

City Council Building
Chattanooga, Tennessee
July 18, 2006
6:00 p.m.

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson 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, Councilwoman Gaines gave invocation.

AMEND ZONING ORDINANCE

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 406, MIXED USE ZONE (MXU), BY ADDING LANGUAGE TO
SUBSECTION (3) RELATIVE TO AREA REQUIREMENTS AND DELETING
SUBSECTION (17)(K) RELATIVE TO PROCESS**

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

AMEND ZONING ORDINANCE

Councilman Benson stated this matter was discussed in the Legal and Legislative Committee with a lot of parties from the profession who asked that the matter be deferred. He stated their request was taken under advisement and it is recommended that this be deferred thirty days in an effort to gather more information on the outcome of this ordinance if it is passed.

City Attorney Nelson suggested that that matter be deferred thirty-five days which would place it on a Tuesday.

Chairman Pierce asked if a more specific date could be settled upon. The date of August 22 was decided upon.

AMEND ZONING ORDINANCE (Continued)

On motion of Councilwoman Bennett, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING CERTAIN
SECTIONS OF ARTICLE II, ARTICLE V, AND ARTICLE VIII,SECTION 107,
RELATIVE TO THE LOCATION OF ALTERNATIVE FINANCIAL SERVICES
WHICH INCLUDE DEFERRED PRESENTMENT SERVICES, TITLE PLEDGE
LENDERS AND PAWNBROKERS, AS DEFINED HEREIN**
was deferred until August 22; Councilwoman Rutherford voted "no".

CLOSE AND ABANDON

MR-2006-099: CBL & Associates, Shumaker, Witt, Gaither & Whitaker

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A
SEWER LINE LOCATED AT 2200 HAMILTON PLACE BOULEVARD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS
AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-119: City of Chattanooga

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 PART OF A
TRACT OF LAND LOCATED AT 4267 BENTON DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO
M-1 MANUFACTURING ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2006-125: DeFoor Brothers Development, LLC

On motion of Councilman Benson, 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 2310 TIMBERLANE TRAIL, MORE PARTICULARLY
DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO MXU MIXED USE
ZONE**

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

REZONING

2006-126: DeFoor Brothers Development, LLC

On motion of Councilman Rico, 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 2415 ELAM LANE, MORE PARTICULARLY DESCRIBED
HEREIN, FROM MXU MIXED USE ZONE TO C-4 PLANNED COMMERCE
CENTER ZONE**

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

REZONING

2006-133: Jerry Hagan

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 TRACTS OF
LAND LOCATED AT 2409 AND 2415 JENKINS ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE**

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

REZONING

2006-136: Cowart Holdings c/o Diana Van Cleave

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 1406 COWART STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSIENSS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-138: City of Chattanooga

On motion of Councilman Page, 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 IN THE 5500 BLOCK OF MILLER DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE**
passed second and final reading and was signed in open meeting.

FRANCHISE

Councilmen Rico and Franklin made the motion and second to approve this request on first reading.

Councilman Page asked if this matter has been discussed in committee.

Chairman Pierce responded "no" and asked the City Attorney to give information regarding this request.

City Attorney Nelson stated that Covista is a corporation that places fiber optic cable in the city's streets and we have this all throughout downtown. He stated this company wants to come in and install fiber optic cable and will pay a franchise fee to the city; that this is strictly a routine matter.

Councilman Page stated that it could be passed on first reading but would like to hear what it is about.

FRANCHISE (Continued)

Chairman Pierce stated that he spoke with Covista representatives on Friday and told them this would be a routine request as the city cannot deny them the right to do it. He stated that they asked if it were necessary to be present tonight and he told them "no"; that he would ask that they be present next week and it would prefer discussion in the regular meeting rather than in committee. He stated that he does not see the necessity for them to come.

City Attorney Nelson reminded the Council that a franchise was approved a couple weeks ago.

At this point Councilwoman Rutherford "called for the question" on the motion to approve on first reading.

Councilman Page stated that he does not have any problem but would like to know what he is voting on. He stated it could pass on first reading but would like to know what it is before the final vote.

Chairman Pierce realized that representatives of Covista happened to be present and asked one of them to come forward.

Andy Rowe of Covista came forward and introduced others with him – Frank Pazera, Jason Ware and Thomas Brinkman.

City Attorney Nelson asked Mr. Rowe to inform the Council as to where the fiber optic lines would be installed and their purpose.

Mr. Rowe read from the list of streets contained in the ordinance for various streets in the downtown area. He stated fiber optics would be placed in the rights-of-way for the sole purpose of selling telecommunication services.

Councilman Benson asked why this has not been heard in committee; that Comcast has to come (before committee).

City Attorney Nelson stated there is no franchise charge to Comcast as they provide a television service and this (Covista) is not.

Councilwoman Rutherford inquired as to the dollar investment Covista would be making in our city as far as this ordinance is concerned.

Mr. Rowe responded \$400,000.

City Attorney Nelson stated that Covista has to pay for street cutting permits.

FRANCHISE (Continued)

Councilman Benson asked if any damage to the city's streets would be taken care of.

Mr. Rowe responded "yes"; that they are to do all of the work related to the right-of-way in accordance with City Code street requirements.

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE GRANTING UNTO COVISTA COMMUNICATIONS A
FRANCHISE TO INSTALL AND MAINTAIN FIBER OPTIC CABLES IN
CERTAIN RIGHTS-OF-WAY IN THE CITY OF CHATTANOOGA, TO
PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO CERTAIN
CONDITIONS**
passed first reading.

ACCEPT HIGHEST BID

Admin. Madison asked if the company name for this Resolution was checked.

City Attorney Nelson stated that there has been no change in the company name; that the matter was checked and it is Parthenon.

Admin. Madison stated that it is Parthenon and another company; that if it needs to be changed it can be fixed.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION ACCEPTING THE HIGHEST BID BY PARTHENON
PROPERTIES, INC. FOR THE SALE OF THE MORRISON SPRINGS
APARTMENTS PROPERTY, LOCATED AT 701 MORRISON SPRINGS ROAD,
TAX MAP NO. 108E-A-001, IN THE AMOUNT OF THREE MILLION FIFTEEN
THOUSAND DOLLARS (\$3,015,000.00) AND AUTHORIZING THE MAYOR
TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE
SAID SALE**
was adopted.

STREET RENAMING POLICY

Councilmen Rico and Rutherford made the motion to approve this Resolution.

Councilman Franklin stated that this matter needs to be revisited and tweaked; that it has been an unwritten rule for the Council and he has thought of some things that could best serve them. He stated if a person is 75 or 80 years of age, something like that could be put in place.

STREET RENAMING POLICY (Continued)

Councilman Franklin asked why wait until a person is dead to do something like that; that he has been thinking about this over time and the Council can do what it wants to do, however it is his feeling there are other things and further classifications the Council can do other than the person having to be deceased. He stated that it just seems if a person is being honored they should have some opportunity to see it and "reap their flowers before death"; that this does not seem right. He stated there are other parameters that could be discussed so it would be fair for everyone. He stated the County schools do it by renaming schools and they do not have that type rule. He referenced Reggie White Boulevard and Venus Lacy Parkway, noting that the street name has not changed, just a sign designation given. He stated over the years that has not been that many and this would not be opening a flood gate. He stated he would like for the Council to consider this.

Councilman Rico stated Reggie White Boulevard and Venus Lacy Parkway did not change the name of the street; that it was an honorarium.

Councilman Franklin stated that it could be co-naming a street.

Councilman Rico stated that the street name does not have to be changed.

Councilman Benson stated that this Resolution says a "city street" and the repercussions could be for changes of addresses and checking accounts; that there has been a lot of criticism regarding address changes. He stated there would be a domino effect if this is started. At this point he "called for the question".

Councilman Franklin asked that Councilman Benson not weigh that into this.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION ADOPTING A POLICY OF NOT NAMING CITY STREETS
OR FACILITIES (EITHER PERMANENTLY OR AS HONORARIA) FOR
INDIVIDUALS UNTIL THEY ARE DECEASED**
was adopted, Councilman Franklin voted "no".

FINAL PUD

2005-117: David Dalton, Signature Land Company

Councilmen Rico and Rutherford made the initial motion and second to approve this request.

FINAL PUD (Continued)

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this is the final PUD plan for development along the Longholm property on East Dallas Road at Duane and Knickerbocker. He stated the matter has gone before review and is recommended for approval as it does meet the intent of the preliminary approved by the Council some time back. The site plan for the proposed final plan was displayed by PowerPoint which showed 28 units on the property and the gate along East Dallas Road at the intersection of Duane and East Dallas which has brought so much attention to the area because of the proposed wall setback. He stated the wall will remain in its location as it is and there would be another setback behind the landscaping. Some of the homes will be demolished and used as a detention area and new construction along Duane was displayed, as well. He stated the plan does meet all technical requirements set out in the zoning ordinance for development of a PUD and the developer has met with RPA staff on several occasions and was scheduled to meet with the neighborhood, noting that he was not certain whether that occurred or not in reference to the outer appearance or surrounding perimeter with landscaping. He again stated technical requirements have been met and approval is recommended with conditions of all the things that are required on the plat before recording.

David Dalton was present representing Signature Land Company. He stated it has been awhile since the residential PUD was submitted for approval and the Council did approve it; that since that time they have worked diligently to meet the requirements of RPA and the city for a PUD, as well as subdivision designs. He stated they have complied completely with the Council requirements to work with the Design Center and residents to incorporate their ideas into the final PUD design, which they have done. He stated the design does meet all subdivision requirements and RPA has recommended approval; that they are now asking for a "yes" vote on this resolution.

Mr. Dalton recapped what has been accomplished by stating that they have improved the design significantly since the initial presentation; that the Council may recall initially there were 31 town homes and it was this Council's pleasure that the number be reduced to 30 and add detached units, if possible. He stated they have reduced the plan to 28 total units, fourteen of which are detached units and fourteen townhouses, which is actually less than the number of units initially proposed and the density has been increased by using this PUD designation. He stated based on input by residents they have changed the shape and setback of the wall; that at the corner of East Dallas they have stepped it at about 25 feet from the corner of the intersection and curved the wall rather than having a 90 degree turn to allow softening of the view and allow space for landscaping.

FINAL PUD (Continued)

Mr. Dalton stated one of the photos displayed during Jerry Pace's PowerPoint presentation showed significant vegetation on the corner and their plan is not to take that down but to actually enhance it. He displayed a photographic rendering showing the corner and the existing wall, as well as the wall they will add with the vegetation indicating the type of vegetation that would be added and the location of the house that would be on the property. He stated it is his thought this is something that can be very attractive using something that has been in place for 60-70 years or however long the existing wall has been there and incorporating it into the design. He stated it was decided, based on residential input, to use stone on the exterior wall which would be in keeping with other walls that are in the neighborhood which has added a considerable expense to Signature Land Company to do that, but it is a decision that has been made and will make the wall attractive and help blend in with everything else there.

Mr. Dalton stated that a local landscape designer has been involved to work with them on screening especially along Duane and displayed a rendering of homes at the rear, the actual wall height varying from five-to-seven feet and the landscaping. He noted that he did not know where the garages will fall on the lot however the landscaping would be designed to screen wherever they do fall; that they will not be able to be seen at all from Duane. He stated that they had a lot of good input from residents, listened to their concerns and have tried to address them in a way that is acceptable to as many as possible, noting that everyone knows it is impossible to come up with something everyone will agree on; that they have worked hard at meeting their concerns and addressing them in a positive way. He stated that it is his thought almost all of the major points they had concern about have been addressed however he knows there are still some concerns and a lot of misunderstanding about the wall itself that we will build around the subdivision; that actually it is a retaining wall and is not something they decided to put up as it serves a function. He displayed a drawing of the wall and the location where the wall would be eighteen feet noting that everyone had a picture in their mind that the wall was going to be eighteen feet around the compound, which is not the case. He stated the wall at one point will be seven-to-eighteen feet in height and displayed a photo of the subdivision layout showing where the wall will encircle the neighborhood and a little section that would be 30 feet in length, which is .0167 percent of the entire wall; that the 30 foot section would be seventeen feet and then down to five feet again; that it is a very short section which they can completely screen with trees.

FINAL PUD (Continued)

Mr. Dalton stated there would be another very small section where the wall will be fifteen feet tall at the corner of East Dallas that is actually a 50 foot section that would vary from two-to-seven feet. He stated there is a very small section that is eighteen feet which will be screened. He displayed a drawing of the height of the wall and noted that the trees used will attain a height of 35 feet that would completely screen the wall. He stated the biggest complaint is the wall design which has to do with a misunderstanding of how it works and the wall's function which is not a choice for them; that they have to have it because of the design of the subdivision and is not something they can change. He stated that it is his thought the plan will be an outstanding addition to the Riverview area and again asked for the Council's "yes" vote.

Brendan Bastable, a resident of 900 Avon Place, stated that the neighborhood is not opposed to the number of homes; that their concern is strictly related to the visual impact of this development, particularly with the large wall and the inadequate landscaping shown on the plan. He stated a packet has been prepared outlining some of the concerns that are highlighted in markings. He referenced the large wall proposed along the intersection of Duane and East Dallas, the tremendous scale and no landscape buffering in front or anywhere around the property. He stated the plant material depicted to screen the homes is much larger than the small six-to-seven foot trees shown on the landscape plan; that the seventeen foot wall along Avon has no landscape buffering proposed in front of it and no landscaping proposed along the Knickerbocker area. He requested that the wall be lowered to eight feet so that the development blends with the neighborhood or the wall tiered with a landscape buffer in between to reduce the sight of the wall.

Bryan Tune, a local architect, stated that the concern they have has to do with the drawing renderings; that even though they look nice they are not engineering drawings; that more information should be given to indicate where landscape buffers will actually occur. He stated that it appears the walls come directly to the street which is no place to plant anything; that he does not see how anyone could accommodate a buffer. He stated a seventeen foot wall short section for 100 feet wide goes from seventeen-to-ten feet and is quite a long stretch of it; that from a construction standpoint building a wall that tall will have huge footings under them and that is not being taken into account. He stated half the street would be dug up to put them in on Knickerbocker and would have to go into back yards to install the foundation; that he would like to see someone address the constructability of the tall walls as they are not easy to build and retaining walls have to have huge foundations.

FINAL PUD (Continued)

Mr. Tune stated more information would be appropriate for this neighborhood to feel any reasonable comfort with doing this type of project; that they want more information, more engineering information and not pretty pictures an artist drew.

Richard Road stated as Mr. Bastable noted they are not opposed to the development of the PUD and not opposed to Signature Land Company as they build good houses; that the walls would be fifteen-to-seventeen feet in a street level neighborhood and the areas above seventeen feet as the rendering shows will be in three places in a street level neighborhood; that they would not be set back like the original house but would come closer to the street. He indicated to the Council that it is not only unprecedented in their neighborhood but in North Chattanooga as everything is street level. He referenced information that the Council previously received and indicated page three reflects no landscaping shown in front of the wall as there is nothing on the plan and nothing legally locks them into doing landscaping and showing landscaping on the plan is key.

Mr. Rose asked the Council to approve the PUD with a limit of an eight foot wall; that there are other options that would equal a PUD, noting that it could be terraced and have different levels with a gradual grade; that there are a million different designs they can use and have not explored. He asked that the options be explored and this PUD denied or approved with an eight foot wall rather than high walls in an 80 year old neighborhood. He stated that the Council showed personal attention by visiting the site and expressed thanks for their call to duty and marching through the weeds.

Mr. Dalton stated that the attorney (Rose) is not in the construction business and he is not sure the other fellow (Tune) knows what he is talking about; that the footings do not go to the outside of the street, they will be inside the subdivision; that the wall itself does not go anywhere close to the street. He stated the property line is three-and-a-half feet inside the property line before the wall starts. He displayed photos and stated all of the things the residents have been complaining about already exist here, such as a chain link fence; that there is a covenant that will prevent those kinds of things from happening.

Councilman Benson asked if it is possible to terrace the units and have nine feet, terrace another area and have nine feet and so on.

Mr. Dalton stated they have done that; that they optioned to do that at the front at East Dallas and Avon but it does not have room to do that with the building. He stated he would be happy to do that if they had the room but do not have it inside as the street comes right down to the end.

FINAL PUD (Continued)

Lewis Card stated from day one this matter has been fought by the neighborhood and displayed two signs that had been neighborhood driven.

Chairman Pierce asked Mr. Card not to attack the neighborhood.

At this point the question was called for.

Councilwoman Robinson thanked the neighborhood and the developer for meeting and having as much interaction and conversation as they have. She stated as Mr. Pace explained to everyone and Mr. Dalton the PUD can have conditions; that we are all talking about making certain the landscaping conceals the part of the wall that is very tall, which is part of the objection, and the developers have already agreed landscaping is in order, if we could have it worded in such a way this becomes part of any approval that is given that we stipulate the landscaping as shown so far on the rendering presented to us tonight and incorporate that into what Mr. Dalton talked about between the wall and road where there will be a setback and space for landscaping. She stated since that is the major "sticking point" and the visual impact, the neighborhood has said to her that even if there had been thirty-one homes there would be no objection; that the whole point from day one has been the visual impact it will have on the neighborhood. She stated one other provision everyone would be pleased with is on the part where there will be nineteen feet if that could be set back enough for additional landscaping; that it does not appear at that point where it abuts the neighborhood to be such a barrier.

Mr. Dalton stated that he would be happy to do that as there is landscaping in certain areas; that the area down Duane where the issue was screening the garages, the actual plants and their sizes were shown and they would be happy to do that. He stated they would use the material shown and are not going to put in fourteen foot trees initially, but will do something, again noting that he is happy to agree to that. He stated on the tall section on Avon he would be happy to put landscaping and has a drawing of the actual trees to be used; that he agrees to totally screen that so the wall will not be seen at all. He stated he could not terrace that section; that they section they did terrace is on East Dallas and Duane; that they do have landscaping including the existing vegetation.

Councilwoman Robinson stated that she was talking about placing landscaping around the perimeter and asked if that could be conditioned-in.

FINAL PUD (Continued)

Mr. Dalton stated that he has a little issue with that; that everyone else's wall in that area have no landscaping in front of them; that there are five-to-six foot walls all over the place and no landscaping in front of them. He stated they would be pleased to do it on any of the tall sections as the drawings have shown tonight.

Councilwoman Robinson stated that is what she and others in the neighborhood are talking about; that they just want to be sure landscaping is done around the perimeter area where the wall is very tall where it is considered eight feet and above and if during construction vegetation is killed it will be replaced. She stated if that could be a condition it would go a long way toward softening what the neighborhood is objecting to.

Mr. Dalton stated that he has no problem with that.

Councilman Page stated that he seconds Councilwoman Robinson's amendment that there be buffering on the eight foot plus walls and suggested that the walls be certified by a civil engineer to assure the wall does not fall.

Mr. Dalton noted that would not be a problem and to trust him.

Mr. Pace stated that this will come up during the permitting process as the project would have to meet all engineering requirements.

Councilman Page asked Councilwoman Robinson to restate her amendment as to what the amended condition is.

Councilwoman Robinson motioned that the conditions should stipulate that the buffering that is shown on all renderings received/viewed today be used; that the same kinds of materials shown in the landscape plan should be stated as to what the materials are; that there be buffering on the outside walls, particularly along Duane Road where there are higher (wall) heights that are eight feet or above the outside buffering. She stated there should be some kind of vegetation used; that there has been talk about Cedar trees and all and Mr. Dalton mentioned that the trees would expand to attain a height of 35-45 feet. **Councilman Page seconded the motion.**

Mr. Dalton stated that he would be happy to do that on the exterior wall they will build; that they can not do anything about the existing wall because of its location.

FINAL PUD (Continued)

Councilwoman Robinson expressed that she understood and that Mr. Dalton was right. She stated that would go a long way toward helping.

At this point Councilman Benson "called for the question".

On motion of Councilwoman Robinson, seconded by Councilman Page,
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 adopted.

OVERTIME

Overtime for the week ending July 14, 2006 totaled \$15,470.92.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **NATHAN L. CARTER** – Family Medical Leave, Crew Worker, City Wide Services, effective July 3 – September 25, 2006.
- **RUFUS JONES** – Retirement, Crew Worker, City Wide Services, effective June 30, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **PERRY J. STEPHENS** – Return from Military Leave, Senior Firefighter, effective July 13, 2006.
- **DAVID PAYNE** – Resignation, Firefighter, effective July 17, 2006.

PURCHASE

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

HINSILBON LABORATORIES (Only bid)
R0090183/B0003248

Vapor Phase Odor Neutralizing Products

\$25,000.00

HOTEL PERMITS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following hotel permits were approved:

QUALITY INN – 3109 Parker Lane, Chattanooga, TN

ALPINE LODGE – 4328 Cummings Highway, Chattanooga, TN

PURCHASE

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

CANBERRA INDUSTRIES, INC. (Single source)
R0090783

Radiation Monitoring & Surveying Equipment per TCA 56-304.2

\$30,856.00

REFUND

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the Chief Financial Officer was authorized to issue the following refund due to an adjusted value for 2005 per assessment appeals commission from the State Board of Equalization:

PARKRIDGE HOSPITAL, INC.

\$53,447.80

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for use by the Mayor’s Office, Information Services Division:

BLACK BOX NETWORK SERVICES (Lowest and best bid)
R0089886/B0003256

Nortel Technician

\$30,000.00

COMMITTEES

Councilwoman Rutherford stated that the Arts and Education Committee met today and heard from representatives of Allied Arts who gave a powerful presentation about the public art program. She stated at the end of the meeting it was suggested that the Council do a tour and the date of Tuesday, August 22 at 2:30 p.m. was decided upon.

Councilman Page stated that a meeting of the Economic Development Committee was held this afternoon and the Committee plans to recommend to the Council payment in lieu of taxes for two companies who will be expanding their operations, East Tech Company/Roger W. Layne Project and United Packers of Chattanooga, LLC/Coca-Cola Bottling Company United East, LLC. He stated both Resolutions will be on next week’s Council agenda.

Councilman Franklin reminded Council members of the **Safety Committee scheduled for Tuesday, July 25 at 3:30 p.m.**

Councilwoman Bennett scheduled a meeting of the **Budget and Finance Committee for Tuesday, July 25 at 3:15 p.m.**

“NATIONAL NIGHT OUT”

Councilwoman Robinson reminded Council members of the annual “National Night Out” event scheduled for August 1. She stated many will be invited to neighborhood celebrations and expressed hope that there would be a short meeting on that evening and to place this event on each of their calendars.

DISTRICT 4 TOWN HALL MEETING

Councilman Page reminded everyone of the town hall meeting scheduled for Monday, July 24 at 5:30 at the North River Civic Center. He extended an invitation to the Council, city staff and general public to attend.

(Councilman Page excused himself from the meeting at this point.)

CHARTER AMENDMENTS

City Attorney Nelson stated that he and Chairman Pierce were talking earlier in the day about Charter amendments for the November election. He stated if Council members have suggestions or would like to have one on the ballot he would need to have them ready for discussion for the next Legal and Legislative Committee meeting two weeks from today to get the process underway. He stated the Council would have to have the ordinance passed and advertised by the end of August. He stated he wanted to give Council members fair notice on Charter amendments.

GARY BALL

Gary Ball expressed thanks to City Attorney Nelson for the letter written last week and noted that he hated Councilman Page stepped out at this time. He stated that he called Mr. Wilson's office today. He stated he has been coming to things for the last fifteen years and last week was the first time he ever saw a man stand up to this body and the city attorney and say he was not listening to anyone, and he did not! He stated the City Attorney had issued a ruling, period! He stated that he (Wilson) sat there and misspoke and said if he used Mr. Nelson's ruling the city would have to go back and review two years of cases to see if they were done fairly; that the people he has on the dais with him have been bamboozled (by him) and does what he wants them to do.

Chairman Pierce cautioned Mr. Ball not to slander anyone.

Mr. Ball stated that he (Wilson) treats them like children; that the applicant for the case in question had to get up and withdraw and lose \$2,500. He stated the city was not allowed to use legal grounds that "man up there" ruled on; that for him to run "rough shod" over everyone is a slap in the face to each Council member. He expressed hope that somebody would finally get enough of him.

LOUISE HAMMONDS

Louise Hammonds of the Oak Grove Neighborhood Association stated that she was present to apologize to Councilwoman Rutherford because Mr. Wilson really embarrassed her when he made the remark about their community by stating "a member of the Council has called other people about me and will see if he can talk to his face like he was talking behind my back". She stated if someone does not do something about him the city will carry some lawsuits.

Councilwoman Rutherford stated that she was not the Council person who was spreading word about Mr. Wilson; that she does think he has more than overstepped his job. She stated that she was embarrassed and appreciates Ms. Hammonds recognizing the fact. She stated that she does not want Council members to think the few people who have spoken previously are alone in their thoughts.

Councilman Benson stated that he feels he has the right to respond and imagined he is the one Mr. Wilson was referring to and was probably right. He stated when he (Wilson) said the remark "putting homeless out in your community would uplift your community" everyone in the audience seemed to be offended. He stated that he knows Mr. Ball and Ms. Hammonds have worked so hard to bring their community up and try to correct problems out there; that they felt approval of the variance request in question would bring more problems and overwhelm them and they had the right to take that position. He stated that is what offended him and he is still offended by it. He told Mr. Ball and Ms. Hammond that he was sorry about the remark made from the podium.

Ms. Hammond stated that she thought when we voted on the City Council and put these people on the boards to do variances for our community and our city she understands all the rules they go by; that she did not know any person was allowed to make up their own rules as they go; that there is a problem with the variance board and a bigger problem for tax payers to have to sit and listen to them.

Chairman Pierce stated that each member is appointed by a Council person.

Ms. Hammonds stated that she was sure that was the reason Councilman Page left because he knew she and Mr. Ball were coming.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, July 25, 2006 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)**