

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
JUNE 19, 2007**

Chairman Page called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Gaines, Pierce, Rico, Robinson and Rutherford present. Councilman Franklin was out of the city on business. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Rutherford, followed by invocation given by Attorney Randall Nelson.

**MINUTE APPROVAL**

Chairman Page noted that there were no minutes to approve tonight; that two sets of minutes will be approved at next week's meeting. At this time he asked for special prayers for Carol O'Neal and her family.

**SWAT TEAM**

Councilwoman Bennett moved that Resolution (b) on tonight's agenda be moved forward as members of the SWAT Team were present. This was seconded by Councilwoman Rutherford.

Lieutenant David Roddy introduced members of the SWAT Team who were present—Sergeant John Chambers, Office Ricky Ballard, Officer Michael Wenger, Officer Peter Turk, Officer Rusty Morrison, Officer Daniel Jones, and Officer Kevin Trussell. He explained that this was a four-day competition with nine events, including pistol shoot-offs, hostage negotiation, sniper competition, and physical and mental challenges. He noted that there were eleven (11) teams, and they pulled off first-place.

Chairman Page issued a special thanks to the officers, noting that there were two reasons for them to be here—one was to honor them and the other giving permission to accept prizes, as is the normal custom. He asked Lieutenant Roddy to tell what the prizes are.

**SWAT TEAM (CONT'D)**

Lieutenant Roddy responded that the prizes included Championship rings, six rifles, 1,000 rounds of ammunition, six pairs of sunglasses, binoculars, and a fiber-optic camera.

Chairman Page, again, thanked the SWAT Team and congratulated them, stating that we appreciated their achievement.

At this point, Councilwoman Gaines moved that **Ordinance (d)** be moved to the “heel” of the agenda. This was seconded by Councilwoman Bennett.

**AMEND CITY CODE  
EVENT FEES**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 26, SECTION 26-24, ESTABLISHING THE  
EVENT FEES FOR USAGE OF THE WATERFRONT AREA**  
passed second and final reading and was signed in open meeting.

**AMEND ZONING ORD.  
INFILL LOTS**

Councilman Benson noted that this was discussed in Legal and Legislative Committee and comes with a recommendation.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, BY  
AMENDING ARTICLE V, SECTION 104 AND ARTICLE II OF  
THE CITY OF CHATTANOOGA ZONING REGULATIONS TO  
DEFINE AND PROVIDE SETBACK REQUIREMENTS FOR  
INFILL LOTS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**(2007-37 Southeast U.S. Retail Fund)**

Councilman Benson recused himself.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 5900-6000 BLOCKS OF SNOW HILL ROAD AND THE 6000 BLOCK OF MOUNTAIN VIEW ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**(2007-72 David Gordon)**

On motion of Councilman Pierce, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2201 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**(2007-78 Calvin Ball)**

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 2012 AND 2016 CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**(2007-83 Long Street)**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS  
TO REZONE TRACTS OF LAND LOCATED IN THE 2900  
BLOCK OF LONG STREET AND 3015 WEST AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3  
RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**(2007-84 Rachel Conn)**

On motion of Councilman Pierce, seconded by Councilwoman  
Gaines,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS  
TO REZONE TRACTS OF LAND LOCATED AT 513 AND 517  
EAST MAIN STREET AND 1434 ADAMS STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-3  
WAREHOUSE AND WHOLESALE ZONE TO C-3 CENTRAL  
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**(2007-85 Jay W. Bell)**

On motion of Councilman Benson, seconded by Councilwoman Gaines,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS  
TO REZONE TRACTS OF LAND LOCATED AT 7726 AND  
7730 STANDIFER GAP ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT-1  
RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

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

**REZONING**

**(2007-86 Billy J. Woodall)**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1478 MARKET STREET AND 25, 29, AND 32 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE**  
passed second and final reading and was signed in open meeting.

Councilman Benson noted that **Ordinances 6(a) and 6(c)** were discussed in Legal and Legislative Committee and come with a recommendation for approval.

**AMEND CITY CODE**  
**CODE OF ETHICS**

On motion of Councilman Benson, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE XIII, BY REPLACING SAID ARTICLE WITH THE MUNICIPAL TECHNICAL ADVISORY SERVICE (“MTAS”) PROPOSED CODE OF ETHICS FOR CITY OF CHATTANOOGA PERSONNEL AND INCORPORATING ETHICS PROVISIONS PREVIOUSLY ADOPTED BY THE CITY OF CHATTANOOGA**  
passed first reading.

**AMEND CITY CODE**  
**SPEED LIMITS**

Chairman Page stated that there were people in the audience who wanted to speak to this issue. Councilman Pierce suggested that the applicant speak first (John VanWinkle).

Mr. VanWinkle explained that three streets were included: McCallie Ave. between Central and Georgia Ave.; M.L. King Blvd. between Georgia Ave. and Central Ave.; and Workman Road. He noted that we had raised the limits on MLK and McCallie Ave.—then when we converted to two-ways, we reduced the limits. He stated that based on traffic studies, we would be five miles under the 85% percentile. The speed limit is 30 mph on Workman, and the 85% percentile is 45 mph, and he was requesting to raise the speed to 40 mph.

**Councilman Rico stated that he would like to make the motion to accept Workman Rd., as it is in his district.**

**Councilman Pierce stated that he would second the motion on Workman and would like to separate the three roads.**

Councilman Benson stated that he did not feel we could separate the three, as there is one Ordinance with three different streets.

Councilman Pierce suggested striking two of the streets from the Ordinance.

Councilwoman Rutherford did not understand why we could not act on the three streets separately.

Attorney Nelson explained that we have one Ordinance that incorporates three streets, and if the Council wishes to strike one or two streets, we could do that and leave in just one; that we can strike the other two so that they will be non-effective.

Chairman Page suggested voting on Workman Street separately at this point and see if this action can pass.

Councilman Pierce stated the way he understood this, we needed to vote on MLK and McCallie Ave. and strike them from the Ordinance and leave Workman in to vote on.

**AMEND CITY CODE**  
**SPEEDS (CONT'D)**

Chairman Page stated that this would be correct, assuming that MLK and McCallie Ave. are rejected.

**Councilman Rico, seconded by Councilman Pierce, made the motion to strike McCallie Ave. and MLK and leave Workman Street in the Ordinance.** Chairman Page confirmed that the speed limit on Workman would be changed.

Attorney Nelson stated that he needed to know what to do, and he would strike the desired streets and the Council could pass on first reading on the streets they wished to include.

Chairman Page asked if MLK and McCallie Ave. would be considered separately? Councilwoman Rutherford responded “yes”, with Councilman Pierce adding that we could consider these two together. Chairman Page stated that he was hearing that the Council wished to hear both MLK and McCallie Ave. at the same time—that he thought he was hearing a consensus. At this point he allowed the opposition to speak.

**Richard L. Brown, Vice Chancellor at UTC,** was the first speaker. He thanked the Council for separating the streets, as Workman Road is different from MLK and McCallie Ave. He reminded the Council of the conversion, stating that one of the goals was to have community and pedestrian friendly streets and the conversion had been successful in this effort; that the speed limit is 20 mph on McCallie Ave., and this works for the University. He noted there is parking on one side of the street, and it would be unsafe to raise the limit. He noted that the streets work as they are now and move traffic along. He stated that they had had a work session with the Traffic Engineer and had questioned him as to why do this when the streets are working so well already. He added that the Presbyterian Church also uses this street and that they are pleased that we have slowed the traffic down. He stated that the University would be opposed to any increase in speed; that it is human behavior if the speed limit is 25 mph to go five miles above that, and if we push the speed to 35 mph, it will be unsafe for the University. He ended by saying it works very well as it is now.

**SPEED LIMIT (CONT'D)**

**Dr. Anita Polk Conley** was the next speaker. She stated that she also attended the work session and appreciated the Traffic Engineer talking to them; that she had reached the same conclusion on McCallie Ave. and MLK as Mr. Brown had alluded to; that the nature of the community had changed. She stated that this was a safety concern, as the number of people living in the area had increased in numbers—condos and homes are going up; that community activities are planned, and they need to have a safe speed of 25 mph, and this needs to be kept in mind. She asked that the Council look at the data; if we were saying use the 85% percentile and go five mph less, it would have to be around 25 mph and on MLK less than 35 mph. She asked that the Council keep this in mind.

**Gary Ball** spoke next, stating that he was with Tower Construction Co. and was working on condominiums at 328 MLK with a company from Birmingham and that he probably spent more time on MLK than anyone here. He thanked Mr. VanWinkle for trying to stop the “speed trap” on MLK for the last year and one-half; that people were laughing at the tickets being given; that he was hearing every day that the main reason for conversion to two-way was to get a re-investment, and then the City has a meeting with the Traffic Engineer and did not include the investors; that he knew nothing about the meeting and there were other players than just UTC and the neighborhood. He stated that he would have liked to look at Mr. VanWinkle’s information; that as it is now, he can’t help him. He stated that Councilman Pierce did not call him. He stated that MLK and McCallie Ave. are not in the same status—that the problem on MLK is the homeless and not people going 30 and 35 mph. He again thanked Mr. VanWinkle, stating that one half of the players were left out of the discussion; that discussions were held behind closed doors without all of the players, and this would come back to hurt the City.

Councilman Pierce responded to Mr. Ball that he did what he thought was due diligence within the neighborhood; that he was not able to identify individuals; that he did not know what to suggest; that no one was intentionally left out and that he was just one person. Mr. Ball responded that he was just one person, too.



**SPEED LIMITS (CONT'D)**

Councilwoman Rutherford stated that she felt like traffic drives at a safe speed; that it is not right to put artificial speed limits and then give tickets; that people would have to be crazy to go fast in the University area—that there was already a way to slow people down with the one-lane. She went on to say that she was a member of the First Presbyterian Church on McCallie, and as a member she was in favor of increasing the speed and before anyone took it on themselves to speak for the church, they needed to be sure what they were talking about.

Councilman Benson confirmed that we were talking about raising the speed limit on McCallie Ave. from Central to Georgia from 25 mph to 30 mph and on MLK from 25 mph to 35 mph. He stated that he was told today that the speed limit on Market Street is 30 mph; that Mr. Ball had said something about the homeless, and there would be some slaughter of them if we raised the speed limit. He stated that he did not know the rationale of jumping 10 mph on MLK; that he usually already drove nine miles above the speed limit and felt if we increased the speed limit that people would feel comfortable driving 44 mph on MLK, going from 35 mph and adding nine mph. He stated that this was just human nature. He stated that raising the limits was not doing what is right for the neighborhood; that they were investing time trying to bring it back, and we should not make it a freeway; that people would like to travel at 50 mph. He stated that he might could pass on McCallie Ave. but would be against raising the speed on MLK.

Councilwoman Rutherford asked currently what speed is being driven? Mr. VanWinkle responded that the Study showed that the prevailing speed is the 85% percentile, which means the number of people going the same speed, which creates less friction; that the previous speed limit, before lowering it to 25mph, was 40 mph, which made them pretty comfortable with 35 mph—that people may go 40 mph but no higher; that what he was proposing was 5 mph under the 85% percentile; that McCallie Ave. is a different environment—that here the speed has already dropped because the one lane has lowered the speed. He stated that he thought what they were proposing was very reasonable.

**SPEED LIMITS (CONT'D)**

Councilwoman Rutherford stated that if people were driving at this speed, she thought it was wrong for law enforcement to pull them over; that we should not be ticketing people that are driving safely; that Judge Bean had requested an increase because he thought we had a "speed trap".

Councilman Pierce stated that he was aware that Judge Bean had made a statement but was not aware that he said it was a "speed trap". He stated that the two who were against changing the streets to two-way were the same two who were wanting to increase the speeds. He stated that the speed limit should be maintained in this area and that there was no enforcement of the speed limit; that it was not a "speed trap"; that the idea was that this is a growing neighborhood and businesses would not want to locate on an interstate; that people needed to slow down and see that people live here; that we have the homeless here and one of our biggest churches and also a school.

On motion of Councilman Pierce, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, ARTICLE XIV, SECTION 24-502,  
RELATIVE TO SPEED LIMITS ON THROUGH STREETS**  
passed first reading with Councilwoman Rutherford voting "no".

Chairman Page asked Mr. VanWinkle what the speed limit was in neighborhoods and was told 25 mph.

At this point Attorney Nelson read the "body" of the Ordinance that was passed: *"adding the following specific speed limits for Workman Road:*

*Workman Road, 40 miles per hour between Rossville Boulevard and Central Ave."*

**Councilwoman Rutherford made the motion to approve the revised version, and this was seconded by Councilman Rico.**

**AMEND CITY CODE**  
**CONSTRUCTION ZONES**

On motion of Councilwoman Rutherford, seconded by Councilman Benson,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, ARTICLE VIII, BY ADDING A NEW  
SECTION 24-246, REGULATION OF SPEED IN  
CONSTRUCTION WORK ZONES**

passed first reading.

**REZONING**

**(2007-59 Ken Defoor)**

Pursuant to notice of public hearing, this request to rezone tracts of land located at 2307, 2319, 2323, 2327, 233, and 2335 Gunbarrel Rd. and 7340 McCutcheon Road from R-1 and O-1 to MXU, came on to be heard.

Mr. Greg Haynes with the Regional Planning Commission made the presentation, explaining that this is adding to a previous rezoning and adds a little over five acres and this portion will primarily be office use. Mr. Haynes stated that the Planning Commission recommended denial. He proceeded with a site plan showing residential property; looking from Timberland, there is vacant property and residential property at the top of the site; looking south across the street on Summertown Court; and looking from Gunbarrel. Mr. Haynes noted that the Staff is recommending approval with three conditions; however the Planning Commission recommended denial.

Chairman Page stated that the applicant would be given nine minutes and there would be nine minutes for opposition.

Mr. Ken Defoor approached the Council with a handout, which is made a part of the minute material. He stated that he was not a resident of Chattanooga, and what he had handed out was a rendering of the building as proposed that would someday be built on the lots. He stated that he had made numerous attempts to improve this property with offices.

REZONING (CON'T)

Mr. Defoor went on to say that this rendering is how this might look in 36-48 months. He stated that he had attempted to address concerns with a hedge. At this point, he read the following concessions: A sidewalk running along Gunbarrel with trees plants appropriately; an earthen berm approximately 2-3 ft. high would be built behind the sidewalk and a hedge approximately 2-3 ft. high would be planted on top of the berm or appropriate landscaping that would both give screening and the height to be effective in obscuring the view of most cars parked in front of the building; street lamps along the sidewalk would be installed per the rendering; offices or office residence would be built on the property; offices would be constructed with a residential look in keeping with the idea of the rendering; one curb cut on Gunbarrel except for Bob Humbel's home; Leyland Cypress would be planted at the rear of the property and more specifically on top of the fill area that is part of the larger Mixed Use Development, and this would obscure buildings and vehicles at the rear of these future buildings from Gunbarrel.

Mr. Defoor went on to say that there are numerous houses and numerous curb cuts, and we would be hard pressed to get someone to buy the houses and re-model them. He questioned how anyone could deny these offices! He went on to say that he had left a previous meeting with the feeling that there was acceptance for this great deal; that Gunbarrel Rd. is traveled, and he thought they had accomplished a lot, but there was opposition. He went on to say that he thought this was best for the neighborhood; that there would be 206 parking spaces in the development and no one would be there on Saturdays and Sundays. He stated that he felt this was the best solution for all involved.

**David Hopkins** spoke in opposition, stating that he lived on Preston Circle and was speaking for the community. He stated that Ken Defoor had met with them several times, and they had resolved most of the problems. One of the problems was traffic on Gunbarrel. Mr. Hopkins noted that this was an arterial road being used for connectivity and people were concerned about the traffic; that they were concerned because they could not get out of Preston Circle. Another concern was people don't like change. The third concern was the buildings that Mr. Defoor is putting in—people are accustomed to looking at four homes. He added that he had four "diehards" who would not change their minds; some that thought this was best, and some that would just say "no". He stated that he knew his comments were weak, but these are the concerns of the people in the neighborhood.

**REZONING (CONT'D)**

**Norm Smith of Hamilton Cove Drive** spoke next, stating that he was not really opposed to this but favored it; that Mr. Hopkins was speaking for Preston Circle, and he was speaking for others. He stated that several were concerned that the current houses on Gunbarrel will go to “pot”, and it will become a renter’s nightmare, and the neighborhood will go down, down real quickly, and he favored this proposal with one condition. He mentioned the intersection of McCutcheon Rd. and Gunbarrel, which he stated was awful, adding that people would be killed—that this was a dangerous intersection. He stated that he would approve this request with a proviso that this intersection be egress out of the development.

**Lloyd Stanley of Preston Circle** spoke next. He stated that he was speaking on the opposition side and stated there was one concern that he had. He complimented Ken Defoor on working with the neighborhood, stating that he had done a beautiful job. He went on to say that people who live on Preston Circle have to come to Gunbarrel Rd. and traffic is growing and there is a danger during rush hour for them to negotiate the traffic to get to Shallowford Rd. He stated that he would like to see a “trip” light at Gunbarrel and Preston Circle; that it would be so helpful to them and could prevent a major accident. He stated that he did not know if Mr. Defoor could assist with a “trip” light; that they would like to work with the City and Mr. Defoor in preventing a serious accident. He ended by saying rarely had a developer gone to greater effort to work with the neighborhood.

Mr. Defoor thanked the neighborhood for coming, stating that he dealt with fine, fine people in the neighborhood, and he was grateful for those who came. He agreed that Gunbarrel Rd. heading south does need work; that the City was reluctant to do much, with this laying dormant; that he thought he could get momentum going this way—that more and more action could be spurred. He stated that he thought he could propel this and open eyes to what needs to happen; that opening up McCutcheon Rd. takes more pressure off of the light at Shallowford Rd.

**REZONING (CONT'D)**

Councilman Benson stated that he represented this community, and it was a difficult situation—that the question was what to do with the property in the triangle? He went on to say that this was a wonderful development where there were homes that people were giving up on. He mentioned that someone called him today about a break-in facing Gunbarrel. He continued, stating that rarely did his vote conflict with what he thought best; however he had made a pledge to the Preston Circle group, and the majority went along with opposing this. He stated that his vote would be wrong, but he would keep his pledge and that Mr. Hopkins was right to hold out. He stated that he voted against this at the Planning Commission and Mr. Defoor went back to the drawing table and met with the people and gave them concessions; that this was a good example of how working together, all win; that like Mr. Hopkins, he thought traffic got involved, and that was another issue; that it might have some impact; that change is another issue; however he thought giving enough land for a right-of-way to widen the street was good; that he thought Mr. Leach would agree that with him giving this right-of-way, the City would get a lot of valuable land, and this will improve the road; that if we don't get this right-of-way, it will be expensive and people will put it off. He went on to say that there is a terrible traffic problem all over with complaints from Drake Forest and Council Fire. He mentioned the discussion of the \$166 m+ budget earlier in the day, stating that it all could be spent on East Brainerd Rd. as everyone is driving a car, from 16 year olds to 90 year olds, and traffic is bad. He stated that he would have to vote against this proposal; however he did not think it was the right vote to him to make.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 2307, 2319, 2323, 2337, 2331, AND 2335 GUNBARREL ROAD AND 7340 MCCUTCHESON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND O-1 OFFICE ZONE TO MXU MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading with Councilman Benson voting “no”.

REZONING (CONT'D)

Mr. Defoor thanked the Council and the neighborhood, stating that this was hard to come to grips with, but he thought the right move had been made, and he would voice the concerns of Gunbarrel; that Mr. Smith was right about McCutcheon Rd., and he would do something and would stand behind this.

NORTH SHORE PLAN

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADOPTION OF THE  
NORTH SHORE PLAN**  
was deferred one week. Ms. Bennett stated that Planning had met with councilmembers and members of the community and one week would give she and Councilwoman Robinson time to work on this.

EXT. OF DEADLINES

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,

**A RESOLUTION AUTHORIZING AN ADDITIONAL  
EXTENSION OF THE CONSTRUCTION DEADLINES SET  
FORTH IN THE DEED AUTHORIZED BY RESOLUTION NO.  
24598 FOR THE SALE OF PROPERTIES AT THE  
INTERSECTION OF CENTRAL AVENUE AND MCCALLIE  
AVENUE, IDENTIFIED AS STATE TAX MAP NOS. 146H-K-011  
THROUGH 146H-K-013 AND 146H-K-013.01 AND  
AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL  
DOCUMENTS NECESSARY TO ACCOMPLISH SAID  
EXTENSION**

was adopted.

Councilman Pierce inquired about the timing. Mr. Paul Page stated that it was for a period of nine months. Councilman Pierce asked if there was anything "magic" about nine months? Mr. Page responded that he was asked to extend this for nine months. Councilman Pierce indicated that he would rather this extension be twelve months.

**EXT.OF DEADLINES(CONT'D)**

Councilwoman Rutherford withdrew her previous motion for nine months. **On motion of Councilman Pierce, seconded by Councilman Rico, the extension was changed to twelve months.**

**CONTRACT CHANGE ORDER**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. S-05-013-101, STORMWATER LEVEL OF SERVICE/COST OF SERVICE, WITH ENVIRONMENTAL RATE CONSULTANTS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIFTY THOUSAND DOLLARS (\$50,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$241,500.00)**

was adopted.

**TEMPORARY USAGE**

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING WINDSOR AUGHTRY DEVELOPMENT TO USE TEMPORARILY THE CHERRY STREET RIGHT-OF-WAY BETWEEN 1<sup>ST</sup> STREET AND 2<sup>ND</sup> STREET TO CONSTRUCT A DOUBLE CHECK VALVE ASSEMBLY (DCVA) IN A VAULT IN THE SIDEWALK, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.



**GRANT/  
ENTERPRISE SOUTH**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A  
TENNESSEE DEPARTMENT OF ECONOMIC AND  
COMMUNITY DEVELOPMENT FASTTRACK INDUSTRIAL  
DEVELOPMENT PROGRAM GRANT OF UP TO ONE MILLION  
FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00)  
RELATIVE TO THE CENTER FOR ADVANCED  
MANUFACTURING PROJECT AT ENTERPRISE SOUTH, AND  
FURTHER AUTHORIZING THE REQUIRED LOCAL  
MATCHING FUNDS OF ONE MILLION FIVE HUNDRED  
THOUSAND DOLLARS (\$1,500,000.00), TO BE SHARED  
EQUALLY BY THE CITY AND HAMILTON COUNTY, WITH  
THE CITY'S PORTION NOT TO EXCEED SEVEN HUNDRED  
FIFTY THOUSAND DOLLARS (\$750,000.00)**

was adopted.

**AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF  
THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN  
AGREEMENT WITH SOUTHEASTERN MATERIALS, INC. FOR  
THE SPECIAL PAVING PROJECT ON NORTH TERRACE  
BETWEEN MCBRIEN AND GERMANTOWN ROADS IN AN  
AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY  
THOUSAND DOLLARS (\$160,000.00)**

was adopted.

**OVERTIME**

Overtime for the week ending June 15, 2007, totaled \$12,267.83.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ❖ **JAMES A. HUDGENS**—Lateral Transfer to Heavy Equipment Operator, Pay Grade 10/7, \$33,845.00 annually, effective 5/18/07.
- ❖ **JEFFERY D. HUNTER**—Two days' suspension without pay for Crew Worker, effective 5/31/07—6/04/07.
- ❖ **MALCOLM D. GRIER**—Five days' suspension without pay for Superintendent, effective 6/13/07.
- ❖ **MATTHEW BROOM**—Hire Survey Instrument Technician, Pay Grade 10/1, \$25,964.00 annually, effective 5/29/07.

**CHATTANOOGA POLICE DEPARTMENT:**

- ❖ **VANESSA DELILAH TAYLOR**—Resignation of Communications Officer, effective 6/10/07.
- ❖ **SHAWN L. HICKEY**—Three-year Military Leave of Absence for Police Sergeant, effective 6/18/07.
- ❖ **TAMMY L. COOK**—400 Day Military Leave of Absence for Police Officer, effective 6/25/07.

**MAYORS OFFICE:**

- ❖ **LISA MARTIN**—Transfer/Promotion, Secretary, Sr., Pay Grade 7/2, \$23,359.00 annually, effective 6/4/07.

**CHATTANOOGA FIRE DEPARTMENT:**

- ❖ **RON BOYD**—Suspension of Captain, to be determined in two days.

**PURCHASES**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchases were approved for use by the Public Works Department:

**A & H SAFETY SUPPLY (Lowest and best bid)**  
**Requisition R0098507/B0004153**

Blanket Contract for Barricades

\$13,490

**TENNESSEE VALLEY ICE COMPANY, LLC(Only bidder)**  
**Requisition R0097918/B0004040**

Requirements Contract for Crushed Ice

(See minute material for pricing)

**STOWERS MACHINERY (Best bid meeting specs.)**  
**Requisition R0098060/B0004077**

Loader/Backhoe

\$74,760.00

**LAMBERT CONCRETE, INC., READY MIX USA, SEQUATCHIE CONCRETE**  
**SERVICE (Multiple Best Bid Contracts)**  
**Requisition R0097364/B0004273**

Blanket Contract for Concrete

(See minute material for pricing)

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by **Councilwoman Robinson**, the following purchase was approved for use by the Department of Education, Arts & Culture:

**SWISHER HYGIENE (Lowest and best bid)**  
**Requisition R098942-B0004190**

Blanket Contract for Restroom Hygiene Services

\$26,052.00

**FIRE DEPARTMENT**

**Lt. Terrance Andrews** was given approval to accept a \$100.00 award from Firehouse Magazine for a Heroism Award.

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines, the following purchase was approved for use by the Mayor's Office:

**ASAP SOFTWARE (State Contract)**  
**Requisition R0099115**

Agreement for Software Licenses

\$21,876.46

**BOARD APPOINTMENT**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the following Board Appointment was approved:

**OMA ADVISORY BOARD**

- ❖ **Sheila Boyington**, to fill the unexpired term of Rachel Watanabe, term expiring **May 1, 2009. (District 7)**

**COMMITTEES**

Councilman Rico reminded everyone of the **Public Works Committee meeting, scheduled for Tuesday, June 26<sup>th</sup> at 3:00 P.M.**

Councilwoman Gaines announced that the **Safety Committee meeting scheduled for Tuesday, June 26<sup>th</sup> has been cancelled.**

Councilwoman Bennett noted that the **Budget and Finance Committee** met today and Daisy Madison and her Staff presented the Budget for the coming fiscal year. There will be a follow-up meeting of the **Budget and Finance Committee** for further questions **immediately following the Health, Human Services, Housing Opportunities Committee, scheduled for June 26, 2007.** She further noted that the purpose of the **Health, Human Services, Housing Opportunities Committee that will immediately follow the Public Works Committee on Tuesday, June 26<sup>th</sup>** is to present a Homeless Report.

**CLOSE AND ABANDON**

**(MR-2007-040 Patricia Robinson)**

This case was held until the “heel” of the meeting for a full Council. Councilman Franklin was not yet present.

**Councilman Benson moved that the request for closing and abandoning an unnamed alley located on the south line of the 1500 Block of Chamberlain Ave. be denied. This was seconded by Councilwoman Rutherford. At almost the same time, Councilwoman Gaines moved that the request be tabled for another week.**

**CLOSE & ABANDON (CONT'D)**

A Roll Call Vote for Denial was taken as follows:

<b>Councilwoman Bennett</b>	<b>“No”</b>
<b>Councilman Benson</b>	<b>“Yes”</b>
<b>Councilwoman Gaines</b>	<b>“No”</b>
<b>Councilman Pierce</b>	<b>“No”</b>
<b>Councilman Rico</b>	<b>“Yes”</b>
<b>Councilwoman Robinson</b>	<b>“Yes”</b>
<b>Councilwoman Rutherford</b>	<b>“Yes”</b>
<b>Chairman Page</b>	<b>“No”</b>

**The motion failed for lack of a majority of votes.**

A Roll Call Vote was taken on tabling this matter for one week:

<b>Councilwoman Bennett</b>	<b>“Yes”</b>
<b>Councilman Benson</b>	<b>“No”</b>
<b>Councilwoman Gaines</b>	<b>“Yes”</b>
<b>Councilman Pierce</b>	<b>“Yes”</b>
<b>Councilman Rico</b>	<b>“No”</b>
<b>Councilwoman Robinson</b>	<b>“No”</b>
<b>Councilwoman Rutherford</b>	<b>“No”</b>
<b>Chairman Page</b>	<b>“Yes”</b>

**CLOSE & ABANDON (CONT'D)**

Councilman Pierce stated that in light of what is happening, the Council is looking like a “bunch of kids” that are playing a game. **The matter will go to the next meeting.**

**MARI HOLLINGSWORTH**

**Ms. Hollingsworth** approached the Council, stating that she was a resident of Collegedale who had just moved here from Florida. She had read about the Moccasin Bend Treatment Plant Odor Study, stating that this should not be taken. From the Arcadis Study, as she understood it, they would use scrubbers with hydrogen sulfide and ammonia. She stated that these chemicals are poisonous and are irritants; that long-term exposure can cause permanent lung damage, chest tightening and eye and skin irritations. She reiterated that this is hazardous and that Arcadis and Webster will put covers on these, but we should not wait; that this is a health hazard and there could be a possible law suit. She stated that she just wanted to point this out; that Tennessee is a beautiful place, and she could not imagine this happening—that it was terrible for the air quality. She went on to say that companies have to be responsible for air quality and should be willing to help the City out. She reiterated that this is a shame; that she had gone to Moccasin Bend, and the guard lady had let her go in, and you could see lime caustic, and there were three workers with no equipment, and this could cause a fire. She stated that she hoped the Council would take this seriously.

Chairman Page thanked her for coming to the Council with her beliefs, stating that we would take this seriously.

**DENNIS BUCHELEU**

**Dennis Bucheleu** approached the Council, stating that he had lived on Chamberlain Ave. for 8 years. He was here in regards to the closure of the alley on Chamberlain, stating that the house had been totally redone, and he would like to see the alley closed because it is a public nuisance. He mentioned that two cars had hit each other and no one was living in there. He stated that he liked to live here and also mentioned that a kid had gotten hit by a car, and he thought the alley should be closed.

Councilwoman Rutherford explained to him that the Council is in agreement that the alley needs to be closed—that the question is what “manner” will be used to close it?

Mr. Bucheleu stated that he was asking the people involved to close the alley.

Councilwoman Rutherford again stated that the Council would see that it be closed, but we were just discussing the format of closing it.

Mr. Bucheleu stated that if people improve their houses, that the City will win; that he would not want to invest in property and the City still have it.

Councilwoman Rutherford added that if safety is the issue, we can close it with temporary usage with little expense.

**ADJOURNMENT**

Chairman Page adjourned the meeting of the Chattanooga City Council until Tuesday, June 26, 2007 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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



