

**City Council Building
Chattanooga, Tennessee
January 9, 2007
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, Pastor Tim Sykes of St. Elmo Presbyterian Church gave invocation.

MINUTE APPROVAL

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

SPECIAL RECOGNITION OF POLICE CHIEF STEVE PARKS

Mayor Littlefield stated that he wanted to take time to officially recognize the retirement of Police Chief Steve Parks, who is not with us tonight. He stated that Chief Parks was recognized at the Christmas Party before the New Year and was presented with a Proclamation. At this point, he read an excerpt from the Proclamation, which has been spread upon the minutes:

Whereas: The City of Chattanooga takes great pleasure in paying tribute to those special employees who are celebrating milestones in their career; and

Whereas: The City of Chattanooga wishes to honor Chattanooga Police Department Chief Steve Parks on the eve of his retirement from serving and protecting our City and its residents; and

**SPECIAL RECOGNITION OF POLICE CHIEF STEVE
PARKS (Continued)**

Whereas: For twenty-eight years, Chief Steve Parks has given loyal, dedicated service and guidance to the Chattanooga Police Department earning him the admiration of his peers, both locally, nationally and internationally; and

Whereas: During his tenure as Chief, Mr. Parks has supervised over 665 employees, including 460 sworn officers; and

Whereas: During his tenure with the Chattanooga Police Department, Chief Parks has conscientiously held numerous positions of authority including, but not limited to, Sector 2 Commander of Uniform Services, Internal Affairs Commanding Officer, Head of Police Personnel Division, and a patrolman for 8 years; and

Whereas: As a duly sworn officer, he has kept a vigilant, alert eye to maintain the safety of the general public through his learned, meticulous, and thorough training and knowledge of police department practices; and

Whereas: Chief Parks actively participates in numerous community organizations including, but not limited to, the International Association of Chiefs of Police, the Tennessee Association of Chiefs of Police, the Fraternal Order of Police, and the Association of Internal Affairs Investigators; and

Whereas: Chief Parks received his formal education at the University of Tennessee at Chattanooga where he received a bachelor of Science Degree in 1978, and he is married to Mrs. Dianne Parks who serves as the Director of Leadership Chattanooga for the Chattanooga Chamber of Commerce; and

Whereas: Chief and Mrs. Parks have one daughter, Janie of whom they are very proud and is the center of their life.

Now, Therefore, I Ron Littlefield, Mayor of the City of Chattanooga do hereby wish to pay tribute and honor Chattanooga Police Department Chief Steve Parks on the eve of his retirement for his 28 dedicated and thoughtful years of service to the community and the Chattanooga Police Department.

Now, Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 30th day of December, 2006.

Ron Littlefield, Mayor

Mayor Littlefield asked the Council to join him in congratulating Chief Parks and expressed hope that Council members will attend the swearing in of the new Chief, Freeman Cooper, on Thursday morning. He stated Chief Cooper is already on the job and working.

**SPECIAL RECOGNITION OF POLICE CHIEF STEVE
PARKS (Continued)**

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION RECOGNIZING, HONORING AND COMMENDING
POLICE CHIEF STEVE PARKS FOR HIS OUTSTANDING EFFORTS AND
ACCOMPLISHMENTS DURING HIS SERVICE TO THE CHATTANOOGA
POLICE DEPARTMENT AND THE RESIDENTS OF CHATTANOOGA**
was adopted.

HOSPITAL AUTHORITY BOARD APPOINTMENT

Mayor Littlefield stated that he has several appointments to Boards this evening and one is to the Erlanger Board which is beginning to meet as we speak. He stated the individual being considered will be announced at their Board meeting as a new member and they did not want to do so until the individual had been appointed and approved by the Council.

At this point Mayor Littlefield recommended ***RON LOVING*** to serve on the ***Hospital Authority Board***. He stated Mr. Loving is filling a vacant position for a term that will expire November 1, 2010. He stated Mr. Loving is a retired TVA Engineer, who was at the highest executive level of that department, serves on one of the managing boards at Olivet Baptist Church and is active in a number of civic organizations. He stated he is the kind of person we always like to find and press into greater service. He stated that he recommends him to the Council and would appreciate a motion for approval.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the appointment of Ron Loving to the Hospital Authority Board for a term expiring November 1, 2010 was duly approved.

EPB BOARD APPOINTMENT

Chairman Pierce stated that there is a new appointment for the Electric Power Board and he was informed Atty. Carlos Smith contacted the Council office about a Resolution. He asked if there is anything significant about having a Resolution; that normally the Board member is appointed but not through Resolution.

EPB BOARD APPOINTMENT (Continued)

Atty. Carlos Smith stated that the Electric Power Board is a large organization financially and under the business operation periodically requirements for certification that the Board members in office are duly approved, thus there is the need to provide certification. He stated this is done somewhat as it has been provided for in the past except the process has been modified now as the Mayor appoints and the Council approves. He suggested the appointment in the form of a Resolution for a file of record and certification.

City Attorney Nelson stated nothing is required by Resolution, but certainly if that is the way he (Smith) wants it done there is no objection. He stated the alternative would be to provide a copy of the minutes showing the confirmation.

Councilman Rico stated this is something they keep on file to keep up with as they have always done.

Chairman Pierce stated a copy of the minutes would be a record (to file). He stated if that pleases the Mayor, he does not have a problem.

Mayor Littlefield stated that he has no feeling going either way if it suits their purposes. He stated Dan Johnson will be going over the appointments later in the meeting. He stated that we already have a Resolution and could go forward with it tonight and address it in the future.

CLOSE AND ABANDON

MR-2006-202: Engstrom Services

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1300 BLOCK FO ACKERMAN STREET, THE UNOPENED 600 BLOCK OF GENTRY STREET, AND AN UNNAMED ALLEY LOCATED OFF OF THE WEST LINE OF THE 600 BLOCK OF NORTH GREENWOOD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND ZONING ORDINANCE

Pursuant to notice of public hearing, the request to amend Ordinance No. 6958, as amended, known as the zoning ordinance came on to be heard.

Councilman Rico asked if the request for rezoning for this zone is voluntary.

Karen Rennich, Senior Planner with the Regional Planning Agency (RPA), distributed a pamphlet regarding the Urban General Commercial Zone (UGC). She stated the question has been raised as to whether the zone is voluntary or not and noted that the answer is addressed half way down the handout. She stated the zone, if approved, will be like any of the other zones in the zoning ordinance; that it is voluntary in the sense someone can come and request that through the zoning process like any other zone. She stated as with any zone a zoning study is requested by the city through the City Council; that the RPA reviews the area for possible changes in zoning. She stated in that case the study is done, a look at the existing zone is done, land use plans for the area are reviewed and often times public meetings are held within the community to explain the zone and then RPA makes recommendations to the RPA Commission. She stated sometimes there is a recommendation to change the property and sometimes there is a change to portions or some properties but not others, then again there might sometimes be changes to every property. She stated with the zoning studies they send out to every property owner in the area saying their property may potentially be considered for rezoning and encourage property owners to contact us. She stated the public meetings address as many concerns as possible; that often times there are property owners who say they do not understand and it is explained.

Ms. Rennich stated persons can come in and request as in any other zoning in the ordinance. She stated if the zone is added and when the question of voluntary arises, areas such as R-1 and R-4 could be looked at; that it could be any zone in the zoning ordinance. She stated they are trying to start looking at land use plans for areas and if they are told to fix the problem sometimes it requires a different zone. She stated there are a lot of requests for use of the C-3 zone outside downtown as there are urban areas outside the C-3 downtown zone. She stated RPA flagged that as a concern as C-3 has pages of conditions and they have a comprehensive plan supporting urban development.

Councilman Benson asked if this is really a new zoning classification.

Ms. Rennich stated this zone is a new zone.

Councilman Benson asked if this is a separate entity among zoning classifications. Ms. Rennich responded "yes".

AMEND ZONING ORDINANCE (Continued)

Councilman Benson asked if this would be in conflict with the C-7 or any other zone. Ms. Rennich responded "no".

Councilman Benson asked if the 40 foot limit on height is a "should not" or a "must".

Ms. Rennich stated it is written as a "shall" with variations or deviations from that going to RPA for review from that height and then, if appealed, it can go to the Planning Commission.

Councilman Benson asked if 60 feet "should" be the maximum height.

Ms. Rennich stated that it does say "should" with the idea any variation from that needs to be reviewed.

Councilman Benson asked if any appeal goes to Planning and whether the City Council acts on it like any other zoning request. Ms. Rennich responded "yes" to both questions.

Councilman Benson stated the matter comes with a recommendation for approval from the Legal and Legislative Committee.

Councilman Franklin asked if there is any potential for spot zoning.

Ms. Rennich stated areas using the zone are areas that already have commercial development and either zoned commercial or the zone could be used there. She stated as for spot zoning it is her thought where there is not much commercial, land use would be reviewed case-by-case; that she sees this mostly used in areas where there is already commercial development in some form already or it can be requested.

Councilman Franklin then asked if representatives were present from the Home Builders Association.

Chairman Pierce interjected that this is first reading and is considered a public reading. He asked if there are persons in opposition present.

Councilman Page asked if a minimum area is being considered.

Ms. Rennich responded "no"; that the zone could be used on parcels for development or new development; that short of normal regulations found in the zoning ordinance there is not a minimum area.

AMEND ZONING ORDINANCE (Continued)

Councilman Page asked if there could be.

Ms. Rennich gave an example of the M.L. King area where buildings are close to the street and having an empty parcel there; that if someone comes in and does a development, if it is a small parcel they could build a two-story building with retail and residential on top. She stated that it does not seem something small would work for a small parcel development like that.

Ray Childers, President of the Chattanooga Manufacturers Association (CMA), stated that he understands what he has heard that there may be instances in which this zone may be assigned to particular property and involuntarily.

Ms. Rennich explained anytime RPA does a zoning study the city wants us to look at the possibility of rezoning that parcel which usually falls on the "heels" of a land use plan or possibly development of a new zone. She stated property owners are notified, input is given at a public meeting and then there is a recommendation that goes to Planning. She noted that the City Council provides the final decision, so there is opportunity to work with the property owner and try to find a good solution.

Barry Bennett, Executive Director of the RPA, stated that this is not a zoning study that is being proposed; that Ms. Rennich is saying as with any other zone, the City Council can request a zoning study as part of a plan for an area as others have been done. He stated what is being proposed is just a new single additional zone to be used as a tool like any other zone to provide developers with opportunities and more flexibility than currently exists. He stated right now they receive any individual's request for an individual parcel, particularly within the south side area for the C-3 zone for mixed-use type development. He stated the problem is that the C-3 zone is intended only for the core of downtown at one time for only Fourth to M.L. King Streets; that it has been expanded to go as far as the north shore of the River, prior to the C-7 zone, all the way down to the foot of the Mountain. He stated the C-3 zone is really inappropriate for that area and that can be illustrated because of the two-to-three pages of conditions every time property is zoned C-3 in that area; that the fact is it is still a zone that accommodates some uses. He stated the new zone will take the place of C-3 for that area and it becomes related to the core of the central city, reiterating that this zone will be like any other zone to provide more flexibility for developers.

AMEND ZONING ORDINANCE (Continued)

Mr. Bennett emphasized that a zoning study is not being proposed; that what is being acted on tonight is not a zoning study which was mentioned as only one of two means by which property can become zoned -- either by request of the property owner or as a directive from the City Council for RPA to do a zoning study. He stated he wanted to make clear the options as this is no different from any other zone; that this provides greater latitude for developers to be able to do something within the community they do not presently have the means to do.

City Attorney Nelson stated since this is like any other zone, most of the time it will be consensual and most of the rezonings we do are based upon request from owners. He stated the Council will retain the right to rezone property to the interest of the city and if a zoning study shows it is necessary; that this zone would be the same as others. He stated that he has one other question and asked how this zone treats others as the C-3 zone has lots of requirements which do not apply that we find in all other zones.

Mr. Bennett stated that it would be the same as other commercial zones; that the C-3 is still the only zone that is different.

Councilwoman Rutherford asked if she were to request a study would any current use be grandfathered-in.

Mr. Bennett stated any zoning change of an existing use if not permitted in the new zone would be grandfathered-in; that it would become legal non-conforming and allowed to continue until it loses its status.

City Attorney Nelson stated the (non-conforming) use would have to be legal under the current law.

Councilwoman Rutherford asked if a property is in C-2 and a legal use and this were to go into effect, would it be grandfathered-in.

Mr. Bennett stated once it is out of business for 100 consecutive days it loses its non-conforming status and has to comply with the regulations.

Mike St. Charles, Chairman of the Governmental Affairs Committee of the CMA, stated that the Association does not object to this zone; that when this zone was proposed it was to be from the River to the Ridge and from the Georgia border to the north shore, which encompasses a lot of manufacturing area.

AMEND ZONING ORDINANCE (Continued)

Mr. St. Charles stated for just a little bit of background when the Downtown Plan came forward it showed a number of manufacturing sites zoned and depicted as not manufacturing but as residential, then when the 2030 Plan came forward there was no reference to manufacturing and they wanted to make sure the Council understands. He stated David Breckinridge with one of the major manufacturers is present to explain to the Council in real terms what the concerns are so that everyone could work together to make sure all are "on the same page" and balance. He expressed thanks to RPA and Greg Haynes for working with them to get this into good balance.

David Breckinridge spoke next and stated that he is Vice President and General Manager of Austin Powers, formerly known as Combustion Engineering in its "past life". He stated Austin Powers is a major company composed of 650 people in this fair city and is a growing business. He stated he wrote a letter in 2005 expressing concerns and at the time he had employees walking in and asking if the facility is closing due to a plan for rezoning for greenways, residential and commercial facilities as the greenway was to go right through his plant. He stated a lot of employees were asking questions for months as to whether they were closing; that Austin is a global company doing billions of dollars across the world and has been expanding. He stated they receive support from the community and he is not present to bash Planning as they do a great job. He noted that it is tough to do manufacturing in the US; that it is difficult and a challenge they accept where they are and see opportunities. He stated it is important for them to know the community supports what they do.

Roger Tudor, Chief Executive of the Association of General Contractors, stated that his question is if this new zone is voluntary, developers would ask to come and have property rezoned for UGC then that is a voluntary thing. He asked if it is being said they want to identify and draw boundaries of these areas they want developers to build within a minimum height with a maximum of 40 feet, whether that is actually being said or is it a truly voluntary program that was presented three weeks ago.

Mr. Bennett stated when an area is designated as being appropriate for a zone, which is what RPA is saying. He stated the Ridge to the River was mentioned when the Central Business District expanded to include that area going almost to St. Elmo, the north shore beyond 20th Street, or to Central Avenue as there was an interest in that area for an urban type development of a developer wanting to do things which the current zoning would not allow them to do without pages of conditions or many variances from the Board of Zoning Appeals.

AMEND ZONING ORDINANCE (Continued)

Mr. Bennett stated what is being said is in designating an area it is not that the entire area should be rezoned, but what is appropriate for that zone. He stated they would consider that a rezoning to this new zone is favorable should someone wish to avail themselves, not that we should go in and do a blanket rezoning of the entire area and certainly not should we go in and do all manufacturing. He stated the bottom line is that this new zone is like any other zone and provides an additional tool for developers they did not have before; that the only way there would be any hesitation, blanket rezoning would be at the direction of this Council as it would have to come from this body. He stated the intent was never to displace or do away with any use of any zone in the area; that it is simply to combine something for the people that developers told RPA they needed for a use that they do not currently have.

Councilman Page stated that he would like to go on record that this is a new category and not a zoning and asked Chairman Pierce to give an opportunity for questions to be asked with regard to business owners; that he would like for this Council and him, personally, to go on record to say they are pro-business and want manufacturing here. He stated if this use does anything that "hamstrings" Chattanooga please let the Council know. He stated it is hoped questions have been answered appropriately and if not he would like for the Chairman to give persons another chance to respond.

Councilman Benson asked if this is just a new category of zones that an applicant may request to be selected from the six other zones.

Mr. Bennett responded "right, yes"; that this is not unlike the new zone recently adopted for the whole city.

Councilman Benson stated from what he sees this does not handicap anyone. Mr. Bennett responded "correct".

Chairman Pierce asked those in attendance if they feel comfortable or have any doubts.

Ray Childers stated that they do feel comfortable and perhaps more so. He stated most know the Manufacturers Association has been around a long time and have a great appreciation for owner's rights or property owners to do what they wish with property they hold. He stated they take offense when property owners are directed at the urgency of perhaps other property owners to do something or not do something with property on which they hold the deed.

AMEND ZONING ORDINANCE (Continued)

Mr. Childers stated that they understand this body and others like it have the responsibility and right to make decisions for the use of property for public good and would not do anything ever that would find CMA opposing those kinds of efforts when they happen in the course of due process.

Chairman Pierce stated that it is his thought this has been one of the best public hearings since he has been on the Council. He stated there are discussions in committee but sometimes everything is not said in committee and this is where an answer is needed.

On motion of Councilman Benson, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V BY
ADDING SECTION 650, URBAN GENERAL COMMERCIAL (UGC) ZONE**
passed first reading.

REZONING

2006-233: Dave Gardner

Pursuant to notice of public hearing, the request of Dave Gardner to rezone tracts of land located at 7610 and 7614 Standifer Gap Road came on to be heard.

The applicant was present; there was no opposition.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that the request is to rezone this property R-3 for an apartment project located on Standifer Gap Road across from the Silverdale Workhouse. He stated the seven acres of land would allow 156 units with a density of 21.3 per acre and fits well with the various other densities within a mile or two, other apartment use and two single family residences. He stated the Hamilton Place Plan recommends low-to-medium density for this area, which is appropriate for this request. He stated Planning recommends approval subject to conditions.

Councilman Benson stated that this request was worked on along with Planning and there is no reason for opposition as the community has been made aware. He stated that he would like for it to be theoretically recommended but considering the location with development to the west and other situations out there, he is inclined to say this is probably the best of our options.

REZONING (Continued)

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 TRACTS OF
LAND LOCATED AT 7610 AND 7614 STANDIFER GAP ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2006-234: David Davis

Pursuant to notice of public hearing, the request of David Davis to rezone parts of tracts of land located at 4220 and 4256 Shallowford Road came on to be heard.

The applicant was not present; there was no opposition.

Councilman Franklin stated that the applicant met with a group within the community association to present this item prior to Christmas and to his knowledge there is no opposition.

Chairman Pierce stated he had been informed opposition would be present and asked if the matter should be tabled one week.

Councilman Franklin stated the applicant was present at the meeting prior to Christmas.

Mr. Haynes stated that the request is for the back half of the property that is not rezoned for the purpose of industrial development and noted that a portion of the property was rezoned a year-and-a-half ago. He stated the North Brainerd Land Use Plan recommends a heavy business mix for this area and Planning recommends approval subject to conditions.

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PARTS OF
TRACTS OF LAND LOCATED AT 4220 AND 4256 SHALLOWFORD ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT
INDUSTRIAL ZONE AND R-1 RESIDENTIAL ZONE TO M-2 LIGHT
INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2006-235: Don Walker

Pursuant to notice of public hearing, the request of Don Walker to rezone tracts of land located in the 6900 block of Park Drive came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated the purpose for this request is for development of town homes for ten units with a density of 9.34 dwelling units per acre. He stated adjacent property on Robinson has similar density and other surrounding property was shown b PowerPoint which included commercial. He stated The Shallowford Road-Lee Highway Land Use Plan recommends office and town homes are appropriate in areas of mixed use. He stated the Traffic Engineer feels the turn around to accommodate city services is appropriate and Planning recommends approval subject to conditions.

Councilwoman Rutherford stated it is her understanding there was an agreement at the Planning meeting that was made part of the minutes that a fence would installed; that she would like to have that added as a condition to this rezoning – the installation of a six foot high wooden or vinyl fence.

Don Walker, applicant, stated that he has no problem in adding this condition.

City Attorney Nelson amended the Ordinance in open meeting to reflect, “...*the installation of a six (6) foot high wooden or vinyl sight-obscuring fence or masonry wall along the southern property line.*”

Mr. Walker again agreed to the addition of the condition.

Councilwoman Rutherford stated with Mr. Walker’s agreement to the additional condition approval is recommended.

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 IN THE 6900 BLOCK OF PARK DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO RT-1
RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2006-236: Tracy Cooke

Pursuant to notice of public hearing, the request of Tracy Cooke to rezone a tract of land located at 506 Tucker Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Haynes stated this request is for development of a single family home that will maximize the site and make it compatible and consistent with existing uses along Tucker and Colby Streets. He stated the site is just less than .8 acres and six units are proposed; that one is already on the site. He stated the units will have a density of 7.5 units per acre and surrounding residential units have about the same density. Surrounding properties were shown, as well as a house on the site which would be one of the six units. He stated that the Comprehensive Plan encourages urban infill of this type and much of the property was rezoned in 1990. He stated variances would be needed for the setback and Planning recommends approval with rear loading garages only.

Tracy Cooke, applicant, stated that an assortment of setbacks on Tucker Street are any where from ten-to-thirty feet and this development would be good for the neighborhood.

Ben Johnson spoke in opposition to the request and stated that he is a lifelong Chattanooga and has owned his home at 531 Tucker Street for five years. He stated when this came before the Planning Commission the Planning Staff cited the intent to maintain the residential integrity throughout North Chattanooga, which is very important. He stated that he is not opposed to the development necessarily but apprehensive about this project due to Mr. Cooke's previous record of developments Tucker. He distributed photos of Mr. Tucker's previous developments, one at 409 Tucker that was renovated or remodeled wherein key architectural details were either covered up or removed and the other was a new house that is out of character for the street. He stated both projects show a lack of appreciation for the integrity and character of the neighborhood. He stated the North Shore Plan suggested a reduced lot size and setback as a means of preserving the character of the area. He stated his lot is 5 X 150 and has a zero front setback and was built in 1920, but the North Shore Plan suggests development in the area should be within the architectural design to include front porches and garages to the rear. He stated vinyl is conspicuous and both projects have vinyl siding.

REZONING (Continued)

Mr. Johnson stated his main opposition is that the developer should be asked to follow the guidelines and comply with regard to the architectural plan. He stated he would like to know what Mr. Cooke's project will look like; that due to Mr. Cooke's previous track record it may or may not be out of character for the neighborhood.

Mr. Cooke stated that he met some of the neighbors and if there is a problem he is unaware of it; that he wants to be a good neighbor and whatever he needs to do, he will do.

Councilwoman Rutherford asked Councilwoman Bennett if this request is in her district.

Councilwoman Bennett responded that it is actually in District 2.

Councilwoman Rutherford asked Councilwoman Robinson if she has met with Mr. Cooke.

Councilwoman Robinson responded that she has not and noted if there has been a meeting she has not been contacted nor notified about the project. She asked if the developer has had a community meeting with the neighborhood.

Mr. Cooke responded "no, I have not". He stated he has talked to some who have indicated they have no problem.

Councilwoman Rutherford asked if Mr. Cooke has a drawing of his houses.

Mr. Cooke responded that he did not have them with him; that he had them earlier in the week and sent them back.

Councilwoman Rutherford stated that she knew she was speaking out of turn and suggested that the matter be deferred until the Council could have more information about what Mr. Cooke is actually doing.

Councilwoman Robinson stated that she was going to say that it is her thought it would be good to meet with the neighbors and have Mr. Cooke articulate his project; that the gentleman (Johnson) in the audience could get some of the people working on that and welcome the opportunity to meet with him (Cooke).

REZONING (Continued)

Councilwoman Robinson stated if Mr. Cooke would do that and come back it would help make the Council and the neighborhoods feel better. She stated she would be glad to attend when the meeting is scheduled. At this point she made the motion to table the matter until January 30.

Councilman Benson stated that there were similar anxieties with Mr. Cooke's development in his district near Min-Ton, however it worked out wonderfully and everyone was happy; that the neighborhood had anxieties and all were encouraged to work them out.

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 506 TUCKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled until January 30.

REZONING

2006-238: First Citizens Bank

Pursuant to notice of public hearing, the request of First Citizens Bank to rezone a tract of land located at 1611 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Benson, 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 1611 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE
passed first reading.

REZONING

2006-243: Vicki Ready

Pursuant to notice of public hearing, the request of Vicki Ready to rezone a tract of land located at 1407 Citico Avenue came on to be heard.

REZONING (Continued)

Mr. Haynes stated this request is for a barbeque house and the zone requested would permit a restaurant with a special exceptions permit. He stated the site is an existing building that previously had commercial use however it has been vacant for over one hundred days and has fallen out of its non-conforming use status. He stated the surrounding property is O-1 with an existing market on the corner of Greenwood and Citico. He stated the comprehensive plan supports placing daily convenience stores and shops within walking distance and that the site was formerly used as a restaurant. He stated the Planning Commission recommends approval subject to two conditions.

Councilman Benson stated it has been said the barbecue would already be cooked.

Edward Owens of 7730 Basswood Drive stated that when he spoke at the Planning Commission meeting he explained that he would have a pit that he could move around with. He stated the concern has been about the outside area and beautification; that he has no problem with changing it as he does not like the way it looks now and would like for it to be more neighborhood friendly to cater to the entire town.

Mrs. Owens stated that they went all around the neighborhood and got a letter from some of the residents; that a lot of them are for this barbeque house. She stated they will not have any alcoholic beverages and she and her husband are all for everything the neighborhood wants and have no problem in fixing anything they want them to do.

Councilwoman Rutherford asked how many off street parking places would this property have.

Mr. Owens directed the Council's attention to the drawing shown by PowerPoint which showed the right side as a parking lot and noted that the overgrowth would be cleaned off; that they plan to put in eight parking spots as there would only be five-or-six booths. He noted that this would be a drive-and-go-type restaurant.

Chairman Pierce asked if a rezoning of this nature would really require off street parking and noted that the City Attorney is trying to find it in the zoning regulations now.

REZONING (Continued)

Councilwoman Rutherford stated if this is going to be a restaurant there would have to be one parking space for every three seats in the restaurant and looking at what she sees on the screen the shape of the lot looks like there might not be room for parking. She stated due to the residential nature it is her thought they would have to have off street parking so people will not be parking in front of residents' houses.

Peggy Kilpatrick of the Bushtown Neighborhood Association who lives at 722 North Highland Park Avenue stated what they are opposing is not the opening of the restaurant but the fact that it does not have paved parking facilities for off street parking. She stated that she first learned this building would reopen as a restaurant and the neighborhood on North Highland Park had very negative comments because the residents had lived through the time when there were unhealthy activities at this location – very unhealthy activities. She stated that they met on November 30 with the lease holder of this restaurant and were okay with the idea of a restaurant reopening as long as certain conditions were met. She stated they would like for the conditions to be met prior to the opening of the restaurant; that currently there are no parking facilities that they feel is sufficient and would like to see a paved parking lot for off street parking. She stated they would like for the area to be beautified and made neighborhood friendly as they work toward trying to revitalize their neighborhood. She stated she is not sure if the paved parking could be made possible prior to opening but that is really their main concern.

City Attorney Nelson read from the zoning ordinance and stated pursuant to the C-5 zone there must be one parking space for every 75 square feet of the restaurant area; in addition, off street parking shall be provided. He stated all off street parking should be subject to review and approval of the Traffic Engineer and located and maintained for safe circulation to and from adjacent streets. He clarified that one parking space is required for every 75 square feet of the usable area and that the city's Traffic Engineer is responsible for reviewing the application and approval.

Mr. Haynes stated that was the reason the condition was added to make sure all requirements were met.

Chairman Pierce asked if paved parking is a requirement.

City Attorney Nelson responded "not in this section".

Chairman Pierce stated that there is nothing wrong with adding the condition.

REZONING (Continued)

Mr. Haynes stated the zone does not require the parking lot be paved; that it could be added as a condition. At this point he noted that the owner of the property e-mailed the Clerk of Council requesting that the Council go ahead with the case; that he is not sure if this is the only piece of property she owns or the R-4 next to it.

The Clerk of the Council confirmed that Ms. Ready e-mailed a letter indicating that she could not be present due to business in Nashville and is agreeable to the conditions. During the course of conversation, the Clerk noted that Ms. Ready indicated she had had a conversation with Mr. Haynes who explained the conditions and she is in agreement.

Councilman Franklin asked who the owner is. Mr. Haynes responded it is Vicki Ready.

Councilman Rico asked if the area he sees with gravel is the parking area. The response was "yes".

Mr. Owens clarified that it is gravel and asphalt.

Councilwoman Gaines stated that she met with the community in November and thinks at this point the changes discussed are pretty much noted in the ordinance before us. She stated she is in agreement with what she sees tonight; that there was a question about paving and that is not a requirement as the City Attorney noted. She stated they could ask for gravel to be placed there however we can not make them do that; that she hopes included with this is that some of the trees would be taken down. She asked how binding it would be if it is requested that some of the shrubbery be taken away; that Mrs. Kilpatrick mentioned some of the trees.

City Attorney Nelson stated it would not be binding; that it could be added as a condition to alleviate the appearance, but it can not be done by agreement. He stated it is either in there at the Council's decision or leave it alone.

Councilwoman Gaines make the motion to stay with the changes (conditions) that are already in the ordinance as recommended for approval by Planning; Councilman Franklin seconded the motion.

Councilwoman Rutherford asked why the Staff recommended denial.

REZONING (Continued)

Mr. Haynes stated that the original request went against the recently adopted Avondale Neighborhood Plan which did not show commercial and it was felt allowing it would set a precedent and open up this corridor for more commercial.

Councilman Franklin stated that the applicant is "in tune" with the conditions of the business going in, which would alleviate a lot of the question as it relates to paving. He stated that he understands Mrs. Kilpatrick's concern and the revitalization of the neighborhood. He stated that he knows the applicant very well and (he) would not do anything that would inflict anything previously there. He asked if there is another zoning outside C-5 that could exist if they moved to another location, would it revert back to whatever original zoning was there to protect the neighborhood.

Chairman Pierce stated that the conditions stay with the property; that the next person on the property would have to operate under the same conditions.

Mr. Owens stated that the parking lot is paved with gravel and some asphalt mix and the overgrowth will be cleaned out. He stated a couple trees would be cut back to beautify the site and plants will be placed in front of the place to make it look nice and friendly. He stated if there is any thought to paving the lot completely it would be up to the owner of the land who said she does not have a problem with paving and putting up a fence in the back for dumpsters and garbage cans. She stated they really want to beautify it and make it look a lot better as it has been empty for awhile.

Councilwoman Rutherford stated that she feels uncomfortable rezoning with the property owner not here to know what conditions we are talking about. She stated she would like to defer the matter until next week and let Ms. Ready be present as the property owner does not have a clue what we are talking about; that she would prefer to wait until she can be present to see what she has to say about what we are doing to her.

Mr. Owens stated that he had spoken with her.

Councilwoman Rutherford stated that she can not vote to zone this unless the property owner is here and says "yes, I agree".

Councilman Rico stated "she does". Councilwoman Rutherford stated she (Ready) does not know we are talking about paving the parking lot; that we should respect the property owner and let her be present to hear part of this discussion.

REZONING (Continued)

Councilman Benson stated that the property owner called and said she knew she would not be here; that we are not saying anything about parking lot paving.

Councilwoman Rutherford stated when we start talking about a person's property they should be present to hear the discussion and either agree or disagree. She stated all eight Council members can vote, however she is not going to.

Councilman Rico "called for the question".

At this time Mrs. Kilpatrick indicated she wanted to address the Council again however Chairman Pierce stated that she had an opportunity to speak earlier. He stated he would permit her to speak again if a motion was placed on the floor. At this point, Councilwoman Gaines made a motion for Mrs. Kilpatrick to speak again; Councilwoman Robinson seconded the motion; the motion carried.

Mrs. Kilpatrick stated there was a statement made concerning the right side of the property and it is her understanding not much of the property belongs to that restaurant, thus the parking area is not really sufficient as it belongs to the radio station that is on that side. She stated she is still very concerned and does not understand why and how a paved parking area will be provided or any parking spaces; that to the left is the sidewalk. She stated if they park there they would actually have to come in and cut a "lip" and make a real parking lot but they really do not have that much property at the right side of the building as it belongs to the radio station. She stated all they have mostly is the front yard to the building and no actual parking place.

Councilwoman Gaines stated in speaking to the property to the left there is a "lip" there where a person can drive up and park four-to-five cars. She stated at the meeting Mrs. Owens stated there would be seven seats in the restaurant.

Mrs. Kilpatrick stated she indicated the left and gave a directional synopsis of the area and noted that the area on the right side belongs to the radio tower; that they do not have that much space that actually belongs to the owner of the building.

Councilwoman Gaines stated there are questions about the traffic engineer and the matter may be deferred.

REZONING (Continued)

Mr. Haynes stated that the conditions address this; that the condition on the parking is that it will have to be reviewed by the Traffic Engineer.

On motion of Councilwoman Gaines, 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 1407 CITICO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE**

passed first reading; Councilwoman Rutherford voted "no".

MEMORANDUM OF UNDERSTANDING

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA
POLICE DEPARTMENT TO ENTER INTO A 2006 EMERGENCY
COMMUNICATIONS MEMORANDUM OF UNDERSTANDING WITH THE
HAMILTON COUNTY 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT,
A COPY OF SAID AGREEMENT BEING ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE**

was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Benson,
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA
POLICE DEPARTMENT TO ENTER INTO A MAINTENANCE AND
CUSTODIAL AGREEMENT WITH THE HAMILTON COUNTY 9-1-1
EMERGENCY COMMUNICATIONS DISTRICT, A COPY FO SAID
AGREEMENT BEING ATTACHED HERETO AND INCORPORATED HEREIN
BY REFERENCE**

was adopted.

AGREEMENT

On motion of Councilwoman Bennett, seconded by Councilman Benson,
**A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE
EXECUTION BY THE CHIEF OF POLICE OF A FIREARMS TRAINING
FACILITY COOPERATIVE AGREEMENT WITH THE FEDERAL BUREAU OF
INVESTIGATION, A COPY OF SAID AGREEMENT BEING ATTACHED
HERETO AND INCORPORATED HEREIN BY REFERENCE**

was adopted.

PROPERTY INSURANCE

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN PROPERTY INSURANCE RENEWAL THROUGH ARTHUR J. GALLAGHER & COMPANY AS BROKER FOR TRAVELERS AS CARRIER AT A RATE OF EIGHT AND 00/000 CENTS (\$.080) PER ONE HUNDRED DOLLARS (\$100.00) IN VALUE FOR AN ESTIMATED PREMIUM OF THREE HUNDRED ELEVEN THOUSAND TWO HUNDRED DOLLARS (\$311,200.00)

was adopted.

QUITCLAIM DEED

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION APPROVING AND RATIFYING THE EXECUTION OF THE QUITCLAIM DEED CONSUMMATING THE EXCHANGE OF PARCELS WITH SUNTRUST BANK AS AUTHORIZED IN RESOLUTION NO. 24971

was adopted.

BID ACCEPTANCE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION ACCEPTING THE HIGHEST BID BY DONALD KURKOWSKI AND ERIC POIRER FOR THE SALE OF THE CARR STREET APARTMENTS PROPERTY, LOCATED AT 2618 CARR STREET, TAX MAP NO. 155C-F-024, IN THE AMOUNT OF ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00) AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ACCEPT MONEY IN EARNEST AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID SALE

was adopted.

AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WATERHOUSE PUBLIC RELATIONS FOR PUBLIC RELATIONS SERVICES RELATIVE TO RECYCLING FOR THE TERM BEGINNING OCTOBER 1, 2006 AND ENDING DECEMBER 31, 2007 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

was adopted.

DECLARE SURPLUSE

MR-2006-240: Paul Page, Director General Services

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION DECLARING AS SURPLUS CERTAIN REAL PROPERTY
LOCATED AT 100 WEST 45TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE**

was adopted.

DECLARE SURPLUS

MR-2006-244: Paul Page, Director General Services

City Attorney Nelson stated that the language in this Resolution should be changed from the "University of Tennessee at Chattanooga" to *Campus Development Foundation, Inc.*, a private entity that funds the University. He stated as he understands it, it is going to the UC Foundation and not the University of Tennessee at Chattanooga.

Councilmen Gaines and Franklin made the motion and second to amend the Resolution; the motion carried.

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**A RESOLUTION DECLARING AS SURPLUS CERTAIN REAL PROPERTY
LOCATED AT 730 MCCALLIE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, AND AUTHORIZING THE
DIRECTOR OF GENERAL SERVICES TO EXECUTE A QUITCLAIM DEED TO
DONATE SAID PROPERTY TO THE CAMPUS DEVELOPMENT
FOUNDATION, INC. AFFILIATED WITH THE UNIVERSITY OF
CHATTANOOGA FOUNDATION, INC. FOR USE AS A GREENWAY
ACCESS**

was adopted.

QUITCLAIM DEEDS

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES
TO EXECUTE QUITCLAIM DEEDS TO RE-CONVEY PROPERTY AT 1012
WEST 37TH STREET, TAX MAP NO. 155N-A-002, AND A PARCEL KNOWN
AS ADAMS STREET LOT, TAX MAP NO. 145L-G-016, TO
CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC.**

was adopted.

"POWER OF ONE" MAYOR'S LUNCHEON

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE OFFICE OF MULTICULTURAL AFFAIRS TO SPONSOR "THE POWER OF ONE" MAYOR'S LUNCHEON TO BE HELD ON JANUARY 29, 2007 AT THE CHATTANOOGAN HOTEL, INCLUDING THE SALE OF TABLES TO SAID LUNCHEON, AUTHORIZING ALL CITY DEPARTMENTS TO BUY TABLES AT SAID LUNCHEON, AND AUTHORIZING PAYMENT TO THE NATIONAL MARTIN LUTHER KING, JR. MEMORIAL PROJECT FOUNDATION OF THE PROFITS OF SAID LUNCHEON

was adopted.

OVERTIME

Overtime for the week ending December 22, 2006 totaled \$92,192.86 and the week ending December 29, 2006 totaled \$30,966.95, for a total of \$123,249.81 for the two weeks.

PERSONNEL

The following personnel matters were reported for the following departments:

PUBLIC WORKS DEPARTMENT:

- **HERENA ROBINSON, SR.** – Suspension (2 days without pay), Crew Worker, City Wide Services, effective December 11-12, 2006.
- **GARY L. ROSHELL, SR.** – Dismissal, Crew Worker, City Wide Services, effective December 11, 2006.
- **JERRY W. HAYES** – Dismissal, Crew Worker, City Wide Services, effective December 12, 2006.
- **JUAN M. TONEY** – Suspension (5 days without pay), Crew Worker, City Wide Services, effective December 27-29, 2006, January 2-3, 2007.
- **ED LECOMPTE** – Transfer, Construction Engineer, Engineering, Pay Grade 13/Step 11, \$45,666.00 annually, effective December 21, 2006.
- **RON CARPER** – Transfer, Construction Inspector, City Wide Services, Pay Grade 13/Step 8, \$40,426.00 annually, effective December 18, 2006.

PERSONNEL (Continued)

- **JIMMY L. YEARBY** – Suspension (4 days without pay), Crew Worker, City Wide Services, effective January 2-4, 8, 2007.
- **CHRISTOPHER T. DOSSETT** – Suspension (4 days without pay), Equipment Operator, Sr., City Wide Services, effective January 2-5, 2007.
- **JEFF PARRIS** – Resignation, Hydraulics Engineer, Engineering, effective December 27, 2006.
- **DON YOUNG** – Retirement, Building Official, Land Development, effective December 29, 2006.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **MARTHA ADAMS** – Retirement, Family Services Supervisor, Child Care, effective December 29, 2006.
- **CYNTHIA BURSE** – Resignation, Family Services Assistant, Head Start, effective January 4, 2007.
- **DEBRA LOWERY-GRISBY** – Termination, Dietary Assistant, Head Start, effective December 19, 2006.
- **CAROLYN SIMS** – Retirement, Resource Specialist, Head Start, effective December 29, 2006.
- **TINA THOMPSON** – Retirement, Dietary Assistant, Head Start, effective December 19, 2006.
- **RHONDA DODDS** – Resignation, Family Services Assistant, Head Start, effective November 22, 2006.
- **AMY NORRIS** – Resignation, Clerk IV, Head Start, effective December 8, 2006.

GENERAL GOVERNMENT:

- **KEVIN M. GERMAIN** – Hire, Network Technician, Information Services, Pay Grade 9/Step 3, \$27,153.00 annually, effective December 18, 2006.

PERSONNEL (Continued)

- **JAMES B. MCMAHON** – Resignation, Network Technician, Sr., Information Services, effective January 5, 2007.

PERSONNEL DEPARTMENT:

- **LUCY YOUNG** – Resignation, Personnel Assistant, effective January 2, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **VERNON TURNER** – Family Medical Leave, Communications Officer, effective December 14, 2006 – March 8, 2007.
- **TAMMY BOSTICK-MCCLINTOCK** – Family Medical Leave, Police Services Technician, effective December 14, 2006 – March 9, 2007.
- **JACKIE QUARLES** – Suspension (1 day without pay), Communications Officer, effective December 21, 2006.
- **JACKIE QUARLES** – Suspension (1 day without pay), Communications Officer, effective December 22, 2006.
- **JUSTIN BUTTON** – Resignation, Police Officer, effective December 25, 2006.
- **DESTRY K. SPILLER** – Suspension (28 days without pay), Police Officer, effective December 28, 2006.
- **STEVE PARKS** – Retirement, Chief of Police, effective December 30, 2006.
- **ROYELLEN LAMARRE** – Retirement, Crime Scene Technician, effective December 31, 2006.
- **CLARA (JOYCE) RICHEY** – Retirement, Communications Officer, effective December 31, 2006.
- **JARED SULLIVAN** – Suspension (3 days without pay), Police Officer, effective January 4-6, 2007.
- **ARCHIE GRIFFIN, JR.** – Resignation, School Patrol Officer, effective January 5, 2007.

PERSONNEL (Continued)

FINANCE DEPARTMENT:

- **JAMILEH ZURKIYA** – Transfer, Accountant, Sr., Pay Grade 19/Step 8, \$50,539.00 annually, effective December 22, 2006.
- **TONIA WATERS** – Hire, Payroll Technician, Pay Grade 8/Step 2, \$24,651.00 annually, effective January 5, 2007.

PARKS AND RECREATION DEPARTMENT:

- **LARRY ZEHNDER** – Appointment, Administrator, \$103,756.00 annually, effective January 5, 2007.

PURCHASE

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

CRI (Lower and better bid)
R0094649/B0003701

Nortel Telephone System (*Telecom Solutions, Inc., the lowest incomplete bid, is considered non-responsive and could not be properly evaluated since the company failed to include their cost for cabling this new station.*)

\$10,613.00

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Parks and Recreation Department:

STARKEY PRINTING (Lowest and best responsive bid)
R0094690/B0003687

PURCHASES (Continued)

Printing Services Contract (*Chattanooga Printing & Engraving’s lowest alternate bid was not considered acceptable since the bid was based upon the condition that all the department’s printing projects would be done at one time; it is not feasible for the department to meet this condition.*)

\$48,000.00

Chairman Pierce offered congratulations to Larry Zehnder on his appointment as Administrator of the Parks and Recreation Department.

Mr. Zehnder expressed appreciation for the Council’s cooperation.

Chairman Pierce noted that he would attend some of his Parks and Recreation Committee meetings, but not all of them!

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchases were approved for use by the Public Works Department:

ROAD KARE INTERNATIONAL (Lowest and best bid)

R094712/B0003696

Speed Cushions

\$72,870.00

EARTHSCAPES, INC. (Change Order #1)

R0089315/B0003104

Erosion Control Services (*Increase allows other City organizations to continue utilizing this blanket contract.*)

\$ 40,000.00 -- Original Contract 6/13/06
110,000.00 -- Change Order #1 Increase
150,000.00 -- New Annual Expenditure Amount

HOTEL PERMITS

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

RED ROOF INN #7162 – 7014 Shallowford Road, Chattanooga, TN

DAYS INN – 101 East 20th Street, Chattanooga, TN

COMFORT SUITES – 2431 Williams Street, Chattanooga, TN

COMFORT INN – 7620 Hamilton Boulevard, Chattanooga, TN

BAYMONT INN & SUITES – 3540 Cummings Highway, Chattanooga, TN

BEST WESTERN HERITAGE INN – 7641 Lee Highway, Chattanooga, TN

HOLIDAY INN EXPRESS HOTEL & SUITES – 3710 Modern Industries Parkway, Chattanooga, TN

AIRPORT INN – 7725 Lee Highway, Chattanooga, TN

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines, the following purchases were approved for use by the Chattanooga Police Department:

G. T. DISTRIBUTORS, INC. (Only bid)

R0094478/B0003680

Police Duty Weapons

\$16,926.00

TASER INTERNATIONAL, INC. (Single source)

R0095309

Taser Guns per TCA 6-56-304.6

\$30,588.00

PURCHASES (Continued)

Chairman Pierce stated that this constitutes the purchase of a lot of tasers for the Police Department.

Deputy Chief Vaughn stated that every officer has one and tasers are needed for the new academy; that some on hand had to be repaired or replaced. He stated everyone that works the street and goes through training has a taser.

REFUNDS

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

Thomas C. Mayberry	1,699.06
Mary A. Clarke	1,399.04
Ernest Cowan	1,078.65
P.E.B. LLC	7,894.28
Annie Hale	1,165.08
Fountain Square Properties	4,240.12
Gao Ying	1,937.98
Floyd Dennis	1,340.69
James S. Grant	4,398.71
Ralph H. Grogan	2,206.18
C&J Regional Properties LLC	6,579.33
Eugene B. Hatfield	1,568.93
Ted. A. Vaughn	1,135.35
Edith M. Redish	1,790.44

REFUNDS (Continued)

Keena L. Jones, et.al.	1,079.20
Christopher Brown	1,035.71
Lisa L. Meades	1,341.79
Danny Penwell	1,376.47
Alfred Young Lanphier	1,138.10
Harriet Wichowski	1,082.50
Glen R. Braly	1,230.15
Darrel L. Widner	1,043.42
Ronald Earl Brown	1,305.45
J. W. Dietzen	1,062.35
Living Covenant Christian	1,014.90
Gilbert X. Cheves	1,356.21
New City Fellowship	1,014.90
Jeffery Davis	1,632.45
James D. Johns	1,469.50
Michael G. Mathis	1,631.35
The Heil Company	3,692.71

PURCHASE

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

MOTOROLA, INC. (Single source)
R0095164

PURCHASE (Continued)

CSR Maintenance and Support Renewal per TCA 6-56-304.6

\$23,600.00

BOARD APPOINTMENT

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford, the following Board appointment was approved:

CARTER STREET CORPORATION BOARD:

- Re-appointment of *JAMES C. HUDSON, III* for a term expiring January 3, 2011.

BOARD APPOINTMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following Board appointment was approved:

PENSION BOARD:

- Appointment of *TERRYL. LAMB* to fill the unexpired term of Larry Bentley for a term ending July 31, 2009.

EPB BOARD APPOINTMENT

City Attorney Nelson noted that the Resolution indicates that the term for Ms. Gregg will expire April 15, 2011.

On motion of Councilman Benson, seconded by Councilman Franklin,
**A RESOLUTION CONFIRMING AND APPROVING THE APPOINTMENT OF
VICKY B. GREGG AS A MEMBER OF THE ELECTRIC POWER BOARD OF
CHATTANOOGA**

was adopted.

CARTA BOARD APPOINTMENTS

Chairman Pierce asked if it is the best interest of the Board to appoint everyone at the same time, rather than staggering it.

BOARD APPOINTMENTS (Continued)

City Attorney Nelson stated that the Board is presently constituted and supposed it could be changed by ordinance if the Council saw fit. He stated CARTA was set up by an ordinance of the city and it could be changed by ordinance of the city.

Councilman Rico stated some appointments may not be completely off.

Councilwoman Rutherford stated this is something that could be brought up with the administrator of CARTA and Board members.

On motion of Councilwoman Rutherford, seconded by Councilman Benson, the following Board appointments were approved;

CARTA BOARD:

- Re-appointment of *E. STEPHEN JETT, DR. WARREN MACKEY, ERNEST R. HEDGECORTH, JILL HINDMAN, JOE HUTCHERSON, LABORN "SONNY" MOORE and WANZA LEE* for terms to expire October 1, 2011.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Franklin, the following purchase was approved for use by the Division of General Services:

CAROLYN'S TEMPRESOURCE, INC. (Change Order)
R0089991/P0024914

Citywide Temporary Employment Services (*Increase present contract amount by \$30,000.00*)

\$46,300.00 – Original Contract approved 8/25/06
30,000.00 – Change Order #1
\$76,300.00 – New Annual Expenditure Amount

HEARING: BOBBY M. WALKER

City Attorney Nelson reported the request for hearing from Bobby M. Walker regarding his termination from Stormwater Operations.

HEARING: BOBBY M. WALKER (Continued)

A hearing for Mr. Walker was scheduled for Monday, February 5 at 9 a.m. with Councilmen Page, Rico and Gaines serving on the panel; Councilwoman Bennett volunteered as alternate.

HEARING: JERRY W. HAYES

City Attorney Nelson reported the request for hearing from Jerry W. Hayes regarding his termination from City Wide Services.

A hearing for Mr. Hayes was scheduled for Monday, February 12 at 9 a.m. with Councilmen Gaines, Rico and Pierce service on the panel; Councilwoman Robinson volunteered as alternate.

COMMITTEES

Councilwoman Rutherford scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, January 23 at 3 p.m.** for a report from Judge Suzanne Bailey.

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, February 16 beginning at 3 p.m.** He stated the Committee has a full agenda!

MANCHESTER PARK NEIGHBORHOOD ASSOCIATION

Councilwoman Robinson stated that the Manchester Park Neighborhood Association will meet on February 1 at 7 p.m. at Manchester Park Church of Christ.

OPINION: CHAIRMAN PIERCE

Chairman Pierce stated that he has to voice his opinion as it relates to committee meetings and wanted to make it clear that no Council person is required to attend committee meetings. He stated Council members are required to make one regular meeting in a ninety-day period and it is his thought three Council persons were singled out in a recent newspaper article. He stated that he personally speaks for himself; that it was petty to run a story of that nature about committee meetings.

OPINION: CHAIRMAN PIERCE (Continued)

Chairman Pierce stated that he attends the Mayor's agenda meetings on Tuesday mornings wherein the entire agenda is discussed and (he) feels he does not have any reason to come back to afternoon meetings, unless it is his desire. He stated when he became Chairman he made all committees Committees Of the Whole and that was not to say every Council member had to be at every meeting. He stated that he thinks all have been on the Council long enough to use their own discretion and attend meetings if it is felt there is a need for questions to be answered. He stated for that reason, he wanted to say that even after the article appeared in the News-Free Press, there was also an editorial, however he is not in a position to look at the Times-Free Press or any other news media setting the agenda for the Council as to when to meet and not meet. He stated that it is his feeling that is what they (Times-Free Press) were trying to do and he wanted to "air" that out.

NATIONAL LEAGUE OF CITIES DESIGNATION

Councilwoman Gaines stated that she publicly wanted to congratulate one of the Council's members, John Franklin, Jr., for being elected to the Board of the National League of Cities. She stated that she knows it was in the newspaper and she read several pamphlets that endorsed him. She stated that she wanted to say she was very proud of him for being elected to a national committee.

Chairman Pierce acknowledged that all on the Council are glad, also. Councilman Franklin expressed appreciation for the support of the Council.

JOAN HOLLIDAY JOHNSON

Joan Holliday Johnson of 401 East 20th Street in Alton Park stated that she spoke to the Council in 2005 and 2006 and is again asking what the plans are for the homeowners in Alton Park. She stated that they see all this new stuff going on and wanted to know what part they play in it. She stated Councilman Rico is the Councilman for her district and the night he was elected she went up to him and told him she would lose her property by eminent domain in 2008 and told him that she voted for him. She stated his response was that he would work to help the ones who own their homes and that he did not see any reason anyone who owns a home would lose it. She stated she can not get anyone to work with them and does not have any money; that she lives on Social Security and it takes every penny of that for her to live on.

JOAN HOLLIDAY JOHNSON (Continued)

She again asked how the City is planning to help homeowners; that there has been no meeting in Alton Park where they can go to help themselves or are they to just wait to have their homes taken by eminent domain.

Councilman Rico stated that he did not think anyone will take her home and there is no list. He stated that he informed Ms. Johnson that her home would not be taken by eminent domain as they don't need it.

Ms. Johnson stated that she hasn't seen any work on it; that the World Changers were sent out and they "played a game" on her. She stated that she waited all day on a Wednesday for them to come by and it was not until that Friday that someone named JoAnn called, noting that two of her (Johnson) friends had already signed two papers. She stated about 5 p.m. one of the World Changers called and when she answered no one said anything. She stated that she hung up and at about 5:55 p.m. her doorbell rang and she went out her back door to see who it was as she does not have strangers coming to her house. She stated the person was a white man who told her JoAnn sent him to have her sign a paper and if she did not sign it they would not repair her house. She stated that she told him to get out! She stated that she had signed one paper and two papers should have been signed.

Chairman Pierce stated he did not know if there was anything the Council could do; that the World Changers are a volunteer group and are not city sponsored. He stated that he did not know what type of papers she had to sign.

Ms. Johnson stated that one was for painting and the other was for children to come help and she did not understand this at the time but does now. She stated she did not understand why she was presented with two papers and does not like to "play games".

Chairman Pierce stated this was not a matter having to do with games; that the Council does not have anything to do with this. He stated that he was sure they presented their best interest to her and she might have had an attitude.

Ms. Johnson stated that she does have an attitude!

Chairman Pierce stated that might be the reason she did not receive the service.

Ms. Johnson stated at 6 p.m. when someone comes to a house the only thing they are there for is a "booty" call! She again asked if there are any plans to help the property owners.

JOAN HOLLIDAY JOHNSON (Continued)

Chairman Pierce again stated there is nothing in line for that as this type of request comes from all neighborhoods. He stated that the city has incentives to give and certain areas have received incentives, however, it does not apply to all areas.

Ms. Holiday stated that the Council would be blamed for making this citizen become a prostitute as she has no job!

JERRY HAYES

Jerry Hayes stated that he is one of the persons for which a hearing was scheduled and asked if there is any way possible to have his hearing scheduled earlier.

Chairman Pierce asked why Mr. Hayes needed the hearing to be held earlier.

Mr. Hayes stated there are things coming up in his life that he needs to get out of the way. He stated if there is a problem in rescheduling he can live with it.

(The hearing date remained for February 12 beginning at 9 a.m. as previously scheduled.)

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, January 16, 2007 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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