

City Council Building
Chattanooga, Tennessee
February 5, 2008
6:00 p.m.

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Feely, Franklin, Gaines, Pierce, Rico and Robinson present. 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, Councilman Benson 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.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 3, SECTION 3-100, RELATIVE TO SIGNS, TO ALLOW THE DIRECTOR OF THE LAND DEVELOPMENT OFFICE OR DESIGNEE TO WAIVE CERTAIN REQUIREMENTS FOR MAJOR MIXED-USE DEVELOPMENTS LOCATED IN THE DOWNTOWN C-3 CENTRAL BUSINESS ZONE UNDER CERTAIN CONDITIONS

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

APPROPRIATION/REIMBURSEMENT

On motion of Councilman Franklin, seconded by Councilman Rico,
AN ORDINANCE APPROPRIATING FROM THE CAPITAL PROJECTS FUND TO FRIENDS OF THE ZOO, INC. AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000.00) TO BE USED FOR SITE IMPROVEMENTS TO THE CHATTANOOGA ZOO AND AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH FRIENDS OF THE ZOO, INC. TO REIMBURSE THE CITY AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000.00) OVER A TERM OF FIVE (5) YEARS

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

AMEND CITY CODE

Chairman Page noted that this ordinance would be known as the "Feely amendment"!

On motion of Councilwoman Gaines, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, SECTION 2-178 RELATIVE TO UNRESOLVED GRIEVANCES
OF CITY EMPLOYEES**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-133: Ken DeFoor

On motion of Councilman Franklin, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A
TWENTY-FOOT (20') SANITARY SEWER EASEMENT LOCATED WITHIN A
TRACT OF LAND LOCATED AT 7315 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND
DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**
passed second and final reading and was signed in open meeting.

REZONING

2007-222: City of Chattanooga

Councilman Benson stated that this matter was discussed in Public Works today and after some discussion the Committee agreed that **he would make the motion to rescind the vote since he voted on the prevailing side.** He stated **that his motion is to rescind the zoning with the condition exception; Councilwoman Bennett seconded the motion.**

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 SPECIFIC R-1
RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE
AND R-4 SPECIAL ZONE PROPERTIES WITHIN THE NORTH SHORE
ZONING STUDY, PHASE ONE, MORE PARTICULARLY DESCRIBED HEREIN,
TO R-1 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-3 RESIDENTIAL**

REZONING (Continued)

**ZONE WITH CONDITIONS, AND R-4 SPECIAL ZONE WITH CONDITIONS,
SUBJECT TO SAID ZONING STUDY**

was rescinded on prior motion and second made on January 8, 2008 with the condition exception.

With the rescission of the previous vote the Ordinance was now on first reading of the original version approved by Planning.

Justin Steinmann of the Regional Planning Agency (RPA) stated that this involves Phase I of the North Shore Zoning Study, the first implementation study of the North Shore Plan. He stated that the Study examines property on Tremont and Forest Avenue, particularly, and the reason these two streets were examined first was that they were in conflict with the recommendations of the North Shore Plan. He stated zoning for most of the area is R-3 and R-4; that the recommendations of the North Shore Plan are that the study area of the pre-existing single family be preserved and multifamily and others be allowed on a case-by-case basis. He stated the zoning study is achieved by downzoning all existing parcels to R-1 and adding a condition to all other parcels; that the conditions were written to help insure compatibility with future developments.

Sid Huntley of 502 Forest Avenue stated that the city will hear more about this in the future; that there are a lot of areas where zoning has not really kept up with the use of the neighborhood or street. He stated that he was present representing Chattanooga Citizens for Responsible Growth and asked other members present to stand, noting that not all of those present are from Forest Avenue. He stated that they are not against growth or development; that they are against irresponsible growth and developers who are not responsible. He stated any neighborhood should have reasonable expectations; that anything that is built in an established neighborhood should be compatible with what is there. He stated an irresponsible developer would probably say he has property rights and can build anything anywhere he wants which may be true, but he and others feel people who are in a neighborhood who have bought property and developed a neighborhood to something better than it was 50-60 years ago have property rights, also. He stated they feel they have reasonable expectations and the City Council should work with them.

At this point a packet of material was distributed with Mr. Huntley indicating that several items have been included including the building on Cherokee built by Mr. Wise, which the group feels is irresponsible to build something so totally different from what was represented in the building permit.

REZONING (Continued)

Mr. Huntley continued by stating that the second sheet in the package reflects the site plan for 602 Forest, one of the properties in question. He stated there is a beautiful home on the property and the sheet shows what was presented for a variance request on a setback; that the home is not reflected on the document but has twelve town homes in place of it. He stated they have heard numerous proposals and do not know what will be done. He stated on the left hand side of one of the photos is a view from Dr. Carico's \$1.3 million dollar office, as well as a view from Cherokee Boulevard which totally obscures the office building. He stated they do not think this is an appropriate development and do not want it on their street; that anyone who lives in a neighborhood would not want someone to have the ability to come in and do that.

Jim Crooks of 612 Forest Avenue stated that he also owns property at 515 Forest Avenue. He stated he is a builder and general contractor of small developments in Chattanooga and North Chattanooga, particularly, and always tries to be conscious of the neighborhood and build things suitable to the neighborhood and similar to what exists. He stated one of the things he wanted to talk about is process and consensus; that they had a lengthy process of the zoning study with numerous meetings that were well attended; that when it came before the Council one person asked for an exemption. He stated a number of them have large developable tracts on Forest; that he, specifically, has two tracts and R-3 zoning allows him to do 14 units on each property. He stated in meeting with the neighborhood there were two camps: one that was all R-1 and the other camp that was losing the value of their property. He stated what came out in a beautiful way was consensus; that they came to a happy medium and to have this number of parcels and have one exemption was fantastic; that the RPA staff did an excellent job in addressing the people's needs. He stated that he gave up density on his lots and the reason he wanted to do that is that he lives there and wants the neighborhood to be consistent. He stated there are beautiful homes there and his home is over 100 years old and has put in a small fortune in restoring it; that he and others are interested in keeping that consistency and continuity. He stated there are multi-family homes in the neighborhood and that is the point he wanted to make – that the process was well done and the number of people in support represents consensus to him.

Rick Lee, an Architect with Wise Construction, stated that he did not want to be singled out; that he is the developer everyone is talking about and this is a difficult situation. He stated the building on Cherokee has been referenced which does not have anything to do with 602 Frazier. He stated so everyone would know when construction started the design study came back up and they pushed for the lots to be in C-7 and they were not.

REZONING (Continued)

Mr. Lee stated they have not broken any regulations or conditions regarding development and propose in a free market the decision would be whether we have a viable project or not. He stated people have opinions about architecture in this town and he does not know whether to thank people or not because ever since this campaign against them started the phone has been "ringing off the hook" from people wanting one of the apartments. He stated 602 Forest, the property in question, was purchased when it was R-3; that they went to the Regional Planning Agency and reviewed plans with them on the project and then asked for a variance. He stated there were problems with the variance in the way it was presented and the Variance Board rescheduled them and during that time the moratorium was imposed on the project. He stated the point he is trying to make is simple: they own the R-3 property, paid R-3 dollars for it, want to develop it as R-3 and do not feel it is right to turn around and change the game on him now. He stated that he feels he has rights, as well, and asked the Council to consider this violation.

William Alt of 300 Forest Avenue, an attorney representing Mr. Wise of Wise Construction, stated that he would like not to talk about the legalities but in terms of fairness. He stated earlier tonight the prior change of the plan which had been approved was rescinded; that it was rescinded at a time when at least four people had expressed their feeling that changing the zoning while the developer was trying to develop property was unfair. He stated as he recalled a comment was made regarding individual rights, as well, and knows all are trying to weigh the individual bringing the right services to the overall plan. He stated in all fairness he would like to call attention to the north view project, noting that north view is single family; that it was not mentioned by anyone in opposition as they talked about the Cherokee project with no talk about Forest Avenue where improvement was made and improvement has impacted Forest Avenue in a positive way. He stated the new ordinance proposes that R-3 has some limited density and he can understand that; that the latest discussion with the city by Mr. Wise suggested that they reduce the density to comply and what is being weighed now is the house that is there and vacant. He asked that the Council consider preserving what is R-1 and if changed to R-3 the uses are R-1 when changed to R-3; that here we have a developer who has redeveloped that whole area and is now going to be shut down. He stated the Commission viewed this as unfair and he is not suggesting so much an exemption, but existing R-3 development and activities attempted should be considered and fairness should say this can not be taken away from them. He stated Mr. Wise submitted and asked for a variance before the city and the city was actively approving what was going on; that this has to be a consideration when voting today and asked that the Council consider what impact that will have economically and otherwise on the owner of property who paid R-3 prices.

REZONING (Continued)

John Wise stated he has been the unfortunate purchaser of a couple parcels on Forest Avenue; that it started out with the north view property that was zoned R-3 and it is his belief the trailer was even zoned R-1. He stated he was successful in coming before the Council and having the rezoning; that the group opposing him today is the same group that came before the Council and recommended his project, not every one but a majority of them wanted to up zone. He stated by his success of that project it led him to believe why not expand and buy more property which was zoned R-3; that he did not have any reason to think he could not continue developing property and now he has himself caught in this situation where it has been decided enough is enough of that. He stated he is caught and has two loans for \$1.5 million and he has to repay the debt and does not get to go back to the bank and say to them "sorry, the city changed their mind and I can not do that any longer". He stated that he asked Sid Huntley repeatedly to meet with him to see if they could come to some resolution about this or something they would recommend and they would not and Justin can verify that as he has sent e-mail after e-mail. He stated all he is asking is to give him a chance as he can not go back to the bank and can not dump the property. He stated if he has to sell it with the new zoning he would get less value and there has to be a resolution to this to be fair to everyone. He stated he would take the resolution they have come up with if his property is exempted and put conditions on it where everyone wins. He stated if the property is downzoned to R-1 he would have to come back two more times to ask that it go back to R-3. He stated it is simple – come up with a resolution as he does not want 40 units or twelve units; that he wants something reasonable.

Gavin Holden stated that he lives on Woodland Avenue next door to the project and the fact of the matter is whenever Mr. Wise came to the neighborhood about that "thing" nobody liked the idea, everybody hated it. He stated the only reason everyone became a so-called proponent of the "thing" is because he basically threatened a bunch of elderly people that were in the room that if they did not do this he would put in duplexes up there. He stated when he (Holden) bought his property it was purchased thinking they would live in a neighborhood with houses and then suddenly they have twenty neighbors and has to come through twenty garbage cans and noise all day long! He stated that they spent money fixing up an old house and a week later they had twenty neighbors on what used to be one lot. He stated that they want to have something they bought the property for; that a lot of "ignorant" people bought homes and did not realize the whole situation of how government works. He stated homeowners realize zoning can be changed if they are not really vigilant as a community person because the next thing you know is you can be living next door to twenty people instead of one!

REZONING (Continued)

At this point Chairman Page closed the public hearing.

Councilman Pierce noted that another lady wanted to speak in opposition and asked that she be given thirty seconds to do so.

Pam Womack of Forest Avenue stated that they want any builder or developer to stay within the integrity and consideration of the neighborhood's wishes and good building practices; that they are really wary of a person who promises one thing and then does another which is why people are so upset because they have seen what can happen as it has happened on their street before. She stated that plans for the condos included a tree screen and that is not there. She stated Mr. Wise promised everyone no roofs would be seen and all they can see are rooftops; that this is someone who says one thing and does another consistently and that is what they are worried about.

In rebuttal, Atty. Alt stated that he would like to focus on the question of the R-3; that if it is a vacant lot, as he understands, under the provision it can be used for multi-family, so really what we are weighing is a vacant house vs. a vacant lot. He asked the Council to reflect on that and consider whether under the circumstances it creates any sense of logical fairness.

At this point Chairman Page declared the public hearing duly closed.

Councilwoman Bennett stated that she would vote to approve the recommendation from the Planning Commission and knows how long and how open and inclusive discussions have been over the last year or so; that this actually has been part of a larger North Shore study. She stated zoning is about the only tool the older neighborhoods have to offer as protection for decent housing. She stated one of the spokespeople said often times people do not buy in a neighborhood if they do not understand the zoning around them and what can happen; that they expect what they see on the outside to be what they will be able to actually produce. She stated knowing what she knows about how inclusive this process has been, this simply gives evidence of the level of interaction between the neighborhood and developer and also leaves the door open if zoning is changed it is not considered a spot zone. She stated that this really does give the best and fairest of both worlds. At this point she **made the motion to approve on first reading.**

Councilwoman Robinson seconded the motion and stated that they have worked for a long time with a large number of people from the North Shore in developing this Plan.

REZONING (Continued)

Councilwoman Robinson continued by stating that she has said before much of Chattanooga was developed historically as R-2 and R-3 in the early days where there were needs particularly in that area for multiple family homes, but, in fact, what has happened particularly on Forest Avenue, some of the large homes that were formerly rooming houses have been taken and lovingly restored at great expense to single family. She stated the question about the home on the lot is that it has been R-1; that it has been single family for decades, some 30-to-40 years, and some people can not remember when it was not an R-1 home and, again, very beautifully restored to what it is today. She stated there is no question in her mind that that beautiful home in that strategic location on Forest Avenue near Walnut Street with the beautiful yard and surrounded by beautiful homes would sell for a whole lot. She stated that she does not know what anybody paid for that home over there, but she could tell everyone that is an area where that home is a good investment for someone as R-1. She stated she does not see any reason to tear it down and build condominiums that would not be in keeping with what the neighborhood is becoming and what people here tonight are making it become; that this is why they are making their investment. She stated that she supports this wholeheartedly!

Councilman Benson stated that he has his own principles against downzoning somebody's property rights. He stated that he voted to exclude the Wise property last time because he was the only one that did not agree to downzoning. He stated then he looked into the past and what is in the past is prologue and it scares him; that what we do not downzone scares him and what will happen on Forest scares him so much he will have to disavow his principle tonight and go for the greater good and say the greater good outweighs much more. He remembered previous votes and noted that it is his thought he voted for downzoning Shepherd as they proved they were really doing a good job of bringing the community back and thinks the greater good prevails there. He stated in the Fortwood issue he voted against it because he was not convinced those people have property presently zoned that is justified; that he is in conflict with those two. He stated over here he started out trying to stick with his principle in practicality and task quality for construction and seeing what the present community is doing and how much it will hurt them, it will hurt them if this becomes a high density situation, which is why he has to vote for the motion.

REZONING (Continued)

2007-222: City of Chattanooga

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC R-1
RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE
AND R-4 SPECIAL ZONE PROPERTIES WITHIN THE NORTH SHORE
ZONING STUDY, PHASE ONE, MORE PARTICULARLY DESCRIBED HEREIN,
TO R-1 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-3 RESIDENTIAL
ZONE WITH CONDITIONS AND R-4 SPECIAL ZONE WITH CONDITIONS,
SUBJECT TO SAID ZONING STUDY**

passed first reading; **Councilman Rico** voted "no".

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, SECTION 31-325, LANDFILLING REQUIREMENTS IN
CERTAIN RESIDENTIAL AREAS**

was deferred one week.

APPROPRIATION

Councilman Pierce asked what this is about.

Adm. Daisy Madison stated that this is coming through as a normal agency allocation to Siskin to support an annual event they have.

Councilman Pierce asked if this is something we normally do.

Adm. Madison stated this has been done for a number of events we have in the city such as the Urban League's annual dinner. She stated it is not uncommon, reiterating that it has been done for a number of events for nonprofit agencies.

Councilman Benson stated that it seems like a discretionary action. Adm. Madison stated it is discretionary in that the Council has to approve.

Councilman Benson stated that he wished there was some kind of framework and asked how much money is there to do these things; that he would like to see us go about better business.

APPROPRIATION (Continued)

Adm. Madison expressed that she understood; that the matter could be addressed in a more comprehensive way during the budget process.

Councilman Benson stated that he would like to see this done in a better businesslike manner; that he does not know how they can be turned down and approve them and then leave it to the Council to make a decision.

Councilman Pierce stated that he wants to know who qualifies and all who are funded.

Councilman Benson stated there are so many good things that are done by agencies like Big Brothers and Big Sisters; that we all have our favorites.

Adm. Madison stated that this would be looked at comprehensively in the 2009 budget year.

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO SISKIN HOSPITAL THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) TO SUPPORT THE 5TH ANNUAL SISKIN INSTITUTE'S POSSIBILITIES LUNCHEON TO BE HELD ON FEBRUARY 13, 2008

passed first reading.

AMEND CITY CODE

On motion of Councilman Franklin, seconded by Councilman Rico,
AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTIONS 2-544, 2-545 AND 2-546, REGARDING NOTIFICATION PROCEDURES FOR UNCLAIMED PERSONAL PROPERTY, METHOD OF DISPOSAL OF UNCLAIMED PERSONAL PROPERTY, AND DISPOSITION OF PROCEEDS FROM SALES OF UNCLAIMED PERSONAL PROPERTY

passed first reading.

CLOSE AND ABANDON

MR-2007-203: City of Chattanooga c/o William Payne

Councilman Pierce inquired as to the location of the sewer line on Asbury Park.

CLOSE AND ABANDON (Continued)

Adm. Leach stated that the location is at the intersection of I-24 and Central Avenue, in the southeast corner of the intersection. He stated there are two sewer lines that have been replaced by another sewer line and this will open up the corner of the intersection at Central Avenue and I-24 for the developer.

Councilman Pierce asked for clarification if this would open the corner up for development. Adm. Leach stated that it would open up for the developer.

Councilman Pierce asked if Asbury runs that far up. Adm. Leach responded "yes".

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING A TWENTY-FOUR INCH (24") SANITARY SEWER LINE AND SEVENTY-TWO INCH (72") CSO LINE EASEMENT ON PROPERTIES LOCATED IN THE 2800 BLOCK OF ASBURY PARK, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

GRANT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, ACCEPT A TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION GRANT JOINTLY WITH HAMILTON COUNTY, TENNESSEE, TO DEVELOP A VISITORS' CENTER AT ENTERPRISE SOUTH NATURE PARK, AND AUTHORIZING THE CITY'S SHARE OF LOCAL MATCHING FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00)

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A NON-FINANCIAL PARTNERSHIP AGREEMENT WITH THE SIGNAL CENTERS FOR THE PURPOSE OF ESTABLISHING A WORK EXPERIENCE PROGRAM THROUGH THE VARIOUS WORKING DIVISIONS OF THE DEPARTMENT

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT WITH THE CHATTANOOGAN FOR USE OF ITS FACILITIES TO HOST THE 10TH ANNUAL PROFESSIONAL CODES CONFERENCE SCHEDULED FOR AUGUST 14-15, 2008 IN AN AMOUNT NOT TO EXCEED TWENTY-THREE THOUSAND DOLLARS (\$23,000.00)

was adopted.

EXTEND CONTRACT

Councilman Pierce stated that this program was instituted a year ago.

Adm. Beverly Johnson stated that it was not a year ago, that it may seem like it. She stated that it was September 2007 when the process began; that they did get very close to completing the process by December but the consultant had personal tragedies that caused the delay and an extension of the contract is needed. She stated a draft plan should be coming before the Council within thirty days; that the final project should "roll out" on or before April 1.

Councilman Pierce inquired as to the inspections. Adm. Johnson explained that all eighteen neighborhoods have been inspected for vacant properties and lots. She stated that they were all "windshield" or "sidewalk" inspections, none were interior.

Councilman Pierce stated that he did not realize this was on the agenda; that he wanted to ask Adm. Johnson about this program as he had not heard anything else.

Adm. Johnson stated that the expectation was for completion at the end of last year but due to unexpected and unforeseen circumstances it was not.

Councilman Pierce stated that he knows the job will get done.

Councilman Benson stated that this matter was discussed in Committee today.

EXTEND CONTRACT (Continued)

On motion of Councilman Rico, seconded by Councilwoman Bennett,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO EXTEND THE CONTRACT WITH J-QUAD PLANNING GROUP TO CONDUCT PROPERTY CONDITION SURVEYS AND DEVELOP RELATED PROGRAM INITIATIVES FOR EIGHTEEN (18) SELECTED NEIGHBORHOODS THROUGH APRIL 1, 2008 AT NO ADDITIONAL COST

was adopted.

AMEND RESOLUTION 25370

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION AMENDING RESOLUTION NO. 25370, ENTITLED "A RESOLUTION DECLARING AS SURPLUS TRACTS OF LAND LOCATED IN THE 1100 BLOCK OF LINDSAY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE," SO AS TO CORRECT THE LEGAL DESCRIPTION IN SAME

was adopted.

RESOLUTION OF SUPPORT

Councilwoman Gaines explained that this Resolution simply supports the 28th District's application to the federal government for a loan for one million dollars to help underwrite the cost of an addition to one of their facilities in the Bushtown community. She stated no matching funds are needed, reiterating that it is just a Resolution of support.

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson,

A RESOLUTION SUPPORTING THE APPLICATION OF THE 28TH LEGISLATIVE DISTRICT COMMUNITY DEVELOPMENT CORPORATION FOR FEDERAL FUNDING TO ASSIST WITH THE COST OF RENOVATING A STRUCTURE LOCATED AT 815 NORTH HICKORY STREET IN THE BUSHTOWN COMMUNITY TO HOUSE A RESOURCE AND ENTERPRISE COMPLEX TO PROMOTE LOCAL ECONOMIC GROWTH BY PROVIDING IMPORTANT SERVICES AND OPPORTUNITIES TO THE RESIDENTS OF THE BUSHTOWN COMMUNITY AND CHATTANOOGA AS A WHOLE

was adopted.

DECLARE SURPLUS

MR-2008-008: City of Chattanooga c/o Dan Thornton

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION DECLARING A SURPLUS PROPERTY LOCATED AT 730 CHESTNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted.

OVERTIME

Overtime for the week ending February 1, 2008 totaled \$81,294.72.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **DARRELL BURT** – Promotion, Captain, Pay Grade F4A/Step 8, \$50,820.00 annually, effective February 1, 2008.
- **DARRYL MANIS, THOMAS MIDDLEBROOKS, ARLES SIMMONS** – Promotion, Captain, Pay Grade F4A/Step 6, \$47,099.00 annually, effective February 1, 2008.
- **JOHN IVES, MICHAEL THOMAS, GRAYLING WILKES** – Promotion, Lieutenant, Pay Grade F3A/Step 5, \$39,007.00 annually, effective February 1, 2008.
- **JONATHAN LEHMAN** – Promotion, Lieutenant, Pay Grade F3A/Step 4, \$37,504.00 annually, effective February 1, 2008.

CHATTANOOGA POLICE DEPARTMENT:

- **THOMAS FEATHERS** – Resignation, Police Services Technician, effective January 31, 2008.
- **LILY LESLIE** – Retirement, Secretary, effective January 31, 2008.

PERSONNEL (Continued)

- **BARRY BURNS** – Military Leave, Sergeant, effective February 5, 2008 – February 3, 2009.
- **SCOTT DELAP** – Hire, Property Technician, Pay Grade 7/Step 2, \$24,060.00 annually, effective February 1, 2008.
- **BREVIN M. CAMERON, CHRISSEY J. STANCIL** – Hire, Communications Officer, Pay Grade 11/Step 1, \$28,010.00 annually, effective February 1, 2008.
- **GENE HASS, LEE STEWART** – Retirement, Sergeant, effective February 1, 2008.

OFFICE OF MULTICULTURAL AFFAIRS:

- **JAMES PIERCY** – Hire, Compliance Officer, Pay Grade 17/Step 7, \$45,000.00 annually, effective February 1, 2008.
- **SOLOMON HATCH** – Hire, Community Specialist, \$38,000.00 annually, effective February 1, 2008.

PUBLIC WORKS DEPARTMENT:

- **GREGORY HEROLD** – Hire, Engineering Designer, Engineering, Pay Grade 17/Step 5, \$42,623.00 annually, effective January 18, 2008.
- **DENNIS MARSHALL** – Family Medical Leave, Crew Worker Senior, City Wide Services, Pay Grade 5/Step 11, \$31,322.00 annually, effective January 29 – April 21, 2008.
- **MICHAEL L. DAVIS** – Promotion, Automated Garbage Collection Equipment Operator, City Wide Services, Pay Grade 9/Step 6, \$31,704.00 annually, effective January 4, 2008.
- **EARNEST M. FISHER** – Promotion, Crew Leader Senior, City Wide Services, Pay Grade 9/Step 3, \$27,968.00 annually, effective January 25, 2008.
- **ANTHONY D. CUNNINGHAM** – Suspension (2 days without pay), Automated Garbage Collection Equipment Operator, City Wide Services, effective February 4-5, 2008.

PERSONNEL (Continued)

INFORMATION SERVICES:

- **DAVID J. CAMMILLERI** – Resignation, Programmer, effective February 12, 2008.
- **THOMAS A. CLARK** – Resignation, Programmer, Sr., effective February 12, 2008.

PURCHASE

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

PIPING SUPPLY CO. (Best complete bid for Items 1-4)
R0105526/B0004778

Gas Piping

\$10,760.70

NEIGHBORHOOD LEADERSHIP INSTITUTE

Adm. Johnson stated that the second class of the Neighborhood Leadership Institute will begin soon and noted that each Council member will receive a packet of information regarding the class. She stated that the one page applications are available and are due back in the Neighborhood Services office on March 4. She stated all of the information would be offered to each Council member through Mrs. O’Neal for placement in their respective mailboxes. She stated if there are questions to please call the office.

HOTEL PERMIT

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following hotel permit was approved:

LAMAR’S, 1020 East M. L. King Boulevard, Chattanooga, TN

AWARD ACCEPTANCE AND EXPENSES

Assistant Chief Mike Williams stated that approval is requested for Sgt. Austin Garrett to travel to Nevada to accept an award of \$1,000.00 on behalf of the Police Department's Auto Theft Unit for outstanding work in recovering stolen property. He stated national recognition was received for recovering several million dollars worth of stolen rental construction equipment last year and Sgt. Garrett is going to accept the money they are awarding on behalf of the Department.

City Attorney Nelson explained that the officer is going to Nevada and will have expenses paid by the group making the award and because he is getting personal benefits offered, it was thought it would be best to get a motion from the Council to approve.

Chief Williams stated that everything is paid for; that all expenses will be paid.

On motion of Councilwoman Robinson, seconded by Councilman Franklin, approval was duly given for Officer Garrett to accept the \$1,000.00 award on behalf of the Department, as well as personal benefits of an all expenses paid travel arrangement.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Police Department:

DUNCAN SOLUTIONS (Sole source)
R0105444

Parking Enforcement Handheld Computers & Accessories per TCA 6-56-304.6

\$19,700.00

REFUND

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund of stormwater fees and/or property taxes:

DONEGAL, LLC -- \$9,574.26

COMMITTEES

Councilwoman Bennett scheduled a **Budget, Finance and Personnel Committee meeting for Tuesday, February 12, immediately following Legal and Legislative.**

Councilman Benson stated that the **Legal and Legislative Committee is scheduled to meet on Tuesday, February 12 at 3 p.m.** for a discussion on the Transportation Ordinance and the Fire and Police Pension Board composition, noting that retirees have asked to be represented (on the Board). He stated that the Taxi Board will meet on Thursday at 3:30 p.m. and encouraged interested Council members to attend in an effort to expedite Council deliberations.

Councilman Franklin scheduled meetings of the **Economic Development Committee for Tuesday, February 19 immediately following Public Works** and the **Parks and Recreation Committee for Tuesday, February 26 immediately following Legal and Legislative.**

DISTRICT 6 ELECTIONS

City Attorney Nelson stated a new Council person from District 6 will be elected tonight and the Election Commission will have to meet to certify the results of the election and when they do that then, at the next Council meeting, that individual can be sworn in.

COUNCILMAN FEELY'S TENURE ON THE COUNCIL

Chairman Page addressed Councilman Feely and stated as Chairman of the Council he wanted to take this opportunity before everyone to acknowledge that he has really enjoyed working with him; that he is a fine example of how to speak up, lead and become involved with the community. He stated if there could be a vote he would vote to keep him here! He stated that it has been great to work with him and expressed hope that he would continue to come around. He stated that he knows he will be there to assist the next person through the transition.

ELIZABETH RAY

Elizabeth Ray stated that she was present representing a group of citizens concerned about Ordinance 12039 requiring a \$25 permit for fifteen or more persons to gather in a public park.

ELIZABETH RAY (Continued)

Ms. Ray thanked Council members for listening to her and asked that they be viewed as citizens; that they are of voting age and their concerns are not based on a class project or assignment; that they are actually concerned about this issue and working to try to make it better. She stated that they respect the Council so much for working so hard to make Chattanooga a compassionate place for everyone to have equal rights. She stated what they are simply asking is that Ordinance 12039 be revised so that the fine is dropped and the number of people required for the permit be increased to 50. She stated that they were asked last week to study the Chicago case which dealt with a similar issue with regard to permits and assembling; that the Chicago case was for 50 people, a much larger group, and dealt exclusively with First Amendment rights. She stated their issue encompasses a much larger issue than only the First Amendment; that they are also concerned about full protection as insured by the Fourteenth Amendment. She stated their purpose is not to come here and have the Council think they are their enemies or someone opposed as they respect them too much as fellow citizens. She stated that they are only asking the Council to listen and will continue to come back; that they represent a much larger group of citizens than just the students coming with her and will be getting involved with the local and national media organizations and a larger group of Chattanooga citizens. She stated they will continue to pursue this issue.

GARY BALL

Gary Ball stated that he was present representing Ridgedale and a person from Ferger Place; that he wanted to share how situations that occur here have some citizens feeling slighted and mistrusting what happens down here. He stated that he was in a meeting earlier and wanted to read what was said at an M. L. King meeting last month which indicated that the M. L. King area has a preponderance of services, referencing a concern about the plan to build a large homeless campus on Eleventh Street. He stated among other things the campus could include shelters, one stop services and a place for the Interfaith Homeless Network. He stated that he sat in the meeting today and heard the Council say they would honor a commitment by the city to put it down there, and they are here because there is no plan other than a study that does not do anything but set up committees that do not include business owners and residents who are going to be affected by this. He stated they are here because they are hearing that the Eighth Street facility and the Union Gospel Mission are moving; that they have been sold and big money was made; that it was said today that they are not moving to the Farmer's Market site.

GARY BALL (Continued)

Mr. Ball stated that he is in a neighborhood where they have fought and fought about crime and all kinds of issues; that they have large vacant properties and it appears that because there is no leadership from the top in how to get all the people together and get a plan together so as not to have them scattered further throughout the city and all over the place, they will end up as the recipients of some of these projects because of the Council's statement earlier about zoning. He stated there is nothing they can do about it but sit back and grin and bear it. He stated that he would like for Councilmen Pierce and Rico to listen to them as they are concerned about it and asked that they champion this situation and bring this out of some vacuum and bring together the people who are going to be affected into the discussion.

Councilman Pierce stated that he talked with Mr. Ball earlier this afternoon and expressed appreciation for his comments and noted the things Mr. Ball spoke of are right. He stated that he noticed the two pieces of property have been sold and the vendors are looking elsewhere for property. He stated as Councilman Benson explained all we are doing is leasing property for one dollar per year and he (Pierce) is certain they would like that after making a good profit off the property they previously owned and go to other areas. He stated they are not looking at the Farmer's Market and are looking at other parts of the city and we will go through the same thing again with trying to be located in some other area rather than where a homeless shelter has been declared. He stated that was the reason he asked today if it had been zoned and does not know if the homeless shelter is or not. He stated that he has not seen a plan for the property and until he sees that plan he will get out and fight it.

COMMENTS BY COUNCILMAN FEELY

Councilman Feely stated barring any unforeseen circumstances this might be his last Council meeting and would come back to visit and sit in the back where his wife and daughters are. At this point, he introduced his wife, Marie, and their daughters, Sarah and Mary, and noted that he wanted to say two things. He stated that he is proud of the students who have been coming for the last four Council meetings and speaking about Ordinance 12039; that he did not know that much about it before and is glad they got up and spoke. He stated that he is glad people come to the meetings as a democracy is run by the people who show up. He stated that his time on the Council has not only been a real education but a real blessing; that he has learned from each Council person and would miss them. He stated that he heard Councilmen Bennett, Benson and Robinson speak eloquently tonight about the battle between individuals and community rights.

COMMENTS BY COUNCILMAN FEELY (Continued)

Councilman Feely stated that it has been an honor and a blessing to serve and would miss everyone. He expressed hope that in his brief interim of 84-85 days he has been able to be a good bridge from the last Council person to the next Council person who he trusts will do a great job. (Councilman Feely received a standing ovation at the conclusion of his comments.)

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, February 12, 2008 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)**