

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
September 22, 2009**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, Ladd, Murphy, Rico, Robinson, and Scott present. Councilman McGary was delayed at the airport and joined the meeting later. City Attorney Michael McMahan, 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 Chairman Benson, followed by invocation given by Attorney McMahan.

MINUTE APPROVAL

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

**AMEND CITY CODE
DIRECTIONAL SIGNS**

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 3, SECTION 3-96 RELATIVE TO
PLACEMENT OF TRAFFIC DIRECTIONAL SIGNS AND DELETE
3-116 REGARDING BUSINESS DIRECTIONAL SIGNS**
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE
PHOTOGRAPHIC SYST.**

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 24, SECTION 24-273(d), RELATIVE TO THE
USE OF REVENUES GENERATED BY THE CITY'S TRAFFIC
CONTROL PHOTOGRAPHIC SYSTEM**
passed second and final reading and was signed in open meeting.

2009-2010 BUDGET

Councilman Gilbert stated that in considering this Budget, one of the non-profit support organizations will be cut in half and that the Council needed to look at this closely—it concerns \$75,000 to the Multi-Cultural Chamber. He noted that this Chamber provides opportunities for people who are less fortunate and gives opportunities to people who otherwise would not have such opportunities. He urged to reconsider passing the Budget tonight and to delay it until next week in order to look at it more closely.

Councilwoman Scott stated that she did not like this Budget; that she did not like this economy; that she did not like our revenue stream; and she did not like the struggle people are having in this city; however this is nothing new and is happening across the United States; that this is not a great choice but sometimes we have to deal with poor choices.

Councilman Murphy stated that he made his remarks last week; that in support of the Multi-Cultural Chamber, this is not equitable; that they are tasked with recruiting young professionals, and we are not doing them a service by cutting this vital organization by 50%. He went on to say that we need to do everything we can to address some of the antiquated permit fees and adjust them to reflect current market conditions and reasonable criteria and then take this additional revenue and do justice to other groups.

Councilwoman Berz stated that she believed we were passing this Budget with the understanding that funding is lacking for an important agency; that Councilwoman Scott and Councilman Murphy said it well; that it will be on our list of priorities to look for more money in the coming years.

Mr. Walter Hitch of 404 Tunnel Blvd. spoke next, stating that he was the Board Chairman of the Tennessee Multi-Cultural Chamber and that he understood budgets but to cut their agency by 50% was totally wrong; that this downtown Chamber had asked for no increase in ten years, and he was looking to see fairness.

The next speaker was **Sherry Gilchrist, President of the Multi-Cultural Chamber.** She noted that they had 505 members and turned monies back to Chattanooga; that they assist Blue Cross-Blue Shield, EPB, and the Metropolitan Airport; that they had three employees and \$36,000 in health insurance; that they had letters from the Airport, EPB and Blue Cross-Blue Shield, regarding hiring and their being able to call the Chamber to furnish minorities and small businesses; that to cut them by 50% and to take \$75,000 away from them is a concern to this community.

2009-2010 BUDGET (CONT'D)

Mr. Jerry Harris of 5117 Lantana Lane spoke next, stating that he was a member of the Multi-Cultural Chamber; that he had been in construction for 20 years and as a minority, he was faced with issues and limited funds and did not have a staff; that this Chamber finds opportunities and works with women and minorities to find an angle for participation; that in working with Blue Cross-Blue Shield, they employed 30 individuals, and this gives opportunities for people looking for opportunities and offers them a chance to be good citizens and be able to pay rent and go to the malls to shop; that we are a blessed city with Volkswagen coming to town—that Volkswagen was coming because of the spirit of Chattanooga, and we need to keep this in mind and attempt to get all involved and to look at the spirit of what is happening and bring people up.

At this point, Chairman Benson recognized the presence of Commissioners Henry and Mackey.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

AN ORDINANCE, HERINAFTER ALSO KNOWN AS “THE FISCAL YEAR 2009-2010 BUDGET ORDINANCE”, TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010; APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIZING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART I, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING

was substituted. On motion of Councilman Rico, seconded by Councilwoman Ladd, the ordinance passed second and final reading and was signed in open meeting, **with Councilmen Gilbert and Murphy voting No.**

AMEND CITY CODE
BEER SALES

Mr. James R. Mapp of 514 Terrell St. spoke in opposition to this. He stated that this was the first and only R-1 Black Neighborhood in Chattanooga, and the Council had just approved an Ordinance on Missionary Ridge and by the same token, they wanted to keep R-1 as R-1; that they had a school and church within 500 ft. and if you looked at the police record, you would see drugs and maybe killings; that they already had two such stores on Tunnel Blvd. and Frank's Grocery had troubles. He stated that he was asking the Council not to discriminate against the Black community; that they could approve for Missionary Ridge but turn it down for this community.

Chairman Benson stated that he did not recognize Mr. Mapp—that he looked younger! He added that the community appreciated Mr. Mapp.

Councilman Gilbert stated that the area Mr. Mapp was referring to was Wilcox Blvd. and Tunnel Blvd.; that this came up a few months ago and two facilities wanted to sell beer; that there had been several meetings about this and the community felt more comfortable with C-5 zoning because C-2 leaves a lot of things open, and they felt comfortable with this (C-5).

Councilman Murphy stated that he wanted to make it clear for everyone—this Ordinance does not pertain to any particular location; that it is a city-wide Ordinance; that we passed a similar zoning change as it relates to the sale of wine in the downtown zone; that this is a city-wide Ordinance we are considering and not the two that are on the docket next week. He went on to say that we have downzoned the Orchard Knob area to all R-1 and many majority and minority areas are zoned R-1, which is positive. He thanked Mr. Mapp.

Councilwoman Berz stated that this makes it city-wide and this is the problem; that she liked neighborhood grocery stores, and this is city-wide and could cause a problem; that there may be other ways to solve this.

Chairman Benson stated that he was somewhat confused and Greg Haynes of RPA agreed that he was a little confused himself; that this would be allowed by Special Permit on a case-by-case basis in C-5 zone; that they had tried to simplify the issue with pros and cons; that he had come up with two pros and four or five cons; that the C-2 Zone is commercial and allows beer; C-5, however, prohibits beer sales and this Ordinance would allow beer with a Special Permit.

AMEND CITY CODE
BEER SALES

Mr. Haynes proceeded to go over his “pros”—First, it would permit small businesses to sell beer just as larger businesses and secondly, it would allow small grocery stores to stay in business and would serve the neighborhood.

He continued with his “cons”—The Staff felt this would weaken the C-5 Zone and would interfere with uses compatible to residential property; it would be difficult to consider how much beer could be sold; it would set a precedent for future requests; and it would be an enforcement problem, also for the Police Dept.

Chairman Benson asked how they would get the Special Permit? Mr. Haynes explained that it would be like a zoning case—they would first go to the Planning Commission and then to the Council.

Mr. Haynes wanted to know what version was being considered? Attorney McMahan responded that the version being considered does not mention square footage but that it could be amended before second reading next week. He went on to say that he had a concern that a Special Exceptions Permit would allow a way of zoning for one business, and the zoning concept should be applied equally throughout the city and a unilateral decision; that he felt this was trying to back-door the Zoning Ordinance.

On motion of Councilman Murphy, seconded by Councilman Gilbert,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-
264 AND 38-266, AND BY ADDING SECTION 38-527 RELATIVE
TO A SPECIAL EXCEPTIONS PERMIT FOR BEER SALES IN
NEIGHBORHOOD GROCERY STORES**

was denied for lack of five votes, with Councilpersons Berz, Rico, and Robinson voting “no”. Councilmen Murphy, Gilbert, Ladd, and Scott voted in favor.

AMEND CITY CODE
PUBLIC NUISANCE

On motion of Councilman Rico, seconded by Councilwoman Berz,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 18, SECTION 18-165, SO AS TO PROVIDE
FOR APPEALS TO THE PUBLIC OFFICER OF NOTICE TO
ABATE A PUBLIC NUISANCE**

passed first reading.

AMEND CITY CODE
JURISDICTION OF BD.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 3, ARTICLE X, SECTION 3-102, RELATIVE
TO JURISDICTION OF THE BOARD**
passed first reading.

ANNEXATION/1B
CUMMMINGS HIGHWAY

Attorney McMahan noted that there is an alternate version of this Ordinance.

Adm. Leach went over a map showing that the area of West Hills Drive is the northern portion, stating that this area does have potential in the future for development; however presently it would cost \$315,000 for sewers, and the City felt that this was not the proper time to annex this portion and felt it was prudent to hold this area out. This might be considered for future annexation, but this is not the right point in time. When, and if, the City does choose to include this, sewers would be implemented for three houses; however it is prudent not to annex this area at the present time.

Chairman Benson stated that we needed to make certain that this area is excluded.

Councilman Murphy moved to approve with this substitution. This was seconded by Councilwoman Robinson.

At this point, **Attorney Gary Starnes** spoke, representing those in opposition. He stated that he represented those against annexation and noted that Frank Brown had ordered the City of Chattanooga to produce financial documents that should have been available in the first place and documents that the Council should have looked at before they voted. He noted that there were 1100 pages and that he would like to get a show of hands of the Council members who had seen this document and who had looked at it.

Chairman Benson stated that such a show of hands would be out of order.

ANNEXATION (CONT'D):
CUMMINGS HIGHWAY

Attorney Starnes continued, stating that he received this information at 8:00 a.m.; that he represented 1,171 households and proceeded to go over figures listed in the document, stating that sewers would cost \$13 million plus, which did not include 10-15 pump stations, which would be an additional \$4 million. He also mentioned that the State was going to issue a moratorium, which Attorney McMahan took issue with. He mentioned a \$6 million dollar Fire Hall and additional road work that would have to be done. He also stated that there would be no funds for a Police Academy in 2010. He mentioned that the City had to dip into funds to balance this year's budget. He continued to say that there were huge numbers that the Council did not know about and had not seen. He urged them to get the actual numbers and delay this vote for 90 days. He insisted that the Council had not gotten this information and had time to look at 1100 pages; that they did not have the information and needed to delay this. He again stated that the Court ordered this information to be provided.

Gina Crumbliss of 4116 Obar Drive next spoke in opposition. She stated that she could see if the City built a sewer line that it would cost a lot. She referred to the map and access to the camp ground. She thanked the City for producing the documents, stating that her concern was how the City could exclude one area and include the area next door, when they were next to each other. She wanted to know who has the power to make this decision.

Chairman Benson responded that we were not excluding anything—that this was all under the Urban Growth Plan.

The next speaker was **Attorney John Anderson**, speaking on behalf of James P. Little and his daughter Rebecca in District 1. He stated that their property was annexed in the early 1970's, and they still remain without sewers and roads; that in 2003 Cash Canyon Road was de-annexed. He stated that in December of 2003, the rationale was given in Ordinance 11502 as to why the City was unable to provide services for roads in this area; that Dr. Little and Rebecca had requested de-annexation and there were no plans for sewers to this property. He reiterated that Dr. Little felt that it would be in his best interest to de-annex, and it was his opinion that the continuation of his property in the city is material retardation.

ANNEXATION (CONT'D):

Chairman Benson advised Attorney Anderson that this happened during a different administration years ago, with Attorney Anderson responding that it was still the City of Chattanooga. Chairman Benson stated that the Littles were not subject to this annexation, and the City had honored requests to de-annex. Attorney Anderson responded “not my client—he is in the City of Chattanooga”.

Councilman Gilbert stated based on Attorney Starnes’ numbers, he would like to hear a rebuttal.

Mayor Littlefield stated that the summary the Council was given today includes the numbers needed to respond to the 1100 pages; that this information is condensed in the table that was given. He stated that Attorney Starnes was mixing the Capital Budget and Sewer costs; that if one looked at the table given, it was simple; that by subtracting the bond requirement, we would have funds left over. He went on to say that there was a common misconception in Lookout Valley and Cummings Cove that the people already have City fire services, and they do not; that any area out there is vulnerable; that we were not able to get a garbage truck up Cash Canyon Rd.; that the areas under consideration provides \$1.5 million net in expanded city services, police protection, fire protection, and Class 2 Fire Rating; that this annexation meets all the requirements and is the proper course of action.

Councilman McGary asked about the references to exclusion and inclusion.

Mayor Littlefield explained that the Raccoon Mountain Camp Ground is a different area than Cummings Cove; that this Camp Ground presents environmental problems; that it might not be indefinitely left out in the future.

Councilwoman Berz addressed Attorney Starnes and thanked him very much for the Chancery Court case and the request he had made; that she had thought we might be missing a lot of information but since she had seen these figures presented that Attorney Starnes had done her a favor with this second set of data—that it was the same data that the Council had been given way back. She again thanked Attorney Starnes for bringing this to the floor; that he had done an outstanding job of bringing these figures to the Council’s attention.

Attorney Starnes responded that the figures were not the same.

ANNEXATION (CONT'D):

Councilwoman Scott addressed Attorney Starnes, stating that she had something she would like to tell him—that she took the idea and controversy of annexation very seriously and had on her own done an exceedingly extensive examination of the figures and considered this in detail for many years and that she took exception to him thinking he knew what she had read and what she might not have read; that he did not have a clue as to what she had read and studied and that she felt that he owed her an apology because he was false.

Attorney Starnes responded that what he had said was not false and still questioned if everyone had looked at the 1200 pages; that Councilwoman Scott was attacking him personally. He was asked by Chairman Benson to sit down.

On motion of Councilman Rico, seconded by Councilman Murphy,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 1B, BEING CERTAIN PARCELS ADJACENT TO CUMMINGS HIGHWAY WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading **with Councilmen Gilbert voting no.**

ANNEXATION/4A
MIDDLE VALLEY ROAD

Councilwoman Ladd stated that annexation is emotional for all of us; that there were strong considerations at every angle; that she had listened extensively to residents and heard their concerns and believed that this presented a hardship on them; that this was not something that these households could afford; that the reasoning was to bring expanded services, and she could not see bringing improved services for this group of people; that she made the decision to live in Chattanooga; that Chattanooga was a fantastic city, but she wanted to do the prudent thing and due diligence, and this was not the right fit.

ANNEXATION (CONT'D):

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATION LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA
4A, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT
CITY LIMITS BETWEEN HIXSON PIKE AND MIDDLE VALLEY
ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE
CITY OF CHATTANOOGA, IN HAMILTON COUNTY,
TENNESSEE, AS SHOWN BY THE ATTACHED MAP**
passed first reading with **Councilmen Gilbert, Ladd and McGary** voting no.

**ANNEXATION/4C
BIG RIDGE RD./HIXSON
MARINA/FAIRVIEW ROAD**

Councilwoman Ladd stated that in this particular area there are seven households; that these families founded this area and this again will be an economic hardship; that the surrounding area is in the city; that they do not want the additional taxes.

Mayor Littlefield stated that this is a section completely surrounded by the City of Chattanooga and were left out of previous annexation to give them time to prepare; that this was 20 years or so ago.

On motion of Councilman Rico, seconded by Councilman McGary,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA
4C, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT
CITY LIMITS OF HIXSON MARINA ROAD, BIG RIDGE ROAD,
AND FAIRVIEW ROAD WITHIN THE URBAN GROWTH
BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON
COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**
passed first reading with **Councilmen Gilbert, Ladd and Murphy** voting no.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OD PUBLIC WORKS TO ENTER INTO AN AGREEMENT RELATIVE TO CONTRACT NO. T-09-002-201, WITH ARCADIS, U.S., INC. FOR A TRANSPORTATION PLANNING STUDY FOR MOCCASIN BEND ARCHAEOLOGICAL DISTRICT IN AN AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$98,500.00)
was adopted.

AGREEMENT

Councilman McGary had a question regarding figures in this contract. He asked Adm. Leach if he had a copy of the contract because he was curious where the figures came from because they did not add up right. Adm. Leach responded that the addition was for an easement. The figures still were not adding up right and Adm. Leach stated that this could be deferred until next week. Mr. Malone attempted to clear up the misunderstanding, stating that the total contract was for \$13,650.00. Councilman McGary continued with clarification, with Mr. Malone agreeing that this needed to be corrected. Attorney McMahan felt that since the total of \$13,650 was correct that this could be passed tonight; however he did agree that Councilman McGary had caught something that they had not caught and the contract could be corrected.

On motion of Councilman Gilbert, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT RELATIVE TO CONTRACT NO. W-09-021-201 WITH MAP ENGINEERS, LLC, BONNY OAKS DRIVE SEWER RELOCATION AT RAILROAD BRIDGE IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$13,650.00)
was adopted with **Chairman Benson and Councilman Murphy** voting no.

CONTRACT

On motion of Councilman Rico, seconded by Councilman McGary,

A RESOLUTION AUTHORIZING THE CHATTANOOGA FIRE DEPARTMENT TO AWARD A CONTRACT TO THOMAS BROTHERS CONSTRUCTION FOR THE SITE WORK ONLY FOR THE NEW FIRE STATION NO. 7 AT ENTERPRISE SOUTH INDUSTRIAL PARK IN THE AMOUNT OF THREE HUNDRED FORTY-EIGHT THOUSAND SEVEN HUNDRED SEVENTY-TWO AND 14/100 DOLLARS (\$348,772.14), PLUS A CONTINGENCY AMOUNT OF THIRTY-FOUR THOUSAND EIGHT HUNDRED SEVENTY-SEVEN AND 22/100 DOLLARS (\$34,877.22), FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY-THREE THOUSAND SIX HUNDRED FORTY-NINE AND 36/100 DOLLARS (\$383,649.36)

was adopted.

LEASE AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A LEASE AGREEMENT WITH THE HUNTER MUSEUM OF AMERICAN ART FOR PORTIONS OF PROPERTY WHEREUPON SCULPTURES ARE OR WILL BE LOCATED ON CITY OF CHATTANOOGA PROPERTY

was adopted.

Councilwoman Scott wanted to make everyone aware that these are sculptures owned by Hunter Museum and no city dollars are involved.

CONSERVATION AGREE.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A CONSERVATION EASEMENT OPTION AGREEMENT WITH THE TENNESSEE WILDLIFE RESOURCES FOUNDATION, INC. FOR THE DESIGN AND CONSTRUCTION OF STREAM MITIGATION IMPROVEMENTS FOR FRIAR BRANCH

was adopted.

OVERTIME

Overtime for the week ending September 17, 2009 totaled \$16,209.73.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPT.:

- **NICHOLAS SABO**—Resignation of Police Officer, effective 9/7/09.
- **JOSHUA E. MCGUIRE**—FMLA for Police Cadet, effective 9/19—12/12/09

CHATTANOOGA FIRE DEPT.:

- **JOEL NIX, THOMAS BLACKBURN, & PERRY STEPHENS**—Military Leave, effective 9/19/09—10/10/09. (Firefighter, Sr. Firefighter & Lieutenant)

PUBLIC WORKS DEPT.:

- **FRED W. SIMPSON**—Retirement of Equipment Operator 4, effective 8/31/09.
- **EDDIE W. MARION**—Retirement of Equipment Operator 3, effective 8/7/09.
- **DANIEL R. MATTHEISS**—Resignation of Equipment Operator 5, effective 9/4/09.
- **STEPHEN H. WARE**—Hire Plant Operator 1, R/9, \$26,798.00, effective 9/11/09.

HOTEL PERMITS

On motion of Councilman Murphy, seconded by Councilman Rico, the following hotel permits were approved:

HAMPTON INN—6145 Weir Way, Ooltewah, TN.

FAIRFIELD INN—2350 Shallowford Village Drive, Chattanooga, TN.

EMERGENCY PURCHASE

Chief Cooper presented an emergency purchase for flood clean up at the Police Annex building to Servpro in the amount of \$11,768.66. This was duly signed.

PURCHASES

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Chattanooga Fire Dept.:

G & C SUPPLY (Best bid meeting specs.)
Requisition R0126639/B0006319

Hurst Jaws of Life Extrication Equipment

\$73,210.51

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchases were approved for use by the General Services Dept.:

KEY'S CARPET (Best bid meeting specs.)
Requisition R0126644/B0006325

Carpet and Installation for City Hall Annex 2nd Floor Renovation

\$15,525.00

LENCO ARMORED VEHICLES (Single Source Purchase)
Requisition R0127279

Lenco BearCat Armored SWAT Truck

\$247,772.00

PURCHASES (CONT'D)

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Public Works Dept.:

RAM TOOL & SUPPLY CO. (Bid meets specs.)
Requisition R0126133/B0006303

Trench Former System

\$22,190.12

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Mayor's Office:

HEWLETT PACKARD (Contract Expired)
Requisition R0127069

Hewlett Packard Hardware Maintenance (6 months)

\$17,550.00

HEARING: LILLIAN SMITH

Attorney McMahan stated that this involved SEIU, and he would make a report next week.

HEARING:
SHAWN CUNNINGHAM

Attorney McMahan read a letter submitted by Attorney Jack Benson, Jr. in regards to a request for an appeal hearing pursuant to the decision of the Court of Appeals of Tennessee filed on September 1, 2009 for **Officer Shawn Cunningham**. (This letter is made a part of the minute material of this date). Attorney McMahan indicated that he was not sure that he agreed with the comments regarding the eligibility of those who could sit on the panel.

Chairman Benson asked that he be ruled out.

SHAWN CUNNINGHAM
HEARING (CONT'D)

Councilman Rico also asked to be ruled out.

Councilwoman Berz stated that she might have to be ruled out as she had participated in the Lawrence Goodine hearing. Chairman Benson stated that he thought everyone was on the Goodine hearing.

Attorney McMahan noted that all that was needed were three members. It was decided that the panel would include **Councilman McGary as Chairman, Councilwoman Ladd, and Councilwoman Scott. Councilman Gilbert will serve as alternate.** No date was set for the hearing.

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, September 29th to immediately follow the Legal and Legislative Committee meeting.** The topic will be parameters on pilots.

Councilwoman Robinson thanked members who were set to go on the Community Impact Tour of Glenwood, Churchville, and Orchard Knob; because of the flooding, the tour was cancelled and will be rescheduled. She stated that everyone needed to see the good work they were doing.

Councilman Murphy reminded everyone of the **Legal and Legislative Committee meeting** scheduled for **Tuesday, September 29th to immediately follow the Agenda Session.**

Chairman Benson thanked all for the fine work on the Budget and Councilwoman Berz for chairing this committee.

Councilman McGary thanked everyone for the work done in committees today in his absence. He scheduled a meeting of the **Education, Arts & Culture Committee for Tuesday, September 29th to immediately follow the Economic Development Committee.**

AGENDA FOR 9/29/09

In the essence of time, Chairman Benson asked that everyone please look over their Agenda for next week.

CHARLES MANIS

Mr. Charles Manis, who owns a business on Main Street, was present to address the Council on the recent flooding. He stated that he had been flooded out for the last five years; that now a resident had drowned, and he was asking Councilman McGary and Councilman Rico to please make sure the stormwater people get the work done that needs to be done; that he had gone to the Stormwater Division earlier to warn them that someone was going to perish and now that had happened. He asked that the City please address this.

MILTON JACKSON

Mr. Milton Jackson of 3806 Highland Ave. was present to address the Council. He stated that he was here to represent the community because they were losing something that was vital to their community; that if the City removed the Police Precinct on 40th St. that they would be losing a service. He mentioned the additional travel time, stating that this was vital to their community. He went on to say that they lost their emergency paramedics—that they went to Tiftonia; now here they were losing their Police Precinct. He mentioned the fact that it would be hard on the policemen in this area to use restrooms at night and they could have to resort to indecent exposure; that all of these were issues. He noted that the Recreation Center needs the Police Precinct near when things go wrong. He added that a lot goes on on street corners and everyone knew about Wheeler Homes. He stated that he wanted to stand up here and find out where the Council stood on this issue—that they were taxpayers, too and 65% are senior citizens. He stated that he was getting to be a senior citizen and had rendered service to Chattanooga and would continue to do so. He stated that they needed the Council to vote when this comes up and questioned who could protect their people. He asked that Mayor Littlefield have a change of heart as well. He stated that they were looking to the Council, and he knew his time to speak was up; that he had talked to Councilman Rico, and he would like for him not to go this way.

THERESA IVEY

Theresa Ivey of 1214 Peachtree Street spoke next. She addressed flooding and sewer backup; that they were having a meeting this week to be able to present information to the Council. She stated that she was appalled at the annexation cost when the City can't take care of the middle of the City. She stated that after the moratorium was lifted in their area, they were still experiencing the same problems; that this had been going on since 2002, and she had talked to a few people and asked questions; that she was handing out to her neighborhood association what to look for and who to call to get problems solved. She mentioned their level of frustration and stated that she would give a little bit of their history to Councilman Rico.

TOM BARTOO

Tom Bartoo, who has a business on Main Street, stated that he was also a partner with a development group called Cyprus Corners; that they had requested a C-3 Zone change and the first hearing had been deferred; that they were outside of a C-3 Zone. He stated that theirs was a unique problem because they were located within 200 ft. of a church and the only zones exempt were C-3 and C-7.

Chairman Benson stated that he had been advised that this is a zoning issue, and it is out of order for this to be considered at this time. He assured Mr. Bartoo that he did know his problem but advised that his time would be better spent to go over this with Greg Haynes to work things out.

Councilman Murphy stated that his point was taken on C-3 Central Business District; that as we evolve and grow, we need to look again to concerns of the downtown area; that if we are going to grow, the boundaries need to be pushed out; that he thought it was the general consensus that we need to re-visit what is downtown.

Chairman Benson agreed that this needs to be worked out.

MEETING RECESS

Chairman Benson recessed the Council meeting until 7:30 p.m. for the Annexation Public Hearing for Areas 8A, 8B, 9A and 9B.

**COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
September 22, 2009
Annexation Public Hearing
Areas 8A, 8B, 9A and 9B
7:30 P.M.**

Chairman Benson called the recessed meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, McGary, Ladd, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns, Assistant Clerk Shirley Crownover, and Court Reporter Connie Carpenter were also present.

**PUBLIC HEARING
TRANSCRIPT**

A complete transcript of the public hearing proceedings is available.

ADJOURNMENT

At the close of the Public Hearing, Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, September 29, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

(A LIST OF NAMES OF PERSONS IN ATTENDANCE AT THE COUNCIL MEETING AND ANNEXATION PUBLIC HEARING FOR AREAS 8A, 8B, 9A AND 9B IS FILED WITH MINUTE MATERIAL OF THIS DATE)

CHATTANOOGA CITY COUNCIL
ANNEXATION PUBLIC HEARING
SEPTEMBER 22, 2009

BEFORE MEMBERS OF THE COUNCIL:

JACK BENSON, CHAIRMAN
CAROL BERZ
PAM LADD
ANDRAE MCGARY
MANUEL RICCO
SALLY ROBINSON
RUSSELL GILBERT
DEBORAH SCOTT
MICHAEL McMAHAN, ESQUIRE
PETER B. MURPHY, ESQUIRE

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1 MR. BENSON: Now it's time for the
2 public hearing. I'm going to ask the City
3 Attorney to explain this hearing and the areas
4 that will be heard. Just quietly stay here, those
5 that want to. Those that want to leave, fine.
6 This is the annexation hearing.

7 MR. McMAHAN: Good evening. My name
8 is Mike McMahan. I'm the City Attorney and want
9 to give a very brief overview of what is about to
10 occur here tonight. The first thing, we're here
11 with respect to the public hearings on the plan of
12 services --

13 MR. BENSON: Please let's give him
14 your attention. Please walk out silently. Please
15 lower your voice.

16 MS. McMAHAN: As I was stating. To
17 sort of give you an overview of what's going to
18 happen tonight, a member of my staff will briefly
19 explain for the benefit of those who are present
20 what the law requires with respect to a plan of
21 services. Then you will hear form the various
22 administrators of the city such as the public
23 works, the fire department, and the police
24 department. They will explain what city services
25 are being proposed for these annexed areas.

1 Following that, each member of the communities
2 that are involved will be given the opportunity to
3 come forward and speak.

4 First we will recognize the attorney
5 representing the group or the chair or the
6 president of the homeowners' associations that is
7 a representative person to make the first
8 speeches. They will be given up to ten minutes.
9 After that, the individuals of the communities
10 will be given three minutes to speak. Obviously
11 the hour is getting late. We'll probably be
12 restricted to about five people.

13 Ms. Freiberg will start off with her
14 presentation.

15 MS. FRIEBERG: I'll need the screen.

16 (Discussion ensued off the record.)

17 MS. FREIBERG: The annexation areas
18 that we're going to talk about tonight in this
19 public hearing are 8-A, 8-B, 9-A, and 9-B; which
20 are in Ooltewah at Exit 11. Mr. McMahan already
21 went over most of this which is on this slide.
22 This is how this is going to go. There will be
23 remarks by certain department heads. This is a
24 summarization of what he told you about how long
25 you are going to get to speak, if you have

1 something to add to these areas.

2 The annexation areas will be
3 considered at the next regularly scheduled
4 meeting, which would be next Tuesday, for the
5 areas that we are discussing tonight. Copies and
6 maps and plans of services are available on the
7 Web site.

8 This document here shows the
9 Chattanooga annexation area and history of
10 annexation in Chattanooga. The small area that
11 you see right here is the original city limits of
12 Chattanooga in 1838. Each area that you see, it
13 shows the annexation that has been expanded since
14 that period of time all the way up through 2003.

15 The map that you see here shows the
16 urban growth boundaries, and those areas are in
17 purple that you see on this map. You also will
18 see in red the outlines that are the proposed
19 annexation areas for all of the annexations that
20 are coming up. The areas of 8-A, 8-B, 9-A, and
21 9-B are right in this area.

22 The law on annexation is provided in
23 the Tennessee Code at 6-51-102(a)(1). Annexation
24 can be done when a municipality, upon its own
25 initiative when it decides the prosperity of the

1 city and territory will be materially retarded and
2 the safety and welfare of inhabitants would be
3 endangered without annexation.

4 T.C.A. 6-51-102(b) (1) also sets forth
5 certain guidelines for annexation providing that
6 the city shall adopt a plan of services
7 establishing at least the services to be delivered
8 and also the projected timing of those services.
9 T.C.A. 6-51-102(b) (2) provides that the plan of
10 services has to include certain things but not
11 limited to the following:

12 Police protection, fire protection,
13 water service, electrical service, sanitary sewer
14 service, solid waste collection, road and street
15 collection and repair, recreational facilities and
16 programs, street lighting, and zoning services.
17 Other things will also be included in the plan of
18 services.

19 The plan of services may exclude
20 services that are being provided by another public
21 agency or private company in the territory.
22 Examples of this are WWTA, EPB, Eastside or Hixson
23 Utility District, which affects some of the
24 annexation areas.

25 T.C.A. 6-51-102(b) (3) provides that

1 the plan of services shall include a reasonable
2 implementation schedule for delivery of comparable
3 services in the territory to be annexed with
4 respect to the services that are already provided
5 to the rest of the citizens of the city.

6 T.C.A. 6-51-102(b)(4) provides that a
7 proposed plan of services must be sent to planning
8 and also to the regional planning agency for them
9 to place it on their next agenda. The regional
10 planning agency has already reviewed the plan of
11 services for the areas of 8-A and B, 9-A and B on
12 August 6th of 2009, and the planning commission
13 has approved these plans of services on August 10,
14 2009 for these four areas.

15 Before the adoption of the plan of
16 services, the city must hold a public hearing,
17 which is what we are here about tonight, with
18 notice of the time, place, and purpose. That must
19 be published in the newspaper 15 days before the
20 hearing, which was done in this case.

21 As previously mentioned, all
22 ordinances adopting a plan of service in the
23 annexing territory should have a copy of a written
24 report from the planning commission attached,
25 which they do for these areas. Any annexation

1 ordinances requires notice and public hearing as
2 required by T.C.A. 6-51-102 as previously stated,
3 and then will become operative within 30 days
4 after the final passage of the ordinance.

5 There is also required under
6 6-51-102(b)(2) for written notice of annexation to
7 any affected school systems as soon as practical
8 but within no less than 30 days prior to the
9 public hearing, which has occurred for these
10 annexation areas.

11 The projected time line for Areas 8-A,
12 8-B, 9-A, and 9-B are first September 22nd, 2009
13 public hearing, which is tonight. September 29,
14 2009 will be the first reading of these annexation
15 areas. October 6th, 2009, the second reading will
16 occur on Areas 8-A, 8-B, 9-A, and 9-B, and the
17 effective day of annexation, if approved on second
18 reading, will be November 5th of 2009.

19 This is a map of Areas 8-A and 8-B 8-A
20 and 8-B. If you look on the map here, this area
21 is 8-A, and this small area is 8-B. This next map
22 shows the areas of 9-A and 9-B. This long strip
23 here is 9-A, and this area is 9-B. The data
24 sheets that have been compiled for these areas
25 show that -- and we'll go through these

1 individually. For the area of 8-A, the estimated
2 population for this area is 36 persons based on an
3 amount of 15 households, and there are 23 total
4 parcels. They have an assessed total value of
5 \$763,920. This area is 0.1 miles, as you'll see
6 at the bottom of this data sheet.

7 Area 8-B is only one parcel. There
8 are zero persons estimated as this is a commercial
9 piece of property. The total assessed value is
10 \$815,400. The square mile is 0.02, as you see at
11 the bottom of this data sheet.

12 For Area 9-A, the estimated population
13 is zero, as there are also zero households in this
14 area. There are two parcels. The assessed value
15 is \$5050, the total assessed value. The square
16 miles is 0.36, as you see at the bottom of this
17 data sheet.

18 For area 9-B the population estimate
19 is 130 persons or 54 households, and there are 101
20 parcels that are affected by this annexation. The
21 assessed total value is \$1,340,885. The square
22 miles is 0.36.

23 The department heads will now provide
24 a briefing.

25 MR. BENSON: Chief Cooper, please, of

1 the police department.

2 CHIEF COOPER: The map that you have
3 before you is the entire map of the city divided
4 into the three sectors that the city is divided
5 in. The area there of the pointer, this area here
6 is the area we're talking about tonight of 8-A and
7 B, 9-A and B. This is part of the George Nine
8 area. We're talking about 69 houses and 160
9 people adding to that area of the zone that is
10 being currently patrolled by police.

11 We would be prepared to assume police
12 patrols immediately upon approval of this annexed
13 area and passage of the council. After that
14 30-day day wait period, we would just incorporate
15 that to our current staffing and patrol and absorb
16 those costs of services with no added immediate
17 expense. This is a map of Area 8-A.

18 MR. BENSON: Chief, could you get
19 behind the microphone.

20 CHIEF COOPER: This is the area of 8-A
21 and B, separate from that large map. This is
22 showing where we already have the patrol area
23 there in just the areas darkened there. 8-A and B
24 is added to that. It's just a small section that
25 you can see for 8-A and B and the same for 9-A and

1 B.

2 The area we already have is a
3 patrolled area there in between those two. It's
4 just adding to those. As I stated before, we're
5 only talking about adding 69 houses and 166
6 persons. All this will be absorbed in our
7 staffing and patrols of service.

8 MR. BENSON: Thank you. We need to
9 use the microphone.

10 CHIEF PARKER: This is the area of
11 8-A, 8-B, 9-A, 9-B with hydrant locations. It all
12 looks rather complex. It also includes some areas
13 where hydrants are already located currently. The
14 Chattanooga Fire Department is a Class 2 fire
15 department. Currently we have 370 firefighters
16 staffing 24 frontline companies and 17 fire
17 stations. We're in them 24 hours a day. P.

18 I would dispute the fact that we're 50
19 positions below that was referenced earlier
20 because we do have an academy that is slated to
21 start in about the next 60 days. We have 236
22 personnel that are currently trained to Hazmat
23 technician level, 225 first responders, 123 MTIV,
24 18 paramedics, and 102 urban search and rescue
25 technicians.

1 We also have a fire prevention bureau
2 services that will be provided, and that will be
3 the fire marshals, inspectors. They are all MSPA
4 certified, state certified as well -- fire
5 investigators, or arson investigators as they are
6 sometimes called. Public education with the
7 Sparky presentations and things that we go out and
8 do with daycares and schools to educate the
9 children.

10 In Area 8-A, which is the area that is
11 right in this area, we will need five fire
12 hydrants. We have had conversations with Mr.
13 Stafford at Eastside Utilities, which indicated he
14 would provide those at no charge. 8-B has
15 adequate fire hydrants. There will be no
16 additional cost for that area. 9-A, which is the
17 area alongside the freeway, this long strip of
18 land, will require no additional hydrants because
19 right now there is not anything located there. I
20 think there's a few billboards in that area.

21 The area of 9-B, which is generally in
22 this area would require 15 additional hydrants.
23 In our conversations with Mr. Stafford, he has
24 indicated that he would provide those at no charge
25 as a result of the annexation. We will begin

1 running calls immediately upon annexation, and we
2 will enter into an automatic aid agreement with
3 Tri-Community Fire Department for a response where
4 both their department and our department would go
5 at the same time. We will have Station 7 at
6 Enterprise South just over -- it's actually off
7 the map, but over in this area.

8 The Enterprise South station will be
9 constructed and slated to open sometime in late
10 next summer, in July or August, somewhere in
11 there. It would also answer some of the calls
12 that are in this area. So basically there is no
13 cost other than fuel in running calls in that
14 area. There would be possibly an additional cost
15 if we had to renegotiate contract with
16 Tri-Community, but we don't see that as a
17 significant cost.

18 MR. BENSON: Thank you, Chief. Parks
19 and rec. Mr. Zehnder.

20 MR. ZEHNDER: All the present
21 recreation areas and programs and facilities that
22 are provided to normal citizens throughout the
23 city of Chattanooga will be made available
24 immediately to all the residents in this annexed
25 area in the same manner as the current citizens

1 presently have them.

2 Some of the facilities that are
3 specific to this particular area include the
4 Shepherd Community Center and park on Shepherd
5 Road, the Tyner Youth Sports Complex, the Tyner
6 Community Center, The Tyner Community Soccer Field
7 that is over there; the 2800-acre nature park
8 which is owned with the county, the Enterprise
9 South Nature Park at I-75 and Highway 58. The
10 Summitt softball facility which recently opened in
11 July is also available in this area.

12 Of course, all the general regional
13 facilities are made available to this area, just
14 like to the golf courses, Brown Acre Golf Course
15 in Brainerd, as well as the Chattanooga Zoo and
16 other regional facilities that we operate. Thank
17 you.

18 MR. BENSON: Ms. Johnson, neighborhood
19 services.

20 MS. JOHNSON: The department of
21 neighborhood services would be available
22 immediately to provide services and code
23 enforcement. Code enforcement is basically the
24 quality of life codes that have to do with
25 housing, litter, vehicle, and illegal dumping and

1 overgrowth. We would be available to provide
2 those services, as I stated, immediately.

3 The city of Chattanooga is an
4 entitlement city and therefore receives federal
5 funding primarily from the department of housing
6 and urban development. For those individuals who
7 reside in proposed annexed areas who meet income
8 eligibility requirements would also be eligible to
9 receive services through our community development
10 program. Some of those services include such
11 things as housing, assisted down payments, and
12 some social services.

13 We are also available to provide some
14 related activities. Our neighborhood relations
15 services to our neighborhood associations and
16 companion programs, as well as small amounts of
17 funding to various neighborhood programs. So that
18 basically is a summary of the services that we
19 would be available to provide.

20 It would require some realignment of
21 staffing because of the geographical areas that
22 would be required to cover. That would also
23 require some additional funding. We project an
24 amount of about \$165,000. That cost would cover
25 probably the addition of additional inspectors as

1 well as support resources.

2 MR. BENSON: Mr. Leach, public works.

3 MR. LEACH: Thank you, Mr. Chairman,
4 Council. Good evening. With public works -- and
5 I'll begin with solid waste first. The city will
6 have to purchase twenty-three garbage containers
7 for Area 8-A, one container for Area 8-B, two
8 containers for 9-A, and eighty containers for 9-B.
9 Total cost of containers for these four areas is
10 approximately \$4979.88.

11 Recycling, brush collection, and trash
12 collection services will be available to these
13 folks using existing forces and with minimal or no
14 cost, additional cost to the city excepting the
15 containers. This can begin in as early as 90 days
16 after annexation.

17 Traffic engineering, our engineering
18 staff has conducted an on-the-ground survey of
19 traffic needs in the area to identify striping any
20 signs. In Area 8-A this will cost about \$205.
21 Area 9-B requires some striping and sign work.
22 That will cost about \$714. Area 9-B will also
23 require about 725 feet of guardrail at a cost of
24 about \$18,000. All traffic engineering work will
25 be completed within one year.

1 Areas 8-B and A do not require any
2 traffic engineering related work at this time.
3 Street lighting, again, will be in accordance with
4 the established policy that the city employs now
5 and will be addressed on a case-by-case basis.

6 Road and street construction for Area
7 8-A has about 3200 feet of public roads which will
8 require approximately \$14,000 worth of work to be
9 completed within a year. Area 9-B contains about
10 10,000 feet of public roads. It will require
11 approximately \$37,000 worth of work, also to be
12 completed within a year. Areas 8-B and 9-A do not
13 contain any public roads.

14 Water quality, water quality section
15 of public works will immediately with there
16 in-service staff modify our existing contracts,
17 inventory and identify all water quality related
18 structures in each area, 8-A and B and 9-A and B.
19 The inventory and survey will assist in developing
20 a maintenance work plan for the water quality
21 structures in this area. This will be completed
22 within six months after annexation.

23 Zoning inspection, code enforcement.
24 Of course, our guys do new construction generally,
25 and our construction inspectors as well as

1 building code inspectors will immediately begin
2 servicing all these areas using our existing
3 resources.

4 I will mention animal control, which
5 does not fall under public works. That will be
6 provided by McKamey Animal Services Center.

7 Sanitary Sewers. Area 8-A and 9-A
8 will not require any new sewer lines or
9 sewer-related work. Area 8-B will require about a
10 thousand feet of new sewer lines at an approximate
11 cost of \$262,500. Those are indicated on the red
12 line on the screen. Area 9-B will require about
13 10,000 feet of new sewer line at an approximate
14 cost \$2,287,500, as well as one new pump station.
15 You can see that on the screen. The pump station
16 will cost approximately \$500,000. This work will
17 be accomplished within the three-year period.

18 MR. BENSON: Thank you, Mr. Leach.
19 Now it's time for the public hearing. Let me see
20 a show of hands of the number of people here from
21 8-A. Okay. No one is here for 8-A, so we'll skip
22 that one as far as presentations from the
23 audience.

24 8-B, do we have anyone here from 8-B?
25 Okay, 9-A, raise your hands. Okay, 9-B. Well,

1 we've got a lot of people in the audience, and
2 this hearing is for those four sections.

3 MR. McMAHAN: Is there anyone in the
4 audience who wants to speak to this annexation
5 session?

6 MR. GEASLEY: Can I ask a question?

7 MR. McMAHAN: Yes, sir. Come to the
8 microphone and identify yourself.

9 MR. BENSON: As long as we've spent
10 this much time here, we might as well hear a few
11 of them.

12 MR. GEASLEY: Ricky Geasley. I just
13 want to ask a question. On 9-A and 9-B, is that
14 the area where the tunnel is on Old Lee Highway?

15 MR. McMAHAN: Mr. Leach knows. I know
16 where you're talking about, but I can't relate it.
17 Mr. Leach, do you know where the tunnel is that
18 goes under the Old Lee Highway out there?

19 MR. GEASLEY: The reason why I say
20 that, there's a guy that lives up there. It's
21 where the new Cracker Barrel and all that is.
22 That's supposed to be already under city limits.
23 He said that he's been annexed under the city for
24 the last six years and still doesn't have sewers
25 hooked up. It's by the Whitener construction and

1 all that there along I-75 there where the tunnel
2 is. You know what I'm talking about?

3 MR. BENSON: I thought we just annexed
4 on the north side over that way. He is not in the
5 city I don't think.

6 MR. GEASLEY: Yeah, he says he's in
7 the city and has been paying city taxes for over
8 six years now. He said he's not got the city
9 sewer yet. I went up by there. The city sewer
10 runs to the Whitener place which would go to the
11 old Ooltewah Cemetery, but it don't go no further.
12 There's only about three houses or two houses that
13 bypasses that.

14 MR. BENSON: Maybe we can get that
15 answered. Do you know anything, Mr. Leach, about
16 that? Is that in the city?

17 MR. LEACH: No, it's not.

18 MR. GEASLEY: It's in the city limits.

19 MR. McMAHAN: In the city of
20 Collegedale probably. As I recall --

21 MR. GEASLEY: No. It's city of
22 Chattanooga from the front side of the tunnel if
23 you're going north. It says the city of
24 Chattanooga.

25 MR. BENSON: Let Mr. Leach explain

1 that. That's the district I represent. One side
2 of the street is in the city and one isn't.

3 MR. LEACH: Actually the Cracker
4 Barrel side is in Collegedale. The road is in the
5 city of Chattanooga. Several of those properties
6 are in the city of Chattanooga. As I recall, I
7 have talked to this gentleman. I believe his
8 property is zoned commercially. We talked a
9 little bit about the value of that property. I
10 have not heard from him since then.

11 MR. GEASLEY: I'm not talking about
12 Whitener.

13 MR. LEACH: I'm not sure of the names.

14 MR. GEASLEY: I can give you his name.
15 His name is Gordan Walker.

16 MR. BENSON: Did we get your name?

17 MR. GEASLEY: Uh-huh. Ricky Geasley.

18 MR. BENSON: Any other questions?

19 MR. GEASLEY: That's the question I
20 was wanting to ask. He said that he'd been paying
21 city taxes for the --

22 MR. BENSON: City of Collegedale.

23 MR. GEASLEY: Chattanooga.

24 MR. LEACH: A portion of that is in
25 the city of Chattanooga. Green garbage cans,

1 you'll see them out there. However, that is in
2 the WWTA area of service. I believe there is a
3 WWTA distribution center that picks up all that
4 commercial on the south side of the road.

5 City of Chattanooga has the
6 intersection and the north side of Lee Highway.
7 Collegedale is on the south side except a portion
8 of the area is, in fact, Chattanooga around that
9 overpass.

10 MR. BENSON: I understand why you're
11 confused. I still am. We'll get it straight
12 though. Are there any other people here to speak
13 on the annexation? What district are you from?

14 MS. WOODARD: I'm Tamara Woodard and
15 I'm from Summitt.

16 MR. McMAHAN: Please give the court
17 reporter your name and address, please.

18 MS. WOODARD: Tamara Woodard. 4930
19 Hunter Village Drive, Ooltewah, Tennessee. My
20 family goes back five generations in the Summitt
21 community. That last time I spoke before this
22 distinguished group was during the annexation
23 proposal of the landfill. I'm sure the mayor
24 remembers me well.

25 We go back again, 25 years later, to

1 the issue I'm concerned about. This to me is more
2 than about the dollar, the almighty dollar. I
3 understand your interest in developing your tax
4 base and the future of Chattanooga, but I'm
5 interested in what the people in Summitt have
6 already received from the city of Chattanooga.
7 We've received your diseases. We've received your
8 lack of services. We've received your not caring
9 about individuals who have dealt with the water
10 waste and air pollution from your landfill.

11 I ask those of you who really care
12 about people, who really are concerned about
13 services and the welfare of a human being, of an
14 eight-year-old child with kidney cancer, of a
15 70-year-old woman with kidney cancer; I ask that
16 you review your history with the people of
17 Summitt. I ask you to please do not vote to annex
18 Summitt to the city of Chattanooga. Thank you.

19 MR. BENSON: Thank you. Since I see
20 there is no one else to speak, that concludes this
21 hearing. Thank you for your attendance and
22 patience.

23 (End of hearing.)

24

25

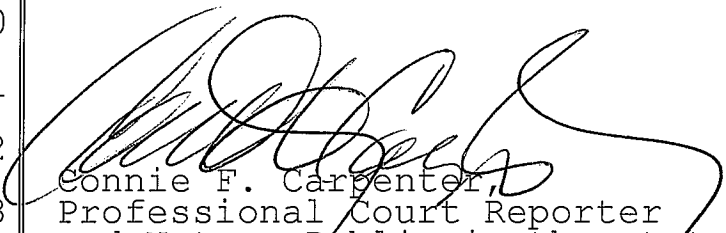
1
2 REPORTER'S CERTIFICATE3
4 STATE OF TENNESSEE)

5 : SS.

6 COUNTY OF HAMILTON)
7

8 I, Connie F. Carpenter, the officer
9 before whom the foregoing cause was taken, do
10 hereby certify that the the foregoing transcript
11 prepared by me in machine shorthand, and
12 thereafter reduced to typewriting and that the
13 transcript was prepared under my personal
14 supervision, and attached to this certificate and
15 is a true, accurate and complete transcript as
16 provided by law.

17
18 In witness whereof, I have hereunto
19 set my hand this 26th day of September, 2009.

20
21
22 
23 Connie F. Carpenter,
24 Professional Court Reporter
25 and Notary Public in the state
of Tennessee. My commission
expires December 22, 2012.

