

**City Council Building
Chattanooga, Tennessee
February 16, 2010
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, City Attorney McMahan gave invocation.

MINUTE APPROVAL

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

SPECIAL EXCEPTIONS PERMIT

2010-018: James A. Craig, P.E./Wolford Development, Inc.

Councilman Murphy made the motion to move Resolutions (i) and (j) forward on the agenda with (i) read first; Councilwoman Berz seconded the motion; the motion carried.

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

Chairman Benson asked if the word "nightclub" would be corrected in this resolution, noting that persons in attendance resent it being labeled a "nightclub".

SPECIAL EXCEPTIONS PERMIT (Continued)

Ronald Feldman, attorney with Husch, Blackwell and Sanders, was present representing Buffalo Wild Wings in connection with this special exceptions permit application. He introduced Peter Thompkins, Senior Director of Operations for Buffalo Wild Wings and Mr. Clint Wolford of Wolford Development owner the shopping center where the proposed Buffalo Wild Wings will be located. He stated Buffalo Wild Wings is a legitimate, nationally known and recognized restaurant; they are not a nightclub and are entitled to a permit.

Councilwoman Ladd stated this is located in her district and Buffalo Wild Wings has been a member of the Northgate Mall area for a number of years and has operated professionally with no problem. She stated they are very popular out there and this would be a move that would be very welcomed by residents in Hixson to have this wonderful eatery in a nicer location with more room. He stated she has heard no opposition at all from the district.

Councilwoman Scott added that the other thing is that it is very rare that she has known of a restaurant that was truly a nightclub that had a child's menu and it is her thought that is significant!

Chairman Benson asked how we can get the word "nightclub" out of the ordinance. City Attorney McMahan acknowledged that the ordinance should be redrafted soon.

Councilwoman Berz stated that she is 100 percent in favor of this establishment happening and happening in Councilwoman Ladd's district. She stated her only concern and the reason she will abstain is that the fault is with the law and she knows time is of the essence and totally backs what they are trying to do. She stated as has been alluded to several times, there is a problem with the law itself and what we would be doing is "flying in the face of the law", again noting she would abstain.

At this point Councilman Rico called for the question.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A
NIGHTCLUB IN A C-2 CONVENIENCE COMMERCIAL ZONE ON A
TRACT OF LAND LOCATED AT 5740 HIGHWAY 153, TAX MAP NO.
100A-C-001.03**

Was adopted; **Councilwoman Berz abstained.**

SPECIAL EXCEPTIONS PERMIT

2010-012: D & M Properties, LLP

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated this is the R-1 PUD that was presented last week; that the recommendation last week was to approve the two conditions that came from the Planning Commission and then it was deferred so that five additional conditions could be added and considered along with the original two conditions.

Don Walker, present owner of the tract of land since 1966 or 1967, stated presently it is zoned R-3 for apartments and he wants to rezone the property for R-1 single family houses much like what has been built in Davidson Glen just south of this property and actually touches it that they developed approximately a year-and-a-half ago with 30 lots and one builder; that A. O. James bought the entire project from him and is just about finished building the it. He stated it has been quite a successful project and he has come to him about purchasing the property; that he does have a contract with Mr. James as he is buying the entire subdivision from him but he (Walker) has to build it first as he is not a developer, but a house builder. He reiterated that he has a contract and Mr. James has already been to his bank and has approval for the loan to purchase the property and construction of the houses will start sometime in the June or July time frame, weather permitting. He stated he has accepted the restriction the Planning Commission has put on the project for the landscape buffers, for 50 feet being the minimum lot width, sidewalks inside the subdivision and everything they have requested of us. He stated Mr. James does plan on building houses similar in nature and price, which has been around \$178,000 - \$239,000, and probably higher custom homes as high as \$250,000. He stated he builds nice houses and has been an asset to the community there; that the houses that he is going to build is about 72 lots since we have gotten rid of the 40 foot wide lots, for a total of about 72 lots with the price range previously mentioned. He stated it is about a \$15 million project added to the city's tax rolls; that it will be built out in approximately an 18 month-to-two year time frame. He stated the only question he has is there was a provision for sidewalks and assumes it is inside the subdivision; that it makes reference to "orange" on the map but has never seen anything "orange" to know if it is outside of the subdivision itself.

City Attorney McMahan responded that the sidewalks are internal.

SPECIAL EXCEPTIONS PERMIT (Continued)

Chairman Benson stated that information might be with Barry Bennett as he has the colored copy of it. He stated the Council could act on it and if that "orange" is in the wrong place he (Walker) could come back and see if we can get that settled about where the sidewalks were. He stated 40 foot lots were proposed and the conditions refer to 50 foot lots. He asked Mr. Walker how many lots he lost. Mr. Walker responded that he lost six lots.

George Eaves stated that he lives on Charlotte Avenue in East Brainerd and has been there 42 years; that some of the other neighbors have been there as much as 70 years. He stated the minimum lots are 50 feet lots and asked if some would be larger than that. Mr. Walker responded "yes".

Mr. Eaves stated the homes on Dodie Place are nice houses; that the ones across the street in Village Glen by the same developer is creating quite a flood problem on Davidson Road; that when the houses are built they will create more of a flood problem. He stated he has lived there 42 years and this year is the first time he has ever seen water in the First Tennessee Bank on East Brainerd Road and traffic had to be stopped as it was a real problem. He stated it is because we are filling in the flood zone out there and does not know why Chattanooga does not have a flood zone ordinance; that they need to get one real quick as more problems are being created. He stated he has a problem getting out of this house if there is rain of two-to-three inches. He stated Davidson Road floods each year as it is so low at the Creek; that East Brainerd Road is flooded when there is heavy rain and that is his opposition to it and does not know what the answer is.

Chairman Benson stated the residents want to know if there is anything that builds into this rezoning as it is already R-3 that might prevent extra water from coming all over them.

Bill Payne, City Engineer, stated based on his initial review that he is not 100 percent confirmed all this would go to Davidson Road or not; that it appears from preliminary maps some of it may actually head toward Mackey Branch and is something that would need to be verified and something he would have to look into whether it empties into the Davidson Glen subdivision to drain in that direction or if it drains into a different drainage path. He stated Mr. Eaves is correct that filling in the flood zone can have some impacts; that the flood elevation is not going to be impacted directly as a result of filling it as it generally comes from the impervious areas and other things.

SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Payne stated they will work with Mr. Walker to make sure that we are not going to create a worse problem along Davidson Road; that with the initial review he did today on this project it does not appear we are combining the two flows of water together as they appear to be going in separate directions, but it is something that needs to be confirmed and detailed.

Mr. Eaves stated it was the first time he has seen the water inside the bank.

Mr. Payne stated that section of East Brainerd Road is lower than the flood zone; that it is an area that certainly could experience that.

Councilwoman Robinson stated her question is if there is storm water retention built into the design of this neighborhood.

Chairman Benson asked Mr. Walker what he is going to do as the water is bad out there.

Mr. Walker stated that they put two huge detention pond lakes in the 30 lot subdivision under the power lines which TVA does allow them to do; that under the power lines for this property there are four-and-a-half acres available to put in detention ponds to hold back any water so none of it would go to Davidson Road as it would all have to go to Mackey Avenue as it does right now because the way the terrain of the land is right now it takes the water to Mackey Avenue down beside the golf driving range. He stated when they design the subdivision it will have sufficient size ponds and will not put any additional pressure onto Davidson Road. He stated that has to be done with the engineers of the city; that they did the same thing with Davidson Road and have not had any problem that he knows of and the two huge ponds have been sufficient size to handle the run off.

Rob Oates stated he has not lived there as long as others, but his property actually abuts right up to the field where this building will be taking place; that he understands it is the old Joe Engle farm. He stated there have been two times he knows of for sure and does not know if it is just from the heavy equipment that was actually clearing the property, that when he is in the back yard with children after the heavy rains he can smell sewage. He stated that he thought it was something in his yard but it ended up being sewage from the back field and the moving of dirt. He stated he does not know how that happened but there have been two different times that has happened and with the flood plain

issue he does not know about that, but does know that he was told that was considered a flood zone.

SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Oates stated it is a concern of his as it will be coming straight in behind him; that one question he has is he does not know how close in from the back property line to this building what type of buffer zone there would be, whether 50 feet or 100 feet. He stated he knows the power line is not that far back off his back property line and was under the assumption that nothing would ever be able to be built under the lines but evidently that is not so.

City Attorney McMahan stated there would not be any houses built under the power lines.

Mr. Walker stated there is no allowance to build in the area underneath the power lines; that they are not allowed to build a buildable structure or permanent structure. He stated there could be ponds, recreational tracks for walking and greenery and an area for other amenities, but no structures underneath.

Councilwoman Scott stated last week she asked the question about the flood zone issue and believes Mr. Walker said it was not in a flood zone even though the maps indicated that it is. Mr. Walker responded "correct".

Councilwoman Scott stated that Mr. Walker commented that he brought in fill.

Mr. Walker responded "correct"; that they took dirt from underneath the power lines and filled in a small area of Davidson Glen, but the land approximately four acres that is west of the power lines toward Mackey Branch was approximately six-and-a-half or seven feet in the flood zone and it was all filled in above the flood zone and certified by the city and FEMA and is no longer in the flood area.

Councilwoman Scott stated all the dirt that was brought there was actually just moved from one part of the property to another part.

Mr. Walker stated what will be seen on this track of land underneath the power lines is a considerable swell where we got the dirt; that they took dirt from onsite and did not bring in additional dirt from other places and used their own dirt. He stated if one truck load is taken from here and filled it in you actually took that truckload out of an area which would allow it to be filled in with water. He stated all the area underneath the power line is available to get any additional dirt or build the ponds that will be required by the city; that there is no more excavation to be done other than cutting the roads. He stated all of it had been done when the site was prepared two years ago; that all they have to do

now is just cut the roads, gravel them, put in the sewers, storm drainage and then pave them.

SPECIAL EXCEPTIONS PERMIT (Continued)

**Chairman Benson exchanged the gavel with
Vice Chairman Rico at this point**

Councilman Benson stated that he does not guess anyone has voted against Mr. Walker more than he has in ten years and noted that he (Walker) did a good job in Hawk's Cove which is similar to this and "went to bat" on that one; that a lot was asked of him and he came through. He stated he would like to see Mr. Walker come through in years to come, too; that this is R-3 already and this land belongs to Mr. Walker. Mr. Walker clarified "yes".

Councilman Benson asked if Mr. Walker plans to sell the land.

Mr. Walker stated that he does have a contract with Mr. James subject to rezoning for building 72 lots with approval of his loan from the bank which he has received as he has a letter verifying so; that he has a contract and all he wants to do is build the subdivision; that Mr. James will build it in its entirety, not in stages, and build it out. He stated January 7 of 2009 is when he closed out Davidson Glen to Mr. James and thinks he has only one vacant lot left in the subdivision and the houses he has under construction will probably be finished and closed by about April. He stated Mr. James has built that entire subdivision in just a little over a year's time with 30 lots and we have 72 this time, about an 18 month-to-two year project. He stated Mr. James already has a couple extra builders he had in Davidson Glen that are ready interested in lots in this project; that he (Walker) will not be building any houses in this one.

Councilman McGary stated there are five conditions. City Attorney McMahan clarified there are seven conditions.

Councilman McGary asked if Mr. Walker agrees to the seven conditions. Mr. Walker responded "yes".

Councilman McGary stated in reference to the concerns that were heard are they separate from the seven or included in the seven.

Mr. Walker stated their major concern is the water; that there is more than an adequate area to build detention ponds which they have already done for the other two subdivisions; that they have built two ponds rather than one and have overbuilt the detention ponds for the Davidson Glen project and will do the same for this project.

SPECIAL EXCEPTIONS PERMIT (Continued)

Councilman McGary asked Mr. Haynes if the water concerns are included in the seven conditions.

Mr. Haynes responded "yes"; that there are requirements in the conditions. He stated the seven conditions and the last one is the one that references several pages in the PUD review; that there are 30-40 conditions that are related to specific plat and site plans. He read two of the conditions that refer to the 100 year flood and comes under the Planning Commission requirements as items 10 and 11. He read item 10: *"Since some roads are proposed in the 100 year area the developer should be aware Section 311.3 of the Chattanooga Subdivision Regulation requires that all roads in this PUD must be in an elevation which is not lower than the 100 year flood of 687 feet"*, which controls the road. He stated this was rezoned for R-3 two years ago and had four apartments at that time which is when they did the filling. He stated the site has been prepped for that; that the only other condition addressed is in item 11 which states: *"Buildings themselves have to be at a certain elevation above the 687 feet ..."*

Councilman McGary stated in all fairness if we told Mr. Walker -- and the community has told him -- there are conditions he has to meet and he has agreed to them, unless there is some other stipulation that prevents him from doing what he says he is going to do, he does not understand what the issue is.

Mr. Walker stated Mr. Oates spoke about sewage and when land is excavated there are times when it does smell like sewage; that when old property is dug up you never know what might have been in that building 20-30 years ago as there are odors at times. He stated this project is entirely on sewer; that they built the pump station to the city's specifications and gave it to them at Davidson Glen and when they did that the entire design of the pump station was designed to accept the 400 apartments that could have been built on this tract of land had someone decided to buy it and build apartments. He stated the pump station at the end of Davidson Road is sufficient in size to handle all of Davidson Road and the houses that are proposed on this project.

Councilwoman Robinson asked if the condition that we place upon this go with the land even though there will be another developer taking over the project.

City Attorney McMahan stated the PUD would have to be developed in accordance with these plans or someone could submit a different set of plans for approval; that they cannot get a building permit if it is not in accordance with an approved PUD.

SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Walker stated they already have the plans drawn and will meet with the city next week for final approval for construction.

City Attorney McMahan stated this is preliminary and they will have to go through all the approvals and then final.

Councilman Benson asked if it comes back to the Council again for preliminary approval.

City Attorney McMahan responded "no"; that the final does.

Councilman Benson stated he is prepared to make a motion and prefaced it stating this land is already R-3 and apartments could be built with not a single condition; that we cannot put condition on it once it has been zoned. He stated Mr. Walker is asking that this be made into a PUD and we have an opportunity to put conditions on it and we have put some controlling conditions so it is either approve this or a "pig in a poke" no telling what will happen with it.

Mr. Walker stated a gentleman did purchase it from Louisiana, got it approved and had the apartments drawn up and was ready to close when the economic collapse we are encountering right now manifested itself and could not find a bank to finance it, but with the Volkswagen plant coming and the development there, the demand for apartments is increasing and they are trying to build a nicer project.

Councilman Benson made the motion to accept this request with the listed conditions; Councilman McGary seconded the motion.

On motion of Councilman Benson, seconded by Councilman McGary,
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A
RESIDENTIAL PLANNED UNIT DEVELOPMENT, KNOWN AS THE MACKEY
GLEN PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED
AT 1091 MACKEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

The gavel was returned to Chairman Benson at this point

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, SECTION 2-553, RELATIVE TO LOCAL PREFERENCE**
Was deferred two weeks.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilwoman Scott,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, BY REMOVING IN THEIR ENTIRETY
SECTIONS 38-43(4) AND 38-524, RELATIVE TO TWO-FAMILY
DWELLINGS IN A R-1 RESIDENTIAL ZONE**
Was denied; on roll call vote:

SCOTT	Yes
ROBINSON	Yes
LADD	Yes
GILBERT	Yes
BERZ	No
RICO	No
MCGARY	No
MURPHY	Yes
BENSON	No

REZONING

2009-157: City of Chattanooga

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED WITHIN THE BOUNDARIES OF AREA 1B AS LISTED BY ORDINANCE NO. 12291 AS ADOPTED BY CITY COUNCIL ON OCTOBER 6, 2009, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1 RESIDENTIAL ZONE, RT-1 RESIDENTIAL TOWNHOUSE ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE TO PERMANENT ZONES R-1 RESIDENTIAL ZONE, RT-1 RESIDENTIAL TOWNHOUSE ZONE, R-3 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

2010-006: Fraternal Order of Firefighters c/o Kevin M. Carpenter

Councilman Gilbert stated last week conditions were mentioned and wanted to make sure lighting for this project will not face the residential area so that when it is built there will not be any light shining into their homes.

Mr. Haynes stated that condition was included. City Attorney McMahan confirmed that it is listed as condition three.

On motion of Councilman Gilbert, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 4393, 4397 AND 4401 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2010-011: D & M Properties, LLP

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1091 MACKEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE

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

REZONING

2010-013: Don Walker

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT A PARTICULAR CONDITION IMPOSED IN ORDINANCE NO. 11926 (CASE NO. 2006-235) ON TRACTS OF LAND LOCATED IN THE 6900 BLOCK OF PARK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

MR-2010-007: City of Chattanooga

Councilwoman Robinson asked if there are any objections from anyone in the audience in reference to this request. There was none.

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE UNOPENED 600 BLOCK OF DRUID LANE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

**AMEND ORDINANCE NO. 12329 - CAPITAL
IMPROVEMENTS BUDGET**

Councilman McGary stated it is his understanding funds were reallocated to provide laptops for police officers. **Deputy Chief Rawlston** responded "yes".

Councilman McGary stated the report just released this past week for 2009 by the Police Department indicated drugs happens to be one of the issues greatly affecting our city and noticed that the narcotics fund was going to be defunded by \$500,000 and was curious if that was so, why that was so.

Chief Rawlston stated those monies are actually a reimbursement of those funds; that the funds were already allocated for other technology.

Dan Johnson, Chief of Staff, stated as the budget was passed it was using the narcotics funds which came as somewhat of a shock to the police department. He stated this rectifies that issue and restores funds back to narcotics as there are other issues to cover and then taking \$500,000 for laptops out of the general funds.

Councilman McGary stated the figure he saw was \$500,000 for narcotics and then the item was taken away. He asked how the funds are being restored as he does not see it.

Mr. Johnson stated they are not being taken away, this restores it. He stated it was allocated or appropriated with the 2009-2010 capital budget and this takes it back out of that, restoring it to the narcotics funds and taking it from general funds. He stated it is not doing what Councilman McGary said.

City Attorney McMahan stated the first line of the document says from the general fund \$8,961,261 substitutes in lieu of thereof \$9,461,261; that is the \$500,000 that is going into the general fund -- \$9,461,261.

Adm. Daisy Madison stated this is really kind of a formality to correct a misstatement or misunderstanding of the funding for the laptops during the regular operations budget at the time we passed the capital budget, which was funded in part from the general fund. She stated this ordinance increases the amount of capital allocations from the general fund by a half million dollars for laptops that initially was included in the ordinance in the amount of \$500,000 to fund the laptops from the narcotics fund. She stated the police department was not fully aware of that move and when they realized it was really somewhat shocked and amazed.

**AMEND ORDINANCE NO. 12329 - CAPITAL
IMPROVEMENTS BUDGET (Continued)**

Adm. Madison stated the finance department takes responsibility for them not having been totally informed and they had other planned uses for those dollars and this basically corrects that misunderstanding between the budget as it was passed and what the police department expected. She stated the only source of funding for laptops, and we all agree the laptops are a necessary cost, is taking an additional \$500,000 from the general fund to fund the laptops in order to be able to restore the \$500,000 to narcotics so they can do other things with it.

Councilwoman Scott asked the plan for the narcotics funds now that it is back.

Chief Rawlston stated there are operational issues and costs involving the narcotics unit whether that is for technology, software equipment, evidence purchases and the cost for running cases as that is what that fund does -- funds the operations of the unit. He stated it does not pay salaries or overtime, just funds the operations.

Chairman Benson stated Adm. Madison took it out of the general fund and asked if it came from contingency money. Adm. Madison responded "no"; that the plan is to take it out of reserves and it does not make a serious impact upon reserves and if operations are as they usually are for our operating budget we will not end up having to reduce reserves by as much as we expect because, generally speaking, our operations costs fall short of what our revenues are and going forward we will monitor it.

Chairman Benson stated our reserves right now are lower than they have ever been in ten years. Adm. Madison responded she did not know if it is ten years but it is not as low as they have ever been; that they have been lower.

At this point Councilman Rico called for the question.

On motion of Councilwoman Berz, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 12329, ENTITLED "AN
ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS
TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR
2009/2010 AND TO AMEND THE FISCAL YEAR 2009/2010 BUDGET
ORDINANCE NO. 12288 AND TO AMEND THE 2008/2009 CAPITAL
BUDGET NO. 12161," SO AS TO PROVIDE FOR CERTAIN CHANGES IN**

**REVENUES IN SECTIONS 1 AND 3, AND PROVIDE FOR CERTAIN
CHANGES IN APPROPRIATIONS IN SECTION 4**

Passed first reading.

CLOSE AND ABANDON

MR-2009-172: Buddy P. Presley, Jr.

Buddy Presley stated his client is American Campbell LLC, a printing company that has been there for a number of years. He stated that his client owns both parcels and the parking lot that is technically from years ago is an alley way that is undistinguishable now because the alley has been closed behind them and down the road and this is an extension that still exists. He stated his client is asking that the alleyway be closed so the two parcels can be joined together; that there is a condition that they are perfectly okay with that any existing easement and everything else stays with the city. He stated there is nothing or nobody that will be cut off; that this is merely to join the two tax map parcels together.

Councilman Murphy stated if they are not going to build anything on it and maintain the easement and this is just in the middle of two parking lots, why does this matter and asked if he (Presley) wants the tax bill to go up.

Mr. Presley responded "no"; that it is his thought his client's idea was to get this into one map and parcel so it will be a single map and parcel and not two. He stated right now if the picture of the site is viewed it is literally a parking lot and right now he is a little concerned with what he needs to do as far as maintenance -- maintaining paving and whose responsibility is that going to be if something happens on that particular stretch, what liability issues may be expressed. He stated there is no intent do any sort of development; that it would be impossible to try to develop anything there. He stated the alleyway is about a car length from his front door; that they have been closed before and primarily it is to cleanup matters as far as the lots being separate. He stated from an insurance perspective they have questions from the insurance agent as to coverage issues related to two separate parcels with this alleyway in the middle.

Councilman Murphy asked if he will be able to insure it under one policy since they are now asking that they have two.

Mr. Presley stated that is not it; that it is just a question of liability and issues related to what happens on that piece of land; that it basically belongs to the city right now.

Teresa Ivy of 1214 Peachtree Street stated that she has a 100 foot wide lot that fronts Peachtree Street, the rear of which is to this alley; that on the opposite

side is the Barking Legs Theater and the Elks Club that are a little deeper down the alley.

CLOSE AND ABANDON (Continued)

Ms. Ivy stated the south end of this alley is closed off because the Chattanooga WPA ditch cuts it off and is the only access in and out of the alley. She stated because of the WPA ditch the alley is 20 feet wide and she is responsible for her half if it were actually closed off and she has no way to access it; that she cannot drive over the WPA concrete. She stated the owner of the business takes good care of his property however he has a dumpster at the end blocking it and it has to be driven around to access the alley. She stated Barking Legs is putting in blocks to block access and she cannot get to one part of it already; that if he wants to do this she wished he would have contacted all the owners of the property that are affected and work together to do a group re-platting. She stated she does not want it closed off and she is at the mercy of whoever is on the other side granting access and that is not fair. She stated there are large trees back there and it took several months for the city to cut one down; that she cut off her telephone service and internet access because it was basically useless due to the dead tree which was on the alley itself. She stated her concern is he gets his end closed off and she is left hanging and anyone else is left hanging on that side of the street; that the lady next door to her is over 70 years old and she cannot go around and dig that out and cannot cross over the ditch, either. She stated there is a rental house on the other side and the owner lives somewhere in Atlanta; that she has lost her contact information and cannot get in touch with her to let her know what is going on.

Chairman Benson asked if she appeared before the Planning Commission and if there had been contact since then.

Ms. Ivy responded "yes" she was before Planning and "no" she has not had any contact.

Councilman McGary asked Mr. Haynes to explain the Staff's position on this.

Mr. Haynes stated he did not have the slides for this request; that Planning Staff recommends approval with conditions. He stated one of the conditions is to retain any existing easements across the property so if there were a need for somebody to access the rear of the property from the alley they could still go across this property. He stated there was a note in the discussion which indicated rather than closing just that one portion, as the other end is already closed and can be accessed from the south end, that one idea was that the entire alley may be appropriate for closure if the rest of the property owners do not object and obviously this has happened as there is a property that has objected and this is what caused the Planning Commission to deny the case.

CLOSE AND ABANDON (Continued)

Mr. Haynes stated one other factor that led Staff to recommend approval of the closure is normally when they look at this they make sure they are not being landlocked or some other access point is being denied them; that all the property that backs up to this have frontage on Peachtree Street and it was thought they do have access there. He stated the objections that the property owner has mentioned are viable; that there is a drainage ditch that goes down through the alley and he is not sure if that was closed that they could even access the rear of the properties because physically there is that drainage ditch. He stated it is his thought that public works recommends approval subject to the conditions and mainly the easement; that they have been in contact with this property owner, as well. He stated those are the reasons for Staff's recommendation; that the objection from the property owner was the main reason for the Planning Commission to recommend in her favor.

Councilman McGary asked if this is an issue that Ms. Ivy and the owner could work out in a week or is she asking that it be totally "shot down".

Ms. Ivy asked that it be totally be "shot down"; that the Council is looking at three properties on her side of Peachtree Street doing quit claims to let properties on the other side decide if they want to take that on. She stated if it gets re-platted whose responsibility is that going to be. She asked if it is something the city can do in closing the entire alley and everyone on one side of the ditch goes to them on Dodds Avenue and the people on Peachtree are not responsible for any of that any more. She stated if that is something a "magic wand" could take care of today she would say "go for it", but she does not feel it is something that can be done ahead of time. She expressed her wish he had gotten with everyone and figured this out, however, there was no communication and if there was another access she would say close it off, but if this is closed off she is stuck and at the mercy of the businesses on the other side to allow her access or not.

Councilman Rico asked Mr. Presley to go back and meet with the other people to make sure.

Mr. Presley stated there seems to be some confusion; that part of the alley he is asking for closure does not abut, adjoin or connect to anyone else's property but his client's.

Councilman Rico asked if it affects them.

CLOSE AND ABANDON (Continued)

Mr. Presley stated they all have access from Peachtree Street from the front of their house, down the sides of their house and there is a public drainage ditch back there that they cannot do anything about; that he does not have any control over the public drainage area. He stated it happens that the drainage area does not run down the middle or side of his client's property and he is not really sure what the objections are from one resident other than she keeps saying she does not have access but that is not true; that there is access along Peachtree Street. He stated his client's property fronts all the way to Peachtree and is not sure what the access is as far as getting access to what.

Ms. Ivy stated immediately at her back property line is a fence and on the other side of the fence she could put her foot there sideways and then there is stone and the concrete ditch. She stated she has ten feet from her fence which includes the WPA ditch and has several feet on the other side; that if the alley is closed and each half of the alley went to that side of the property owners she would be responsible for "stuff" on the other side of the WPA ditch that she has no access to. She stated there is a bunch of huge old trees there and if they are alive and fall she is responsible; and if they are dead and they fall it is the city's problem. She stated she talked with people with the city who said she is not allowed to put any structure over the ditch to access it and she is not legally allowed to traverse the ditch with any machinery, vehicle or build a ramp. She stated the only way she could access it right now is up the alley which,, unfortunately, is between the two parcels the property owner owns, noting that is how it was when she bought it and when they bought it. She stated it was her understanding if the alley was not maintained she could "be on the hook" for a tree falling on someone's house or on a business and her concern is if she loses access she does not want to be responsible for it. She stated she is sorry if that inconveniences Mr. Presley's client and wished she and others had been contacted; that she does not want to be left "spinning in the wind" and does not think it is fair to dump that on her!

Councilman Murphy asked if Mr. Presley's client maintains an easement for access, including for this woman should she desire to convert it. He stated that he gets the impression from her remarks should she desire to maintain the parcel of her property on the other side of the WPA ditch's yard and should she need to go mow it weekly she can come through his property with a lawnmower and he is okay with that. Mr. Presley responded "yes"; that they are "perfectly fine with that".

CLOSE AND ABANDON (Continued)

Mr. Presley stated from his understanding after viewing the property and looking at the plat is that her property line goes to the fence; that the property she is talking about is the ditch; that if that was closed that is where she says ten feet of that would become her property and would be split between her and the land owner that fronts Dodds Avenue. He stated they have no intention of cutting anyone off from anything if they need to get back there or EPB or the city needs to get back there; that when they talked to the city engineer he agreed with his analysis and had been out there to look at the same thing; that there is nothing anyone can do about the ditch that is back there which cannot be moved.

Councilman Murphy stated what this lets Mr. Presley do is treat it as his own and pave it. Mr. Presley responded "correct".

Councilman Murphy stated he does not think public works would object if he paved the alley or if it needs repaving due to pot holes. He asked if he were wrong that Mr. Presley would be told he cannot pave an alley the city does not maintain.

Adm. Steve Leach stated they have used this for years as a paved parking lot and public works has no objection to that. He stated the answer to Councilman Murphy's question is "no" they do not have any objection to that; that the objection would be if it is paved and then try to cut off access further south.

Councilman Murphy stated that he takes Mr. Presley at his word that is not what he is after and is trying to figure out what he (Presley) gets out of this. He stated that he likes alleys and is probably a minority in the city here in saying so; that alleys keep people from parking in front of their house or front yard and alleys are not bad things. He stated we close them "Willy nilly" it seems; that most are unopened and he does not see any material reason. He stated if the city lets him pave it if there are pot holes and if he is going to grant access anyway, why not leave it be.

Mr. Presley stated it goes back to the reason his client bought both pieces of property as his desire was to get that into a single tax map for two reasons: (1) for insurance purposes as right now the issue relates to insurance on a vacant parking lot vs. insurance related to a parking lot that adjoins and is part of his buildings. He stated the second thing is to not have two separate appraisals, to join them together as one appraisal and one tax bill.

CLOSE AND ABANDON (Continued)

Mr. Presley stated those are conveniences for him and when they started this process they had no idea that there was any opposition at all; that when they went to Planning there was one person that said they did not want it closed because of some reason related to something to do with trees; that he cannot close the drainage ditch and cannot do anything about . . .

Councilman Murphy suggested that Ms. Ivy speak for herself and asked that Mr. Presley not characterize what she has already said to the Council and go ahead with his points. He clarified that Mr. Presley wants one tax bill rather than two and the insurance differential for having conjoined property rather than insuring a vacant parking lot. Mr. Presley agreed to the statement of having one parcel, "yes".

Councilman Murphy asked if that is Mr. Presley's point. Mr. Presley responded "yes".

At this point Councilman Rico made the motion to deny the motion with Councilman Murphy seconding.

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN ALLEY LOCATED OFF OF THE 2500 BLOCK OF EAST 12TH STREET, MORE PARTICULARLY DESCRIBED HERIEN, SUBJECT TO CERTAIN CONDITIONS
Was denied.

GRANT

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF HUMAN SERVICES TO ACCEPT A GRANT FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FINANCIAL FAMILY ASSISTANCE FOR THE EXPANSION OF THE HEAD START PROGRAM AT CHILDCARE NETWORK, INC. SITES AND THE CHILDREN'S ACADEMY FOR EDUCATION AND LEARNING, CHILDREN'S HOME/CHAMBLISS SHELTER
Was adopted.

ACCEPT GRANTS

On motion of Councilman McGary, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT GRANTS FROM THE BENWOOD FOUNDATION AND THE LYNDBURST FOUNDATION IN THE AMOUNT OF EIGHTEEN THOUSAND TWENTY-SIX DOLLARS (\$18,026.00) EACH, FOR A TOTAL AMOUNT OF THIRTY-SIX THOUSAND FIFTY-TWO DOLLARS (\$36,052.00), TO SUPPORT THE ADMINISTRATIVE COSTS OF THE CHATTANOOGA PUBLIC ART PROGRAM FOR 2010

Was adopted; Councilwoman Scott voted "no".

2010-2011 CDBG AND HOME INVESTMENT PARTNERSHIP ACT FUNDS DISTRIBUTION

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
A RESOLUTION APPROVING THE ACCEPTANCE AND DISTRIBUTION OF FISCAL YEAR 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND PROGRAM INCOME, ALL TOTALING APPROXIMATELY THREE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$3,450,000.00), AND FURTHER AUTHORIZING ACCEPTANCE, IF AWARDED, AND THE DISTRIBUTION OF EMERGENCY SHELTER GRANT FUNDS FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) IN THE APPROXIMATE AMOUNT OF EIGHTY-FOUR THOUSAND DOLLARS (\$84,000.00) AS SHOWN MORE FULLY HEREINBELOW

Was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-04-036-203, ENTERPRISE SOUTH ROADWAY EXTENSION PHASE 2, TO HIGHWAYS, INC. IN THE AMOUNT OF TWO MILLION THREE HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$2,399,575.00), PLUS A CONTINGENCY AMOUNT OF TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00), FOR AN AMOUNT NOT TO EXCEED TWO MILLION SIX HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$2,639,575.00)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-08-028-201, OLD HIXSON PIKE ROAD IMPROVEMENTS, WITH THOMAS BROTHERS CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED EIGHTY-NINE THOUSAND ONE HUNDRED FORTY-ONE AND 16/100 DOLLARS (\$189,141.16) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED EIGHT HUNDRED THIRTY-THREE THOUSAND ONE HUNDRED FORTY-ONE AND 16/100 DOLLARS (\$833,141.16)

Was adopted.

TEMPORARY USE

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING JOANN HELLMAN, PRESIDENT OF MIDFIELD ACRES NEIGHBORHOOD ASSOCIATION, TO USE TEMPORARILY RIGHTS-OF-WAY AT TWO (2) ENTRANCES AT EDGEFIELD DRIVE AND MIDFIELD DRIVE TO INSTALL PLANTS TO ENHANCE THE LANDSCAPING, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, TENNESSEE AND TO ENTER INTO A MUTUAL CONTRACT WITH THE ATLANTIC GROUP, LLC FOR DIGITAL ORTHOPHOTOGRAPHY IMAGES AT A TOTAL COST NOT TO EXCEED ONE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED FORTY-SEVEN AND NO/100 (\$147,547.00) OF WHICH PORTION THE CITY SHALL REIMBURSE HAMILTON COUNTY FOR A TOTAL AMOUNT OF FORTY-TWO THOUSAND SEVEN HUNDRED SEVENTY THREE AND 50/100 DOLLARS (\$42,773.50)

Was adopted.

REQUEST FOR FEDERAL FUNDING

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO SUBMIT
A REQUEST FOR FEDERAL FUNDING FOR THE PROJECTS SET FORTH
HEREIN FROM OUR FEDERAL ELECTED REPRESENTATIVES INCLUDING
THE OFFICES OF CONGRESSMAN ZACH WAMP AND SENATORS'
LAMAR ALEXANDER AND BOB CORKER**

Was adopted.

OVERTIME

Overtime for the week ending February 11, 2010 totaled \$81,796.33.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **ROBERT L. GROSS** -- Retirement, Crew Supervisor 2, City Wide Services, effective January 28, 2010.
- **WILLIAM H. WOODALL** – Retirement, Equipment Operator 3, City Wide Services, effective January 29, 2010.
- **WILLIAM R. NEIGHBORS, JR.** – Retirement, Assistant Director, City Wide Services, effective January 29, 2010.
- **WALTER D. YOUNG** – Suspension (3 days without pay), Crew Worker 2, City Wide Services, effective February 1-3, 2010.
- **ANTONIO D. SANDS** – Suspension (15 days without pay), Equipment Operator 5, City Wide Services, effective February 1-19, 2010.
- **RODERICK GILBERT** – Suspension (4 days without pay), Crew Worker 1, City Wide Services, effective February 1-4, 2010.

- **TIMOTHY MILLER** – Suspension (2 days without pay), Crew Worker 3, City Wide Services, effective February 1-2, 2010.

PERSONNEL (Continued)

- **EARTHA M. JOHNSON** – Suspension (2 days without pay), Crew Worker 1, City Wide Services, effective February 1-2, 2010.
- **CHRISTOPHER T. DOSSETT** – Suspension (2 days without pay), Equipment Operator 2, City Wide Services, effective February 1-2, 2010.
- **GRADY E. SHOOK** – Family Medical Leave, Crew Worker 2, City Wide Services, effective January 15 – April 9, 2010.
- **CHARLES E. CLASSEN** – Hire, Equipment Operator 5, City Wide Services, Range 12, \$31,021.00 annually, effective February 4, 2010.
- **SANDY L. DICKERSON** -- Hire, Equipment Operator 5, City Wide Services, Range 12, \$31,021.00 annually, effective January 29, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **JOSHUA CURTIS** – Return to Duty from Military Leave, Police Officer, effective January 5, 2010.
- **DEBORAH JOHNSON** – Resignation, School Patrol Officer, effective February 1, 2010.
- **JULIEANN G. BUSTAMANTE** – Resignation, Police Officer 1, effective February 8, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **EDWARD TATE** – Resignation, Firefighter Senior, effective February 14, 2010.

REFUND

On motion of Councilman McGary, seconded by Councilwoman Berz, the following refund of water quality fees and/or property taxes for the year 2009 was approved:

D. WAYNE MANSFIELD

\$2,398.37

REFUND

On motion of Councilman McGary, seconded by Councilman Gilbert, the following refund of water quality fee for the year 2009 was approved:

JOSEPHINE BACON PARTNERSHIP LP \$7,603.20

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the following refund of property tax for the year 2009 was approved:

DNI PARTNERSHIP \$1,055.59

PURCHASES

On motion of Councilman Rico, seconded by Councilman McGary, the following purchases were approved for use by the various departments:

PUBLIC WORKS DEPARTMENT:

SPECIAL TOUCH LAWN CARE (Best bid)
23190

Blanket Contract for Grounds Maintenance

\$23,000 - Approximately per year

ROAD KARE INTERNATIONAL (Best bid)
23320

Blanket Contract for Preformed Modular Traffic Management Devices

\$136,690.00 – Approximately

NORTH AMERICAN SALT COMPANY (Lower and best bid)
23418/300178

Contract for Salt for De-Icing

\$39,445.00

PURCHASES (Continued)

AMERICAN CONTROL SERVICE, LLC (Best bid)

23188

ABB Flow Meter

\$17,680.48

GENERAL SERVICES:

ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. (Single source)

23357

Commercial Property Insurance per TCA 6-56-304.2

\$302,865.00

HUMAN SERVICES DEPARTMENT:

JAKE MARSHALL SERVICE (Best bid)

22465

Contract for HVAC Units

\$23,416.00

HEARING: JEFF MOORE

City Attorney McMahan reminded Council members of the hearing scheduled for Jeff Moore on Monday, February 22 beginning at 9 a.m. with Councilmen Berz (Chair), Benson and McGary, and Councilwoman Scott as alternate.

ADAM SOWATZKA

City Attorney McMahan stated Adam Sowatzka with King and Spaulding is in town to help the public works department respond to a data request from EPA and Mr. Sowatzka was asked to come to give the Council an overview of the status of our situation with our storm water, water quality issues in an open public

briefing with him given the opportunity to decline to answer anything he considers confidential.

ADAM SOWATZKA (Continued)

Chairman Benson stated this will take place after the adjournment of the meeting and is open to the public. He stated present tonight from the Blue Ribbon Committee are Mike Mallen, Gen. Raines and Mike Price.

BLUE RIBBON WATER QUALITY COMMITTEE

Chairman Benson reminded Council members of the **final report from the Blue Ribbon Water Quality Committee scheduled for Tuesday, February 23 beginning at 2:00 p.m. prior to Council Committees.**

SPECIAL MEETING OF THE COUNCIL

Chairman Benson reminded Council members of the **special Council meeting scheduled for 1:00 p.m. on Tuesday, February 23** to consider the award of the sale of \$6,950,000.00 General Obligation Bonds, Series 2010C (Recovery Zone Facility Bonds).

RECOGNITION OF FIREFIGHTERS

Councilwoman Ladd stated that she had somber news to report; that two children were lost yesterday in a duplex fire which is a horrible tragedy. She recognized and thanked the work of our firefighters and Chief Parker; that from all she has heard and the news report she saw last night County Commissioner Greg Beck said that he saw our firefighters at their finest hour as heroes in a horrible situation. She stated she wanted to recognize what they do and the danger they put themselves in for this community and asked that the firefighters and this family are held in everyone's thoughts and prayers.

Chief Parker stated Commissioner Beck came by the office to express his concerns and was just driving by and had some video and offered it; that it will be made part of the record and report. He stated the investigators will review the video he took with this cell phone; that part of it was published but he had a little more and they obtained that and other video sources as part of the investigation. He stated Mr. Beck was really impressed and they talked for quite a bit; that he (Parker) would get with the Council later with reference to more information about this.

Chairman Benson stated the whole community recognized the valor of the city's firefighters.

STANDARDIZATION OF SPECIAL EXCEPTIONS ISSUE

Councilman McGary stated since the Council upheld the ordinance allowing special exemptions in two family dwellings which still places the council in a very tenuous position, he asked Councilman Murphy if he would take up the matter in Legal and Legislative to find a way of standardizing how we would go about approving which exemptions the Council would approve since he made the motion to deny.

Councilman Murphy stated he would standardize the process and get something, hopefully, with whatever little leg works that needs to be done by our RPA staff as paid for with fees that will come with an application for such permit so that the person seeking it will bear the cost of polling in a professional and intelligible manner for the residents most affected. He stated we will reform the process and make one that will benefit our community.

COMMITTEES

Councilwoman Scott stated that the Economic Development Committee did not meet and noted there was only one item on the agenda and the company this pertains to asked for the delay. She stated another meeting will be scheduled.

Councilwoman Robinson stated that the Health, Human Services and Housing Opportunities Committee met today to hear a report from Neighborhood Services with reference to HUD and Home Investment Partnership funds in the amount of \$3.4 million and how they will be expended. She stated the second part of the meeting was a report from John Dorris concerning how our Blueprint to End Homelessness will be used as sort of a "yard stick" for how well we are coordinating benefits for the homeless in the coming fiscal year with requests of everyone who will receive funding from the city to assure that the objectives of the Blueprint to End Homelessness are being coordinated and met.

Councilman Murphy stated the **Legal and Legislative Committee will meet on Tuesday, February 23.**

NEXT WEEK'S AGENDA

Chairman Benson stated next week's agenda was discussed earlier this afternoon during the agenda session.

FRANK ROZZELL

Frank Rozzell of 327 Carnation stated that he is Vice President of Firefighters Local 820 and distributed information regarding an Executive Order of the Mayor. He stated last week the Mayor met with representatives of the organization and informed them of his plans to reinstate the Executive Order concerning residency. He requested that the Council review the document and know that Local 820 is opposed to any such Executive Order.

Chairman Benson stated that the Order is signed by Gene Roberts.

Mr. Rozzell stated it is the one Gene Roberts signed and it is his understanding it was later removed because of the limited hiring pool and too much other issues with it. He stated that he wanted to make the Council aware of what was coming forth.

Chairman Benson stated that he would ask the proper committee to look at it.

Councilman McGary asked if the organization is opposed to it or "for" it. Mr. Rozzell responded "opposed".

Councilman McGary asked if they were opposed to any hiring Order. Mr. Rozzell stated that they are opposed to the entire Executive Order.

OPEN HEARING

Chairman Benson stated that Attorney Sowatzka from Atlanta is present to talk in an open hearing about clean water and the wastewater situation immediately following adjournment of the meeting.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, February 23, 2010 at 1:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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