

# Sign Appeals

## ADVERTISING

(f) In the event all owners, occupants and/or other persons in control of two (2) or more contiguous premises agree in writing to combine such premises into one (1) premises for the purposes of this Chapter, all such individual contiguous premises shall be treated as one (1) combined premises for all purposes under this Chapter, provided that the provisions of Section 3-92(b) shall not be applicable to such combined premises, and provided further that the measurements of such combined premises may not be used under Section 3-93(b) to enlarge the maximum permissible sign area of any detached sign which would otherwise have been permitted upon any one (1) of the individual premises. In the event such agreement is revoked by any party thereto any sign thereby transformed into a non-conforming sign shall be removed within sixty (60) days or the non-conformity cured within sixty (60) days.

(g) The Director of the Land Development Office or designee shall have the authority to waive any or all requirements of Articles VII and IX of this Chapter for major mixed-use developments located in the downtown C-3 Central Business Zone, as described in Section 3-52(a) of this Chapter, as deemed necessary to ensure a development's ability to adequately identify itself and/or its occupants, under the following conditions:

- (1) The development's use is retail, commercial, office, and residential containing 250,000 square feet, or more, of useable gross floor area and a minimum of three (3) stories in height and is located on contiguous property;
- (2) A sign package has been submitted by the developer or designee for review showing all signs, elevations, locations, height, and sign area associated with said development; and
- (3) The Director of the Land Development Office or designee determines that signs similar in character, size, and location for uses/developments similar in nature currently exist within the zone but do not meet the requirements of Articles VII or IX.

(Ord. No. 9279, § 1, 12-12-89; Ord. No. 9507, § 1, 1-15-91; Ord. No. 12070, 02-05-08)

## ARTICLE X. VARIANCES AND SPECIAL PERMITS

### Sec. 3-101. **Board of Sign Appeals to hear requests; meetings; membership.**

(a) The Board of Sign Appeals is hereby established and is hereby designated to hear and decide all requests for variances and special permits made pursuant to this Article X. Said Board shall hear such requests at the time and place fixed by said Board for its regular monthly meeting or at such other meetings of the Board as may be called by the Chairman or established

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by said Board. The City Attorney or his designated representative shall be present at each Board meeting.

(b) The Board of Sign Appeals shall consist of nine (9) members; each member of the City Council shall appoint one (1) member to said Board. Three (3) members of the first Board shall serve terms of one (1) year expiring on July 31, 1992; three (3) members of the first Board shall serve terms of two (2) years expiring July 31, 1993; three (3) members of the first Board shall serve terms of three (3) years expiring on July 31, 1994. The City Council shall designate the term of each member of the first Board; each member of the Board shall thereafter serve a term of three (3) years. In the event of a vacancy on the Board, the member of the City Council responsible for the appointment of that particular position shall appoint a new member to serve the unexpired term. A member of said Board may be removed from the Board upon a majority vote of the entire City Council.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9593, 8-6-91; Ord. No. 12188, § 1, 12-2-08)

### **Sec. 3-102. Jurisdiction of the board.**

The Board of Sign Appeals shall have the following powers:

(a) To hear and rule on requests for variances to permit not more than one (1) on-premise sign per premises to be constructed on premises where such signs are otherwise permitted to a height greater than allowed by this Chapter and/or to be located nearer to a public right-of-way than otherwise allowed by this Chapter if, in the opinion of said Board, a severe and substantial hardship is imposed by the provisions of this Chapter with respect to the particular property subject to the request and the conditions of §3-105 have been satisfied. The Board shall require a showing of substantial economic hardship prior to granting any variance. The Board shall grant only minimum relief necessary to remedy the particular hardship. In no event may the Board permit any such sign to be constructed to a height greater than eighty (80) feet within six hundred sixty (660) feet of either side of a controlled access facility or any such sign to be constructed to a height greater than fifty (50) feet in any other area. The provisions of this Section are to be strictly construed.

(b) To hear and rule on requests for variances to permit an attached sign greater in size than allowed by Article IX, Section 3-92(e) of this Chapter, if, in the opinion of said Board, a severe and substantial hardship is imposed by the provision of this Chapter. The Board shall require a showing of such hardship with respect to circumstances of a unique site location, which may include, but not limited to: (i) setback of building right-of-ways, or, (ii) building heights or other visual impediments that would prevent visibility of said sign to (the) traveling public.

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(c) To hear and rule on requests for special permits for on-premise message centers. A special permit may be granted for: (i) on-premise message center for premises having facilities which provide a location for public events or gatherings, whether sporting, cultural, civic, or entertainment, and which provide a fixed seating capacity of not less than 1,200 persons, or (ii) the message center is an attached sign which is placed in a manner to be viewed by persons in a drive-through line on the same premises and the message or scrolling of which cannot be seen from any public right-of-way, or (iii) a special permit may be granted for two attached on-premise message centers for premises having facilities located in the C-3 Central Business District that have an occupancy rating of not less than 20,000 persons. The Board may in its discretion impose such reasonable conditions on the operation, size, and placement of message centers as it deems appropriate for traffic safety; in imposing any such conditions, the Board may consider any recommendations by the Office of the City Traffic Engineer. Any message center operated or maintained in violation of any condition placed upon it by the Board of Sign Appeals in the special permit for such message center is hereby declared to be a violation of the provisions of this Chapter and subject to abatement as set forth in Article I of this Chapter.

(d) To hear and rule on requests for special permits for signs for special events in excess of three (3) days but no longer than thirty (30) days. The Board may in its discretion impose such reasonable conditions on the number, size and placement as it deems appropriate for traffic safety; in imposing any such conditions, the Board may consider any recommendations of the Office of the Traffic Engineer.

(e) To hear and rule on requests for special permits for off-premise traffic directional signs for licensed facilities offering twenty-four hour emergency medical and/or psychiatric care; no such sign shall be permitted with any message thereon other than ordinary and customary traffic directions to such facility. The Board in its discretion may impose such reasonable conditions on the size, height and placement of such traffic directional signs as it deems appropriate for traffic safety. Any such traffic directional sign operated or maintained in violation of any condition placed upon it by the Board of Sign Appeals in the special permit for such sign is hereby declared to be a violation of the provisions of this Chapter and subject to abatement as set forth in Article I of this Chapter.

(f) To hear and rule on requests for special permits for the use of certain banners not otherwise permitted, including banners (i) which are in excess of the number permitted for a building under Section 3-84 of this ordinance, (ii) which extend more than eighteen (18) inches but not more than thirty-six (36) inches from the side of a building while still being considered as an "attached sign" under Section 3-61 of this ordinance, and/or (iii) which exceed forty (40) square feet in size, notwithstanding the limitations in Section 3-71(2) of this ordinance. The Board may grant special permits for any one or more of the foregoing exceptions, but only if all of the following conditions are satisfied with respect to each such exception:

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- (1) The building for which a special permit is requested shall not be less than two (2) stories in height;
- (2) The building for which a special permit is requested shall be a retail shopping facility or mixed-use facility containing at least twenty-five percent (25%) retail shopping area by square footage;
- (3) The banners for which a special permit is requested may contain only the following information (or any combination thereof): the name of a special event (as defined in §3-61) to be carried on within the building for a temporary period not exceeding sixty (60) consecutive days, the name of the building and/or the name of the owner or occupants within the building. No special permit shall be given for a banner containing any other message or information other than the foregoing;
- (4) No banner shall extend more than thirty-six (36) inches from the side of the building to which it is attached, and banners within this limitation shall be considered as "attached signs" within the meaning of Section 3-61 of this ordinance;
- (5) No banner permitted by this Section may exceed sixty (60) square feet in sign area;
- (6) The application for a special permit under this Section shall be made by the owner of the premises and shall illustrate the approximate placement of the requested banners along each side of the building for which a permit is requested, and the number of banners on any side of a building shall not exceed one (1) banner for each twenty (20) linear feet along the ground level of that side of the building. The owner or lessor of a building may allow banners to be utilized by occupants within such building, but such use by any occupant shall not increase the total number of banners allowed along the side of a building. Once the total number of permissible banners along the side of a building is determined, the banners may be placed along such side in any location the owner/occupant chooses (subject to the remaining limitations of this ordinance), and such banners are not required to be placed twenty (20) linear feet apart from one another; and
- (7) Any permit granted by the Board may contain such other conditions, including without limitation, further restrictions (but not liberalizations) on the size,

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height, placement and numbers of banners, such as the Board may in its discretion feel are appropriate to protect the public interest and as may be warranted by the particular circumstances of the request for a special permit under this Section.

(g) To hear and rule on requests for special permits for the use of certain on-premise message centers not otherwise permitted, if and only if such message centers are attached to a building and are designed and constructed not to be read by persons off the premises on which they are located. The application for a special permit under this subsection shall be made by the owner of the premises and shall illustrate the approximate placement of the requested message center for which the special permit is requested. Any permit granted by the Board may contain such other conditions, including without limitation, further restrictions (but not liberalizations) on the size, height and placement of the message center such as the Board may in its discretion feel are appropriate to protect the public interest and as may be warranted by the particular circumstances of the request for a special permit under this Section.

(h) To hear and rule on requests for special permits for on-premise signs and/or banners located upon commercial, predominantly retail, developments which are: under the same management, not less than twenty-five thousand (25,000) square feet of usable retail floor area, not less than two (2) stories in height, and located in the downtown/northshore area as described in Section 3-52(a) of this chapter and areas along Manufactures Rd. zoned C-3 located in the Northshore area, or (2) under the same management, not less than six hundred thousand (600,000) square feet of usable retail floor area two (2) stories in height, and located outside the downtown area as described in 3-52(a) of this chapter. Any such special permit may be granted only after the Board has reviewed and approved all signs and/or banners for the development. The Board may authorize signs and/or banners to be erected which are not otherwise in compliance with the provisions of this chapter, subject to the following limitations:

- (1) The Board may not authorize any increase in the maximum sign area for any permitted free-standing sign;
- (2) The Board may authorize not more than one (1) projecting sign per retail occupant or retail tenant of the development, and any such projecting sign shall not be considered as a detached sign for the purposes of 3-92 of this chapter, provided that any such projecting sign shall not extend more than eight (8) feet from the facade of any building nor shall any such projecting sign exceed thirty (30) square feet in sign area, and provided further that such projecting signs shall only be located directly outside the space occupied by the occupant or tenant to which the sign refers or directly outside a common entrance for two or more tenants; and

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- (3) Roof signs shall not be permitted.

For the purposes of this subsection (h), "retail," shall include restaurants. Nothing in this subsection (h) shall require the Board to grant any relief to or issue any special permit to any applicant.

(i) To hear and rule on requests for special permits for on-premise and off-premise signs and/or banners located upon any stadium with seating capacity in excess of five thousand (5,000) persons. Any such special permit may be granted only after the Board has reviewed and approved all signs for the development. The Board may authorize signs, flags and/or banners to be erected which are not otherwise in compliance with the provisions of this chapter. The Board may authorize projecting signs which shall not be considered as detached signs for the purposes of §3-92 of this chapter, provided that any such projecting sign shall not extend more than eight (8) feet from the facade of any building nor shall any such projecting sign exceed fifty (50) square feet in sign area.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9611, § 2, 9-10-91; Ord. No. 9703, § 1, 4-21-92; Ord. No. 9822, § 1, 1-5-93; Ord. No. 9823, § 1, 1-5-93; Ord. No. 10337, 11-21-95; Ord. No. 10620, § 1, 9-30-97; Ord. No. 10623, § 1, 10-7-97; Ord. No. 10818, § 1, 1-12-99; Ord. No. 10950, § 1, 1-11-00; Ord. No. 11006, § 1, 4-18-00; Ord. No. 11700, §6, 7-5-05; Ord. No. 12188, § 1, 12-2-08)

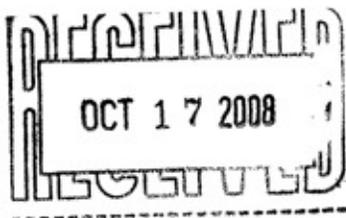
### **Sec. 3-103. Applications to the board.**

Persons desiring consideration by the Board shall apply to the Secretary of the Board of Sign Appeals and shall supply such information as the Board may require to identify the premises and proposed location of the sign in question and to determine the reason for the request. Each application shall be accompanied by a receipt for a fee of One Hundred Dollars (\$100.00) paid to the City Treasurer to cover the City's cost of handling the application, no part of which fee is refundable. Persons objecting to the application or interested in the determination made by the Board may likewise set forth their views and actual evidence in writing. The application and any objection shall be submitted to the Board within the time provided in its rules of procedure.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 11175, §19, 09-11-01)

### **Sec. 3-104. Notices.**

A notice of the public hearings held by the Board of Sign Appeals shall be sent by regular mail to each of the property owners within a minimum of two hundred (200) feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga



FILED

STATE OF TENNESSEE  
CERTIFICATE OF INCORPORATION OF THE  
SPORTS AUTHORITY OF THE CITY OF CHATTANOOGA

NAME: The name of this corporation is The Sports Authority of the City of Chattanooga.

ADDRESS: The address of the principal office of this corporation in the State of Tennessee shall be: c/o Mayor's Office, 101 East 11<sup>th</sup> Street, Chattanooga, TN 37402.

REGISTERED AGENT: The name and address of the corporation's initial registered agent and registered office in Tennessee is: Randall L. Nelson, 801 Broad Street, Suite 400, Chattanooga, Hamilton County, TN 37402.

PURPOSE: The general nature of the business to be transacted by this corporation and the general purpose for which it is organized is to do business as a sports authority (a non-profit corporation) as prescribed by the Sports Authorities Act of 1993, as codified in Section 7-67-101, *et seq.*, *Tennessee Code Annotated*, and as amended by Chapter 18, Public Acts of 1999. The corporation shall be a State of Tennessee (USA) public benefit non-profit corporation under the Tennessee Non-profit Corporation Act and a public instrumentality of the City of Chattanooga. The corporation will not have members. The corporation shall have all of the general powers authorized by said statute, including amendments thereto hereafter adopted, and all powers incidental thereto or necessary for the performance thereof, including the following: (1) to have succession by its corporate name in perpetuity unless sooner dissolved; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (3) to have and to use a corporate seal and to alter the same at pleasure; (4) to acquire, whether by purchase, construction, exchange, gift, lease, or otherwise, and to improve, repair,

extend, equip, furnish, operate and maintain one (1) or more projects, which projects shall be within the City of Chattanooga, including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether or not any such projects shall then be in existence, and including the power to demolish such existing structures as may be on sites acquired when such structures are not needed for the project; (5) to operate, maintain, manage, and enter into contracts for the operation, maintenance and management of any project undertaken, and to make rules and regulations with regard to such operation, maintenance and management; (6) to employ, contract with, fix the compensation of, and discharge engineering, architectural, legal and financial experts, and such consultants, agents and employees, as may be necessary to carry out the purposes of Chapter 67, Title 7, *Tennessee Code Annotated*, and to provide for the proper construction, operation and maintenance of any project; (7) to lease, rent and contract for the operation of all or any part of any project for sports and recreational facilities, and charge and collect rent therefore and terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and include in or exclude from any such lease provisions that the lessee shall have the option to renew the term of the lease for such period or periods and at such rent as shall be determined by the board of directors; (8) to lease such space in a project as from time to time may not be needed for sports and recreational purposes to any other person, corporation, partnership or association for such purposes as the board of directors may determine are in the best interests of the authority or help facilitate the purposes for which the authority was created, and upon such terms and in such manner as the board may determine; (9) to fix and collect rates, rentals, fees and charges for the use of any and all of the sports and recreational facilities of the authority; (10) to contract for the operation of concessions on or in any of the sports and recreational facilities of the authority; (11) to advertise within or without the state any

of the sports and recreational facilities of the authority; (12) to sell, exchange, donate, and convey any or all of its properties; whenever the board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized; (13) to procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the authority in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary; (14) to accept donations, contributions, revenues, capital grants or gifts from any individuals, associations, public or private corporations, and municipalities, the state or the United States, or any agency or instrumentality thereof, for or in aid of any of the purposes of this chapter and enter into agreements in connection therewith; (15) to borrow money from time to time and in evidence of any obligation incurred to issue and sell its revenue bonds in accordance with the provisions of this chapter and the applicable provisions of Title 9, Chapter 21, *Tennessee Code Annotated*, in such form and upon such terms as its board of directors may determine and as approved by the governing body of the creating municipality, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of acquiring, erecting, extending, improving, equipping, renovating or repairing any project or for any combination of such purposes, and demolishing structures on the project site and acquiring a site or sites necessary and convenient for such project, including, but without in any way limiting the generality of, the foregoing, architectural, engineering, legal, consulting and financial expenses, and including an amount sufficient to meet the interest charges on such revenue bonds during such estimated period or periods as may elapse prior to the time when the project or projects may become revenue producing

and for one (1) year in addition thereto; and refund and refinance, from time to time, revenue bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors; and pending the issuance of its revenue bonds for the purposes in this chapter authorized, issue its interim certificates or notes or other temporary obligations; (16) to enter into any agreement or contract with any lessee who, pursuant to the terms of Chapter 67, Title 7, *Tennessee Code Annotated*, is renting or is about to rent from the authority all or part of any building or buildings or facilities, whereby under such agreement or contract such lessee obligates itself to pay all or part of the cost of maintaining and operating the premises so leased, and such agreement may be included as a provision of any lease entered into pursuant to the terms of Chapter 67, Title 7, *Tennessee Code Annotated*, or may be made the subject of a separate agreement or contract between the authority and such lessee; (17) to mortgage and pledge as security for the payment of the principal of and interest on any revenue bonds so issued and any agreements made in connection therewith, any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and pledge the revenues and receipts therefrom or from any thereof; (18) to exercise all powers expressly given in this charter and to establish bylaws and make rules and regulations not inconsistent with this charter or the provisions of Chapter 67, Title 7, *Tennessee Code Annotated*, deemed expedient for the management of the affairs of the authority; and (19) to acquire, whether by purchase, construction, exchange, gift, lease or otherwise, and improve, repair, extend, equip, furnish, operate and maintain any roads, streets, highways, curbs, bridges, flood control facilities, utility services such as water, sanitary sewer, electricity, gas and natural gas, and telecommunications, which the board of directors of the sports authority deems to be necessary, expedient or advisable in connection with the development or operation of any project; dedicate any such highways, roads or services to the public use; enter into any contract to facilitate these purposes and make any

payments required under such contracts; borrow funds for the purpose of making any payment authorized by this subdivision; and pledge and otherwise use the revenues of the sports authority to repay such borrowed funds.

Any meeting of the board of directors for any purpose whatsoever shall be open to the public.

The sports authority shall be a public non-profit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority, including reserves thereof, any net earnings of the authority thereafter accruing may be used to provide a reserve for depreciation of any project or projects undertaken by such authority in an amount determined by the board of directors to be necessary and reasonable, and net earnings available thereafter shall be paid to the municipality with respect to which the authority was organized; provided, that nothing herein contained shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

**DIRECTORS:**

The authority shall have a board of directors in which all corporate powers of the authority shall be vested and which shall consist of any number of directors, not less than seven (7), all of whom shall be duly qualified voters and tax payers in the City of Chattanooga. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. No director shall be an elected official or employee of the City

of Chattanooga. The directors shall be appointed by the governing body of the City of Chattanooga and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors, the governing body of the City of Chattanooga shall divide the directors into three (3) groups containing as near equal whole numbers as may be possible. The initial term of the directors included in the first group shall be two (2) years; the initial term of the directors included in the second group shall be four (4) years; the initial term of the directors included in the third group shall be six (6) years, and thereafter the terms of all directors shall be six (6) years; provided, that if at the expiration of any term of office of any director a successor has not been appointed, the director whose term of office has expired shall continue to hold office until the director's successor is appointed. If a vacancy occurs in the position of director the vacancy shall be filled in the same manner as the original term for the remainder of the unexpired term.

**CONFLICTS OF INTEREST:**

All directors of the sports authority shall endeavor at all times to avoid actual conflicts of interest or the appearance of conflicts of interest in any contract or other transaction between the authority and one or more of its directors or between the authority and any other corporation, partnership, voluntary association, trust, or other organization of which any of its directors is a director or officer or in which he or she or any member of his or her immediate family has any financial interest. The director or directors so affected shall voluntarily make known to the board of directors the information which constitutes a real or potential conflict of interest. No such contract or other transaction between the authority and one or more of its directors or between the authority and any other corporation, partnership, voluntary association, trust or other organization of which any of its directors is a director or officer in which he or she or any member of his or her immediate family has a financial interest shall be void or voidable for this reason or because any such director is present

at or participates in the meeting of the board of directors that authorizes the contract or transaction or because his or her vote is counted for such purpose: (a) if the material facts as to the contract or transaction and as to his or her relationship or interest are disclosed to the board of directors and the board of directors in good faith authorizes the contract or transaction by the affirmative votes of a majority of disinterested directors, even though the disinterested directors be less than a quorum; or (b) if the contract or transaction is fair and reasonable as to the authority as of the time it is authorized, approved or ratified by the board of directors. Interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors that authorizes the contract or transaction.

**DURATION:**

The time of existence of this authority shall be perpetual; provided, that whenever the board of directors of the authority or the governing body of the City of Chattanooga by resolution determines that the purposes for which the authority was formed have been substantially accomplished and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors or the executive officers of the City of Chattanooga, as the case may be, shall thereupon execute and file for record in the Office of the Secretary of State a Certificate of Dissolution, reciting such facts and declaring the authority to be dissolved. Such Certificate of Dissolution shall be executed under the seal of the authority. Upon the filing of such Certificate of Dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the City of Chattanooga and possession of such funds and properties shall forthwith be delivered to such City of Chattanooga.

Under the authority and in accordance with the terms and conditions of Chapter 378 of the Public Acts of 1993, as codified in Section 7-67-101,

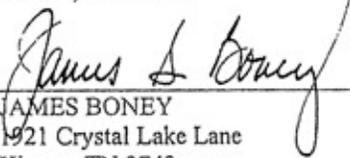
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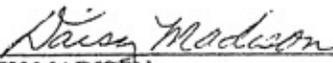
*et seq.*, of *Tennessee Code Annotated*, and as amended by Chapter 18, Public Acts of 1999, we, the undersigned, duly qualified voters of the City of Chattanooga, Tennessee, and tax payers in said municipality, do hereby make application for a certificate of incorporation under the corporate name of "The Sports Authority of the City of Chattanooga". The permission to organize this corporation has been granted and the form of this charter has been approved by resolution duly adopted by the City Council of the City of Chattanooga on the 25<sup>th</sup> day of January, 2000, and approved by the Mayor of said City on the same day.

We, the undersigned, further certify that we are residents of the City of Chattanooga and live within the corporate limits thereof at the addresses indicated.

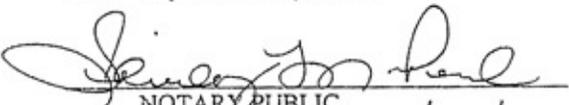
Witness our hands this 11<sup>th</sup> day of February, 2000.

  
\_\_\_\_\_  
RANDALL L. NELSON  
6724 Moss Lake Drive  
Hixson, TN 37343

  
\_\_\_\_\_  
JAMES BONEY  
1921 Crystal Lake Lane  
Hixson, TN 3743

  
\_\_\_\_\_  
DAISY MADISON  
3911 Merrywood Lane  
Chattanooga, TN 37416

SWORN TO AND SUBSCRIBED before me this the 11<sup>th</sup> day of February, 2000.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 2/05/02