

**City Council Building
Chattanooga, Tennessee
January 31, 2006
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Page, Pierce, Rico and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Bennett gave invocation.

MINUTE APPROVAL

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

STUDENTS FROM SOUTHERN ADVENTIST

Chairman Robinson recognized students from the Southern Adventist Photography class, noting that this group probably has 500-600 shots already! She welcomed each of them.

CLOSE AND ABANDON

MR-2005-184: Ben Frizzell

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that the applicant and those in opposition have agreed to defer this matter 30 days.

CLOSE AND ABANDON (Continued)

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 5800
BLOCK OF SNOW HILL ROAD FROM LEE HIGHWAY TO I-75, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO CERTAIN CONDITIONS**
was deferred 30 days ((March 7).

CLOSE AND ABANDON

MR-2005-120: City of Chattanooga c/o Harvey Webb

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
100 BLOCK OF MANUFACTURER'S ROAD, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
passed second and final reading and was signed in open meeting.

EMPLOYEE COMPUTER TRAINING

On motion of Councilman Rico, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO PAY NEW
HORIZONS COMPUTER LEARNING CENTER UP TO FIFTEEN THOUSAND
DOLLARS (\$15,000.00) FOR EMPLOYEE COMPUTER TRAINING**
was adopted.

ACCEPT GRANT

Councilwoman Bennett stated this is a healthy grant for the John A. Patton Center.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM WAL-
MART, INC. IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00)
FOR THE JOHN A. PATTON RECREATION CENTER**
was adopted.

ACCEPT DONATION

On motion of Councilman Benson, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION TO THE CHATTANOOGA POLICE DEPARTMENT FROM FRED'S IN THE AMOUNT OF ONE HUNDRED FIFTEEN (\$115.00) AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION
was adopted.

AMEND RESOLUTION 20026

Councilman Benson stated this was discussed in Legal and Legislative Committee today and approval is recommended.

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AMENDING RESOLUTION NO. 20026 ENCAPTIONED "A RESOLUTION ESTABLISHING RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE", RELATIVE TO CELLULAR PHONE CHARGES
was adopted.

FEMA GRANT APPLICATION

Councilman Franklin stated Resolutions (e) – (g) were discussed in the Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A PRE-DISASTER MITIGATION GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE PURCHASE OF RESIDENTIAL LAND AND HOMES LOCATED WITHIN THE 100 YEAR FLOODWAY OF THE UNOPENED TRIBUTARY OF THE TENNESSEE RIVER FROM ELY ROAD TO THE TENNESSEE RIVER ORIGINATING NEAR ELY ROAD AND DELASHMITT ROAD IN THE AMOUNT OF TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$2,250,000.00), WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING FUNDS IN THE AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)
was adopted.

PAYMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO MAKE A PAYMENT TO STEIN CONSTRUCTION IN THE AMOUNT OF TWENTY-NINE THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS (\$29,795.00) FOR ADDITIONAL SITE GRADING RELATIVE TO THE DEVELOPMENT OF RENAISSANCE PARK
was adopted.

FINAL PUD

2005-080: Greg Vital & Michael Mallen

At this point, Chairman Robinson recused herself on this matter and asked Vice Chairman Pierce to chair the meeting.

Vice Chairman Pierce declared a public hearing in progress for persons wishing to speak "for" or "against" this request; being none, the hearing was duly close.

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE HIGHLANDS AT RIVERVIEW PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED AT 3601 MERCER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

Chairman Robinson resumed her seat on the dais.

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

OVERTIME

Overtime for the week ending January 27, 2006 totaled \$21,655.27.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **BOBBY C. THOMPSON** – Family Medical Leave, Crew Worker, City Wide Services, effective January 25 – April 19, 2006.
- **KIMBERLY MILLS WASHINGTON** – Termination, Office Assistant Sr., Traffic, effective January 17, 2006.
- **STEVEN A. JORDAN** – Suspension (5 days without pay), Plant Maintenance Mechanic, Waste, effective January 19-25, 2006.
- **GREGORY L. ALBRITTON** – Promotion, Assistant City Engineer, Engineering, Pay Grade 36/Step 7, \$73,451.00 annually, effective January 20, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **MARY RUTH SALES** – Retirement, School Patrol Officer, effective January 18, 2006.
- **MONICA S. DELK, CALVIN Q. SMITH** – Hire, School Patrol Officer, \$27.59 per day, effective February 10, 2006.
- **AUDRA M. WILSON** – Re-Hire, School Patrol Officer, \$28.22 per day, effective January 17, 2006.
- **FRANK J. GOODWYN** – Resignation, Police Officer, effective January 25, 2006.
- **PAIGE KIDWELL** – Return to Duty from Family Medical Leave, Communications Officer, effective January 23, 2006.

FINANCE DEPARTMENT:

- **PEGGIE KELLEY** – Retirement, Buyer, effective December 30, 2005.
- **NICOLE GWYN** – Hire, Office Assistant Sr., Pay Grade 5/Step 1, \$19,350.00 annually, effective January 27, 2006.

PERSONNEL (Continued)

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **FAITH JOHNSON** – Resignation, Family Services Assistant, effective January 30, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **MARCUS LONG, BYRON A. COLE, RICHARD S. PHILLIPS, CLEOPHUS HOWELL** – Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$32,442.00 annually, effective February 3, 2006.
- **MICHAEL BARONAVSKI** – Promotion, Battalion Chief, Pay Grade F5/Step 7, \$55,697.00 annually, effective December 23, 2005.

PURCHASE

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Public Works Department:

DIXIE FILTERS (Best bid)
R0086220/B0002700

Odor Control Filter Media

\$349,468.60

ASHLAND TERRACE ROAD PROJECT

Adm. Leach asked Deputy Administrator Lee Norris to give an update on the Ashland Terrace road project.

Mr. Norris stated he has checked and the matter is “still up in the air”. He stated MPO funds will be used to fund a portion of the city’s construction effort on that; that they are still in the process of acquiring the right-of-way and still do not have an anticipated construction date.

ASHLAND TERRACE ROAD PROJECT (Continued)

Chairman Robinson stated that she is hopeful something could occur in this current year and asked if there is any anticipated time of when this might happen.

Mr. Norris responded "not at this point".

RETIREMENT

Deputy Chief Vaughn acknowledged the retirement of Ruth Sales after 37 years of service as a School Patrol Officer. He stated that she was dedicated and the department was proud to have her and will miss her.

HEARING

City Attorney Nelson a request for hearing on a two day suspension was received from Sgt. McKinney of the Chattanooga Police Department.

A hearing for Sgt. McKinney was scheduled for Monday, February 20 at 10 a.m. Councilman Franklin, Rutherford and Robinson volunteered as the panel; Councilwoman Bennett volunteered as alternate.

RESULTS OF MEDIATION

City Attorney Nelson stated over a year ago there was a police shooting involving Officer Gaynor and a citizen, John Henderson. He stated subsequent to the shooting, Officer Gaynor was terminated by the Chattanooga Police Department and it was felt there was some culpability because of his actions and the city was sued in U. S. District Court. He stated last Friday the city mediated that law suit before a mediator in Knoxville and subject to the Council's approval, came up with a proposed amount of \$500,000 that both sides agreed upon. He stated that a motion and second is needed to approve.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford approval was duly given to move forward with the proposal.

COMMUNITY MEETING

Councilman Page expressed thanks to administrative staff for their attendance at the neighborhood meeting in his district.

MANCHESTER PARK NEIGHBORHOOD MEETING

Chairman Robinson stated District 2 had a successful neighborhood meeting in Manchester Park with a large number of people present. She expressed thanks for all who participated in that neighborhood association.

COMMITTEES

Councilman Franklin reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, February 7 at 4 p.m.**

Councilman Benson stated that the Legal and Legislative Committee met today to discuss a replacement for Yusuf Hakeem. He stated that a decision would be made after the February 15 qualifying time which is only two weeks away; that it was felt the Council could move with someone the Council knows would not be a candidate in the election. He stated the Council would meet on February 20 at 3 p.m. to listen to candidates that want the interim position; that the elected person would take office in May. He stated it was thought that it is best for the community to choose the person at the ballot box. He stated while no one is serving in that District the Council Chair and Vice Chair would be responsible along with others for District 9.

Chairman Robinson stated on Tuesday, February 21, the Council will choose an interim caretaker-type Council person.

In the absence of Councilman Rico, Councilman Pierce scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, February 7 immediately following the Parks and Recreation Committee meeting.**

SANDY EAVES

Sandy Eaves stated that she is the manager of an elderly, low income housing project known as John Calvin Presbyterian Apartments. She stated she was present to voice the concerns of residents about the proposed address change happening in their area.

SANDY EAVES (Continued)

Ms. Eaves stated that they have been at Northgate Park since 1982 and have always had a Chattanooga, Tennessee 37415 address along with Northgate Mall; that it is now being proposed that the address be changed due to growth developing in the Hixson area. She stated the city and 911 and emergency companies have gotten together, had a meeting and no one contacted them; that they were not informed until this was considered to be a finished product. She stated their concern is when the mall was approached they are not changing their address and all on that side are not going to change. She stated the address of 364 Northgate Mall Drive is being assigned to them and 100 yards down from them is the new theatre and their address 310 Ring Road. She stated everyone she talked to tells her this is a 911 issue and they (911) cannot find the apartments due to the growth. She stated their concern is if they can not find them how are they going to find the mall!

Ms. Eaves stated if a person is in the mall and falls down and 911 is called, they can find a person there; that she has elderly low income residents in her building who are greatly concerned about having to change their address with the bank and all their other contacts. She stated she can not get anyone to tell her whose idea this was; that Michael Fugate has been to her building and he knows she has a passion for these residents and does want this to upset them. She stated if some of the locations around them do not have to change their address, why do 98 elderly residents have to make that change! She stated they need someone to speak up for them.

Councilman Page stated this has been a very emotionally charged issue in our neighborhood and indicated there was a large crowd earlier in the day in wheelchairs and with various other medical conditions that met with him and Councilmen Rico, Pierce and Benson. He stated he has had a hard time understanding it and talked with Steve Leach and the Post Master; that the discussion he had today indicates it is a good idea long range, but at the same time it affects people personally today. He stated that it is his thought the people need to understand. He stated he does not know if it is in the Council's purview or not, however he certainly wants to make sure the constituents in that facility are taken care of and not unduly hurt by what is happening with different governmental bodies. He asked Mr. Leach to explain the matter.

Adm. Steve Leach stated that he talked a little bit about this in today's Public Works Committee and indicated he would be available to meet with the residents on Friday around 1:30 p.m. He stated he would bring with him the people from the county's GIS department who will be assigning addresses.

SANDY EAVES (Continued)

Mr. Leach stated one misconception is that they are not the only ones changing addresses; that all those surrounding this facility, including the theatre, will change addresses. He stated as he discussed earlier the road address in the telephone book does not exist on the ground however it comes out as far as a specific address number. He stated they need an address location that can be identified on the ground when persons are in the field; that road signs will be posted with new names; that this is all in conjunction with Northgate. He stated four letters have been mailed and three letters were sent to Sandy Eaves for the residents of the apartments over the last four months. He stated they have been trying to give notice and have been out with GIS people to present the matter at their Board meeting, so they have been aware of this for awhile. He stated he can not say how very important it is that 911 have a location they can pull up on their screen.

Mr. Leach continued by stating that he heard it said they all know where they are located, however a crew did not know where the John Calvin Apartments were the other night; that they could not identify Ring Road as an address and noted that all this works against the John Calvin Apartments. He stated the reporter at the meeting got lost and could not find it and was not familiar with the apartments. He stated he would be happy to come to talk with them. He stated offers were made to assist them in changing their address; that with various correspondence and bills it is just a matter of checking a box for a change of address. He stated this is just a process that has to be worked through as he did this for his father two years ago; that it is not an insurmountable problem to make the adjustments to the address change. He stated the important thing is if a situation comes up and emergency vehicles are delayed it could cause someone's life. He stated it is his thought this is a good thing for them; that no matter what happens the street needs to be changed to something other than Ring Road as Ring Road does not exist.

Councilwoman Rutherford asked Mr. Leach if this is a private road and if the city has to vote on this.

Mr. Leach stated that this is a private road and is owned by Northgate Properties. He stated it will be assigned as a private road in a commercial and industrial area; that there are many other developments occurring in the Northgate area and is happening quickly; that there is a new set of buildings that have gone up recently in the area, including the theatre, all of which will have address changes at some point.

Councilwoman Rutherford again asked if the City Council's vote could change any of this.

SANDY EAVES (Continued)

Mr. Leave responded "no"; that the Council does not have any authority with this.

Councilwoman Rutherford asked if the matter would ever come before the Council.

Mr. Leach responded "no, not as an official vote".

Councilman Benson asked if it is a matter that would come before the Planning Commission.

Mr. Leach responded "no".

Councilman Benson stated that he heard Ms. Eaves' presentation earlier in the day when considerably more people were present with her. At this point he asked those in attendance with her to raise their hands (approximately 13-15 people were in attendance). He stated the Council needs to know the full impact of what is going to be done and what it will cost each of the 98 individuals to force them to change their address.

Ms. Eaves stated that she did not know if the Council members have elderly people in their families for whom they have tried to make changes through Social Security. She stated Mr. Leach knows he offered to get people to come to our building, but how many people would want to turn over their Social Security, banking and insurance information to someone they do not know -- that you just can not do that! She stated her company told them (Leach and others) when they came to their Board meeting that they (John Calvin Board) would not allow that! She stated no one on the Council would want to give private information to anyone in that way. She stated Social Security makes you sit in a room and respond to voice activation and her residents can not do that; that some of them can not hear and they just can not do it! She stated if their Social Security does not get to them, that is their income; that some of the residents do not have family to help them and some of this can not be done with a forwarding address.

Ms. Eaves stated that this is not a 911 issue for them as they have never one time had a problem with 911 - never! She stated they have been there forever; that all the growth around them is not their fault. She stated they have always had the address of 100 Northgate Park; that in 1982 somebody in the city assigned that address. She stated if the Mall can stay with the same address, what is the reason that they can not; that if 911 is an issue for them, why isn't 911 an issue for the Mall!

SANDY EAVES (Continued)

Councilman Benson inquired as to the cost factor per individual. Ms. Eaves stated that the only cost that is going to be financial would be getting someone to take them all these places; that she has no way of knowing. She stated each individual resident will have their own cost.

Councilman Page stated that the only thing he would say is that he knows this is not a public hearing and the Council has gone further than they need to go in allowing the residents to have a proper place to speak their concerns. He stated this Council is not voting on it as there is no action to take. At this point he encouraged them to attend the 1:30 p.m. meeting on Friday with Steve Leach. He stated he does not know if anything can be done; that Councilman Pierce mentioned the possibility of a road name for that facility and asked Mr. Leach if that is a possibility to give them some identity.

Councilman Pierce stated that it was his hope rather than being Northgate Park there would be an opportunity for them to select a name they would like to use; that it seems mandatory it will change and as Councilman Page stated, this is not under the purview of the Council to say that it be done or not be done.

Ms. Eaves stated this is private property owned by the Mall. Councilman Pierce asked that they ask for consideration from the mall management group for permission to select a name rather than having one assigned.

Ms. Eaves stated if it is a 911 issue, all about safety and they are there and always have been, why do they have to change and the mall does not! Why do the 98 residents have to change and the mall does not? She asked if it is because they are big business. She stated if someone in the city could just tell her if 911 and everyone in that area had to change they would do the best they could, however it is not fair as this is discrimination against her folks!

Councilwoman Rutherford asked if Mr. Leach could make calls to Social Security and the banks in the area to see if they would send a representative out to do the change of address.

Mr. Leach again stated that his father went through this; that he would look into the Social Security issue as there would be no change to bank direct deposits. He stated help is being offered so no one would be out there fending for themselves. He stated that he makes the promise there would be help.

Councilwoman Rutherford stated that she would think Social Security would send someone out. Mr. Leach stated that direct deposit is not an issue.

SANDY EAVES (Continued)

Councilman Page asked if there would be a meeting on Friday at 1:30 p.m. as Mr. Leach suggested.

Mrs. Eaves stated the only reason they would need to meet is if he comes to talk about what they can do; that every time they meet with him he always tells them it is a "done deal"; that they need help! She stated they want to know why and it does not do any good for him to talk to us if he is not going to listen.

Councilman Page asked Ms. Eaves for an answer of "yes" or "no".

Ms. Eaves responded "no, they do not need a meeting with Mr. Leach".

A person spoke without giving her name and stated that she does not live at John Calvin but has a sister who lives there. She stated she has gone through so much red tape just getting something changed for her recently which was almost impossible! She stated she has to go through everything in her apartment and they will not talk to her without her sister who is deaf and has a slight mental problem. She stated it is terrible and many of the 98 have similar problems with some in wheelchairs and there is no way some of them can understand this; that they are elderly and in their late 80's and 90's and "making do" for themselves. She stated they have been tax payers in their homes and have worked hard all their lives and they need help. She asked that the Council please try to help them.

Chairman Robinson stated this is not something that is before the Council and there is not anything the Council can do.

Frances Fritz stated that she retired from the Electric Power Board and wanted to know why somebody had not informed them of all this. She wanted to know whether the law says any department can just do something and then tell people what they have done!

Councilman Pierce stated since there is duplication of street names is it possible to leave this street open and change other streets.

Mr. Leach stated the road name chosen is not a duplicate and identifies this as being near Northgate; that it is helpful in emergencies to have that compatibility.

Councilman Pierce stated that is a business and basically it is their property and it is good they donated the private road. He stated he was considering the neighborhood and would not think Northgate would have a problem with it.

SANDY EAVES (Continued)

Mr. Leach stated the road name they actually use does not connect with the site and indicated that it is a couple thousand feet away. He stated where John Calvin is located there are others between them and then the road is the address they are actually using. Several of the ladies from the John Calvin Apartments loudly indicated this was not true!

Ms. Eaves stated they are on Northgate Park; that Northgate Park Lane is not in use.

City Attorney Nelson expressed sympathy with both sides, noting that he has an elderly mother who could not handle this herself. He stated he has seen from the other side in the City Attorney's office where 911 gets a call and somebody identifies an address and this is not like the fire department that would know where you are; that this is at the Police Services Center who gets the call and may or may not know where you are. He stated if they have two streets that are named practically the same it is terribly easy to get them mixed up and send the rescue apparatus to the wrong address. He stated if an ambulance was sent to the wrong place with a person having a heart attack, everyone would look at the city and say why they were sent and were needed somewhere else. He stated the other side of the coin is trying to protect residents' health; that he does not think the 911 center would not know where Northgate Mall is as everyone would know that who has been in Chattanooga for anytime, however they might not know where the John Calvin Apartments are.

Ms. Eaves indicated that it says so on the screen (when a call is received).

Jerry Hannon stated that it is a lot easier to change an address when you are living with a person; that several of the 98 residents do not have any families. He stated not everyone can come from out of state to be with their parents just to change their information.

NORMA HAYNES

Norma Haynes from the Forest Plaza subdivision stated that she met with Mr. Leach and Councilwoman Robinson in Judy Penneman's home in an effort to address the decision regarding FEMA and their neighborhood and got no where and got no answers. She stated after they came to the Council meeting tonight and found it had been voted on.

NORMA HAYNES (Continued)

Councilwoman Robinson asked if this is in regard to the floodway issue discussed at Mrs. Penneman's home.

Mr. Leach stated tonight the Council gave approval to apply for the FEMA grant for pre-disaster mitigation. He stated they are trying to resolve the issue as it is a broad issue from Delashmitt Road to the River; that there are a broad range of issues they are trying to resolve. He stated as a result of the Council's action tonight they have been authorized to apply for the pre-disaster mitigation.

Ms. Haynes stated at the meeting she asked how this got started and where it originated and never received an answer. She asked how the FEMA issue got started and who came up with the idea; that the last thing they asked Mr. Leach on last Wednesday was to keep them informed and they just happened to be on the internet and found it was on the agenda tonight before the Council.

Mr. Leach stated the area did show up as having a floodway and residents do not have to apply for the grant; that it was felt not only their subdivision but others around might want to have some relief. He stated three million dollars will not buy a lot of houses but it will buy some and the residents can choose to sign. He stated what they are trying to do is find homes in this floodway and residents who have a desire to be relocated; that the city would have money toward it if the property owner is willing. He stated the option is always left up to the homeowner as to whether they want to participate.

Mr. Leach stated that an unnamed water source that some may call a ditch or stream is one that was never mapped before; that it goes from Delashmitt Road down to the River. He stated if the three million dollars is received a homeowner in jeopardy would appreciate it.

Jane Penneman stated they do not feel there is any jeopardy; that they know this has been designed focusing on the fact they presented an alternate that they would not have to go through FEMA. He stated this involves people who are set in their income and it could destroy a lot of people and their lifestyle. She stated they basically focused on presenting this to Mr. Leach and others and the community is dead set against this. She stated with the removal of so many properties in this area it could affect a lot of people and income and they have argued that point several times. She stated the committee focused on a lot of ditches in the area that are cleaned out every so often, maybe every five years rather than FEMA wiping out our community.

NORMA HAYNES (Continued)

Ms. Penneman stated they are looking at property that will be basically downgraded in terms of property value and would affect far more than eleven or fourteen properties by removal or having to get flood insurance, which costs a lot. She stated that she knows this will affect other communities; that she is not certain about other communities but her community is totally against it.

Councilman Benson stated this came up four-or-five years ago before Mr. Leach was in Public Works. He stated that he recalls thanking God for FEMA for it saves homeowners a lot of heartaches and helps on property values in the long run. He stated that is the way he understood it; that he could not see anyone against protecting values of their own.

Councilwoman Rutherford stated this has been used out in the Brainerd area and the way it has been applied as she understands it is that a person's property has to have been flooded and the property owner would have to have documentation "x" dollars were used for improvements. She stated if you are in an area where the home has not been flooded and if you do not have documentation, you will not benefit from this. She stated as far as flood insurance, for people who already have mortgages set or have owned their homes outright nobody can make them have flood insurance. She stated she can not find a negative to this program from the way she knows it works and in her district are three little neighborhoods, not parks, but lots that are grassed over and maintained by the city. She stated the neighborhood is talking about having one turned into a vegetable garden and another into a rose garden. She stated she does not understand; that it cannot devalue property, only improve it.

Pauline Fanning stated that Councilwoman Rutherford is very wrong about that; that she lived in East Ridge when FEMA came in and bought Key West, Springvale and a lot of houses there on Springvale. She stated there was one person who decided they did not want to sell so they jacked his house up ten feet on concrete blocks and you can imagine what that did to the neighborhood! She stated they moved some houses out and put up a so-called park which has been nothing but trouble. She stated she moved out almost three years ago and moved into where they are now in an effort to get away from it and is now stepping into this! She stated they had just moved in when Ron Littlefield came down campaigning for Mayor and they did not ask him but he told them when he walking through that he was aware of the problem in the neighborhood and was going to see that it is fixed. She stated she wants him to fix it because he said he would fix it; that he said he was aware of it and not to send FEMA but would see that it was fixed.

NORMA HAYNES (Continued)

Ms. Haynes stated they were told at a meeting last week that eleven homes in their area were designated to be bought out by FEMA and hers was one of them; that she and her husband are retired and have been living in the home since 1974 and do not look forward to moving. She stated they do not want FEMA in the neighborhood; that it will devalue their homes and the city is supposed to take care of it! She stated FEMA is not going to pay fair market price. She stated it is just by accident that she and Ms. Penneman are present tonight and they do not want this. She stated after the city came through and paid whatever they paid to put in a wonderful wall, they have not seen a drop of water. She stated they were not bothered at all during the 2003 rains and now there is FEMA; that if they had had a meeting with the people in charge of this along with other neighborhoods they could have voiced their opinion.

Chairman Robinson stated that as she understands it nobody is forced to sell at all; that this would only be available to property owners who wish to use that. She stated in this area it is probably not as bad as perhaps it is farther down the street as some properties upstream are in far greater risk for flood. She stated as she understands it is up to the property owner and this is in no way forced upon anyone. She stated they were told by officials that the city is not permitted to clean out the ditches any longer and are in the process of gradually filling them; that their hands are tied and cannot build any more maintain walls. She stated the state is the regulatory authority in this and it is an attempt on behalf of the city for some of the property owners to be able to relocate if their homes were flooded again. She stated maybe Ms. Haynes' and Ms. Penneman's homes were not in that danger and it will not apply to all properties.

Ms. Penneman stated in terms of property value, if they are sold who would buy in a flood plain zone. She asked how could anyone sell property with FEMA attached and have to tell someone this is in a possible flood plain and they would have to have insurance. She stated it would be very difficult for a lot of them to sell in that community.

Ms. Haynes asked Councilman Benson to talk with his good friends as they are not being informed. She stated last week when they met they asked Mr. Leach to please keep them informed and now it was voted on by the Council. She expressed her thoughts that this was not honest and not up front; that Mr. Leach's last remarks last week was that this would be an open and up front process.

Councilman Benson stated that this is a process that started two-to-three years ago.

NORMA HAYNES (Continued)

Ms. Haynes stated that she went to the school two years ago. Ms. Penneman stated FEMA was mentioned at that time.

Ms. Haynes stated they were totally in shock when FEMA was mentioned and it has been relatively quiet since then. She stated as a community they have tried to stay on top of it and learn all they could by having this meeting; that they asked people to come and talk to them in October of 2004. She stated a community meeting was held in another lady's home and when this was discussed they indicated they did not want FEMA to do this; that it kept on-and-on and they had a meeting with Councilwoman Robinson in Forest Plaza.

Chairman Robinson remembered that they did meet and there were several engineers present.

Mr. Leach stated that he and others were honest and up front; that this process began, as Councilman Benson mentioned, several years ago. He stated the reason it was quiet for awhile is because the engineers were out doing business and determining what damages had been done, surveying and working in the field. He stated the information has already been submitted to FEMA and the engineers will use it to make adjustments and look at the maps to determine issues between our government and them. He reiterated that they were up front.

Chairman Robinson summed up the discussion by stating that this is a problem that seems to be getting more pronounced and the city's hands are tied and can not clean every ditch anymore; that the evening they met this is what they were told. She stated to try to find some kind of course for property owners who may be accused of having ditches cleaned does not mean it will be allowed as it is a situation that has changed. She stated the FEMA program is a way of helping property owners that may be severely impacted. She stated the public works department is available to meet and answer any questions as we go forward.

Councilman Pierce suggested that this matter be discussed in Public Works Committee as it is not going to be resolved now.

GERI TOLLETT

Geri Tollett stated she was before the Council two weeks ago and was present tonight to express appreciation to Rob Healy regarding the situation on Colvin Street and the building at the playground. She stated he really did a good job and the neighborhood is very happy as they had tried to address it for five years and nothing was ever done. She stated Rob Healy did take action and it was handled. She stated she also addressed the parking issue when she was at the Council meeting earlier however Mr. Leach has not gotten back with her. She again stated that she wanted to say "hats off" to Mr. Healy and will wait to hear from Mr. Leach at another time.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, February 7, 2007 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)**