

**City Council Building
Chattanooga, Tennessee
April 20, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, Robinson and Scott present. 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 Michael McMahan gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE: WATER FEES

City Attorney McMahan stated state law requires the Council advertise 30 days prior to adopting a change in fees noting this ordinance does change the water fees.

Councilmen McGary and Robinson made the motion and second to substitute the amendments to this ordinance; the motion carried.

John Barber of 6611 East Brainerd Road stated while the proverbial dye has been cast in regard to the fee rate of \$6.15 per ERU, the Council will likely approve this for the second time tonight. He stated as Councilman Benson stated the last time this was voted on "something is better than nothing" in regard to this fee being reduced from \$9.60 to \$6.15 and most are very grateful; that while a 35% reduction is significant we are grateful for this. He stated his Church's storm water fees jumped from \$800 to \$6000 will be reduced to \$6000; that the Blue Ribbon Committee's work is largely responsible for this significant reduction.

AMEND CITY CODE: WATER FEES (Continued)

In going forward Mr. Barber asked the Council to keep four points in mind: Point One: Rate – He stated the rate of \$6.15 per ERU still almost doubles the average rate in Tennessee and will give us the highest rate in the southeast with Charlotte being the closest second. He stated he has yet to hear specific reasons why Chattanooga is so unique that the fees must exceed, even double, those around her. He stated a 35% rate reduction is significant but not as significant as an increase of 100% that will be incurred. He stated Point Two involves Financial Accountability -- In the June 2009 report TDEC cited the city of Chattanooga for failure to account for previously collected storm water fees; that as the city collects even more money to spend on storm water projects who will ensure the monies collected will be managed properly and spent wisely. He expressed hope the Council will use its power and influence to provide a greater level of accountability. The Third Point: Future Increases -- He stated one of the arguments used to justify this large fee increase was the fact that rates had not been increased since 1993; that this makes sense to him especially moving forward with rates that have doubled from one year to the next; that our rate ought to stay “flat” for a significant period of time. He stated in the first vote on storm water Mr. Benson indicated future Councils could not be obligated on storm water fees yet there are significant increases year by year included in this latest version.

Mr. Barber concluded with Point Four: Management by stating after reading TDEC’s notice of compliance and reviewing Chattanooga’s MS4 permit that Councilwoman Scott kindly forwarded to him, it is clear Chattanooga’s inability to comply with its permit is just as much about management as it is about money. He stated Dr. Urban detailed these problems when he addressed the Blue Ribbon Committee by noting problems like reports not being filed, training not being completed and the inability to control runoff even on city owned yards. He stated if past management practices remain in place no amount of additional fees will solve our compliance issues. He stated this matter of storm water will raise its “ugly head” again. He challenged those who serve on future Councils to remember these points when the Mayor’s office returns asking to increase our storm water fees once again.

AMEND CITY CODE: WATER FEES (Continued)

Councilwoman Berz stated there has been a lot of discussion about the storm water fees and tonight we made several amendments; that she thought for the record those should be mentioned.

City Attorney McMahan stated the definition of "facilities", the reason for the motion to substitute, basically changed to read:

"Facilities" . . . owned by or maintained in whole or in part by the City of Chattanooga and used for purposes of collecting, transporting, detaining, pumping, treating or disposing of storm water. "Facilities" shall also mean dams, flood walls, levies, pumping stations and other structures owned by or maintained in whole or in part by the city for flood control. "Facilities" shall not include road or highway bridges designed for spanning a navigable river or creek. . . . "Storm water system" means all facilities owned or maintained by the City of collecting, detaining, conveying, or treating storm water from any parcel or place upstream or up gradient of any point of discharge to a river or creek not maintained by the City for conveyance of storm water or flood control. "Storm water system" shall also mean all facilities owned by or maintained by the City for purposes of flood control.

Councilwoman Berz stated in essence what all that wordage means is that formerly we talked about waters of the state and those were the waters that many brought to the Council's attention that would flow under bridges and why did we have any right to have anything to do with those. She stated what the wording says now is only when something touches one of our conveyances and we have to do something with it will be when we have the right to attach fees. She stated that it is her thought the wording is much better.

Councilwoman Scott stated in response to Mr. Barber's comment about the management of the storm water program it is her belief, based on the history of what the City Council has learned during the last few months with this and what Public Works has learned, that there will be better management of this program. She stated part of the ordinance also includes reporting to the City Council which will be in public which will bring greater public knowledge about what this is all about and where we are as we go forward with this; that this a great advantage.

AMEND CITY CODE: WATER FEES (Continued)

Councilwoman Scott stated what this ordinance amendment does not do is significantly change the amount of the fee that will be assessed to residents and the remaining concern we have, or she has specifically, is that as the regulations go up the responsibility for meeting that will be up as well; that the cost associated with those regulations going up will be borne by those that remain to pay the fee. She stated if someone lives on a river, regardless whether a commercial entity or whether a business industry or whatever, that person is exempt from paying the fee regardless of the size of the parking lot or roof top. She stated when you take away or reduce fees and exempt by state law as we are required to do, who pays the fees -- the fee and the cost of running a program is borne by those left over to pay. She stated while the cost and the expense goes up as fees are reduced on some entities, then anyone can do the math on what is left to pay. She stated that is her concern with this particular amendment; that it has caps for doing certain things which are great and yet there is still more left to pay and more we do not have a crystal ball of what we will be required to do and that is her greatest concern with regard to this.

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, ARTICLE VII, DIVISION I, GENERALLY, SECTION 31-302
AND DIVISION 7, FEES, SECTIONS 31-354 AND 31-356, AND 31-359**

Passed second and final reading and was signed in open meeting;
Councilwoman Scott voted "no".

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, RELATIVE TO ARTICLE V, SECTION
38-302 AND ARTICLE VIII, SECTION 38-568(12) IN ORDER TO PROVIDE
A SPECIAL PERMIT PROCESS FOR KENNELS/SMALL ANIMAL FACILITIES**

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

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE OT AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, ARTICLE II, SECTION 38-2,
DEFINITIONS OF DWELLING**

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

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman Murphy, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, SECTION 38-33,
GENERAL REGULATIONS RELATIVE TO EXTERIOR LIGHTING**
Passed second and final reading and was signed in open meeting.

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, ARTICLE V, SECTION 38-171(2), O-
1 OFFICE ZONE, RELATIVE TO DETACHED DWELLINGS**
Passed second and final reading and was signed in open meeting.

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, DIVISION 14, UGC URBAN
GENERAL COMMERCIAL ZONE FOR AUTO-ORIENTED USES**
Passed second and final reading and was signed in open meeting.

PLAN OF SERVICES AND ANNEXATION

City Attorney McMahan stated there will be a short presentation on the proposed annexation, after which the public will be given a chance to participate in the public hearing.

Phil Noblett, Special Counsel, stated this is a petitioned annexation that was requested by the property owner involving Lighthouse, LLC. He stated this involves a parcel that is directly adjacent to and touches the parcel previously annexed involving the Armour property; that it is also adjacent to the other annexation at Exit 11 where area 8A is being annexed, noting that area is in litigation at this point in time. He stated this is a plan of services that provides for all the services for city residents in this area, noting Mr. Leach will speak to this issue involving Public Works and Chief Parker will speak involving Fire and Police.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Councilwoman Scott asked if Mr. Noblett stated this is contiguous to the area that in litigation.

Mr. Noble stated it is contiguous to it but also to Mr. Armour's property which is already in the city of Chattanooga and is not in litigation.

Councilwoman Scott stated if the property in litigation does not go into annexation will this be an "island" outside.

Mr. Noble responded "no" because it is also adjacent to Mountain View Road and the city of Chattanooga adjoins Mountain View Road, as well; that it is also adjacent to the Armour property which is directly fronting on Mountain View Road.

Admin. Steve Leach stated requirements of the plan of services for Public Works indicates Hunter Road, Mountain View Road and a portion of Mountain View Road is in the city and a portion of Hunter Road goes north from Mountain View Road. He stated it has been reconstructed due to the interchange reconstruction and the maps will depict that. He stated street signs will be provided as needed; that the developer of this property will be required to provide any street signs; that overhead lights will be the same to illuminate the right-of-way and will be provided under our normal standard which is by request by the property owners. He stated the solid waste collection would be within 90 days of identified need noting this is a vacant piece of property; that in reference to water quality and drainage they will study this site to determine if there are any additional needs again noting because the site is vacant at this point in time likely there will not be too much of that determination. He stated the area adjacent to commercial will likely have an extensive drainage system onsite. He stated this area is within the WWTA service area and noted discussions have been held with WWTA and at this point in time it is in their service area however they may allow the city to take over that requirement. He stated in reference to building inspection, again this is vacant property, if anything is ever developed on it the department will have the normal building inspection for the property as it develops.

Chief Randy Parker stated this is vacant property and unless there is someone on the property there would not be a need for police protection, but if there is they will have an officer that will patrol that area.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Chief Parker stated they will also do a study within six months to see if there is an additional need for annexed areas for a police officer to be stationed in that area. He stated as far as the fire department's end of it, the fire department is constructing a station at Enterprise South that will serve as part of this area. He stated there have been discussions with Atty. Phil Noblett and Tri-Community Fire Department about a contract to have an automatic aid agreement with them; that the city would respond as well as the Tri-Community Fire Department and there will have one more discussion with them to try to finalize it tomorrow. He stated they have been led to believe there would not be a problem in doing it and is just negotiating and ironing out deals; that there will be a dual response for fire protection in that area. He stated at same point the fire department will locate a station in that area as the other annexations come on line and staffed. He stated emergency medical services will continue to be provided by Hamilton County EMS; that it is a vacant property and he does not see any need unless there was a grass or wood fire. He stated they met with East Side Utilities and as far as fire protection and water hydrants it was indicated they would put them in as the water lines are run into that area; that the hydrants will be put in at no additional cost to the city.

Councilwoman Berz stated the Council was told last week that the reason this zoning was being asked for was hopefully that we would be friendlier toward some apartments or whatever; that this is not about zoning, this is about the annexation. She stated her question is have we attached any costs in the long term; that it is going to be more than a vacant piece of property and asked if we have attached any costs to what it will cost to serve that.

Chief Parker stated they cannot speculate what use the property will be in the future; that they have to base it on what it is now. He stated at that point they would come back and associate a cost with it.

Councilwoman Berz stated in tight budgetary times she is trying to "get her arms around it" and if we say "yes" go forward what costs would there be.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Chief Parker stated from the fire department's end there would not be any direct costs; that they would require it be a sprinklered building as it would be in the city of Chattanooga and would have to meet our fire code regulations which would require it to be sprinklered. He stated they would request there be hydrants in the area which will be provided either by the developer or by the water company and no additional out-of-pocket costs. He stated the only cost the department would have would be response up there if a few years down the road someone develops the property they would have fuel costs but not really any direct out-of-pockets costs other than those.

Admin. Leach stated that it depends on what the development is, if it is an apartment complex for example as has been stated in previous meetings, we would not serve them garbage service, a private collector t would serve those. He stated the sewer line would have to be extended to pick up the WWTA and whatever road costs we may or may not have if the road is in the city of Chattanooga. He stated at this point in time it is a vacant piece of property and that is what they are looking at, understanding if it is developed they will make some improvement if it is striping the road or if the developer wants the department to do additional lines or something we may have to cost share that, but at this point coming in like it is we have not been privy to any site plan.

Councilwoman Berz asked if it has been sewerred already.

Admin. Leach referred to the map stating Windhaven Road does have sewers, the WWTA red line reflected on the map is the service line; that Lighthouse Enterprises is a lot away from that. He stated if a proposal came in they would work with them if it required a pump or something; that the developer would have to install in order to get to our lines.

The map was visible for everyone at this point and Atty. Noblett stated Lighthouse Enterprises, LLC is the applicant that has filed a petition requesting to be annexed in this area. He stated Mountain View Road has been relocated since the initial urban growth boundary were actually drawn in this area and it has been moved on the back side of a number of the structures that are there adjacent to the intersection of Lee Highway. He stated a number of the buildings started out having frontage and Mountain View Road has moved on the back side of a number of the buildings that were there at the intersection at Lee Highway.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Atty. Noblett stated there is a need for some type of traffic control now because it is heavily used in that location to allow people coming in and out at the "T". He stated the Armour property has already previously requested by petition to come into the city and it has been more than 30 days at this point in time and it is already annexed by the city of Chattanooga. He stated Lighthouse Enterprises is directly adjacent to the current city limits of the city of Chattanooga which is the Armour property. He stated the blue property shown on the map for area 8A is a parcel that is in litigation at this point in time and the area on the left hand side of Hunter Road near Ooltewah-Harrison Road is currently in litigation, but the Armour property is currently in the city and that is the reason for the annexation request at this point.

Councilman Benson stated Dr. Ballard, the owner of the property, called him today and he told him he was no longer chairman and advised he call Councilman Rico. He stated he was told Mike Price would represent him with any questions; that he had surgeries backed up and could not be present tonight. He stated he is asking for his own land to be annexed. He stated to answer the other question if this comes in and if there is a change in zone from agricultural to something, as it is A-1 right now in the county zone, we have the authority to place conditions on it and make any development in there conditioned for traffic lights or anything else if the zone is changed as we did at Panorama in East Brainerd recently as a part for reasons for any zoning change. He stated any costs because of the change of zone would be offset by not only new taxes coming in from the increased value of the development, but it would also be offset by our ability to establish certain conditions the developer has to pay for.

Bernie Miller of 106 Windmere Drive stated the annexation of this property is largely talk there is going to be an apartment complex, a 254 unit apartment complex on that property. He stated he does not know if the Council has driven Hunter Road; that Hunter Road cannot accommodate a 254 unit apartment complex and they want to "come in the back door" but everyone knows it will be an apartment complex; that it is going to be what it is. He stated that he would like for the Council to know he is standing with the residents on this issue and if a sewer line is brought in it will take a million dollars per mile to connect to sewer. He stated this is going to be laid on the back of the developer and they are not going to be able to develop the property and make a profit as a 254 unit building out there . . .

PLAN OF SERVICES AND ANNEXATION
(Continued)

Mr. Miller stated most on the Council are pretty bright and know this is not going to work; that annexation is going to be more costly to the developer. At this point he asked Colonel Duckworth to come forward and give the Council some figures.

Mike Price of MAP Engineers stated there are no infrastructure costs that would be borne by the city as a result of this annexation and that includes if the Council were to decide to pass at some point down the road when the apartment comes before the Council for consideration, the sewer will be borne by the developer and brought to the site; that storm water will be handled by the developer and garbage services will be handled by the developer. He stated the other thing to keep in mind is this is really two separate parcels and what does not show on the map is this parcel is bisected by Wolftever Creek. He stated the front portion on Mountain View Road is zoned C-2 and has been graded, prepped and ready at some point in the future for commercial development to occur. He stated once crossing over the street it is A-1, the portion that would be the point of contention that we have this evening that would be coming back before the Council for consideration for apartments. He stated from a cost standpoint, fire and police "yes", but beyond that he does not see that is going to have any impact as it relates to any cost to be borne by the city as a result of whatever goes in there at some point in the future.

Councilman Gilbert stated public works indicated they might share costs when it comes to widening the road; that down the road in the future if we do apartments or not there will be a cost there and we do not know how much of a cost there will be at this moment. He stated he personally feels we have a lot of places in the city currently that we need to look at and develop, and then if we develop something in the future that is another cost that we have to spend.

Mr. Price pointed out to the Council that a traffic study was prepared by the area engineering firm that looked at the traffic on Hunter Road as well as how this development would impact it. He stated that was brought to the county engineer who looked at it and concurred with the plans and with the conclusions in the report.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Mr. Price stated that it was then forwarded to John VanWinkle who looked at it and has been at the site; that once improvements are further made on the property to increase site distances and with the conclusion reached in the report Hunter Road is heavily travelled, no argument, but with the proposed intersection at the location where it is and the other improvements Hunter Road can handle the additional traffic which are the conclusions in that report.

Councilman Gilbert asked if that includes Enterprise South and VW with the increase in traffic and the study we have already done, too. Mr. Price responded "I believe so".

Councilman Gilbert asked if Mr. Price was not sure or definite. Mr. Price responded that he did not have it in front of him but will have that addressed it at the time it comes back before this body.

Councilman Gilbert stated he knows there will be short cuts from Ooltewah to Highway 58 and if the Highway is jammed for a wreck and 58 has an increase in traffic, there will be short cuts which will increase the traffic plus the potential of apartments.

Mr. Price stated where Councilman Gilbert wants the issue addressed is not under the emergency situation which does not occur very often; that the day-to-day traffic is really where the issue needs to be addressed and if we can do that, which the report shares is what Councilman Gilbert will find.

Councilman Murphy asked how close the WWTA sewer line comes to this property as there was discussion about the city moving it to the property.

Admin. Leach stated he verified with Mr. Norris that the red line on the map shown going to Windhaven Road is where we would pull off that information from the WWTA map; that to the best of their knowledge that is where it goes.

Mr. Price stated actually it is a little short of there; that it is within a distance. He stated they have looked at that and calculated that as part of their cost if the apartment development were to go through.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Councilman Murphy asked if part of the cost of the sewer development is on the developer. Mr. Price responded "yes, to bring sewer extension to the property".

Councilman Murphy stated Pastor Miller brought up the million dollars per mile cost and made a very good point and wanted to make sure we knew. He stated right now this is raw land and really the question is if the raw land comes in the city or not and the owner wants it to come in.

Col. Roger Duckworth of 6839 Villa Terrace Drive, Ooltewah, Tennessee stated what he has before the Council is something Councilwoman Berz asked about and it is a cost benefit analysis based on what he knows of this site. He stated this is not about zoning, it is about annexation and noted the cost analysis does not include police, sewers, drains or emergency vehicles; it only includes the fire house. He stated he got the data for the fire house from the fire department and the County Assessor. In directing the Council members to the document distributed, he stated the fire house cost is \$1.8 million and vehicle equipment another \$500,000 onto that, a fixed cost starting up that will be borrowing or bonding money on \$2.3 million. He pointed out this has been escalated by using the Libor 20 year average which is a standard for escalating price. He stated the benefit has to be estimated; that he talked to the James Company and the Assessor's Office and came up with some rough ideas; that a value of \$15 million for lower commercial is a whole lot; a figure of \$5 million for lower personal property is a whole lot; that lower sales of \$15 million is a whole lot; that the upper residential total of \$12,000 is based on roughly 60 homes in the single family area at \$200,000 each. He stated if the income is applied to the costs, the annual is paid and part of the interest is paid but will never pay back the interest and the principal grows. He stated as this is set up and described in the plan of services and briefed here today the investment for the fire house alone will never be recouped.

Councilman Murphy pointed out to the Council that the fire house is going to be built regardless of whether this property is in the city or not; that we are not building a fire house for this parcel of property, nor would we, he did not think.

Mike Wilson of 5323 Hunter Road thanked all Council members for taking time to call and discuss the issue that is probably in the future; that this is annexation. He stated he has expressed his issues, facts and concerns on the annexation and future zoning plans.

PLAN OF SERVICES AND ANNEXATION
(Continued)

Mr. Wilson stated he knows this is a hard vote about the future of this area and the future of Chattanooga; that everyone knows this is coming. He stated to ease his neighborhood of the apartments and annexation a vote "no" on the agenda would really be appreciated and ease their minds and concerns; that they are just a residential neighborhood and scared it will be flooded with apartments. He stated they do not have the facilities in the area right now to actually handle it; that it is still a two lane country road with no shoulders and a lot of traffic. He stated he lives on Hunter Road and statistics show a lot of facts but if someone lives on the road they know the traffic and know what it takes to get out of their driveways at the present time versus years ago as it has grown and has about grown out! He stated he does not think the area can handle this much more growth and there needs to be a study on density to try to get the numbers down if it does happen and it is not a very good plan for his neighborhood. He expressed this thought that everyone he has talked with let him voice his concerns and feels they are in good hands as it is going to grow and there will be changes but expressed hope not this number of changes. He stated it is a very large complex and asked everyone to come out and view the area, take a copy of what is being proposed to be developed and look at it and say wow, this is very big on a small piece of property. He stated one thing he had not planned on mentioning is there are some people who live in the Windhaven subdivision that he does not think are on sewers as was stated earlier.

Admin. Leach referred to the map that showed where the sewer line goes.

Mr. Wilson stated the sewer stops at the daycare of Ooltewah-Harrison Road and Hunter Road and that is the only address on Hunter Road that has sewers which is quite a few feet further south of Windhaven.

Councilman McGary inquired as to when the traffic study Mr. Price referred to was performed. Mr. Price responded "November or December 2009".

Councilman McGary stated according to the findings prior there was a projection if the apartments were built would the road be able to sustain the traffic. Mr. Price responded "yes".

PLAN OF SERVICES AND ANNEXATION
(Continued)

Councilman McGary asked if the same study had any statement about the current traffic level; that he has heard the road cannot currently sustain it. Mr. Price responded that it stated the level of service was as it is now, which is level "C"; that it is his belief it will maintain level "C" even after the apartments are built.

Councilman McGary asked Mr. Price to specify what "C" means. Mr. Price stated it means delays will be experienced but it does not indicate it is over capacity; that like a grading at school it goes down to "E's" and "F's" which is failure; that "C" is probably typical of many streets in Chattanooga as well as in the county.

Robert Stone of 6405 Brittany Lane in Ooltewah stated he does a traffic study every day; that he lives in Flagstone on Hunter Road, approximately two miles from the interstate. He stated what cannot be seen on the maps are the other thousands of houses on Hunter Road; that there are a lot of subdivisions back through there; that Flagstone has 340 homes. He stated when he comes out of the subdivision there have been times he has met traffic with four or five cars waiting in front of him; that once he gets on Hunter Road he is sitting again at 7:30 a.m. which is school time. He stated from the subdivision to the intersection is about two miles; that there have been times he has met two miles of traffic and it is a very busy road and as it has already been said it is a dangerous road with many accidents; that some have run off the road as there is no shoulder; that there is a lot of traffic and he was speaking as one person.

Councilman Murphy asked who is responsible for Hunter Road; that it sounds horrible and asked why it has not been widened. The response from the audience was "the state". Councilman Murphy stated he is not the state and it is not in the city.

On motion of Councilman Benson, seconded by Councilman McGary,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE,
BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT
CORPORATE LIMITS OF SAID CITY, BEING TAX PARCEL NO. 131-075 IN
HAMILTON COUNTY, TENNESSEE, OWNED BY LIGHTHOUSE
ENTERPRISES, LLC, BEING MORE FULLY DESCRIBED HEREIN**

Passed second and final reading and was signed in open meeting; **on roll call vote:**

PLAN OF SERVICES AND ANNEXATION
(Continued)

LADD	YES
GILBERT	NO
BERZ	NO
MCGARY	YES
MURPHY	YES
SCOTT	NO
ROBINSON	YES
BENSON	YES

REZONING

2010-024: William A. Johnson, III

On motion of Councilwoman Scott, 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 167 AND 195 WILLIE WAY, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-5 RESIDENTIAL
ZONE**

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

REZONING

**2010-028: United House of Prayer for All People/
Bishop C. M. Bailey, Trustee**

On motion of Councilman McGary, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 3214 12TH AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2010-030: City of Chattanooga – RPA

On motion of Councilman Murphy, 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 IN THE 5000 BLOCK OF HUNTER ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY C-2
CONVENIENCE COMMERCIAL ZONE TO PERMANENT C-2
CONVENIENCE COMMERCIAL ZONE**

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

REZONING

2010-031: City of Chattanooga – RPA

Jeff Perlacky of 319 West Hills Drive stated that he is currently in litigation against the Cummings Cove subdivision where Aetna Mountain Road tracks through to the top of Aetna Mountain. He stated the landowners atop Aetna Mountain rely on Aetna Mountain Road as access to get to our land; that he has been having an ongoing battle with the developers who continue to block their access. He asked that there not be any zoning changes because his deeded easement goes on a city street; that the city has never condemned the land or anything.

REZONING (Continued)

Mr. Perlacky stated he cannot use what is truly his legal access to get to his property and is caught in a legal battle with the developers that probably will drag on for years; that he does not want any zoning changes to be made to Aetna Mountain Road.

Councilwoman Scott asked how going from a temporary R-1 residential zone to a permanent R-1 residential zone would hurt Mr. Perlacky.

Mr. Perlacky responded currently where his easement goes through they are trying to sell lots for houses even though his easement has been recorded. He stated that he has a plat that he got from the city GIS office and it shows where their final plat shows movement of the road, even though his easement is still there. He stated his concern is they sell these lots and they are not making homeowners aware; that currently on Wild Rose Lane, which is a city road, his easement goes through several homes along that road, but yet he cannot use his easement. He stated Atty. McMahan is familiar with some of this or should be.

City Attorney McMahan stated the status of the road, at least the easements on the road, is currently in litigation; no matter how that litigation is resolved it should not have any impact upon whether or not this property is rezoned from temporary R-1 to permanent R-1 residential zone. He stated the vast majority of the more than 1000 acres and the roadway takes up a very small portion of the thousand acres; that we are talking about potential development as single family residences.

Mr. Perlacky stated the other concern is they develop the residences and one of the owners is Raccoon Mountain Caverns and the cave system they have is quite extensive on Aetna Mountain. He stated if they develop the land their concern is they are aware there have been no environmental studies as to how this will affect the runoff from the cave water, which could have a detrimental impact for the cave system.

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN AN UNNUMBERED PORTION OF AETNA MOUNTAIN
ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY
R-1 RESIDENTIAL ZONE TO PERMANENT R-1 RESIDENTIAL ZONE**

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

REZONING

2010-033: Daniel Road

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 15, 17 AND 29 JOHNSON STREET AND THE 100
BLOCK OF EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE,
SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2010-034: Jason Geraci

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 816 AND 818 PALMETTO STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO
CERTAIN CONDITIONS**

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

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 12, SECTION 12-21, RELATIVE TO CITY COURT**

Passed first reading.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 32, ARTICLE III, SECTION 32-67 TO ADD A NEW SUBSECTION,
RELATIVE TO EXCAVATION AND RESTORATION OF PAVING**

Passed first reading.

GRANT

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR
AND ACCEPT A BUFFER ZONE PROTECTION PLAN GRANT IN THE
AMOUNT OF ONE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED
SIXTY-FIVE AND 65/100 DOLLARS (\$192,365.65)**

Was adopted.

MOCCASIN BEND GATEWAY PLAN

On motion of Councilwoman Scott, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE STAFF OF THE CHATTANOOGA-
HAMILTON COUNTY REGIONAL PLANNING AGENCY TO INITIATE A
MOCCASIN BEND GATEWAY PLAN**

Was adopted.

EMINENT DOMAIN

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO
INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST KENNETH E.
GORDON, 713 AIRPORT ROAD, CHATTANOOGA, TN 37343, TAX MAP
NO. 148P-D-005, TRACT NO. 6, RELATIVE TO CONTRACT NO. W-08-
010, AIRPORT ROAD PUMP STATION AND FORCE MAIN, WITH AN
ESTIMATED VALUE OF FIVE THOUSAND EIGHT HUNDRED FIVE DOLLARS
(\$5,805.00)**

Was adopted

EMINENT DOMAIN

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO
INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST DASAC
CORPORATION, 801 AIRPORT ROAD, CHATTANOOGA, TN 37343, TAX
MAP NO. 148P-A-028, TRACT NO. 5, RELATIVE TO CONTRACT NO. W-
08-010, AIRPORT ROAD PUMP STATION AND FORCE MAIN, WITH AN
ESTIMATED VALUE OF ELEVEN THOUSAND SEVENTY-SEVEN DOLLARS
(\$11,077.00)**

Was adopted.

EMINENT DOMAIN

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST DASAC CORPORATION, 000 AIRPORT ROAD, CHATTANOOGA, TN 37343, TAX MAP NO. 148P-A-026, TRACT NO. 6, RELATIVE TO CONTRACT NO. W-08-010, AIRPORT ROAD PUMP STATION AND FORCE MAIN, WITH AN ESTIMATED VALUE OF ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350.00)

Was adopted.

CONTRACT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-09-016-201, ARRA RESURFACING OF DAYTON BOULEVARD, TO HIGHWAYS, INC., FOR FOUR HUNDRED TWENTY-NINE THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS (\$429,385.00), PLUS A CONTINGENCY AMOUNT OF FORTY-TWO THOUSAND NINE HUNDRED THIRTY-NINE DOLLARS (\$42,939.00), FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY-TWO THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS (\$472,324.00)

Was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-09-011-201, ARRA RESURFACING OF AIRPORT ROAD AND SHEPHERD ROAD, TO HIGHWAYS, INC., FOR SEVEN HUNDRED TWO THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS (\$702,362.00), PLUS A CONTINGENCY AMOUNT OF SEVENTY THOUSAND TWO HUNDRED THIRTY-SIX DOLLARS (\$70,236.00), FOR A TOTAL AMOUNT NOT TO EXCEED SEVEN HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED NINETY-EIGHT DOLLARS (\$772,598.00)

Was adopted.

CONTRACT

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-09-010-201, ARRA RESURFACING OF HICKORY VALLEY ROAD, TO HIGHWAYS, INC., FOR THREE HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED FORTY-NINE DOLLARS (\$322,949.00), PLUS A CONTINGENCY AMOUNT OF THIRTY-TWO THOUSAND TWO HUNDRED NINETY-FIVE DOLLARS (\$32,295.00), FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY-FIVE THOUSAND TWO HUNDRED FORTY-FOUR DOLLARS (\$355,244.00)

Was adopted.

CONTRACT

On motion of Councilwoman Scott, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-09-017-201, ARRA RESURFACING OF BARTON AVENUE, TO HIGHWAYS, INC., FOR ONE HUNDRED EIGHTY-NINE THOUSAND TWO HUNDRED SIXTY-THREE DOLLARS (\$189,263.00), PLUS A CONTINGENCY AMOUNT OF EIGHTEEN THOUSAND NINE HUNDRED TWENTY-SIX DOLLARS (\$18,926.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED EIGHT THOUSAND ONE HUNDRED EIGHTY-NINE DOLLARS (\$208,189.00)

Was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-10-006-401, ARRA RESURFACING OF VARIOUS ROADWAYS, CONSTRUCTION ENGINEERING INSPECTION SERVICES, TO ALLEN AND HOSHALL, INC., FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-FOUR THOUSAND DOLLARS (\$194,000.00)

Was adopted.

ACCEPT REFUND

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A REFUND RELATIVE TO CONTRACT NO. W-04-008, LAKE HILLS INTERCEPTOR SEWER RELOCATION FOR PRIVATE ROAD GRADE CROSSING AGREEMENT TO CSX612535, IN THE AMOUNT OF TWENTY THOUSAND FOUR HUNDRED FORTY AND 18/100 DOLLARS (\$20,440.18)

Was adopted.

OVERTIME

Overtime for the week ending April 15, 2010 totaled \$17,993.16.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **TRAVIS COLLINS, ERIC SLEDGE** – Suspension (3 days without pay), Crew Worker 1, effective April 5-7, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **TIM CARROLL** – Promotion, Police Captain, Range P8, \$61,116.00 annually, effective April 9, 2010.
- **DAVIS STONE** – Promotion, Police Lieutenant, Range P7, \$56,982.00 annually, effective April 9, 2010.
- **NATHAN VAUGHN** – Promotion, Police Lieutenant, Range P7, \$53,215.00 annually, effective April 9, 2010.
- **NOEL SAMPSON** – Hire, School Patrol Officer, \$15.08 hourly, effective April 12, 2010.

PERSONNEL (Continued)

- **JOY E. VARNELL** – Hire, School Patrol Officer, \$15.08 hours, effective April 7, 2010.

PUBLIC WORKS DEPARTMENT:

- **CRYSTAL Y. BLAND** – Retirement, Permit Clerk, Land Development, effective April 22, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **VINCENT PARHAM** – Termination, Fire Cadet, effective April 13, 2010.

FINANCE:

- **JAMILEH ZURKIYA** – Promotion, Accounting Manager, Range 24, \$65,000.00 annually, effective April 9, 2010.

HOTEL PERMITS

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

COMFORT SUITES – 2431 Williams Street, Chattanooga, TN

LAQUINTA INN – 100 West 21st Street, Chattanooga, TN

MOTEL 6 – 2440 Williams Street, Chattanooga, TN

TOWN & COUNTRY INN – 2000 East 23rd Street, Chattanooga, TN

REFUND

On motion of Councilman McGary, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund of water quality fees and/or property taxes:

KAREN S. ARCHER -- \$1,370.90

PURCHASES

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

PARKS AND RECREATION:

PRO SOLUTIONS, HARRELL'S AND JOHN DEER LANDSCAPE (Best bidders)
24666, B0006528

Purchase a Blanket Contract for Grounds Maintenance Chemicals – Golf Courses (*Regal Chemical Company is excluded because they only had six (6) items that were low bid; each contract will be comprised of the items that the particular vendor bade low. In addition, the agency priced items will be awarded to all vendors.*)

\$40,000.00 Estimated annual

GENERAL SERVICES:

CBR PROPERTY MAINTENANCE (Lowest and best bid)
R26177

Purchase a Blanket Contract for Grounds Maintenance

\$23,000.00 Estimated Annual

PURCHASES (Continued)

CHATTANOOGA FIRE DEPARTMENT:

G & C SUPPLY

R0126639/P0034683

Hurst Jaws of Life Extrication Equipment (Change Order #1); Original Purchase approved by Council September 22, 2009: \$73,210.51

Not to exceed \$100,000.00 annually

BOARD APPOINTMENTS

On motion of Councilman Murphy, seconded by Councilwoman Robinson, the following Board appointments were approved:

BOARD OF SIGN APPEALS:

- Appointment of ***EDWARD FREEMAN*** for a three year term expiring July 13, 2013 representing District 5.

BOARD OF ELECTRICAL EXAMINERS:

- Appointment of ***JAMES B. WALKER*** for a four year term expiring February 17, 2013.

BOARD OF EQUALIZATION:

- Re-appointment of ***GRADY RHODEN*** and ***LORA DAWSON*** for two year terms expiring May 31, 2012.

AIRPORT AUTHORITY BOARD INQUIRY

Councilwoman Berz inquired as to the status of the airport vacancy.

Mr. Johnson stated that the matter has not come to him and could not give a status other than that.

AIRPORT AUTHORITY BOARD INQUIRY (Continued)

Councilman Benson stated he had someone from the Airport Board to call him about it; that there has been someone sitting out there whose appointment has expired.

Mr. Johnson stated he did not know and has not looked it; that it comes from the Mayor's office and Anita will take a look at it. He stated he would pass it on.

HEARING: WILLIAM A. MORGAN

City Attorney McMahan reported a hearing for William A. Morgan was held on yesterday with the panel consisting of Councilmen McGary (Chair), Benson and Scott. He stated the panel voted to uphold the termination of Mr. Morgan.

HEARING: MICHAEL S. HICKS

City Attorney McMahan reminded Council members of the hearing for Michael Samuel Hicks regarding his termination from Internal Audit scheduled for May 3. He stated the panel as originally constituted was Councilmen McGary, Ladd and Robinson with Benson as alternate; however Mr. Benson's son will be representing Mr. Hicks and another alternate is needed; that we have another week for someone to volunteer as alternate.

Councilman Benson stated he could withdraw himself as opposed to the City Attorney withdrawing his name!

DISTRICT 8 MEETING

Councilman McGary reported that a District wide meeting would be held on Saturday, April 24, beginning at 11 a.m. at East Side Elementary and for those who cannot make it on Saturday, a second District wide meeting would be on Monday, April 25 from 5:30 – 7:30 at Tommie Brown Elementary and all are welcome.

NEEMA COMMUNITY

Councilwoman Robinson expressed a huge thank you to so many of the departments in our city who came Sunday at 4 p.m. to St. Paul Episcopal for a meeting of the NEEMA Outreach Community, the African American immigrants who have recently settled in Chattanooga and formed themselves under the leadership of their translator and advocate, Father Peter Kanyi. She stated Councilman McGary came and read a beautiful proclamation to those assembled in English; that English is their second language. She stated Father Peter read the proclamation in Swahili, their universal tongue; that it was a very beautiful occasion with music and wonderful celebration. She expressed thanks to everyone who has been so supportive and is helping in so many ways with this group of our newest citizens.

COMMITTEES

Councilwoman Scott stated the Economic Development Committee met today and heard a presentation regarding Moccasin Bend from Planning.

Councilwoman Robinson stated **Health, Human Services and Housing Opportunities would meet on Tuesday, April 27 at 2 p.m.** She stated Beverly Johnson is bringing before the Committee some great news about how some really important money will be spent on housing in our city in the coming year.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee on Tuesday, April 27** to take up matters for discussion that may be on the agenda.

Councilwoman Ladd stated the **Public Works Committee would meet Tuesday, April 27**, following the Agenda session.

Councilwoman Berz stated the **Budget, Finance and Personnel Committee will meet following Public Works on Tuesday, April 27**. She stated this will be an important discussion on all the personnel ordinance amendments reviewed several months ago; that they have been put in final order for the Council's approval.

NEXT WEEK'S AGENDA: APRIL 27, 2010

Chairman Rico stated the agenda for next week was discussed this afternoon during the Agenda session.

REV. AMOS BAKER

Rev. Amos Baker of 1100 Gateway Towers distributed information regarding the late Benjamin Hooks who recently passed. He stated that Mr. Hooks was buried sometime today and came to the Career Center here in Chattanooga in September, 1994. He stated a DARE program was held with then Chief Cothran; that the DARE program was Chief Cochran's dream. He stated Mr. Hooks took time from his busy schedule and was present at the Center for about twenty minutes and got back on the plane; that he was happy he was there because at the time the City Council was talking about gangs and violence. He stated he was doing a lot of things then and is a little sick now; that it was important for him to be present tonight in Mr. Hooks' memory. He stated he has "grown up a little bit" and expressed thanks to Larry Zehnder for the assistance he provided when Mr. Hooks was here in 1994; that he and Mr. Zehnder were not always on the same "ball team" but did work together for things like that. He stated all he wanted the Council to do was remember Mr. Hooks and he thought it was important for him to be present. He stated we can work together and make a difference and wanted to remember Mr. Hooks. He recognized the presence of his wife, his co-host, and concluded his statements by again remembering Benjamin Hooks and Chief Cothran and expressed hope they rest in peace.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, April 27, 2010 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)