for his district and made the motion to deny; Councilwoman Gaines seconded the motion.**

**REZONING (Continued)**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1500 AND 1620 WATKINS STREET AND IN THE 2500  
BLOCK OF EAST 16<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN,  
FROM M-1 MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE**  
was denied.

**AMEND CITY CODE**

On motion of Councilwoman Gaines, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 35, SECTIONS 35-26(a) AND 35-26(c) RELATIVE TO VEHICLES  
FOR HIRE**  
passed second and final reading and was signed in open meeting.

**APPROPRIATION**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE  
ASSOCIATION OF VISUAL ARTS THE AMOUNT OF TEN THOUSAND  
DOLLARS (\$10,000.00) TO SUPPORT THE ANNUAL 4 BRIDGES ARTS  
FESTIVAL**  
passed first reading.

**AMEND ZONING ORDINANCE**

On motion of Councilman Rico, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V BY  
ADDING A NEW SECTION 1706, MODIFIED PARKING IN SPECIAL  
DISTRICTS**  
passed first reading.

## REZONING

### **2007-001: John M. Petrey & Peggy B. Petrey**

Pursuant to notice of public hearing, the request of John M. Petrey and Peggy B. Petrey to rezone tracts of land located in the 1400 blocks of Jefferson and Adams Streets came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman Benson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 1400 BLOCKS OF JEFFERSON AND ADAMS STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE AND R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE**

passed first reading.

## REZONING

### **2007-009: Philip Barry Robertson**

Pursuant to notice of public hearing, the request of Philip Barry Robertson to rezone a tract of land located at 621 East 11<sup>th</sup> Street came on to be heard.

The applicant was present; there was no opposition.

Councilmen Benson and Rico made the initial motion to approve this request on first reading.

Chairman Pierce inquired as to what is to take place in this zone.

Barry Robertson, applicant, stated that he plans to live there. She stated this involves a small building that was erected in 1932 and was partially destroyed. He stated he and his wife are restoring the building to live in and have apartments in the upper part.

Chairman Pierce stated this request does not comply with the M. L. King Plan as no more apartments are to be developed.

Councilman Benson asked why the C-3 zone is being requested.

## REZONING (Continued)

Mr. Robertson stated that people can live in the C-3 zone as he understands it. He stated that he owns the Jazz Junction downtown and lived there.

Greg Haynes stated that the property is currently zoned M-2 which would not allow residents; that the applicant wants to use the commercial zone and live there, as well. He stated mixed uses such as this are typically used in urban areas like the previous case for an artist's studio and residence.

Councilman Benson stated that the use borders on speculative.

Mr. Haynes stated every case that is heard could technically be considered as speculative. He displayed by PowerPoint the site plan showing the existing building and parking. He noted that it is a crude site plan, but a site plan, nonetheless.

Chairman Pierce asked if the applicant has met with the neighborhood association about this. Mr. Robertson responded "no".

Chairman Pierce stated that he would like for there to be more input into this from the neighborhood association to show how they feel about it.

Mr. Haynes stated the zoning is surrounded by manufacturing and with respect to R-4 the Community Kitchen's residential apartments are across from this. He stated this is not within a residential neighborhood as M. L. King is to the north. He stated Planning feels the C-3 mixed use proposal with improvements would be compatible with the area.

Councilman Benson stated that he pleads guilty; that when this came before Planning his mind was set to downzoning from industrial to C-3 and at that point all of this sounded better to us. He stated on the surface it looked better to rezone, however Councilman Pierce represents this community and it is his wish that the neighborhood association "bless" this.

Chairman Pierce stated that the neighborhood association president is Moses Freeman and he (Pierce) is not aware of their next meeting.

Mr. Robertson stated no one lives there (in the building).

Chairman Pierce asked Mr. Robertson if he is in a big rush for this rezoning.

**REZONING (Continued)**

Mr. Robertson stated that he has had the building three months and has been working hard on it by himself; that there is a rush as far as his limited capital is concerned.

Chairman Pierce noted that Mr. Robertson’s capital will not go away.

Mr. Robertson stated that he has been working toward doing something; that he can not do anything until he knows for sure he can do it.

Chairman Pierce stated he would like for the matter to be deferred two or three weeks so that Mr. Robertson could meet with the neighborhood association.

**Councilman Benson made the motion to table two weeks; Councilwoman Bennett seconded the motion.**

Chairman Pierce asked the Clerk of Council to contact Mr. Freeman so that he and Mr. Robertson can talk about the rezoning. He asked Mr. Robertson to contact the Council office in a couple days to be made aware as to when the meeting is scheduled.

On motion of Councilman Benson, seconded by Councilwoman Bennett,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 621 EAST 11<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-3  
CENTRAL BUSINESS ZONE**  
was tabled two weeks (February 27).

**APPLICATION**

On motion of Councilman Rico, seconded by Councilman Page,  
**A RESOLUTION APPROVING AND RATIFYING THE APPLICATION FOR  
AND AUTHORIZING THE MAYOR TO ACCEPT A GREAT IDEAS  
COMPETITION GRANT IN THE AMOUNT OF ONE THOUSAND NINE  
HUNDRED DOLLARS (\$1,900.00) USED TO PRODUCE A SHORT VIDEO  
HIGHLIGHTING THE THREE (3) WINNERS OF THE 2007 GREAT IDEAS  
COMPETITION TO BE SHOWN AT THE KRUESI SPIRIT OF INNOVATION  
ASWARDS LUNCHEON**  
was adopted.

### CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-06-008-201, 2006 MISCELLANEOUS SANITARY SEWER POINT REPAIRS CONTRACT, TO MAYSE CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)**  
was adopted.

### AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LAMAR DUNN & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. W-07-001-101, MOUNTAIN CREEK PUMP STATION MODIFICATIONS, IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND SEVEN HUNDRED DOLLARS (\$19,700.00)**  
was adopted.

### GRANT

Councilman Benson stated that this was discussed in Legal and Legislative Committee today and approval is recommended. He stated the request does not require local funding as all federal monies are involved.

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND, IF AWARDED, TO ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00)**  
was adopted.

### OVERTIME

Overtime for the week ending February 9, 2007 totaled \$17,726.92.

### PERSONNEL

The following personnel matters were reported for the various departments:

**PERSONNEL (Continued)**

**PUBLIC WORKS DEPARTMENT:**

- **TSHOMBE M. HIGH** – Resignation, Crew Worker, City Wide Services, effective February 6, 2007.

**CHATTANOOGA POLICE DEPARTMENT:**

- **DANIEL SMITHSON** – Resignation, Police Officer, effective February 3, 2007.
- **ESTER ARCHER, NECCIE MILLER, AUDREY THOMAS** – Hire, School Patrol Officer, \$29.27 per day, effective February 7, 2007.
- **DOROTHY NEWSOME-HARRIS, AUDREY THOMAS** – Resignation, School Patrol Officer, effective February 9, 2007.

**CHATTANOOGA HUMAN SERVICES DEPARTMENT:**

- **FAITH LACY** – Resignation, Teacher, Head Start, effective January 31, 2007.

**PURCHASE**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Parks and Recreation Department:

**MORGAN R. MANNING (Best bid)**  
**R0094689/B0003688**

Graphic Design Services (*Creative Alarm, the lowest bidder, was ruled non-responsive along with RJ Agency and the Somerset Group since these companies failed to bid on an hourly basis as specified.*)

\$10,960.00

**PURCHASE**

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

**POZZOLANIC CONTRACTING & SUPPLY**  
**R0087903/P0024088**

Bulk Lime Kiln Dust, Change Order No. 1

\$167,500.00	Original Contract (3/7/06)
50,000.00	Change Order #1 Increase
<u>\$217,500.00</u>	New Annual Expenditure Limit

**HOTEL PERMITS**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the following hotel permits were approved:

**RESIDENCE INN BY MARRIOTT**, 215 Chestnut Street, Chattanooga, TN

**BEST WESTERN ROYAL INN**, 3644 Cummings Highway, Chattanooga, TN

**REFUNDS**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds of gross receipts tax and stormwater and/or property taxes, respectively:

<b>FERGUSON ENTERPRISES, INC.</b>	\$ 2,105.92
<b>ARP-GOLD</b>	30,184.97

**BOARD APPOINTMENTS**

On motion of Councilman Rico, seconded by Councilwoman Bennett, the following Board appointments were approved:

**TREE COMMISSION BOARD:**

- Appointment of **LISA LEMZA** for a term expiring December 1, 2010.
- Re-appointment of **JUNE COPPINGER** for a term expiring December 1, 2010.

## BOARD APPOINTMENT INQUIRY

Councilman Benson inquired as to whether Mr. Johnson had the Mayor's appointment of Brenda Owens to the Humane Education Society (HES) Board for the remainder of the contract as the city's representative.

Mr. Johnson stated that he did not have it; that it was not given to him.

Councilman Benson stated that a call was received from HES regarding this and we were to respond to them.

Again, Mr. Johnson noted that he did not have anything regarding an HES Board appointment.

Councilman Benson stated that the Board would be meeting tomorrow and they need an acknowledgement of her as the city's representative. He stated that he thought the Mayor had asked someone to have that prepared for tonight.

City Attorney Nelson stated that he hears the discussion but he does not know if any decision has been made. He stated the Mayor could be called to see if he has a recommendation to make.

Chairman Pierce asked if a name has been submitted to the Mayor. Councilman Benson stated that it is already set up.

Mr. Johnson asked that the Council vote on it.

Chairman Pierce stated that the Council can not vote on something that is not on paper.

Councilman Benson made the motion to recommend Brenda Owens to represent the Council on the HES Board as our liaison beginning with this week.

City Attorney Nelson stated that the Mayor's appointment should be ratified by the Council.

Councilman Benson stated that he is hopeful this will get straightened out tomorrow as there is a special vote needed to represent the city. He asked Adm. Madison if she has been involved in this. Adm. Madison responded "no".

Councilman Benson stated there has been a real foul up! He stated there is a serious situation coming up.

### BOARD APPOINTMENT INQUIRY (Continued)

At this point Dan Johnson stated that he had spoken with the Mayor and expressed his apology for not having the appointment in writing. He stated **the Mayor would like to appoint Brenda Owens to the Humane Educational Society's Board and would follow this up in writing.**

**On motion of Councilman Rico, seconded by Councilwoman Robinson *BRENDA OWENS* was appointed to the Human Educational Society's Board.**

Councilman Benson stated that he would appreciate the appointment recommendation in writing.

### HEARING: HUGH REECE

City Attorney Nelson stated the Clerk of Council was notified by Judge Paty's office that the February 26 hearing for Hugh Reece should be rescheduled to begin at 1:30 p.m. due to conflict in time with Judge Paty's Court schedule.

Chairman Pierce stated other Judges could sit in her place.

**On motion of Councilman Rico, seconded by Councilwoman Robinson, the hearing for Hugh Reece was duly rescheduled to begin at 1:30 p.m. on Monday, February 26.**

### HEARING: BILLY MCNEESE

City Attorney Nelson stated Billy McNeese has requested a personnel hearing regarding his termination from the Parks and Recreation Department.

**A hearing for Billy McNeese was scheduled for Monday, March 5 beginning at 9 a.m. with Councilmen Benson, Rico and Robinson serving as the panel; Councilwoman Gaines volunteered to serve as alternate.**

### TML DISTRICT 3 MEETING/MTAS TRAINING

Councilwoman Bennett stated that Chattanooga will host the TML District 3 meeting this Friday (February 16) at 9 a.m. She stated state delegates will be present, as well as community representatives from all other districts. She encouraged Council members to attend and participate. She also stated that the MTAS Elected Officials training is scheduled for February 23-24.

**DISTRICT 5 TOWN HALL MEETING**

Councilman Page stated District 5 and a portion of District 3 are scheduled to meet on Thursday, February 22 at Oakwood Baptist Church beginning at 6 p.m.

**COMMITTEES**

Councilman Rico stated that the **Public Works Committee will meet on Tuesday, February 20 at 3 p.m.** City Attorney Nelson stated that the franchise with Comcast has been added to the Public Works Committee's agenda. He stated anyone who wishes to be heard could appear at that meeting as it will be on the February 27 Council agenda.

In the absence of Councilman Franklin, the Clerk of Council reported that the **Safety Committee** scheduled for February 20 at 3:30 p.m. **is rescheduled for Tuesday, March 6 at 3:30 p.m.**

**HEARING: NATHAN CARTER**

City Attorney Nelson reminded Council members of the hearing scheduled for Nathan Carter on Monday, February 22 beginning at 9 a.m.

**ADJOURNMENT**

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, February 20, 2006 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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