

City Council Building
Chattanooga, Tennessee
May 13, 2008
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: "PUBLIC WORKS WEEK"

Mayor Littlefield stated one of the happiest things he gets to do, as former Commissioner of Public Works, is proclaim "Public Works Week". At this point he read the proclamation proclaiming the "Week" that has been spread upon the minutes:

Whereas: The public works infrastructure, facilities and services are of vital importance to the health, safety, and well-being of the residents of the City of Chattanooga; and

Whereas: Such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers and administrators, representing, our City, who are responsible for and must design, build, operate, and maintain the transportation system, sewage collection and treatment systems, our solid waste collection and disposal system, and other structures and facilities essential to serve our citizens; and

SPECIAL PRESENTATION: "PUBLIC WORKS WEEK"
(Continued)

Whereas: It is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of their respective communities;

Now Therefore

I, Ron Littlefield, Mayor of Chattanooga Tennessee do hereby designate
the week May 18-24, 2008, as

National Public Works Week

Public Works Week: "The Future is Now"

Whereas, I further urge all our citizens to join with representatives of our governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to our public works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
13th day of May, 2008

Ron Littlefield, Mayor

Mayor Littlefield concluded his comments by expressing hope that all will pat public works persons on the shoulder for jobs well done.

Adm. Steve Leach stated several members of the professional staff were present and asked that they stand. He stated the agenda for the "Week" involves various activities beginning with a display of public works services, equipment and technology at the Chattanooga Market on Sunday, a career fair at Chattanooga State on Tuesday, an employee luncheon on Thursday at the First Tennessee Pavilion and road side displays throughout the "Week" in prominent areas along the roadway. He expressed appreciation to the Council for their support through the years.

Vice Chairman Benson stated that the city is indebted to the spirit and effectiveness of the Public Works Department as they are quick to respond and are effective in their response. He stated everyone certainly recognizes them for that and expressed thanks on behalf of the Council for their service.

CLOSE AND ABANDON

MR-2008-034: Office Coordinators, Inc.

On motion of Councilman Rico, seconded by Councilman Pierce,
AN ORDINANCE CLOSING AND ABANDONING THE 400 BLOCK OF MYRTLE PLACE AND TWO (20 UNNAMED ALLEYS FROM THE 1500 BLOCK OF WASHINGTON STREET TO THE 1500 BLOCK OF WILHOIT ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING 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 CITY CODE

Vice Chairman Benson stated this ordinance is recommended for approval from the Legal and Legislative Committee.

On motion of Councilman Rico, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, ARTICLE VIII RELATIVE TO THE STANDARD ADDRESS NUMBERING SYSTEM, FOR THE CITY OF CHATTANOOGA, AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, ARTICLE IX, RELATIVE TO STREET NAMES
passed first reading.

REZONING

2008-070: Rostis Timoshchuk

Pursuant to notice of public hearing, the request of Rostis Timoshchuk to rezone a tract of land located in the 800 block of Rostis Lane 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 this request is located in East Brainerd off Jenkins Road and allows for a lesser front setback. He stated Planning recommends approval subject to two conditions: single family detached dwelling and traffic calming by the City's Traffic Engineer.

REZONING (Continued)

On motion of Councilwoman Robinson, 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 IN THE 8900 BLOCK OF ROSTIS LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-071: City of Chattanooga c/o Bill Payne, City Engineer

Pursuant to notice of public hearing, the request of the City of Chattanooga c/o Bill Payne, City Engineer to change the right-of-way name of the 3700 block of Polk Avenue to the 3700 block of Seminary Street came on to be heard.

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 3700 BLOCK OF POLK AVENUE TO THE 3700 BLOCK OF SEMINARY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

REZONING

2008-072: Jeff Cannon

Pursuant to notice of public hearing, the request of Jeff Cannon to rezone a tract of land located at 81 East Main Street came on to be heard.

Mr. Haynes stated this request is recommended for approval by the Planning Commission with conditions, including shared parking documentation by the applicant and the Choo Choo that is to be submitted to the city.

Jeff Cannon, applicant, stated there is only one problem with the condition as it relates to the shared parking agreement that is to be submitted to the Traffic Engineer. By PowerPoint presentation the proposed parking was shown as it relates to the Choo Choo parking lot. He noted that the Choo Choo's letter states they would be willing to grant as much parking as he (Cannon) wanted at any time.

REZONING (Continued)

Mr. Cannon stated that he does not want a formal agreement which traffic engineering suggested as there are sixteen different parking meters and it would be a logistical nightmare. He asked that the letter submitted be sufficient for the actual shared parking agreement.

City Attorney Nelson stated that it is his thought that the Council is looking for assurance by the letter agreement that the applicant (Cannon) could use it; that the contract might be enforceable one way or another.

Mr. Cannon stated that the bigger issue is the green space going on; that it is a three year initiative to have that condition and asked approval of the request without the traffic requirement. He stated there are three full time employees and two of them have agreed to use alternate transportation or take the bus; that their events and classes would be at night and the parking could be handled.

City Attorney Nelson stated that the problem he has is that Mr. Cannon may not always own the property and if he (Cannon) is not there to fulfill his end of the bargain his successor is required to maintain it; that the conditions run with the land and not with the individual who owns it.

Mr. Cannon referenced one of the PowerPoint slides that showed where the two buildings are located in reference to the Choo Choo; that he has talked with all the property owners to amass and make a community parking area going forward. He stated after the three year initiative it would render the building useless to say they have to have parking as this is a zero lot line.

Vice Chairman Benson stated that the Council can not go along with a verbal agreement.

Mr. Haynes stated that the intent of the conditions was to get approval of the City Traffic Engineer and documentation was mentioned; that if the Traffic Engineer is satisfied that condition has been met. He stated the intent was to make sure whatever shared parking agreement was approved and specified met the Traffic Engineer's approval.

Councilwoman Robinson stated that she would like to see everyone come away tonight with a way to work this out; that this neighborhood is in a period of transformation and it is her thought we need to do what it will take to make it "go" tonight.

REZONING (Continued)

Councilwoman Robinson stated what they are doing is key to our city in that neighborhood; that we are sitting on "go" with the Mayor's green program and have the perfect place to do it. She asked if a memorandum of understanding or something of that nature to the Traffic Engineer would work as she is afraid one of the deals we are making will become unraveled.

City Attorney Nelson stated that the ordinance requires two readings, tonight's reading and next week's. He stated if the Traffic Engineer is satisfied, fine; that it has a week to come back and get that assurance from John VanWinkle.

Vice Chairman Benson reiterated that we have a week to get the matter worked out for documentation if it is approved by the Traffic Engineer.

Mr. Cannon stated he has a plea and asked if the matter can be approved with all the conditions other than this one.

Vice Chairman Benson stated that the Council can not without the Traffic Engineer's approval.

Mr. Haynes stated there are no parking requirements within the C-3 zone which is the attraction to the C-3 zone for the downtown urban area. He stated when we get to the edge along Main Street that is where the Traffic Engineer has concerns.

At this point Councilwoman Robinson made the motion to approve the request on first reading; Councilwoman Gaines seconded the motion.

Councilwoman Gaines stated that she wanted to go back to the comment that was made about the requirement by the Traffic Engineer and asked Mr. Cannon to explain the 16 parking places at the Choo Choo.

Mr. Cannon stated that he would have to enter into a partnership with the Choo Choo; that he has a letter from the management of the Choo Choo saying he could use it, which is as formal as you can get. He stated to go into an agreement with the Traffic Engineer requires all partners' signature which means he would have to get all sixteen individuals and the Holiday Inn as another entity would have to sign off on it, as well.

Vice Chairman Benson asked for clarification noting that he did not realize C-3 did not require the City Traffic Engineer's approval.

REZONING (Continued)

Councilwoman Gaines clarified that the letter in question is from the Choo Choo.

Councilwoman Berz stated that the request reflects "subject to certain conditions" and asked if C-3 would normally be approved without parking conditions.

Mr. Haynes responded "yes".

Councilwoman Berz stated the purpose of the conditions is concern for what.

Mr. Haynes stated anytime there is a C-3 request, which has no requirement for parking, the Traffic Engineer wants to make sure areas not directly in the middle of that or on the edges would provide for adequate parking within that area. He stated it is hard to explain other than being conservative on the side of parking, even though the C-3 zone's main intent is to allow businesses that do not require parking in an urban area as opposed to a suburban setting. He stated the C-3 zone tries to encourage urban developers with parking; that the conditions in place are typically there to make sure the building is up to the sidewalk and does not address parking.

Councilwoman Berz asked the City Attorney if the matter could be approved without the conditions

City Attorney Nelson stated that it could; that there are four conditions and the only problem in this one which references the Traffic Engineer.

Mr. Cannon stated all the other conditions relating to setbacks are all fully met.

Councilwoman Berz asked if the motioner and seconder would amend their motion to approve only with the three conditions and not the one referring to shared parking.

Councilwomen Robinson and Gaines agreed to amend their motions to approve the request without the condition referencing the shared parking agreement as approved by the City Traffic Engineer.

REZONING (Continued)

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 81 EAST MAIN STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**

passed first reading.

REZONING

2008-073: William H. Wilkerson

Pursuant to notice of public hearing, the request of William H. Wilkerson to rezone a tract of land located at 4921 Bradington Avenue came on to be heard.

The applicant was present.

Mr. Haynes stated that this is the extension of an existing use of medical offices fronting on Hamill Road; that Planning's only concern was from a resident adjacent to it whose question was in regard to stormwater and was told the matter would have to be addressed by City Code. He stated that was the only concern and was not really opposition, just a question; that the matter is recommended for approval with conditions.

William Wilkerson was present representing his client and noted that two meetings had been held with the neighborhood, as well as a meeting with the Hixson Planning Group. He stated that the person who had a concern with regard to stormwater called and indicated she could not be present and is in support of what is being requested. He stated there is no opposition.

Vice Chairman Benson recognized the presence of Everett Fairchild, Chairman of the Hixson Planning Group, who acknowledged concurrence with the request.

Councilwoman Robinson expressed thanks to Mr. Fairchild for his presence, noting that he is the President of the Hixson Group and major advisor to her and Councilman Page on many issues pertaining to the whole Hixson Land Use Plan and was instrumental in getting it developed five years ago.

REZONING (Continued)

On motion of Councilwoman Robinson, 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 4921 BRADINGTON AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL
ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2008-074: Ken Pritchard

Pursuant to notice of public hearing, the request of Ken Pritchard to rezone a tract of land located at 400 East Main Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated that the C-3 request is to convert an existing warehouse into condominiums and retail space. A site plan that was presented at the time of application was shown, as well as an updated plan. He stated Planning recommends approval subject to the usual C-3 conditions consistent with the downtown plan and surrounding zoning.

On motion of Councilwoman Robinson, 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 400 EAST MAIN STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**
passed first reading.

RIGHT-OF-WAY NAME CHANGE

2008-077: City of Chattanooga c/o Bill Payne, City Engineer

Pursuant to notice of public hearing the request of the City of Chattanooga c/o Bill Payne, City Engineer to change the right-of-way name of the 5200 block of Polk Avenue, to the 4200 block of Lomnick Drive came one to be heard.

RIGHT-OF-WAY NAME CHANGE (Continued)

On motion of Councilman Rico, seconded by Councilman Pierce,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 5200
BLOCK OF POLK AVENUE TO THE 5200 BLOCK OF LOMNICK DRIVE,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

REZONING

20088-079: Matt Brown

Pursuant to notice of public hearing, the request of Matt Brown to rezone a tract of land located in the 900 block of East 8th Street, 710 Palmetto Street and 800 McCallie Avenue came on to be heard.

The applicant was present; concerned citizens regarding this request were in attendance.

Mr. Haynes stated that this is another request for C-3 and noted that there has been confusion over what Planning's recommendation was. He stated the request is for proposed new housing on the site; that Planning recommends approval subject to the usual conditions in the C-3 zone in addition to two other conditions involving the southeast corner of the parking lot and the strip fronting Eighth Street for residential housing only. He stated C-3 allows residential and other uses; that the conditions restrict the use of residential housing along that portion of the parking lot that is undeveloped.

Matt Brown of Franklin Associates was present representing the property owner of the Salvation Army. He stated they simply want to have this particular parcel rezoning to C-3 in order to have some relief of setback and parking requirements to design a building of character in the neighborhood and that is all.

Dr. Roger Thompson, Professor of Criminal Justice at UTC, stated that he wanted to clarify some of the language when talking about residential housing; that the focus is for the expansion of a federal halfway house facility for federal prisoners and that needs to be clarified and understood. He stated the expansion is being proposed to double the size and basically put a federal prison within the M. L. King neighborhood and operate as such. He expressed objection to that because for the last several years they have been a "weed and seed" area and have made amazing strides and, indeed, this is not a population they want to multiply within their neighborhood.

LIFT CONDITIONS (Continued)

Dr. Thompson stated that he studies crime and criminal behavior and the people here have very serious behavior problems, otherwise they would not be in prison. He stated many are drug related and this community very simply has struggled with different combinations of behavior attendant to drugs. He stated we can go through and label it residential, we can go through and describe in different terms, but he wanted the Council to understand that he is opposed and objects. He asked that time be taken so different parties will be able to look at the impact this has on the elementary school, the University and the community at-large.

Richard Brown, Vice Chancellor of Finance and Operations at UTC, stated that a public meeting was held to discuss parts of this site development and he expressed concern at the time relating to possibly doubling the size of their prison and outreach program and they have given them some assurance these are not violent offenders. He stated UTC's long term strategic plan involves a \$30 million residential development on McCallie and Palmetto which probably will be developed in two-to-three years and will house 500 freshmen students. He also asked for deferral of the matter for a full understanding of what this is all about to make sure UTC has time to be fully engaged in the planning development of the site and understand the strategic potential. He stated they really do not want to get in the middle of the neighborhood and all of that; that their concern at this particular point is about the quality and size of the project for this site.

Dr. Anita Conley of 1020 East Tenth Street and President of the M.L. King Neighborhood Association spoke next and expressed the Association's concerns from a previous discussion with the Salvation Army on two other occasions and this afternoon about their plans in an effort to work with them. She stated they have been very positive to the concerns the Association has and one of the things they "took from the table" was the building on East Eighth Street. She stated that she talked with Major Lawrence and assurance was given that three residents would be on a committee to work with the Salvation Army to help figure out what would be best for this building they are going to put on the corner; that they really generally support the Salvation Army's efforts to provide transformational housing for women and children and this will expand their women and children's transformational housing. She stated her understanding from what they have been told is that they are really trying to get rid of the transitional housing now existing at that location and if that can be reduced it will be a positive effect to the neighborhood.

REZONING (Continued)

Dr. Conley stated transient housing is only under emergency circumstances and they know how difficult that can be when it is too hot or too cold; that right now there is a prison population existing on that location and from the information they have been given statistics find that would be less than the general population who walk up and down East Eighth Street. She reiterated that they do have concerns and they will "be at the table" to make sure this property is beneficial to their neighborhood and city.

Vice Chairman Benson asked Dr. Thompson if he is asking that the matter be tabled for an effort to look at the plan; that he is not rejecting it completely.

Dr. Thompson responded that he is "asking that it be tabled".

Vice Chairman Benson stated others want more specifics.

Mr. Haynes explained for the use proposed the applicant can go on with the existing zoning as an extension of the R-4 zone. He stated the reason for the C-3 is so they can have a building up to the sidewalk which is what C-3 requires; that they can build up to the sidewalk with variances. He stated even with the existing R-4 they can put in a housing multi-family building depending on the nature of the housing and they may not need a special permit in addition to that. He reiterated that the C-3 is so they can build up to the sidewalk, which is the primary reason for the C-3 request.

Vice Chairman Benson asked if they can do everything they want now.

Mr. Haynes responded "they could keep the R-4 and build the building".

Councilman Franklin stated that he can "see" the concerns from both UTC and the M.L. King Neighborhood Association. He expressed that his concern is that everyone "be at the table" during the process to make sure as they move forward all concerns are addressed. He stated that the future of UTC and the M. L. King neighborhood is that they co-exist with the property the Salvation Army has so that all concerns are met and everyone can co-exist in a manner conducive for life as a resident and student.

Councilwoman Berz stated that she is excited about the good things that are shaping up in the M. L. King community, especially about the UTC plans. She asked Messrs. Thompson and Brown if they would like more time to talk about the matter.

REZONING (Continued)

Mr. Brown responded "that is correct"; that they would like to fully understand the scope and size of this expansion for the prison population to make sure any risk is controlled and minimized. He stated this program has been in existence for many years and has been handled quite well and from what he is hearing the plan is to double its size and numbers, noting that he does not know the true numbers. He stated it is imperative that they know the full scope.

Councilwoman Berz asked what effect would there be if a little more time is taken to have more information.

Councilman Pierce stated that the Council needs to move on and stated that there is no setback for C-3 and they can build out to the sidewalk. He inquired as to the setback for the R-4 zone.

Mr. Haynes responded "25 feet".

Councilman Pierce stated the real question is how big is this complex going to be, whether it will go up to two-or-three stories or what. He stated parking will also be a concern in that area as he knows there is not an adequate parking area.

Nelson Long stated that he would like to alleviate some concerns. He stated the first point is they are not doubling anything and if that is a concern that should satisfy that question. He stated "yes" they do have parking; that they wanted to build on the other side of East Eighth Street and felt that would be the most attractive location but the neighborhood objected and that area on East Eighth Street will become the parking area and parking is not a concern. He stated they do have a right to build a building there, a more attractive building to match other buildings to build up close to the sidewalk like the other buildings to "make it fit". He stated their initial desire was to build a building for family housing for mothers and children and to build such a building requires apartments and a lot of bathrooms and they did not have the money to do that. He stated the building that is currently being used for persons on the work release program would work and they can move the prisoners on work release to this new building which would be cheaper and they do have the money for that. He stated all they are doing is taking persons already there and moving them to a less nice, smaller building and creating a place for family housing which does not today exist. He stated there is a need as people are on the street.

REZONING (Continued)

Mr. Long stated their building is not going to put more on the street or change anything; that they are taking some people off (the street); that "yes" some of the prisoners on work release probably are drug offenders, he does not know. He stated that he can tell everyone if the general population was forced to go through this same screening on a random and frequent manner as ours, there would be a lot less drug abuse. He stated that it is his hope he has answered all questions.

Councilman Pierce inquired as to the number of persons in the halfway house.

Mr. Long responded "less than 100".

Major Lawrence stated that there are 56 (beds) for men and 12 (beds) for women; that often times when there is an overflow they have to put out cots and that is one of the reasons they want to move in order to get proper beds.

Councilman Pierce clarified there are 56 beds for work release and the request is to increase the numbers with additional beds.

Major Lawrence responded "yes"; that the increase is to meet the overflow on occasions. He stated they do not control the numbers by the people who come as the government does that.

Councilman Pierce stated that he sees expansion of the use of the work release program from 56 to no matter what! At this point he **made the motion to table the matter 30-60 days** for UTC and residents to further discuss the matter.

Vice Chairman Benson asked if the days are specific enough.

Mr. Brown stated this would provide an opportunity to "set down at the table" to talk about it as this is not what they heard specifically in their first meeting. He stated that he did hear there would be an increase in beds and the amount of that he does not know and that is the kind of detail they need to work through.

Vice Chairman Benson stated that we can not control the population; that zoning is all we can control.

Councilman Pierce stated zoning is controlled by the population by giving additional space to build; that we are talking about a setback.

REZONING (Continued)

Mr. Long stated there is space to build a building and moving it close to the curb makes it look more like the rest of the neighborhood, as well as more space between the existing building and new building to make it more attractive. He stated they have the square footage to build whatever.

At this point Councilman Pierce repeated his motion to table 30 days. Councilwoman Gaines seconded the motion.

Councilwoman Gaines inquired as to the number of beds for persons that can be accommodated at the McCallie address.

Major Lawrence responded "65 beds".

Councilwoman Gaines asked if they were allowed by law to have 65 beds.

Major Lawrence responded "yes"; that sometimes they have to put out cots until beds are freed.

Councilwoman Gaines inquired as to the number of persons that are there now and the number of years they have been at the McCallie address.

Major Lawrence responded "56" persons and that they have been at the McCallie address "50 years".

Councilwoman Gaines asked if they have to follow the same guidelines as jails as to how many can be housed in their facilities.

Major Lawrence responded that he is "not sure of the program guidelines for jails" and noted that they have to have 50 square feet per individual.

Councilwoman Berz clarified that they can do what they want to do; that they want to do it correctly and meet the aesthetic needs of the area. She stated her concern at this point is since there are wise and valid concerns it would be good to sit down and have the concerns met and come back so all are "on the same page". She asked if it would create a hardship to postpone 30 days.

Major Lawrence responded "no".

Councilman Pierce cautioned that there should not be any further discussion as he has made the motion to table the matter.

REZONING (Continued)

Vice Chairman Benson stated that he knows of no other charitable 501(c)(3) that does a better job and asked that they not take anything the Council has said as detrimental to their quality of work; that they are trying to help the neighborhood.

Councilwoman Robinson asked if the matter was requested to be "deferred" 30 days.

Councilman Pierce stated that the Clerk of Council has verified that his motion was to "table" 30 days.

At this point the members of the Salvation Army Board were asked to stand.

Vice Chairman Benson expressed hope that the matter could be worked out with the community.

Councilman Pierce asked that a date be scheduled so the parties could meet.

On motion of Councilman Pierce, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 900 BLOCK OF EAST 8TH STREET, 710 PALMETTO STREET, AND 800 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled 30 days (June 17, 2008).

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

REZONING

2008-080: Matt Brown

Pursuant to notice of public hearing, the request of Matt Brown to rezone tracts of land located in the 900 block of East 8th Street came on to be heard.

REZONING (Continued)

Councilmen Pierce and Gaines made the initial motion and second to deny this request.

City Attorney Nelson clarified that the request was for withdrawal; that the applicants have left the room and they were under the impression the request was for withdrawal.

Councilman Pierce stated all they want to do is make a parking lot; that they will have to get special permission for that and asked why keep it on the calendar.

At this point the vote was taken on Councilmen Pierce and Gaines' motion for denial; the motion failed with Councilmen Berz and Rico voting "no".

On motion of Councilman Rico, seconded by Councilwoman Berz,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 900 BLOCK OF EAST 8TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE

was withdrawn.

LIFT CONDITIONS

2008-085: David C. Miller

Pursuant to notice of public hearing, the request of David C. Miller to rezone a tract of land located at 1912 South Willow Street came on to be heard.

The applicant was present; there was opposition in attendance.

Mr. Haynes stated that the request is to lift conditions; that the Planning Commission initially recommended approval of R-4 to match adjacent properties and let the applicant reuse the school as senior apartments. He stated several conditions were attached: use as elderly housing only, retention of existing structure, sight-obscuring fence to be constructed along boundary with adjacent residential property and all existing easements are to be retained. He stated the applicant is requesting that condition three with reference to the fence be lifted or amended; that if it is kept in place it would prevent putting in parking off the alley.

LIFT CONDITIONS (Continued)

David Miller stated that the issue involves fencing; that the plan for parking off the alley would run behind the school between the school and neighborhood on South Kelley. He stated the request is for condition three to be lifted so they do not have to erect the fence on the portion of the property line where parking will be located. He stated they discussed the issue with two neighborhood associations, Oak Grove and Ridgedale, and both voted in favor of modifying the conditions.

Gary Ball of the Ridgedale Neighborhood Association was present to make sure what was said in the meeting and agreed is what the Council approves.

City Attorney Nelson clarified that what the applicant is seeking is relief on one side where there will be parking.

Mr. Miller responded "the portion of fencing that would impair parking".

Councilman Pierce clarified that the amendment would just be for the area along the alley where there would be parking.

City Attorney Nelson amended the third condition in open meeting to reflect "*...sight-obscuring fence to be constructed along boundary with adjacent residential properties except along the alley...*"

On motion of Councilman Pierce, 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 1912 SOUTH WILLOW STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM C-2 CONVENIENCE COMMERCIAL ZONE WITH CONDITIONS TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2008-087: Matt & Julie Rogers

Pursuant to notice of public hearing, the request of Matt & Julie Rogers to rezone tracts of land located in the 300 block of Pine Ridge Road came on to be heard.

REZONING (Continued)

The applicant was not present; there was no opposition.

On motion of Councilwoman Robinson, 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 300 BLOCK OF PINE RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE
was denied.

INTERLOCAL AGREEMENT

Councilman Rico stated Resolutions (b-g) and (j-k) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO AN INTERLOCAL AGREEMENT, IN THE FORM ATTACHED HERETO, WITH HAMILTON COUNTY, TENNESSEE, FOR THE PURCHASE OF HOMELAND SECURITY EQUIPMENT FOR THE CHATTANOOGA FIRE DEPARTMENT AND THE CHATTANOOGA POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED THREE HUNDRED TEN THOUSAND NINE HUNDRED ONE AND 47/100 DOLLARS (\$310,901.47), WITH HAMILTON COUNTY GOVERNMENT REIMBURSING THE CITY OF CHATTANOOGA FROM HOMELAND SECURITY GRANTS PROVIDED TO HAMILTON COUNTY, TENNESSEE, BY THE UNITED STATES GOVERNMENT DURING FISCAL YEAR 2007-2008 WHICH SHALL BE COMPLETED BY APRIL OF 2010
was adopted.

PAYMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION APPROVING A PAYMENT TO ORANGE GROVE CENTER, INC. IN AN AMOUNT NOT TO EXCEED THIRTY-ONE THOUSAND SEVEN HUNDRED TWENTY-TWO DOLLARS (\$31,722.00) FOR CUSTODIAL SERVICES AT THE FITNESS CENTER AND WARNER PARK/FROST STADIUM DURING NOVEMBER 2006 THROUGH APRIL 2008
was adopted.

ACCEPT DONATION

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A DONATION IN THE AMOUNT OF TWO HUNDRED TWENTY-NINE DOLLARS (\$229.00) FROM DEAN CONSTRUCTION LLC FOR THE PURCHASE OF A FLASHCAM-DBO-REFURBISHED DUMMY SYSTEM, FOR WHICH THE CITY HAS NO OBLIGATION TO ENTER INTO A CONTRACT/AGREEMENT OR PERFORM SERVICES
was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, ACCEPT AN URBAN AND COMMUNITY FORESTRY GRANT FROM THE TENNESSEE DIVISION OF FORESTRY IN AN AMOUNT UP TO THIRTY THOUSAND DOLLARS (\$30,000.00), WITH THE REQUIRED EQUAL MATCH BEING PROVIDED BY THE CITY'S 2009 APPROPRIATIONS TO GENERAL FUNDS
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JORDAN, JONES & GOULDING, INC. RELATIVE TO CONTRACT NO. W-08-006-101, PHASE 2 - WASTEWATER SYSTEM CMOM AND MISCELLANEOUS SERVICES, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TRANSYSTEMS/LITCHENSTEIN RELATIVE TO CONTRACT NO. E-07-007-101, WALNUT STREET BRIDGE - SIXTH BIENNIAL INSPECTION, DESIGN, AND CONSTRUCTION PHASE SERVICES, IN AN AMOUNT NOT TO EXCEED NINETY-NINE THOUSAND EIGHT HUNDRED SEVENTY DOLLARS (\$99,870.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JORDAN, JONES & GOULDING, INC. RELATIVE TO CONTRACT NO. W-0-8-005, J-VAP REMEDIAL ACTION AT THE MBWWTP SOLIDS HANDLING SYSTEM DEMONSTRATION AND RENOVATION OF PLATE AND FRAME PRESSES, IN AN AMOUNT NOT TO EXCEED ONE HUDNRED FORTY-THREE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$143,850.00), WHICH AMOUNT SHALL BE REIMBURSED BY SIEMENS PER THEIR AGREEMENT WITH THE CITY
was adopted.

FINAL PUD

2007-212: Habitat for Humanity c/o Dennis Neal

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE COVENANT UNIT DEVELOPMENT ON TRACTS OF LAND LOCATED IN THE 1600 BLOCK OF EUCALYPTUS DRIVE, 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.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, TO ACCEPT A FY 2007 BUFFER ZONE PROTECTION PLAN (BZPP) GRANT FROM TENNESSEE EMERGENCY MANAGEMENT AGENCY (TEMA) IN THE AMOUNT OF ONE HUNDRED NINETY-TWO THOUSAND FOUR HUNDRED EIGHTY AND 74/100 DOLLARS (\$192,480.74), WITH NO LOCAL MATCHING FUNDS REQUIRED, TO BE USED TO PURCHASE TACTICAL POLICE EQUIPMENT FOR THE SWAT TEAM, BOMB SQUAD AND PATROL DIVISION
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT CONTRACT NUMBER 2007-GE-T7-005, A DEPARTMENT OF HOMELAND SECURITY CITIZEN'S CORPORATION GRANT, AS A "PASS THROUGH" FROM HAMILTON COUNTY EMERGENCY SERVICES. THE TOTAL GRANT TO HS DISTRICT III (ADMINISTERED BY HAMILTON COUNTY) ALLOTS TWO THOUSAND SEVEN HUNDRED FIFTY SIX AND 22/100 (\$2,756.22) DOLLARS, FOR THE PURCHASE OF NEIGHBORHOOD WATCH SIGNS
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING ALAN SOLON TO USE TEMPORARILY THE RIGHT-OF-WAY AT THE INTERSECTION OF RIVER GORGE DRIVE, WILDROSE LAND AND AETNA MOUNTAIN TO INSTALL A CONTROL GATE FOR THE CONSTRUCTION ENTRANCE FOR CURRENT AND FUTURE DEVELOPMENT, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITONS
was adopted.

OVERTIME

Overtime for the week ending May 9, 2007 totaled \$69,585.69.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ◆ **ANTHONY SIMMONS** – Termination, Police Cadet, effective May 8, 2008.

CHATTANOOGA FIRE DEPARTMENT:

- ◆ **DUC Q. LE** – Resignation, Fire Cadet, effective May 6, 2008.

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- ◆ **EDWARD TATE** – Promotion, Engineering Project Manager, Engineering, Pay Grade 29/Step 6, \$63,382.00 annually, effective April 25, 2008.
- ◆ **JESSE PENDERGRAPH** – Suspension (2 days without pay), Equipment Operator 4, effective May 8-9, 2008.
- ◆ **DON SAUNDERS** – Suspension (2 days without pay), Crew Supervisor 3, effective April 22-23, 2008.
- ◆ **DESHAWN P. CRISP** – Termination, Concrete Worker, effective May 6, 2008.

ACCEPT DONATIONS

On motion of Councilwoman Robinson, seconded by Councilman Rico, the Parks and Recreation Department was authorized to accept the following donations:

The loan of kayaks and paddles from Rock Creek Outfitters and the matching donation of \$2,000 in gear from Dawson Wheeler of Keen Footwear. The total amount of donations from both businesses totaled \$4,000.00.

PURCHASE

The following purchases were approved for use by the Public Works Department:

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved:

SOUTHERN LIGHTING & TRAFFIC SYSTEMS (Lowest and best bid)
R0107822/B0005049

Wooden Poles

(Price information filed with minute material of this date)

PURCHASES (Continued)

On motion of Councilman Pierce, seconded by Councilwoman Robinson, the following purchase was approved:

MUELLER CANADA (Lowest and best bid)
R0108640/B0005097

Adjustable Floating Frames

\$545.00 per frame

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved:

WILLIAMS CONSTRUCTION CO. (Best bid)
R0106230/B005056

Rubber Speed Cushions and Curbing and Asphalt Speed Humps (*Bids from Phaltless Inc. and Williams were very close, with Phaltless slightly lower on asphalt speed hump installation and Williams slightly lower on rubber speed cushion installation; however, since the majority of installations over the next year are expected to be rubber speed cushions, the Williams bid is the best bid.*)

(Price information filed with minute material of this date)

EAST FIFTH STREET PROJECT

Councilman Pierce asked Adm. Leach to explain to the Council what happened with the Fifth Street paving with the University.

Adm. Leach stated that they participated in a program with UTC to repair the street behind the cemetery and the University's property; that they actually did a project in which they rounded out the area and put in a more level surface with minimal pavement, thereby "stretching" dollars. He stated they worked with UTC's engineering department so students could have a better understanding of what is done in the "real world". He stated it was a good project and noted there are speed humps that need to be put back to complete the project.

Councilman Pierce stated that he asked the Council to visit the area at one time and expressed how grateful he is for their involvement.

EAST FIFTH STREET PROJECT (Continued)

Councilman Pierce stated that this will be used as a gateway to the University; that it was in bad condition and is now in great shape! He expressed his public appreciation to Adm. Leach for his department's involvement and assistance.

BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilman Pierce, the following Board appointment was approved:

BEER AND WRECKER BOARD:

- Appointment of ***EDWIN M. FRICKS*** for a term expiring July 31, 2009 representing District 7 filling the unexpired vacant term of Greg Luther.

EXPRESSION OF APPRECIATION

Vice Chairman Benson expressed appreciation to Dan Johnson on qualifying and improving the composition of all boards; that we had a long way to go with one or two and we are making progress!

PURCHASES

The following purchases were approved for use by the Mayor's Office, General Services Division:

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the following purchase was approved:

SHERWIN WILLIAMS PAINT (Lower complete bid)
R0108554/B0005109

Blanket Contract for City Wide Paint and Paint Supplies (*The bid submitted by US Specialty Coatings Inc. was incomplete.*)

\$40,500.00 per year approximately

PURCHASES (Continued)

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchase was approved:

CAPITAL TOYOTA (Best value bid)
R0107198/B0005025

Three (3) Toyota Prius, Hybrid Sedans for use by Chattanooga Police Department (*North Georgia submitted the lowest total bid by \$1,332.00; while North Georgia's was the lowest bid for the vehicles, Capital offered the lowest bid for the warranty service. It is felt the City's interest is best served by awarding this contract to Capital because (1) The driving distance for having these vehicles serviced is closer and more convenient and (2) The service support diminishes greatly on warranty coverage when the vehicle is not purchased from the dealership providing the warranty.*)

\$70,611.00

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved:

MOUNTAIN VIEW FORD (Lowest and best bid)
R0105877

Ford F550 Truck for use by Public Works Emergency Division

\$64,383.03

BOARD APPOINTMENT

City Attorney Nelson two other persons need to be appointed to the Health, Education and Housing Facilities Board. He stated that he has spoken with them and they are willing to continue serving. He asked for a nomination for the appointment of Larry Woods and T. Hicks Armor.

Councilwoman Robinson made the motion to nominate Larry Woods and T. Hicks Armor for appointments to the Health, Education and Housing Facilities Board; Councilman Rico seconded the motion; the motion carried.

BOARD APPOINTMENT

City Attorney Nelson stated a similar situation exists with the Industrial Development Board, noting that the terms of Chris Ramsey and James Woods are up and solicited the Council's nomination for another term.

Councilman Rico made the motion to nominate Chris Ramsey and James Woods for appointments to the Industrial Development Board; Councilman Pierce seconded the motion; the motion carried.

City Attorney Nelson explained that State statute requires they be elected and the Attorney General has written an opinion defining the difference between being elected and appointed, which is why we go through what we just went through.

COMMITTEES

Councilwoman Gaines scheduled a meeting of the **Safety Committee for Tuesday, May 20 immediately following Legal and Legislative.**

ADJOURNMENT

Vice Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, May 20, 2008 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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