

**Chattanooga City Council  
Chattanooga, Tennessee  
June 1, 2004  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hakeem, Pierce, Robinson and Taylor present; Councilmen Littlefield, Lively and Page an were absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Carol O'Neal, Administrative Clerk of Council, gave invocation.

**MINUTE APPROVAL**

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

**CLOSE AND ABANDON**

**MR-2004-066: Joe Woodall**

On motion of Councilman Pierce, seconded by Councilman Hakeem,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED  
PORTION OF THE 3300 BLOCK OF CRESTFIELD DRIVE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed second reading. On motion of Councilman Franklin, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

## CLOSE AND ABANDON

### **MR-2004-067: Michael A. Dowlen**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED SOUTHEAST OF THE 1700 BLOCK OF JENKINS ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed second reading. On motion of Councilman Taylor, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

## REZONING

### **2002-221: Mike Price**

The applicant was present; several persons in opposition were in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated this request involves an 80-acre tract of land in the East Chattanooga and Kingspoint areas. He stated the site is presently zoned M-1 with R-1 and R-4 on the south side and a larger R-2 and R-3MD zone; that the north side is all zoned R-2. He stated this is one of the older communities in Hamilton County and Chattanooga with some homes dating back to the 1800's. He stated the request is for R-T/Z and indicated that the developer and representatives of RPA met with the neighborhood a couple weeks ago and discussed the development with them and explained the pros and cons. He stated in looking at the property from Harrison Pike to the west of Walden's Ridge there is a large power line that goes through and there is an old structure on the front of the property. He stated that the railroad tract on the south side of the property is heavily traveled as four-to-five trains passed during the time the community meeting was held. He stated that portions of the property are under the control of the Trust for Public Land and will be turned over to the city as part of the Chickamauga Creek Greenway development.

A PowerPoint presentation was displayed of the site and Mr. Pace continued by stating that one of the slides reflected the effects of flooding and existing conditions. He stated a portion of the area is out of the 100 Year Flood zone and another slide indicated where the fill would occur to bring the area over the 100 Year Flood zone for construction of the homes in the development. He stated a lot of the property is still in the flood area and that some areas will have three ponds or lakes that will collect some of the water.

## REZONING (Continued)

Mr. Pace stated the floodway along the Creek cannot be disturbed without a study to determine the effect and the developer will have to do that in developing any access to the Creek or boat docks. He stated the matter did come before Planning and both Staff and Planning made the recommendation to approve the rezoning. He reiterated that they met with the neighborhood and (he) is not certain all their questions were answered; that there was an attempt to explain the development. He stated the property is presently M-1 which is one of the most open zones we have and the request is for R-T/Z for a more restrictive zone. He indicated that John VanWinkle is in attendance tonight to answer any questions with regard to traffic.

Mr. Pace referenced *eight conditions that have been attached to the rezoning request which include that the development would be for single family homes only; the maximum density would not exceed 145 buildable lots; docks would be permitted subject to permitting by the U. S. Army Corps of Engineers; no work shall occur within the floodway area until such time that a HEC-RAS or HEC-II study has been submitted and approved by the City of Chattanooga; the owner is to set aside property for community lot(s) of approximately 20 acres; the development is to have a homeowners' association set up to provide a mechanism to maintain docks and limit or prevent removal of trees along South Chickamauga Creek, as well as enforcement of a "no wake" zone requirement; access is to be provided through the property for a Greenway Trail via an easement or granting of land; and the fill would be two feet about the 100 Year Flood level for the building site and HVAC units.*

Mike Price of MAP Engineers stated that he prepared information for the Council's perusal. He stated that it is his thought this would be a quality development with respect to the fact that the density would be low; that there would be 145 units on 88 acres with four lakes and a homeowners' association. He reiterated that it is his thought he has done as good a job as he could have with property such as this; that it would provide great aesthetics for the community. He stated in the meetings that were held with the neighborhood the question was raised with regard to traffic; that John VanWinkle looked at it and is present to answer any questions that may arise tonight. He stated essentially the property is now M-1 and he could put in any type of different manufacturing use that would cause traffic twenty four hours a day, which would certainly be very disruptive. He stated that he plans to build single-family homes; that at one time he was looking at town homes, however, single-family is the use for this area. He stated 30 acres of 88 has been set aside for a common area and/or Trust for Pubic Land conservation easement for perpetuity; that this is a good environmentally sensitive plan. He stated they are excited about the greenway coming through; that he will be entering into an agreement for an easement or deeding of land.

## REZONING (Continued)

Mr. Price stated there was discussion with the Trust about the installation of a fishing pier in the front and two acres will be deeded for that purpose. He stated the plan that has been developed and displayed by PowerPoint with respect to flooding reflects existing versus proposed; that a vast majority of the property will stay in the flood plan. He stated this is simple economics as he does not want to move a lot of dirt and create lots because it costs too much to fill deeply on lots; that he would be filling an average of two-to-three feet and have the lot two feet above the flood plan; that this would be not only for the houses but the whole area to prevent HVAC units from flooding, which was a concern of Bill McDonald.

Mr. Price stated another issue involved the docks; that the U. S. Army Corps of Engineers are in the process of reviewing the application, which has been ongoing for about a year because it is not something that can be whizzed through quickly; that it is a long process of review. He stated they have asked many questions and have received many answers; that the Corps of Engineers is the jurisdiction that should make that determination. He stated 122 boats are being proposed and there will not be gas station docks as this is strictly for the people in the neighborhood; that if they buy a lot and are happy on the water and have a dock, they have a right to buy and have a community slip available. He stated if they don't want it, it will not be built; that they are asking for 122 permits, however it could be much less than that; that the Corps of Engineers should be the final determinant as far as the application goes.

Mr. Price continued by stating that another question was raised with respect to the impact this would have on the Creek; that 78 percent of the shoreline will be left intact. He stated they are not taking any trees; that the only trees that would be taken out would be those falling at an angle out over the water that would fall anyway by either undermining or beavers that have attacked them. He stated they are very sensitive to that and will not do anything that would impact the Creek other than what is necessary. He made reference to rip rapping along the Creek area and indicated that that is not being proposed; that geosynthetic fabric would be used and planted with native species of the area; that the majority of the frontage would remain intact and have natural vegetation to keep the scenic beauty the way it is now. He stated 78 percent of the shoreline would be left, with only 22 percent impacted just to allow for the boat ramp; that it would be just enough for a path to come through and they would regrass the area and plant shrubs. He stated the geosynthetic fabric would protect the area.

## REZONING (Continued)

Mr. Price concluded his comments by stating that there was discussion regarding flooding and what would take place within the Creek; that they are not doing any activity with any proposed earth moving inside the floodway; that the area has been deemed by FEMA that we can fill-in if it does not impact the flood elevation and they are doing all those things. He stated if they get permitted the Corps of Engineers would do an HEC-II study if there were no impacts; that if there are impacts they cannot put the docks in; that they will make sure the impacts they have would not be toward the neighborhood. He stated that he feels good about the plan, as this would be economically viable to the area; that it will be a good impact to the surrounding area versus some type of industrial park in the middle of the neighborhood.

Chairman Benson stated that the Ordinance would be amended with the eight conditions.

Councilwoman Robinson inquired as to the change to single-family houses.

Mr. Price responded that the houses would be a little bit larger; that the R-T/Z would allow flexibility with respect to side lot lines and that is the only reason for the change to single-family.

Councilwoman Robinson stated for that type of housing would it allow for a variance on the lot size.

Mr. Price stated that the only problem is that the Variance Board would never give him a variance for that; that he is certain with the requirements and conditions he would never get a variance on this. He stated the side setback is less than that; that he is finding that people want less and less yard to maintain and by allowing the flexibility to reduce the side setback he can do that with this particular zoning. He asked that the R-T/Z be approved with conditions for single-family uses only.

Councilwoman Robinson stated that the density would not exceed 145 buildable lots; that the variance allowed will permit 145 but cannot be increased.

Mr. Price stated that he could put in less but cannot increase the number. He stated he could combine two lots but cannot take two lots and divide into three.

## REZONING (Continued)

Mark Grimsley, a resident of Kingsport, stated that he has been vocal in the opposition to this request. He stated everyone should have photos of the flooded area, which is what concerns them; that residents of Kingspoint live directly north of this and people in this area were significantly flooded last year. He stated their largest concern is if this area is filled, it will flood; that one of the real objections they have is no one will be looking at this until after it is approved! He asked what would happen after the subdivision is approved, the construction starts and the area floods again. He stated one of the things they ask is to do the study that would specifically look at what effect this would have on the Kingspoint neighborhood prior to any development. He stated he is certain the Council has heard their objections; that they object to flooding and no study; that Sandy Kurtz could not be present and submitted a letter detailing some of the objections to the environmental impact in this area.

Mr. Grimsley stated everyone is uniformly against the 122 boat docks; that the 150-wide Creek is a problem and the intake to the Tennessee-American Water Company is just downstream to the mouth of the South Chickamauga Creek. He inquired as to how much oil would be there and filtered out of their drinking water. He stated they strongly object to the boat docks; that the houses are much closer to the Creek than any of the houses in the Waterhaven plan. He made reference to there not being a "no wake" zone; that it seems the city is interested in the noise ordinance and disturbing existing neighborhoods and that is a significant problem. He asked that the Council deny this project as presented; that they do not really understand why it is said they are bettering themselves by putting a development there. He stated Ms. Kurtz looked at how to change this layout of the land with a lot less fill and less of a bottleneck at the Creek. He again asked that a flood study be done prior to approval and be a condition of continued development. He stated others think there should be a stipulation that there would never be any commercial development there; that many in the neighborhood say with the approval of 122 boat docks they could see a marina there and they really do not want that.

Sylvia Bennett of the East Chattanooga neighborhood area stated that she sees a lack of planning, which scares her. She stated at first the zoning was for a PUD and then an R-T/Z and now tonight they hear it will be single-family. She stated even though everyone was at the meeting, conditions were discussed and they sent in e-mails; that they had no idea of the conditions presented tonight, as they were not brought "into the loop". She stated when communities are left out at this point she wonders what will it be like when they get started. She asked the Council not to approve this until better conditions could come forth with the community's involvement.

## REZONING (Continued)

Mrs. Bennett stated this scares her; that too many developers go into neighborhoods and develop property, make a dollar and leave; that we have to live there.

Councilman Taylor asked what effect this particular development would have on the residents with regard to stormwater.

Naveed Minhas, Assistant City Engineer, explained that the FEMA analysis and flood plan assumes if both sides of the flood plan area were all filled up there would be no change in flood elevation. He stated from his perspective and following FEMA's guidelines who has done the analysis, both sides filled would have no effect on the neighborhood. He stated if the south side is filled an analysis has already been conducted by FEMA for that flood area; that filling the south side will not affect the north side flood elevation.

Councilman Taylor asked for clarification that there would be no effect. Mr. Minhas stated it would not increase the effect. He assured the residents his department would enforce strict erosion control on this property as it is being built; that they intend to enforce guidelines more strictly than in other places to assure the residents that erosion control measures will be in place.

Councilman Franklin made reference to the residents concern regarding a study being performed prior to construction. He asked Mr. Minhas to give his professional opinion based upon what he knows about FEMA's requirements whether this is something that is necessary. Mr. Minhas stated in his professional opinion FEMA has already done that and has already factored in both sides and the flood elevation. He stated unless FEMA does another study, in his opinion it is not necessary.

Chairman Benson stated that Mr. Price has indicated there is to be a homeowners' association set up to provide a mechanism to maintain and prevent removal of trees along the Creek and the enforcement of a "no wake" zone. He stated there are a lot of homeowner associations that have covenants that expire and asked if it will be included when the homeowner association's covenant will expire.

Mr. Price stated that the covenant will not expire; that it will run in perpetuity. He stated the reason he wants a homeowners' association is for the betterment of the neighborhood; that there are some neighborhoods that follow guidelines and some don't. He stated this would help maintain upkeep and it is good for everyone's property values. He reiterated that the covenant would run in perpetuity.

## REZONING (Continued)

Chairman Benson commented that that it is good; that neighborhoods lose property values when covenants expire.

Councilman Hakeem addressed Mr. Price and stated that concern has been raised with regard to the project beginning with townhouses and then something else and then the single-family homes. He inquired as to the reason for this and whether he had been keeping citizens involved and aware of why the changes were being made.

Mr. Price stated that he did start out looking at townhouses and then the single-family mix; then, after going through the process of looking at the amount of work required regarding filling on the property, how to work through the greenway, permitting with the Corps of Engineers and negotiating with the railroad were a lot of things that kept him in a state of flux as he worked through the issue to decide the final best answer. He stated at the end of the day he felt the townhouses were not in the best interest of how to develop land, which is why he decided upon single-family. He stated that he looked at the R-1 PUD for a gated community, which was not in his best interest; that this is a unique piece of property and requires a unique design. He stated that single-family is the best for this area versus townhouses.

Councilman Hakeem inquired as to the impact of traffic.

John VanWinkle, City Traffic Engineer, stated that he looked at the traffic demand generation that will be resulting from the redevelopment of this property and using national standards he estimates something under 1,400 vehicles per day in-and-out given the existing conditions of streets and traffic volumes. He stated that he looked at the intersection with Harrison Pike and the entrance into the subdivision and felt with the sight distance requirements he found no major problem with the intersection in the vicinity closest to the proposed development. He stated there are no significant traffic problems as there have been very few accidents at this location; that he does not have any accidents on file for Forest Road, which is closest to the "T" intersection; that there may have been some but he has no record. He stated the number is estimated under 1,400 trips a day for the average single-family dwelling. He stated if this were a townhouse there would probably be fewer trips as they are smaller and with fewer drivers. He stated the typical average is under ten trips per day; that if two people were working, trips in-and-out would constitute four trips. He stated if there are other types of activities such as people coming to visit, shopping, dropping kids off at school, it would add up. He stated the peak hour numbers are nominal; that this compared to other alternatives is very acceptable for the traffic conditions in that community.



## REZONING (Continued)

Councilman Franklin asked Mr. VanWinkle to give some idea as to a simulated situation under the present zoning for two-to-three manufacturing concerns employing 200-300 employees each.

Mr. VanWinkle stated theoretically, if it could accommodate that, it would generate more of a problem running a number on that; that he does not know what would be possible.

Councilman Franklin asked if he could simulate one manufacturing company with 200-300 employees, whose hours of operation would be for twenty-four hours with three shifts.

Mr. VanWinkle stated that it would be safe to say more traffic would be generated by that scenario rather than residential.

Councilman Franklin stated that the residents had a concern with regard to the intersection of Addison and Harrison Park and knows there is significant development on 153 that would lessen the burden. He asked how the traffic situation would work on the other end.

Mr. VanWinkle stated that it is somewhat difficult as it is an awkward "Y" intersection; that there have been light problems there in recent years, not to say it is immune from accidents; that they are infrequent and (he) does not feel it would be a major problem. He stated that would just be an access point in-and-out of the community and a percentage would enter and exit by way of South Access Road onto 153 and Amnicola versus assuming a higher percentage.

Councilman Franklin asked if in the R-T/Z zone if there is any way any other commercial could be in the area.

Mr. Pace responded "no"; that commercial is not permitted in a residential zone; that it must be a commercial zone to sell any products associated with a marina, such as gasoline. He reiterated that it would not be permitted.

Ms. Bennett expressed appreciation for what Mr. Price has said as to this matter having gone on for a year or so. She stated as a community they only came into this on April 12 at the first zoning meeting and it has only been since that time that it has changed from PUD to R-T/Z and now single-family housing. She stated is Mr. Price is so concerned with working with the community, they were not made aware of the conditions or any of this; that she wanted to make it known that the community was not aware.

## REZONING (Continued)

Councilman Franklin stated that he looked at this property again this past weekend and the area he was not familiar with; that there was a storm and was concerned about that, as well. He stated that he wanted to assure the residents of East Chattanooga and Kingspoint that all on the Council are very sensitive to all the concerns they have. He personally referenced a situation he has with his HVAC unit and the tubing he has to prevent water from flooding it. He stated the point is that all on the Council are sensitive to their concerns and have been around too many homes during this time last year when there was flooding and all know it is not a pretty sight. He stated they have been working with people in an effort to help them solve problems due to flooding, which is something that is ongoing; that some homes have been displaced by some of the flooding and some homes have been moved from one neighborhood to another. He stated that they try to look at things as objectively as they can as they do everything else in relation to the people they serve and try not to be biased on any side, but make sure all concerns are met in a reasonable manner.

Councilman Franklin continued by stating that this project has been developing for a long period of time and adjustments have been made as it relates to whether the development would be town homes, single-family PUD or R-T/Z with zero lot lines. He stated that he met with the neighborhood association two-or-three times and was very sensitive to the emotions each individual had and noted how passionate they were about their neighborhood, which is commendable. He stated in this development, it appears there has been a lot of concern given to flood issues and the Trust for Public Land as it relates to the South Chickamauga Creek.

**Councilman Franklin** stated no situation is perfect and the residents do not want manufacturing; that with this situation the residents get automatic enhancements and it appears it already has federal entities that are dealing with certain portions of this development. He stated Mr. Price has put enough things in place to make this a workable project and is sincere about doing a quality development. He stated Council members have the responsibility of making sure persons who desire to develop their property can do so, but not at the expense of the neighborhood. He stated the Council will do their best if this passes to assure the success of this project without any expense to the neighborhood. At this point he **made the motion to approve the request on first reading; Councilman Hakeem seconded the motion.**

Chairman Benson added that Councilman Franklin's motion to approve on first reading includes the eight conditions previously mentioned; that if all of them are put into effect, the developer has a tough job.

**REZONING (Continued)**

Chairman Benson commended Councilman Franklin and the community and stated that it takes two to negotiate. He also complimented Mr. Price and others for working out the conditions.

On motion of Councilman Franklin, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2869 HARRISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**(COUNCILMAN FRANKLIN LEFT THE MEETING AT THIS TIME.)**

**CONTRACT**

In the absence of Councilman Franklin, Chairman Benson indicated that Resolutions (a), (b) and (c) were discussed in today's Parks and Recreation Committee and approval is recommended.

On motion of Councilman Pierce, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH GANNETT FLEMING, RELATIVE TO RISK ASSESSMENT AT THE FORMER 38<sup>TH</sup> STREET LANDFILL, IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**  
was adopted.

**CONTRACT**

On motion of Councilwoman Robinson, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH JDC INDUSTRIAL MECHANICAL SYSTEMS, INC., RELATIVE TO INSTALLATION OF AN HVAC SYSTEM AT THE JOHN A. PATTEN RECREATION CENTER'S AUDITORIUM, IN AN AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND SIX HUNDRED FORTY-SEVEN DOLLARS (\$28,647.00)**  
was adopted.

### CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH FRANKLIN ASSOCIATES ARCHITECTS, INC., RELATIVE TO DESIGN SERVICES AT MEMORIAL AUDITORIUM, IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00)**  
was adopted.

### CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR AN EPDM RUBBER ROOF FOR FIRESTATION #22, TO J. D. HELTON FOR THEIR LOW BID IN THE AMOUNT OF SEVENTEEN THOUSAND THREE HUNDRED DOLLARS (\$17,300.00)**  
was adopted.

### NEW RULES OF PROCEDURE FOR THE CITY COUNCIL

City Attorney Nelson stated this matter was discussed in Committee last week and is mostly the Rules from before; that they have been updated to the practices we have done through the years. He stated the last update of the Rules of Procedure was in 1993.

Chairman Benson stated the conflict has been removed regarding the agenda session and all.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,  
**A RESOLUTION REPEALING RESOLUTION NOS. 18697, 18710, 19757, 20026 AND 20480, AND ESTABLISHING NEW RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE**  
was adopted.

### OVERTIME

Overtime for the week ending May 28, 2004 totaled \$98,143.60.

### PERSONNEL

The following personnel matters were reported for the various departments:

**PERSONNEL (Continued)**

PUBLIC WORKS DEPARTMENT:

- **CHRISTOPHER DOSSETT** – Suspension (5 days without pay), Equipment Operators, Sr., Citywide Services, effective May 25 – June 1, 2004.
- **ZACHARIAH N. BELL** – dismissal, Crew Worker, Sr., Citywide Services, effective May 27, 2004.
- CHATTANOOGA POLICE DEPARTMENT:
- **RASHAWN R. EDWARDS** – Resignation, Police Officer, effective June 4, 2004.

**PURCHASES**

On motion of Councilman Pierce, seconded by Councilwoman Robinson, the following purchase was approved for use by the Parks and Recreation Department:

**HORSIN' AROUND CAROUSEL CARVING SCHOOL (Best bid)**  
**R0074137/B0001479**

Repair and Restoration

\$45 per hour

**BROOKER FORD (Lowest and best bid)**  
**R0075257/B0001586**

Pick-Up Truck

\$18,500.00

**BOARD APPOINTMENT**

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following Board appointment was approved:

**BOARD APPOINTMENT (Continued)**

**VARIANCE AND SPECIAL PERMITS BOARD**

- Appointment of ***SHERRY JUMP*** to fill the unexpired term of Casilda James for a term ending on August 15, 2004 and then to be renewed to a full term to expire on August 15, 2007 representing District 9.

**PURCHASE**

On motion of Councilman Taylor, seconded by Councilwoman Robinson, the following purchase was approved for use by the Neighborhood Services Department:

**CHATTANOOGA CONVENTION CENTER**  
**R0070797**

Food Cost for Neighborhoods Conference, October 7-8, 2004

\$24,207.50

**MEETINGS WITHIN VARIOUS NEIGHBORHOODS**

Admin. Curry stated that there had been a question with regard to meetings that was discussed at last week's Council meeting.

Councilman Pierce referenced that Neighborhood Services had scheduled community meetings on Tuesday evenings and inquired as to why the meetings were scheduled on Tuesday rather than other nights of the week so Council members could have an opportunity to attend. He stated sometimes constituents are critical when Council members are not present at the meetings and it had been indicated that Admin. Curry was the one scheduling the meetings on Tuesday evenings.

Admin. Curry stated that there is a difference of opinion on that.

Chairman Benson stated that Council members wanted to attend the police graduation and the day was changed this year from a Tuesday to a Thursday to accommodate that request. He asked Admin. Curry when it is possible to please try to make it so Council members are not caught in Council meetings when there is a meeting in the community in which they should be in attendance.

**MEEETINGS WITHIN VARIOUS NEIGHBORHOODS**  
**(Continued)**

Admin. Curry stated that he would work with the community and the Council members' schedules.

**RESTORATION OF ORGAN AT MEMORIAL**  
**AUDITORIUM**

Councilwoman Robinson invited everyone to the organ recital sponsored by the Chattanooga Music Club on Saturday, June 19 at 2 p.m. at the Memorial Auditorium. She stated the organ at the Auditorium is in the process of being restored; that the guest organist for the performance would be Dr. Jonathan Crutchfield of Louisville, Kentucky; that anyone interested can learn more about the restoration project following the performance. She stated various divisions of the organ have been restored which include the strings, pedal wing, chimes, harp and the choir; that this is a huge machine and is about halfway complete. She stated when it is completed, Chattanooga will be proud to be the owner of the only one of its kind in the southeastern United States. She again encouraged everyone to attend the June 19 afternoon performance.

**COMMITTEES**

Councilman Pierce scheduled a meeting of the **Budget and Finance Committee for Tuesday, June 8 beginning at 3 p.m.**

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, June 8 at 4 p.m.**

**GREG LUTHER**

Greg Luther of 4213 Tennessee Avenue stated that he is a resident of St. Elmo and that other parts of town are concerned about the same matter he is before the Council about. He stated there are a lot of speeders not only on major streets like Brainerd and East Brainerd Roads, but also on neighborhood streets; that the speeders have loud boom boxes playing. He stated his house is fourteen feet off the road and he cannot hear his television set; that the residents of the area have a web ring and have been sending e-mail regarding the problem with the speeders.

**GREG LUTHER (Continued)**

Mr. Luther stated that he knows within different neighborhoods speed berms and round circles have been installed and that he is not 100 percent positive that the police department has any officers dedicated solely to running radar, which is something that would be a good thing to do. He stated maybe if the city could afford to hire some officers entirely to patrol radar and have sound meters on residential streets it would help improve the quality of life for neighborhoods and save lives because these areas have children at play.

Chairman Benson stated that he knows radar units are actively working and that there is a shortage of officers who have had to leave for Iraq.

Deputy Chief Vaughn stated that the officers do have hand held radar devices in their cars; that the problem is that the department's resources are thinly spread. He stated as far as hiring there are STEP funds and Mr. Luther should let him know what streets should be targeted to do that. He warned that most of the time citations go to people in that area and there is usually a big "blowup" about that as they are nondiscriminatory. He stated the Sector Captain for that area is Paul Lee and Captain Lee and Sergeant Stan Allen of the traffic division will work something out.

Chairman Benson added that this is an example of why it is always good to have a departmental representative present at Council meetings to answer questions that arise.

**STEVEN WEST**

Steven West of 4501 Midland Pike stated that he has spoken with Councilman Franklin regarding a similar concern as the previous speaker; that two or three weeks ago a child was hit by a car on Midland Pike. He stated that he spoke with Lee Norris about it and is interested in knowing whether the city could put in sidewalks for the children who walk to-and-from school. He stated this was brought up once before; that the child was grazed by the car and fortunately was not killed; that an old lady was watching her. He stated there are no sidewalks for the children to walk on either side of the street and (he) wanted to make the Council aware of this.



**ADJOURNMENT**

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the meeting of the Chattanooga Council was adjourned until Tuesday, June 8, 2004 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 FILED WITH MINUTE MATERIAL OF THIS DATE)**