

**City Council Building  
Chattanooga, Tennessee  
April 11, 2006  
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Page, Pierce, Powers, Rico and Rutherford 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, Rev. Charlene Boone, Pastor of Warren Chapel AME Church, gave invocation.

#### **MINUTE APPROVAL**

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

#### **ELECTION OF OFFICERS**

Chairman Robinson declared the floor open for nominations for the office of Chairman of the Council.

**Councilman Benson nominated Councilman Leamon Pierce as Chairman; Councilman Page seconded the motion; the motion carried.**

City Attorney Nelson stated Chairman Pierce is an "old hat" at this as this is not his first time serving as Chairman; that it is his second time around. He expressed his hope that Chairman Pierce would do as good a job as he did the last time. He stated as the Chairmanship rotates, it is his pleasure to present the new chair with his own gavel.

At this point Chairman Pierce opened the floor for nominations for the office of Vice Chairman.

## ELECTION OF OFFICERS (Continued)

Councilman Franklin nominated Councilman Dan Page; Councilman Powers seconded the motion; the motion carried.

## HAPPY BIRTHDAY!

Councilman Page stated this is Chairman Pierce's birthday and wished him happy birthday!

Chairman Pierce stated that this is a great day as it is his 65<sup>th</sup> birthday and he became an official senior citizen today!

## SPECIAL PRESENTATION TO NELLIE WHITE

Mayor Littlefield stated that it is an honor and privilege for him to recognize a unique, very special citizen who left his mark in this community. At this point he read from a prepared certificate outlining life reflections of Carl Eldridge White which has been spread upon the minutes:

### *Life Reflections of Carl Eldridge White*

***CARL ELDRIDGE WHITE was born August 13, 1920 in Chattanooga, Tennessee. He was the son of the late Mrs. LaFrieda Pope White Green and Mr. William White and the grandson of the late Rev. and Mrs. Eldridge Leslie Pope. He was preceded in death by his only sister, Mrs. Willie Pearl (Dubois) Ross of Detroit, Michigan. He married Nellie Lee Clark, August 31, 1947 and their loving union lasted fifty-six years.***

***He was educated in the public schools of Chattanooga, Tennessee, attended Tuskegee Institute, a graduate of Tennessee State University (B.A. and M.A.) and an Army veteran who served in World War II. He taught in the public schools of Chattanooga, Tennessee and began his career as a classroom teacher and eventually became the first African-American driving instructor in the Chattanooga area. His interest and expertise in educational administration led to an initial appointment as Principal of Fort Cheatham School and later Calvin Donaldson School where he served for thirty years.***

***As a faithful and dedicated member of Warren Chapel AME Church he served in various capacities. Carl was a former member of the Trustee Board, the senior choir, in recent years a member of the Steward Board and found much joy in attending Bible study weekly.***

**SPECIAL PRESENTATION TO NELLIE WHITE**  
**(Continued)**

***He was an ardent supporter of the church scholarship program and took pride in his chairmanship of the Geneva Walker Scholarship Fund.***

***Carl was a loyal Life Member of Kappa Alpha Psi Fraternity, a member of the Central YMCA, where he served a term on the board, a former member of the Volunteers Club and the City of Chattanooga's Human Rights/Human Relations Board. He was also extremely active in community affairs, especially where it impacted the youth of Chattanooga and was a former sponsor of the Dukes Social Club. Carl was an avid reader, computer hobbyist, toastmaster, joke collector and physical fitness enthusiast who enjoyed swimming at the "Y". He loved gospel, blues, jazz, classical and religious music. Known as a "People Person" the motto that he lived was, "If I can help somebody along the way then my living will not be in vain".***

After reading the framed certificate signed by himself and Chairman Pierce, Mayor Littlefield presented it to Mr. White's widow and son, Nellie and Clark White, and noted that Frederick Street will be renamed to Carl White Place in honor of Carl.

At this point he asked others present along with Mrs. White to stand. Several within the room stood and were recognized with applause.

Councilman Benson stated that he had the joy of working with Carl for three years; that he and Commissioner Franklin worked together for a long time and it was a pleasure to be around him. He stated he is blessed by having known him.

Rayburn Traughber stated any time an issue involving Carl White comes up there is always a story! He stated the Frederick Street project was an outgrowth of a project called Safe Walk and several years ago, with support from the state and city, they wanted to improve the safety capacity for kids walking to and from Calvin Donaldson School. He stated the city made a commitment of almost \$2.5 million and noted that the City Council does things they do not get credit for. He stated in finding footprints of children, they hired retired educators to actually follow the patterns of children; there were two retired teachers, one retired engineer and one retired principal and that principal was Carl White. He stated everyone in attendance can imagine that Carl White worked for him! He stated that it is fitting for this name change to take place in a neighborhood that has changed and with the City Council's support Phase I is complete, Phase II is in the process of being accomplished, now, and Phase III will begin this summer. He stated this is an outstanding recognition for an individual who had a commitment to this community.

**SPECIAL PRESENTATION TO NELLIE WHITE**  
**(Continued)**

Chairman Pierce stated his relationship with Carl White began in the fourth grade and after telling everyone how old he was earlier in the meeting everyone knows how long ago that was! He stated Mr. White helped mold him into what he is today; that he was the "baddest" kid in the neighborhood and could recall on a daily basis that Mr. White would jump from his desk at lightening speed and run to him, grab him and shake both shoulders! He stated in later years they became the best of friends and he wished so much he could be here today to see what is taking place. He stated he does not know of a more deserving person than Carl. He expressed to Mrs. White and her son, Clark, his appreciation for letting Carl be to everyone what he was over the year.

Nellie White expressed heartfelt appreciation and grateful thanks from the bottom of her heart and stated that the Lord has truly helped her family cope with their loss. She stated they are deeply moved that the City Council of Chattanooga had chosen to honor Carl's legacy and service to this community. She stated Carl was a devoted husband, father and grandfather and all loved him dearly and miss him very much. She stated the family thanks Councilman Pierce for spearheading this effort along with all the members of the Council and especially Mayor Littlefield; that she knows Carl is smiling down on each of us. She stated the word "no" was never in his vocabulary as he had a ready smile, gave of himself freely and was always helping others, the old and the young. She stated her son Clark is present with her and her daughter was not able to come as she lives in Columbus, Ohio. She thanked everyone for coming and noted it was good to see so many friends, church members, relatives, everyone, thank you so much for this!

Chairman Pierce expressed thanks to Adm. Beverly Johnson and Council Clerk Carol O'Neal for the part they played in the success of this presentation.

Virginia Roberson stated years ago Carl was instrumental in getting the Follow-Through Program at Calvin Donaldson as he was always interested in the children. She stated it was mentioned to him to do a May Day play which was very successful and continued for many years playing before a large crowd. She stated Carl was truly dedicated to Calvin Donaldson School.

## REZONING

### **2003-079: William Walters**

The applicant was present; there was no opposition.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this request was deferred indefinitely until a site plan was submitted and a developer could be found for the property. He stated the property is located in East Brainerd in Councilman Benson's district and there is now a site plan and buyer for the property. He stated that the site plan shows an office building and how it will look when completed. He stated approval is recommended for office use only.

Councilman Benson stated that he met with the developers and in looking at the site plan curb cuts appear to be on Igou Gap.

Mr. Pace stated "no"; that the curb cuts are not all the way back as there is another property in between.

Councilman Benson stated it was his understanding there would be no curb cuts.

Mr. Pace stated that this does not touch Igou Gap; that there are two entrances and the road to the north is at the top of the map.

Councilman Benson again inquired as to Igou Gap.

Mr. Pace stated this does not go back to Igou Gap.

Chairman Pierce stated the minutes will reflect there are no curb cuts on Igou Gap.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 7214 JARNIGAN ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

### **2005-016: Park Mills Property 2, LLC/Park Mills Property 3, LLC**

Pursuant to notice of public hearing, the request of Park Mills Property 2, LLC/Park Mills Property 3, LLC to rezone tracts of land located at 435, 437 and 439 Manufacturers Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in North Chattanooga in the north shore area along Manufacturer's Road. He stated a large portion is zoned M-1 industrial with C-3 and C-7 across the street and adjacent, respectively. He stated the proposal is for a complex of stores including a grocery store. A conceptual drawing of the development was displayed by Power Point. He stated a Greenlife grocery store will be part of the project and there would be three curb cuts along Manufacturers Road to accommodate the trucks that would go in the rear. He stated there is one exit onto the west end of the property for vehicles to exit and the request is recommended for approval by Planning and Staff with several conditions that are attached to the ordinance. He stated a meeting was held with the developer, community and Council person for the area.

Chairman Pierce asked the applicant if he agreed with the conditions.

The applicant stated that he would request one condition be lifted regarding the restriction on the access from 26 feet to 42 feet on two access roads and one exit only. He stated he is also amenable to the addition to the change to assure any drive thru buildings will front Manufacturers Road.

Chairman Pierce stated that the Staff recommended the conditions and rather than ask if the applicant agrees he asked if he would accept the conditions. The applicant responded "yes".

Mr. Pace stated that there was a meeting with the developer, the Design Studio and Staff; that while at the Planning meeting the road was referenced to accommodate vehicles and traffic. He stated large trucks will be going into the site and the turning radius and width of the exits need to be widened. He stated the applicant is asking to alter the condition from 26 feet to 42 feet for the width of the driveway. He stated they agreed with the changes as they are not dramatic (changes). He stated the conceptual plan is still in place and the first condition should be amended to delete the word "attached" and add "*conceptual*".

**REZONING (Continued)**

Mr. Pace stated whenever an engineer has to change a building and move roads if the words "attached site plan" is included they are bound by that. He stated there will be a building with a drive-through and as has been done in the past for development along Frazier it is not really a fast food drive-through, but a bank will be accommodated with a drive-through.

Mr. Pace clarified the parking condition should read: *"Curb cuts will be limited to (2) driveways with a maximum width of 42' to accommodate truck access and turning lanes for vehicular traffic and one (1) exit only driveway located on the western side of the property fronting on Manufacturers Road."* He also noted that condition "F" should be amended to read: *"For any businesses with a drive-through, the primary building must front Manufacturers Road as opposed to the drive-through"*.

Chairman Pierce stated the matter could be approved on first and the amendments added prior to next week. Mr. Pace indicated that is what they want to do.

On motion of Councilman Powers, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 435, 437 AND 439 MANUFACTURERS ROAD, MORE  
PARTIUCLARLY DESRIBED HEREIN, FROM M-1 MANUFACTURING ZONE  
TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2006-040: Hickory Land Company, LLC**

Pursuant to notice of public hearing, the request of Hickory Land Company, LLC to rezone a tract of land located at 4251 Benton Drive came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located on 153 near the Dam for M-1 zoning. He stated the recommendation from Staff and Planning is for approval.

**REZONING (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 4251 BENTON DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1  
MANUFACTURING ZONE**  
passed first reading.

**REZONING**

**2006-045: James G. Farrow**

Pursuant to notice of public hearing, the request of James G. Farrow to rezone a tract of land located at 2904 North Chamberlain Drive came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in East Chattanooga and when the downzoning of the area was approved it was noted in the plan if there were a desire to be rezoned back to R-2 it would meet the intent of the plan and be considered for rezoning. He stated the existing house that is a duplex lost its grandfather clause and the owner now wishes to reuse the property as a duplex again. He stated Staff and Planning recommend approval for the reuse of this house for a duplex.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2904 NORTH CHAMBERLAIN AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-  
2 RESIDENTIAL ZONE**  
passed first reading.

**AMEND CONDITIONS**

**2006-052: James Raymond**

Pursuant to notice of public hearing, the request of James Raymond to amend conditions numbers 1 and 4 imposed in Ordinance No. 11348 (Case No 2002-155) on a tract of land located at 4502 Oak Hill Road came on to be heard.



**AMEND CONDITIONS (Continued)**

The applicant was present; there was no opposition.

Mr. Pace stated the request has been made to defer this one week to allow for a discussion with the applicant.

**Councilmen Rico and Rutherford made the initial motion to defer this matter one week.**

Councilman Page stated he wanted to make sure all “were on the same page” as the applicant was told to pursue the matter with the engineer and work this out regarding Oak Hill. He stated the matter could be approved on first reading and “cleaned up” prior to next week.

Mr. Pace stated if it is the pleasure of the Council it could be passed on first reading.

Councilman Page stated the City Engineer and Traffic Engineer are to look at the plans to see if they are in agreement.

**At this point Councilmen Rico and Rutherford withdrew their motion and second to defer.**

Councilman Page stated he would work with the applicant on a final plan along with the City Engineer and Traffic Engineer as there is a small road in question.

Councilman Benson stated that he did not see any problem with this and it could be deferred and pass on it next week and then defer until the homework is done on it.

Councilman Page stated it would work to pass it on first reading tonight and work everything out prior to next week when it comes before the Council on second reading.

On motion of Councilman Page, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITION  
NUMBERS 1 AND 4 IMPOSED IN ORDINANCE NO. 11348 (CASE NO.  
2002-155) ON A TRACT OF LAND LOCATED AT 4502 OAK HILL ROAD,  
MORE PARTICULARLY DESCRIBED HEREIN, AND IMPOSING TWO (2)  
ADDITIONAL CONDITIONS**

passed first reading.

## REZONING

### **2006-053: Danny & Charlene Lamons**

Pursuant to notice of public hearing, the request of Danny & Charlene Lamons to rezone a tract of land located at 7116 Bonny Oaks Drive came on to be heard.

Mr. Pace stated this request is currently R-1 and is located in the Bonny Oaks area; that the request is for O-1 for an office near Kirkman Road and the site plan for the building was displayed. He stated there is R-1 across the street and the area is R-1, basically. He stated the Planning Commission recommends approval and Staff recommended denial of the O-1.

Councilman Franklin stated as he looks at the map this property is completely surrounded by R-1 and he is certain that is part of the problem for Staff's recommendation for denial. He stated it appears everything else is zoned R-1 and noted this would set a precedent for this vicinity. He asked what is required in the R-4 zone in the event that zone could be considered tonight.

Mr. Pace stated R-4 is what is recommended for office use only; that the Staff looked at it as setting a precedent for the Bonny Oaks and Lee Highway area and Enterprise South as it continues to develop to a higher and more intense use. He stated Bonny Oaks is still a heavily traveled two lane road and is dangerous; that this is near the curve.

Councilman Franklin asked Mr. Pace if it is his thought this would be considered spot zoning. Mr. Pace responded "yes".

Councilman Benson stated this came out of Planning without a lot of close deliberation; that it is spot zoning and there is no site plan; that this is a speculative use. He stated this is the district he used to represent and it is a "hot spot" there and will be getting "hotter". He stated a land use plan is needed to see how to work in conjunction with Enterprise South; that the Lee Highway junction is so dangerous and this is a narrow road. He asked if there were anything up-to-date on a plan. Mr. Pace responded "no".

Councilman Benson stated the area will "explode" if we are fortunate and he hopes it will. He suggested that the matter might need to be deferred until the plan comes in to look at the whole picture.

**REZONING (Continued)**

Mr. Lamons stated that he purchased the property three months ago speculating on the KIA plant coming in. He stated there is a house he has rented on a month-to-month basis and plans to use it for an engineering office. He stated he wanted as broad a zone as possible for his clients; that the neighborhood is not really a neighborhood and there was no opposition. He stated to the right is a kennel and 100 yards away is the main line for the Southern Railroad; that his business will not be a high traffic situation and he would not do anything but remodel the interior.

Councilwoman Rutherford stated this is located in her district and asked how the kennel got zoned in there.

Mr. Pace stated it was there when the area was annexed into the city.

Councilwoman Rutherford stated that it has probably been there forever. She stated that she understands everyone's concern about spot zoning; that she also knows this area and really thinks it will go either commercial or business in the very near future. She stated she would certainly like to ask Mr. Lamons if the matter could be deferred to give Planning the opportunity to come up with a land use plan; that she would encourage Planning to look seriously at R-4 and O-1 zoning. She asked if two-to-three months would be adequate time for deferral.

Mr. Pace stated that he would not want to make a commitment without conferring with Mr. Bennett.

Councilwoman Rutherford made the motion to defer the matter until the earliest date a land use plan could be made available for the Enterprise South area.

On motion of Councilwoman Rutherford, 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 7116 BONNY OAKS DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

was deferred until a land use plan could be made available for the Enterprise South area.

## REZONING

### **2006-054: City of Chattanooga by RPA Staff**

Pursuant to notice of public hearing, the request of City of Chattanooga by RPA Staff to rezone tracts of land within the Rossville Boulevard Study Boundary came on to be heard.

Mr. Pace stated this request is part of the Rossville Boulevard study area; that errors were found in mapping numbers; that one area was changed to an incorrect zone and they are asking to go back to the original intent of the Study. He stated the legal description corrects the Staff's error.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED WITHIN THE ROSSVILLE BOULEVARD STUDY  
BOUNDARY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1  
RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE AND C-2 CONVENIENCE  
COMMERCIAL ZONE**

passed first reading.

## REZONING

### **2006-057: Juanita Barbee**

Pursuant to notice of public hearing, the request of Juanita Barbee to rezone part of a tract of land located at 127 Chickamauga Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the East Brainerd area near Airport Road, Chickamauga Road and Lee Highway. He stated there is C-2 on the north near the Lexus dealership, which comes back to Chickamauga Road, and to the north toward Airport Road and Lee Highway. He stated the property across the street from the site looking toward Akins is all residential with houses behind and between, as well as a motel. He stated the landscape area for the Lexus dealership was required to be put in between their development and Chickamauga Road to screen the commercial use from the residential.

## REZONING (Continued)

Mr. Pace stated this request comes with a split recommendation as Staff recommends denial because of the intrusion back into the R-1 zone and Planning recommended approval to rezone or leave 35 feet along the front of Chickamauga as R-1 property as well as other conditions listed in the ordinance. He reiterated the recommendation from Planning is to rezone that front portion.

**Councilwoman Rutherford** stated that she certainly understands this as it is desirable for office, but she can not in good conscious recommend it. At this point she **made the motion to deny the request.**

Atty. John Anderson of Grant, Konvolinka and Harrison was present representing Juanita Barbee. He stated the property is under contract and not purchase. He stated the request for O-1 is for Ms. Barbee's packaging company as she packages containers for corporations. He stated no inventory is kept on the site and there would not be any change in the footprint of the building and the front would be maintained as R-1. He stated the conditions Mr. Pace outlined would be an all intensive use to remain as is; that the buffer along Chickamauga in front would be the same as Lexus has adjacent to it. He stated the property would have landscaping maintained and in its current natural condition; that there would be an adequate buffer to the property behind and would not present any challenges as to constitute downzoning along there. He stated it is significant for the front to remain R-1 and would make it difficult for any use in the future other than what is outlined here. He reiterated that the requirement footprint would not change; that Ms. Barbee is the owner of the business and has two additional employees; that traffic in-and-out would be less than a single family dwelling. He stated there was no opposition at Planning and respectfully requested that the Council approve this request with the conditions put on by Planning.

Councilman Benson stated that he did not think he agreed with Mr. Anderson before, however he agrees with his thinking this time as he thinks he (Anderson) is right! He stated this part was carved out on the part facing Chickamauga which is to be kept R-1 so people across the street can not say they have an office across the street; that there is no R-1 across the street from both sides which sort of buffers it well. He stated the house would have to be kept in its own appearance and is similar to what was done in Applegate. He state he has to agree with Mr. Anderson and supports him.

**REZONING (Continued)**

**Councilwoman Rutherford** stated that she and Mr. Anderson talked about this before Planning and (she) would like to support this. She stated that she has a problem with logistics when across the street the neighbors look over and see an office in this building and she would not try to explain to them the front yard is R-1; that we have already lost Chickamauga from Akins to Lee Highway and we are now getting ready to lose it from Akins down to Brainerd Road. She stated she did not feel comfortable with this and would like very much to support this. At this point she **repeated her initial motion to deny; Councilwoman Robinson seconded the motion.**

Councilman Franklin asked if this is in the flood zone.

Mr. Pace stated this is on one of the higher points along Chickamauga going down from here.

Ms. Barbee stated the second lot is in the flood zone.

Atty. Anderson stated the property that is undeveloped is below the food plain or right at it.

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A TRACT OF LAND LOCATED AT 127 CHICKAMAUGA ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**

was denied by roll call vote:

Bennett	"Yes"
Benson	"No"
Franklin	"No"
Page	"Yes"
Powers	"Yes"
Rico	"No"
Robinson	"Yes"
Rutherford	"Yes"
Pierce	"Yes"

The motion carried.

## REZONING

### **2006-060: Chattanooga Housing Authority**

Pursuant to notice of public hearing, the request of the Chattanooga Housing Authority to rezone a tract of land located at 1 East 25<sup>th</sup> Street came on to be heard.

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

Mr. Pace stated this area involved the old Poss Homes development that was demolished and the site is being readied to market. He stated the applicant wishes to get it rezoned so they could market it to a developer and redevelop it. He displayed photos of the area which showed the cleared site, as well as a church located nearby. He stated the Staff recommends denial and Planning approval of C-2 subject to conditions; that he knows there is the question about speculative zoning, but it is his thought that the matter could be approved on first reading and then deferred until such time as the property can be sold. He stated the deed restriction could have a condition added to help the developer in developing this property like the other C-2 properties in the south side development area.

Councilman Franklin asked if there is some type of planned development for the C-2.

Mr. Pace stated the applicant does not have a buyer; that they want to have the ability to market it and say it is in the process of being rezoned to C-2 for a normal commercial zone for downtown and then come back for second reading; that at that time it can be looked at more closely.

Councilman Powers stated that he has a vested interest as the church in the area happens to be his church and naturally he would want to know what the speculations are.

Mark Rudisill was present representing the applicant and stated that the Housing Authority is a public body and when it does put the property on the market it has to offer uses for public use; that they try to put strict guidelines on development and in this case a redevelopment plan was approved by the Council more than a year ago. He stated they will make certain that the use is consistent with the redevelopment plan as well as the South Broad Street plan.

## REZONING (Continued)

Mr. Rudisill stated in the redevelopment plan adopted by the Council and recommended by the Housing Authority it was actually included as a requirement that any developer under control of the Housing Authority must go through the Design Studio and the Site Plan Review; that they will certainly stay in accord with the spirit of the Planning Staff and Commission's recommendation and be sensitive to the appearance. He stated it is not their intent to speculate as they do have a couple prospects that have made contact and expressed an interest in the property for commercial development. He stated the school system has expressed an interest in a portion of the property but they do not have a formal request from them at this time. He stated it is his thought this would take two-to-three months to actually post the property and market it; that if they put the property on the market in the present zoning they are basically saying it should be residential. He stated they certainly do not think the property would go for residential development as that is the reason they tore it down. He stated they do have a commitment to take back to planning and would not suggest any final reading occur before they can get proposals and have them reviewed by Planning.

Councilman Benson stated that he has never voted on speculation in the last five years and this still seems to be speculative. He stated that he would vote for this with the understanding that he would hate to see the Council go on with second reading until we have specific plans for use. He stated every developer and realtor would like to get everything zoned speculative and that way they are not "tied down". He stated he does not think the Housing Authority should be treated differently however he would go along with first reading.

Councilman Powers stated that he was not satisfied but would not pursue it any further and would wait until the other reading. He stated he would be gone by then but he would come back and visit to make his opposition known if he does not get answers.

Mr. Rudisill stated that makes a lot of sense; that the Housing Authority recognizes that the church is surrounded by this property and they have indicated they would like to work with the church. He stated they have met with Mr. Powers and some of the church Trustees two months ago and they are certainly very sensitive to the church's position. He stated the church was there before they were.

Chairman Pierce asked that Mr. Rudisill to make sure they contact the church before coming back for second reading. He asked the City Attorney how long the matter should be held.



**REZONING (Continued)**

City Attorney Nelson stated that the matter should be held 91 days (13 weeks, July 11).

On motion of Councilwoman Rutherford, seconded by Councilwoman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1 EAST 25<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1  
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO  
CERTAIN CONDITIONS**

passed first reading; Councilman Powers voted no. Second reading will be held on July 11, 2006.

**REZONING**

**2006-061: Richard J. Dorris**

Pursuant to notice of public hearing, the request of Richard J. Dorris to rezone a tract of land located at 5200 Wilson Road came on to be heard.

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

Mr. Pace stated this request is located in the Alton Park area for the expansion of a building. He stated Astec is expanding their business to the north; that there is residential across the street in the Piney Wood community. He stated Planning and Staff recommend approval with conditions as listed in the ordinance.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 5200 WILSON ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1  
MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2006-063: Trafalgar Development Corporation**

Pursuant to notice of public hearing, the request of Trafalgar Development Corporation to rezone tracts of land located at 2414 and 2416 Gunbarrel Road and the 7300 block of Mintom Drive came on to be heard.

**REZONING (Continued)**

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Hamilton Place area and there is one structure presently on the property; that it is a mostly wooden area. He stated the recommendation is for approval with conditions.

Councilman Benson stated there would have been a lot of people in opposition, however the applicant met with forty-plus people and all came away with only one person of the forty saying they approve this. He urged the Council to go ahead and approve this.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 2414 AND 2416 GUNBARREL ROAD AND THE 7300  
BLOCK OF MINTOM DRIVE, MORE PARTICULARLY DESCRIBED HEREIN,  
FROM R-1 RESIDENTIAL ZONE TO R/TZ RESIDENTIAL TOWNHOUSE/ZERO  
LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2006-066: Trafalgar Development Corporation c/o W. Lloyd Stanley, III**

Pursuant to notice of public hearing, the request of Trafalgar Development Corporation c/o W. Lloyd Stanley, III to rezone a tract of land located at 6146 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located across from Sam's, the Sports Barn and the former CBL complex. He stated the request is recommended for approval with conditions; that access points would have to be approved by the City engineer for use as a small animal hospital and office. He stated there is no residential property in the area and this is one of the best locations for a use of this type.

REZONING (Continued)

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 6146 LEE HIGHWAY, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM C-4 PLANNED COMMERCE CENTER ZONE  
TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

REZONING

**2006-074: James T. Conn**

Pursuant to notice of public hearing, the request of James T. Conn to rezone a tract of land located at 1700 Market Street came on to be heard.

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

Mr. Pace stated this is located in the south side across from the new elementary school. He stated the recommendation is for approval from both Staff and Planning with several conditions attached.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1700 MARKET STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3  
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING JOHN A. LEONARD TO USE  
TEMPORARILY THE 200 BLOCK OF BROAD STREET TO INSTALL OUTSIDE  
DINING AND MOUNTED CANOPIES AND THE 200 BLOCK OF MARKET  
STREET TO INSTALL OUTSIDE DINING WITHIN THE CITY'S RIGHTS-OF-  
WAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE  
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

## FINAL PUD

### **2005-117: David Dalton Signature Land Company**

The applicant was present; opposition was in attendance.

Mr. Pace stated this is the final PUD plan for this property; that the Long house was razed several months ago for the development of this new townhouse development and is surrounded by residential properties adjacent to the site. The original and preliminary plans were displayed and Mr. Pace stated in comparison to the final the plan conforms substantially to the original PUD plan, which is one of the requirements. He stated the applicant has met with the neighborhood as late as last week in trying to get support for this development; that one of the points of contention involves the height of the wall surrounding the property which goes from minimal footage to several feet in height around the property due to the terrain of the property. He stated the project will have a mixture of joined units which will sell as individual units, as well as single family houses that will be on single lots with rear access to garages via a parkway down the center. He stated several conditions have been attached to the request which comes from Subdivision Review; that most of them are technical requirements required before the plan can be recorded. He stated there would need to be discussion regarding item 52 of the conditions which deals with the wall; that what was shown on the conceptual plan will change. He reminded Council members that this is a matter requiring only one reading.

Dexter White of Signature Land Company stated that they have gone through the engineering phase and the engineer came out to see what needed to be done with the wall. He stated they have the wall profiled and looked at several materials and are still looking. He stated they are thinking in terms of using an interlocking lock system rather than a large brick structure; that the deepest points are on three corners, one facing East Dallas and Duane Roads and two up on Avon place. He stated the fence is what they do not think would be better to landscape; that changes have been made from "day one" as they are trying to conform to the requests made from Planning and the homeowners. He stated they were originally talking about 30 units and now have 28 units in the complex rather than 30; that the biggest change they felt was trying to get single family homes into the property rather than town homes.

Councilwoman Rutherford stated Mr. Pace mentioned the wall would go from a minimal amount of feet to several feet.

## FINAL PUD (Continued)

Mr. White stated that it varies from 17 feet to one foot as there are a lot of variances and heights which is why they are trying to find the best material to soften the property. He stated part of it was originally laid out and after seeing the height move at the corners they reduced a lot of the height; that they will try to split the curved walls and do some planning to make a softer approach.

Councilwoman Rutherford referenced the 17 feet and mentioned the deepest corners of the property. She asked if Mr. White could give an example of the interlocking wall.

Mr. White stated that the interlocking wall system has several uses; that most of the buildings downtown use big blocks and not interested in the interlocking system at all. He stated as far as an example is concerned there are a couple in the community itself; that there is a big wall in Horizons that is some 22 or 23 feet tall. He stated that the interlocking system is used in golf courses for terracing and it comes in several colors.

Councilwoman Rutherford stated that she voted for the preliminary and approves of what Mr. White is doing. She stated that she has a tremendous concern about a wall that will be 17 feet tall and she personally would like to see more than this before she votes on it. She stated she would like to go out to Horizons to see what Mr. White is talking about.

Mr. White stated that the property rises that much; that it can be split and it is their intention to split the 17 feet and make it two pieces so it does not look as if it rises up to 17 feet. He stated part of that will be done with landscaping to soften the approach and how it looks. He stated the landscape planner works out of Nashville, has all the contours and is working on a detailed landscape plan to soften it.

Brendan Bastable stated it was suggested at a meeting with Signature with their designers they would address some of the concerns. He stated they met with David Dalton last Wednesday and the only plan he had at the time was a plan showing the retaining walls which extend 18 feet high in three areas; that one would be coming up Avon Place, an 18 foot high modular block wall (as high as the sconce lights in the Assembly Room). He stated another would be to the north behind Knickerbocker cottages which is in sharp contrast to the brick wall submitted with the preliminary PUD. He stated that the developer indicated that the wall would be constructed with modular block that is seen in individual and commercial uses. He stated in addition the plan they were presented last Wednesday did not show any landscaping and they do not know what, if any, landscape buffering there will be.

## FINAL PUD (Continued)

Mr. Bastable stated the types of material along the edges are unknown; that their primary concern is the visual impact this development will have on the neighborhood; that they do not feel a modular block retaining wall is an enhancer with their historical homes and neighborhood. He stated there is no landscaping that could soften the stark appearance of a modular block retaining wall. He stated that he questions how the Council can support and approve a vote to allow this high density development without a plan that addresses it.

Richard Ross of 1288 Duane Road stated it is a bad idea in the middle of a street level neighborhood to have 18 foot high modular block walls. He stated it is equally important to say to this Council this will change the exterior view of the PUD. He stated in the minutes of the October 11, 2005 meeting "Councilwoman Rutherford expressed concern regarding the visibility of the garages to Duane Road and asked how they would be addressed". In response to her concern, "Mr. Dalton stated that the detailed drawing shows a wall with fencing and landscaping and the top of that will be five feet above Duane Road with fencing above it and landscaping into it".

Mr. Ross stated he was present today to say the exterior view will be a fort and he is opposed to that; that he would like to go back where the preliminary plan showed a five foot wall. He stated another point is that he understood landscaping would be done on the inside of the alleyway serving the back of the garages; that the alleyway will be without any landscaping in the front and he has a very big problem with that as they will be looking at the back without landscaping. He asked the Council to deny this for a number of reasons.

Mr. White stated that there never was an original type wall on the original plan submitted; that they did not have the property profiled. He stated the landscaping plan has to be submitted. He stated they did not change the width of the alleyway; that the center of the property is getting lower at 18 feet to the actual road level; that the wall is deep only in the corners. He stated the wall would not run 18 feet high; that they want to have five feet of height from that aspect and the landscaping would have to be put together.

Councilwoman Robinson stated this has been a very sensitive area of the Riverview neighborhood which is settled with a lot of very beautiful homes and on the site of a former landmark in the area. She stated this neighborhood and the developer have had a number of meetings and for the most part have been positive from the standpoint of "give and take"; that at the end of the day as the attorney said, has been all about the exterior view to the neighborhood.

## FINAL PUD (Continued)

Councilwoman Robinson stated that it is all about landscaping and buffering and after attempts to save the home to no avail it became apparent this would be developed; that this from the very beginning has been the neighborhood's number one concern. She stated as a matter of fact, the minutes do say preliminary drawings were brought to the Council in October that were detailed drawings that showed fencing and landscaping and that was the plan that was put forth. She stated that she is dismayed to learn there will be an 18 foot high wall; that she is now looking at the height of the sconce lights in the Assembly Room and it does look like a fort; that she is not sure how it matches up and she has a lot of misgivings about that. She stated she is dismayed to hear tonight that there is no landscaping on those three walls centered on front where the entrance is. She stated she would like to know how other Council members feel.

Councilman Page stated that the question he has is that it seems like some details are missing; that the Council has no profile or anything; that in his opinion the Council needs to have more to make a rational judgment. He stated that it is his thought it would be best this be deferred. He stated he would like to know the cost of the design issue as we are talking about this coming from the developer's perspective; that he would like to know if it is cost prohibitive; that there are a lot of unknowns to him right now.

Mr. White stated landscaping will be all around the property; that it is not shown on the drawing. He stated they have a lot of dollars invested in this and a lot in landscaping. He stated they do not plan not to landscape, it is just not submitted as that. He stated the landscaping can be taken care of and he will get a drawing to the Council on that. He stated he could get a copy of the wall profile to the Council so they could see where the corners are deep. He stated the height and corners are easy for them to get a profile for the Council to look at.

**Councilwoman Rutherford made the motion to defer this matter until the Council has drawings and a verbal description of landscaping including irrigation** as it does not good to plant "stuff" if there is no water. She stated that she wants to see a sample of this wall material, which is not part of her motion, and wants Mr. White to escort her around this property. She stated that it is her thought her colleagues might want go to, as well. She stated the matter should be deferred until what she described is presented to the Council; **Councilman Benson seconded the motion.**

Chairman Pierce asked if there could be a date certain as to when this would come back on the agenda.

**FINAL PUD (Continued)**

Mr. White stated probably 30 days.

Councilwoman Robinson asked if that would allow time to see a sample of the wall material. Mr. White stated he could have that for her tomorrow and could bring several different looks.

Councilwoman Robinson stated she would also like to get back to Councilman Page's question about why they are using this particular material instead of what was proposed in the detailed drawing the Council acted upon last year.

Mr. White stated that was written as a suggestion and they did not make a determination of what they could use for the material.

City Attorney Nelson suggested that the matter come back on May 16, the third Tuesday of next month so as not to conflict with zoning night, which would be 35 days.

Councilwoman Robinson stated she would get with Mr. White on tomorrow to arrange a time for those on the Council who would like to tour.

A gentleman in the audience asked if the neighborhood could participate, as well; that they would like to know what the material is also.

Councilwoman Robinson stated she would notify the residents.

On motion of Councilwoman Rutherford, seconded by Councilman Benson,  
**A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS LONGHOLM ON RIVERVIEW PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND LOCATED AT 1112 AND 1154 EAST DALLAS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was deferred until May 16, 2006.

**PRELIMINARY PUD**

**2006-062: Betts Engineering Associates, Inc. for Webb Road Properties, LLC**

The applicant was present; there was no opposition.



**PRELIMINARY PUD (Continued)**

Councilman Page stated there has been communication between the developer and community and there is no opposition to this request.

Mr. Pace stated this request is located in Councilman Page's district along Webb Road. He stated there is RT-1 property adjacent to the property along Webb Road with single family residences, as well. He stated there is a development of townhouses in the area and the recommendation from Planning and Staff is approval with conditions as listed in the Resolution.

On motion of Councilman Rico, seconded by Councilman Powers,

**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS WINDWARD PRESERVE PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 4221 WEBB ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**PROPOSED AND FINAL PUD**

**2006-070: John B. Lowery c/o Wellstone Housing, LLC**

Mr. Pace stated that this request is located in the Mountain Creek area and is a preliminary and final development of a PUD for single family zoning. He stated RT-Z and R-4 is in the area as are several other uses. He stated approval is recommended from Planning and Staff with two conditions that are stipulated in the Resolution.

Councilman Page asked if Councilwoman Bennett has reviewed this.

Mr. Pace stated that the matter has gone through the preliminary which was approved and there were changes required and it went back to planning for another preliminary plan. He stated instead of waiting, a preliminary and final can go through together if there are no substantial changes.

Again Councilman Page asked if Councilwoman Bennett has reviewed this.

Mr. Pace responded "yes".

PROPOSED AND FINAL PUD (Continued)

On motion of Councilman Page, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING A PROPOSED PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS WELLSTONE CREEKSIDE PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 1120 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

GRANTS

On motion of Councilwoman Rutherford, seconded by Councilman Powers,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT TWO (2) SAVE AMERICA'S TREASURES GRANTS FROM THE NATIONAL PARK SERVICE, HERITAGE PRESERVATION SERVICES, IN THE AMOUNT OF SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) EACH, WHICH WILL REQUIRE MATCHING FUNDS OF SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) EACH FOR THE TIVOLI AND MEMORIAL AUDITORIUMS**  
was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. E-06-005-201, 2006 BITUMINOUS PAVEMENT RESURFACING CDBG, WITH HIGHWAYS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$457,000.00)**  
was adopted.

OVERTIME

Overtime for the week ending April 7, 2006 totaled \$12,615.97.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **JOHN G. CENA** – Hire, Plant Maintenance Mechanic, Waste, Pay Grade 11/Step 1, \$26,402.00 annually, effective April 5, 2006.
- **ALONZO TRAMMELL, JR.** – Suspension (3 days without pay), Equipment Operator, City Wide Services, effective April 3-6, 2006.
- **HARRY J. BRADLEY** – Suspension (7 days without pay), Equipment Operator, city Wide Services, effective April 3-13, 2006.
- **ALONZO C. LEWIS** – Lateral transfer, Equipment Operator, Sr., City Wide Services, Pay Grade 8/Step 3, \$25,048.00 annually, effective April 12, 2006.
- **RANDY D. BLEVINS** – Lateral Transfer, Equipment Operator, Sr., Pay Grade 8/Step 11, \$37,529.00 annually, effective April 12, 2006.
- **DAVID GASS** – Suspension (5 days without pay), Crew Supervisor, Sr., Waste, effective April 10-17, 2006.

### CHATTANOOGA FIRE DEPARTMENT:

- **DAVID BROOKS** – Family Medical Leave, Lieutenant, effective April 5 – July 21, 2006.

### CHATTANOOGA POLICE DEPARTMENT:

**KENNETH PHILLIPS** – Retirement, Lieutenant, effective April 5, 2006.

**LISA MYRICK** – Family Medical Leave, Communications Officer, effective March 23 – April 28, 2006.

Chief Vaughn acknowledged the retirement of Lt. Kenneth Phillips after 25 years of service. He stated Lt. Phillips was head of the fingerprint identification division and is seeking employment elsewhere.

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Personnel Department:

**VALUE INCENTIVES, INC. (Lowest and best bid)**  
**R0087259/B0002921**

Employee Service Awards

\$27,888.00

**GRANT**

On motion of Councilwoman Robinson, seconded by Councilman Powers, approval was given to accept a pass through grant for the Chattanooga Police Department in the amount of \$248,301.91; no local matching funds are required. Monies are to be spent by August 31, 2006 and will be reimbursed from Homeland Security.

**REFUND**

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

**EMERGENCY ANIMAL CLINIC**

\$1,590.16

**PURCHASES**

On motion of Councilman Rico, seconded by Councilman Franklin, the following purchases were approved for use by the Department of Finance and Administration:

**TRUE NORTH RESEARCH (Best evaluated bid)**  
**RFP R0088031**

Ozone Early Action Compact Public Education Survey

\$31,900.00

**PURCHASES (Continued)**

**RMB COMPANY, INC. (Lower and better bid)**  
**R0086905/B0002901**

Waste Oil Heater

\$11,945.00

**TESSCO TECHNOLOGIES (Best evaluated bid)**  
**R0088197/B0002970**

Communication Service Monitor

\$12,188.24

**INCODE SOFTWARE SYSTEM (Single source)**  
**R0089252**

Annual Software Maintenance & Support per TCA 6-56-304-2

\$25,199.55

**HEARING: CAPTAIN TARA WEAVER**

City Attorney Nelson stated a request for hearing to appeal a 28 day suspension has been received from Captain Tara Weaver of the Chattanooga Fire Department.

**A hearing for Capt. Weaver was scheduled for Monday, April 24 beginning at 10 a.m. in the Council Assembly Room with Councilmen Powers, Rico, and Benson serving as the panel; Councilman Franklin volunteered to serve as alternate.**

**COMMITTEES**

Councilman Benson stated a meeting of the **Legal and Legislative Committee is scheduled for Tuesday, April 18 at 3 p.m.**

Councilman Franklin scheduled a meeting of the **Parks and Recreation Committee** for Tuesday, April 18 immediately following the Safety Committee.

### **COMMITTEES (Continued)**

Councilwoman Rutherford stated that the **Safety Committee meeting scheduled for Tuesday, April 18** will be very interesting; that the fire department will report on how they play into Homeland Security.

Councilman Benson stated that he received an e-mail wherein representatives of the police department wanted to present the Council the pension plan they have and explain the DROP plan. He asked Councilwoman Rutherford if this should come before her Safety Committee.

Councilwoman Rutherford responded that she would be happy for them to present the information if time allows.

### **DISTRICT 1 AND 2 NEIGHBORHOOD MEETING**

Councilwoman Robinson stated that she and Councilwoman Bennett are working with neighborhoods in Districts 1 and 2 to host a meeting at the North Side Neighborhood Center on Saturday, April 29 beginning at 10 a.m. to talk about the neighborhood watch program and how to organize one.

### **REFER TO PLANNING**

**Councilwoman Rutherford made the motion to request Planning to look at rezoning 4803 Brainerd Road from C-2 to C-5; Councilwoman Robinson seconded the motion; the motion carried.**

### **RECOGNITION OF SHIRLEY POWERS**

Chairman Pierce recognized the presence of Shirley Powers, wife of Councilman Wallace Powers. He stated that his wife, Sue, was present earlier in the meeting but left.

**ADJOURNMENT**

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, April 18, 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)**