

CITY COUNCIL BUILDING
AUGUST 16, 2011
6:00 P.M.

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Rico, Robinson and Scott present. Councilman Murphy was absent due to a prior commitment. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crowover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Berz, followed by invocation.

MINUTE APPROVAL

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

**REPEAL CITY CODE/
LIBRARIES**

On motion of Councilman Rico, seconded by Councilwoman Berz,
AN ORDINANCE TO REPEAL CHATTANOOGA CITY CODE, PART II, CHAPTER 22, LIBRARIES, IN ITS ENTIRETY, AND TO REPLACE IT WITH A NEW CHAPTER 22
passed second and final reading and was signed in open meeting, with Councilwoman Scott voting “no”.

REZONING

2011-086 (MAP Engineering/Charter Real Estate)

On motion of Councilman Gilbert, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 9300 AND 9400 BLOCK OF LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM 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

2011-088 (Ken Hayes/Robert & Marianne Cooper)

On motion of Councilman Rico, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 201 AND 223 WEST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2011-089 (Jeff P. Bruce/Rebecca J. Roddy)

On motion of Councilwoman Scott, seconded by Councilman McGary,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 329 STRINGER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

AMEND CITY CODE
ALCOHOLIC BEVERAGES

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 5, ARTICLE III, SECTIONS 71 AND 82, RELATIVE TO ALCOHOLIC BEVERAGES
passed first reading.

REZONING

2011-043 (Englewood Enterprises, LLC)

Mr. Mike Price of MAP Engineering made the presentation, stating Randy Burns was putting together a CD for him and while we were waiting, the opposition could speak first if so desired. Chairman Ladd asked that Mr. Price make his presentation first.

Mr. Price noted that he had brought to the Council's attention a lot of information, and there had been a lot of discourse, and he had had the chance to meet with the Council, stating that he appreciated their indulgence. He stated that he wanted to point out a couple of facts.

He first presented an aerial drawing of the Ethanol facility, showing where the tanker cars are located and also the landscaping. He noted 3-D renderings if you drove into the Industrial Park on Bonny Oaks Drive, noting you would see office buildings in the front and nothing of the Ethanol cars—that they could only be seen by air. He went on to say that if this were denied, there would be only one rail supplier of Ethanol in this community; that Volkswagen wanted two rail lines; that one supplier would have a monopoly.

Mr. Price went on to say that there had been community meetings, where this information had been shared. At the end of one meeting the count was 29-4 and one against this; that at the meeting last night, that Councilman Gilbert attended, it was 6-44 against. Mr. Price stated that he understood this—that the people had a concern that their area would turn into another Alton Park and brownfield. The second fear was that this would open up Pandora's Box for M-1 to expand into the Industrial Park. He explained that environmental laws would prevent this from becoming another Alton Park and that the M-1 Zone was with conditions, which he had e-mailed to the Council and would restrict this to this type facility, only.

He showed the GIS map zoning on the property with a large area of M-1 and only 1.2 acres for the Ethanol facility. He stated that he was not trying to diminish the fears and concerns of the neighborhood; however the nearest to them would be 1800 ft. away. He emphasized that you could not see the facility except from air.

Councilwoman Scott asked him how many trucks this would change? Mr. Price responded that there were 6,000 trips per year between CSX and his client; that this would eliminate 6,000 trips, mentioning 360 trips from this facility, wiping out about 5,000 trips, including both.

REZONING (CONT'D)

Councilwoman Scott asked Mr. Price if they could not locate here, was there any place else under consideration? He indicated that they had looked everywhere for 18 months, and this was available with rezoning and connecting with the County; that this could not be done anywhere else, regardless of the price, that this was it.

Councilwoman Scott went on to ask for distances and for an explanation of the map. Mr. Price explained that they located off of an aerial map that the closest residence is 1730 ft. away; that there was simply no residential impact; that one could not hear, smell or taste anything.

Councilman Benson noted that to some degree this is a railroad war, asking if another railroad is not in competition with this? Mr. Price responded that they had offered to try and consolidate with both railroads and Norfolk Southern declined. Councilman Benson confirmed that we would be in a monopoly situation. Mr. Price agreed that there would be nothing to compete with Norfolk Southern. Councilman Benson stated that he was saying there were two questions; that one is the zoning for the City of Chattanooga, including conditions for property off of Bonny Oaks Industrial Park. The second question was that only the County can approve any change. He asked if it would not be best for the City to defer action until Mr. Price knows what the County is going to do? Mr. Price agreed that this had been a slow process but stated that he felt they were getting close. Councilman Benson stated that if there were any legal opinion, that the Council needed this in writing. Mr. Price responded that if it fails at the County, they would not be back before the City.

Councilman Benson made the motion to defer this issue for 60 days. This was seconded by Councilwoman Robinson.

Councilwoman Berz stated that she still had some questions for Mr. Price. She reminded that Mr. Price had said that if Norfolk Southern built, that they would withdraw as there would be no need for two facilities. Also, Mr. Price had said that he would not be back before the City until the County approved. She also stated that the 6,000 trips were not quite true if Norfolk Southern built their facility.

She went on to say that she was like Councilman Benson; that she did respect neighborhood meetings; that she was not sure about a monopoly of ethanol. Councilwoman Berz indicated that she was concerned about the mixed messages and information that was not quite true; that the whole thing is questionable.

REZONING (CONT'D)

Councilwoman Berz went on to say that a lot of energy had gone behind lobbying the Council to do something when Mr. Price had said they would not pursue this if Norfolk Southern went ahead with a facility; that she was in a quandary. She noted that the Planning Commission had recommended denial, and it was felt that this opens up spot zoning—that this is a whole new way of doing business. She went on to say that the people that Mr. Price represented could rest assured that he had done a fabulous job; however there were mixed messages, and she would vote “no” on this; that it did not pass the “smell” test because of the contradictions. She stated that she respected Mr. Price and knew that he was between a rock and a hard place, but her vote would be “no”.

Mr. Price responded that after he made the statement about not pursuing if Norfolk Southern built, that he was told that this was a bad statement; that he did not think that Norfolk Southern could build this, but they were not under the same regulations; that as it relates to the monopoly, the reason they were lobbying so much was because so much money is at stake—that ethanol is not going away, and there is enough room for two facilities to compete—that you don’t want to put all the “gold” in one pocket.

Councilman McGary asked if Mr. Price had made the statement that Volkswagen wanted two lines? He wanted to know if they had actually told Mr. Price this? Mr. Price stated that this statement was based on conversations with other elected officials. He asked Mr. Al Beatty to speak.

Mr. Beatty stated that he was with CSS and was on the team to locate Volkswagen in this area; that he had had no conversation with Volkswagen as far as this project is concerned; that when they were looking for a site, one of their main concerns was access to two railways.

Councilwoman Berz asked if they specifically said two railroads for ethanol? Mr. Beatty responded “no”.

Councilman McGary asked why they wanted two lines in this area? Mr. Beatty responded they needed railroad service access to their site to transport the finished product. Councilman McGary noted that Mr. Price had indicated that ethanol was the necessity. Mr. Beatty pointed out that Volkswagen wanted both railroads to ship from; that Mr. Price was just trying to coordinate the two.

REZONING (CONT'D)

At this time, the opposition spoke. The first speaker was **Jo Carol Smith** of the Washington Hills area. She stated that she and her parents had resided here since 1967; that there were good and bad things in the area. Some of the good things were sidewalks and improvements to the recreation center and a bad thing was Section 8 and an increase in crime and now companies with chemicals that can pollute; that they had discussed what the building would look like and talked about the decrease in truck traffic and the slight number of jobs this would bring; however she would like to know the true reason to move from Manufacturer's Rd.—was it because of the condos and the downtown area?

Councilman Gilbert stated that he would like to hear from RPA concerning the difference between an M-1 Zone and an M-2 Zone?

Mr. John Bridger, Director of RPA, explained that M-1 is wide open for industrial uses; that M-2 is more restrictive and mainly for shipping and warehouses.

Councilman Gilbert wanted to know that if the Council grants permission to have this be M-1 Zone, would they still recommend denial? Mr. Bridger responded that the Council could put conditions on this; that it does represent a shift in the type of uses. Since they were not sure about access to the site, they felt it best to recommend denial. Councilman Gilbert pointed out that they don't have all their permits, questioning what would happen to the project with it being held up so long? Mr. Bridger responded that they could ask for a change in conditions; that he did not feel this was good for an Industrial Park.

Councilman Gilbert went on to say that it had never been explained to everyone the difference between an M-1 Zone and an M-2 Zone; that he had talked to Morty Lloyd and asked him if they had ever explained the difference, and he said "no". He went on to say that when he was a kid he lived in this area and remembered the TNT Plant and waking up to see a yellow mist, and he did not want this in their area; that this would open up the door for other companies; that they had worked hard to make sure the community stays like it is, and he was against this; that Councilwoman Berz had talked about a lot of challenges; that Mr. Price had been here three times, and he made the statement that they would not build if Norfolk Southern did the first time he was here and did not correct it the second and third time.

Mr. Price responded that there was so much discussion that he failed to say this, and he apologized, stating that he did not mean to deceive anyone.

REZONING (CONT'D)

Mr. Price stated that ethanol is already here with Norfolk Southern and would not be any different adding this facility. He stated that he, too, remembered the orange mist and did not want this. He talked about environmental regulations and how they were different today from 1970—that today we are light years ahead; that there would be no release of ethanol vapors and spills would go to a holding pond and everything had to be reported to EPA—that the days of long ago and today are totally different.

Councilman Gilbert mentioned other companies possibly coming in; that he knew EPA was tighter; that no company did everything perfectly; that they might get caught and would just have to pay a fine, but it would still be happening, and he did not want this in their area.

Mr. Price reminded that with the conditions, this would not be opened up to other uses.

Councilman McGary asked the opposition, Ms. Smith, where she was located in relation to the map shown? Ms. Smith responded that she could not tell from this—that the map was too far away.

Councilman McGary noted that this was a shift away from current usage and wanted to know if RPA considered this compatible or incompatible with current uses? Mr. Bridger responded that the existing uses are uses such as warehouses; that this particular use would involve a higher level of risk as compared to the standard use; that there is more of a public hazard with chemicals. Councilman McGary confirmed that they recommended denial.

Councilman Rico pointed out that one ethanol facility is already there with the railroad; that we already have one and what is the difference with two.

Councilman Gilbert stated that if the zoning is M-1, then RPA says others can do the same thing. He asked if we denied this, could they take us to Court and what would the outcome be? Mr. Bridger stated that he thought this was a question that should be directed to Attorney McMahan.

Mr. McMahan explained that with the basic laws of zoning, the Court has to uphold zoning decisions made by the Council if they are rational—that it is legislative and not judicial if the decision is rational.

REZONING (CONT'D)

Councilwoman Berz pointed out that this is not in the same area; that it is across the road and not the same Industrial Park. She went on to mention the 6,000 trips by trucks and questioned if they were saying any other facility can't take care of this. She questioned what the need for a second facility was other than just "piles of money"; that this land is in her district and she could not see there being any benefit to the district; that it benefits the investors, but questioned how it benefitted her district?

Mr. Price responded that Norfolk Southern had been "closed-lipped"; that when he looked at the CSX facility he saw two railroads running parallel, two on each side crossing CSX to get to the major supplier. He asked that this be deferred for 60 days or either look at amending the Ordinance to allow ethanol in an M-2 Zone and do this with a Special Permit. Councilwoman Berz questioned if this would be class legislation. Mr. Price stated that amending the Ordinance was just another option to delaying this 60 days.

Councilman Benson pointed out that this is all moot unless the County changes its covenant; that if we, or the County, turn this down, we will only be able to purchase ethanol from one company. Mr. Price agreed that they would have a significant leg up—that no one else could compete.

Councilwoman Scott stated that the idea of a monopoly is not a good idea with as much fuel use as we have in our size city; that both are in close proximity to where the fuel is being delivered; that we want fewer trucks on the road due to pollution. She stated that it makes no sense to have only one supplier in this town; that both of these connect into pipelines where they are selling to; that they are not holding ethanol in tanks; that we were looking at pollution issues and safety on the highway, a monopoly, and the number of trucks. She stated that this could not be viewed as soil contamination; that chemically, ethanol is a volatile thing when it is being used and transported down the highway; that she did not see us eliminating them and making a monopoly.

The question was asked where they would store the ethanol and Mr. Price responded in 14 tankers, loaded directly from the rail car.

Councilman Gilbert mentioned the pipeline being next to the railroad track, noting that some might not want to grant a right-of-way. Mr. Price stated that this was like "which comes first—the chicken or the egg"; that ethanol has to be transported from point "a" to point "b" by pipeline.

REZONING (CONT'D)

On motion of Councilman Benson, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6162 ENTERPRISE PARK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO M-1 MANUFACTURING ZONE
was deferred for 60 days on roll call vote as follows:

Councilwoman Scott	“yes”
Councilwoman Robinson	“yes”
Councilman Benson	“yes”
Councilman Gilbert	“no”
Councilwoman Berz	“no”
Councilman Rico	“yes”
Councilman McGary	“yes”
Chairman Ladd	“yes”

CONTRACT

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-11-005-201, 2011 CDBG CITY SIDEWALK REQUIREMENTS CONTRACT, TO YERBEY CONCRETE CONSTRUCTION, INC., IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY-FIVE THOUSAND SEVENTY-FIVE DOLLARS (\$475,075.00)
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-11-008-201, 2011 CITY SIDEWALK REQUIREMENTS CONTRACT, TO YERBEY CONCRETE CONSTRUCTION, INC., IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY THOUSAND DOLLARS (\$360,000.00)
was adopted.

SURPLUS

MR-2010-103 (City of Chattanooga)

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION DECLARING SURPLUS AND AUTHORIZING THE SALE OF PROPERTIES LOCATED AT THE CORNER OF CENTRAL AVENUE AND MCCALLIE AVENUE, TAX MAP NOS. 146H-K-011; 146H-K-012; 146H-K-013; AND 146H-K-13.01, AND PROPERTY LOCATED AT 810 DODSON AVENUE, TAX MAP NO. 146D-E-016
was adopted.

Councilwoman Scott stated that she asked for information on this and received it and appreciated it very much.

LIBRARY BOARD

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION APPROVING THE MAYOR'S NOMINATION OF THE LIBRARY BOARD
was adopted, with Councilwoman Scott voting "no".

Councilwoman Scott explained that the Council never received any Resumes on these individuals and that is the reason she could not support this. Councilman McGary asked if the Council could receive the Resumes, if possible.

LOAN AGREE. AMEND.

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE AN AMENDMENT #1 TO LOAN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) TO INCREASE THE AMOUNT FROM FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000.00) TO AN AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00)

was adopted.

CONTRACT CHANGE

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING A CHANGE REQUEST TO CONTRACT NO. C-11-001-401 WITH TRUE NORTH EMERGENCY MANAGEMENT FOR AN INCREASE IN THE SCOPE OF WORK RELATING TO DISASTER DEBRIS REMOVAL, DISPOSAL, AND REDUCTION SERVICES, FOR AN AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$143,750.00), FOR A TOTAL PROJECT COST IN THE AMOUNT OF ONE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000.00)

was adopted.

C.O./AQUARIUM PLAZA

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 TO PERFORM ADDITIONAL CLEANING, SEALING, AND CONCRETE REPAIR ON THE THIRD ARCH BRIDGE AT THE AQUARIUM PLAZA, FOR AN ADDITIONAL AMOUNT OF FORTY-THREE THOUSAND DOLLARS (\$43,000.00), FOR A TOTAL PROJECT COST OF TWO HUNDRED ELEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$211,194.00)

was adopted.

OVERTIME

Overtime for the week ending August 10, 2011, totaled \$31,842.19.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPT.:

- ✓ **EDDIE DAVIS & ROBERT ROLLINS II**—Promotion to Crew Supervisor 2, Range 12, \$31,021.00 annually, effective 7/29/11.
- ✓ **TERRY TALLEY**—Promotion to Equipment Operator 5, Range 12, \$41,038.73 annually, effective 7/29/11.

HOTEL PERMIT

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following Hotel Permit was approved:

STONEFORT INN 120 E. 10th St., Chattanooga, TN

UNITED WAY BENEFIT

Chief Parker announced that on Sunday, August 21st, one of the Transformer Trucks from the actual movie would be at the Chattanooga Market from 11:00 A.M. to 4:00 P.M. He noted that kids would enjoy this.

SOFTBALL GAME

On Friday, August 26th, the Fire and Police Departments will have a Softball game. Chief Parker stated that they would be back with a trophy.

PURCHASES

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

CHATTANOOGA FIRE DEPT.:

PENN CARE MEDICAL (Lowest and best bid)
Requisition R46337

Cadaver Racks and Trays

\$43,544.00

PURCHASES (CONT'D)

PUBLIC WORKS DEPT.:

TENNESSEE VALLEY ICE CO. (Only bidder)
Requisition R45286

Blanket Contract for crushed ice

\$15,000 annually (estimated)

Councilman McGary questioned the single bid, stating he thought we had to have two. The bidding process was explained by Mr. Johnson.

Chairman Ladd quipped that the cadaver rack purchase was a “dead issue”!!

At this point in the meeting, Councilwoman Scott stated that she had had some requests for Proposals for the Growth Plan Consultant; that if anyone wanted to see these, she would share.

COMMITTEES

Councilwoman Scott announced that there would be a meeting of the **Beer Sub-Committee on Wednesday, August 31st from 10:00 a.m. until 12:00 noon.** She also announced that there would be a meeting of the **Personnel, Performance and Audit Review Committee immediately following the Agenda Session on Tuesday, August 23rd.**

Councilman Rico reminded everyone of the **Public Works Committee scheduled to immediately follow the Personnel, Performance and Audit Review Committee on Tuesday, August 23rd.**

There is also a **Legal, Legislative and Safety Committee scheduled to immediately follow the Public Works Committee on Tuesday, August 23rd.**

RULES OF PROCEUDRE FOR
ADDRESSING THE COUNCIL

At this time, City Attorney McMahan read from the Council’s Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

EARL RUSSELL MAROON, JR.

Earl Russell Maroon, Jr. of 8314 Igou Gap Rd. approached the Council, bringing along some pictures. He explained that south of his property the creek had stopped up and was flooding his property and his nephew's property. He stated that he had talked to people with the City and had gotten no response; that they say they can't do anything about this; that he had talked to Public Works and also the Health Department and Councilman Jack Benson; that the only thing he asked them to do was please make these property owners open the creek so that water can flow again. He stated that he had lived here for 36 years and paid taxes and also wastewater fees. He stated that he thought there should be someone in City government who would be able to make these people open up this creek so that the water will flow; that his property would soon be under water and is a swamp—the same is true of his nephew's property; that someone stopped this creek up and water will not flow. He reiterated that his property will be flooded, and there should be someone to make them open this creek up so that the water will flow again; that they had no right to flood his property.

Attorney McMahan responded that he would visit this neighborhood, along with the City Engineer and someone from Stormwater Management to see if this is a City issue or if it is a private matter that would involve a lawsuit; that they would see if there is a City issue involved.

Councilwoman Scott stated that she did not know if the City could force a private landowner to do something.

Councilman Benson noted that there is a sewer running through there and water could come through the sewer main.

Mr. Maroon showed four pictures that his wife had taken that marked the sewer, noting that in most places the manholes are 3 ft. to 4 ft. above ground.

Councilman Benson noted that during a dry season, they are right to the top; that he thought the sewer would be City business.

Attorney McMahan agreed that the top of the manhole should be above ground, stating, however, that this may not be the total answer.

Councilman Benson stated that Mr. Norris knew something about this situation and could explain it.

MR. MAROON (CONT'D)

Mr. Norris stated that in response to a request by Councilman Benson he had gotten a city employee to go out to talk to Mr. Maroon. He noted that they had responded to Mr. Maroon's request. He showed pictures made by the Public Works crews in this area. The pictures showed a retention pond, wetlands, and part of the PUD that can't be filled in. He stated that he thought this was called Cold Spring Creek and this is the main creek that feeds to East Brainerd Rd. He agreed that it is a swamp and has been a swamp for a number of years; that there are beaver dams. He stated that they talked to the person and let him know about the swamp, and he was very adamant that the reason he bought his property was to watch the wildlife in the swamp.

He went on to say that concerning the manhole out there, they would check this out; however he felt this was a private property issue and not a city issue. He noted that there was a beaver dam on Mr. Maroon's property and that we do hire beaver trappers but with the exception of the sewer manhole, this is a private issue.

Councilman Benson noted that it was dry two years ago.

Mr. Maroon stated that he had been trying to get an answer for over two years and can't get anyone to give him an answer; that as far as this being a swamp, he could have a swamp, but he wanted the creek running again so that his property won't flood; that if he can't get the creek running again, he would go to State government or the U.S. government; that his property was worth \$200,000 to \$300,000, and he did not want it flooded because the creek is stopped up.

Councilman Benson asked him how long it had been stopped up? He responded that he could not tell him, exactly; that the water had covered his nephew's property, and he knew it would be his property next because of the creek being stopped up. He stated that he had two beaver dams on his property; that if he could get the creek flowing, he would take care of his property; that when you tear beaver dams down, there is no place for the water to go.

ADJOURNMENT

Chairman Ladd noted that we had gone over next week's agenda earlier and adjourned the meeting of the Chattanooga City Council until Tuesday, August 23, 2011, at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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