

City Council Building
Chattanooga, Tennessee
September 18, 2007
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 1001(2) AND ARTICLE VI, HEIGHT AND AREA EXCEPTIONS,
RELATIVE TO BUILDING SETBACKS IN COMMERCIAL AND
MANUFACTURING ZONES THAT ABUT THE R-4 SPECIAL ZONE**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-090: City of Chattanooga c/o William Payne

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING A FIFTY-FOUR INCH (54") SANITARY SEWER EASEMENT LOCATED AT 600 RIVER TERMINAL ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-095: Franklin Associates Architects, Inc.

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING AN EXISTING BRICK SEWER LINE AND MANHOLE LOCATED AT 710 EAST 4TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-109: Mount Canaan Baptist Church

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 700 BLOCK OF WEST ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2007-121: UTC c/o Janet Spraker

On motion of Councilman Rico, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 701 EAST MARTIN LUTHER KING BOULEVARD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM C-3 CENTRAL BUSINESS
ZONE AND R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2007-123: Everette V. Dyer

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1612 KIRBY AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND R-4 SPECIAL
ZONE TO R-1 RESIDENTIAL ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2007-126: Ed Wiseman

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 737 MCCALLIE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE
TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

LIFT CONDITIONS

2007-132: Ken DeFoor

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
IMPOSED IN ORDINANCE NO. 11841 (CASE NO. MR-2006-084) ON A
TRACT OF LAND LOCATED AT 7315 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

LIFT CONDITIONS

2007-134: Ken DeFoor

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
IMPOSED IN ORDINANCE NO. 11932 (CASE NO. MR-2006-218) ON A
TRACT OF LAND LOCATED AT 7315 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2007-138: Chattanooga Neighborhood Enterprise

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1605, 1609, 1611 AND 1623 MADISON STREET AND
611 EAST 17TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2007-139: Chattanooga Neighborhood Enterprise

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1800, 1802, 1804, 1808 AND 1810 MADISON
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

2007-140: Chattanooga Neighborhood Enterprise

On motion of Councilman Rico, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 600 BLOCK OF EAST 17TH STREET AND THE 1700
BLOCK OF MADISON STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE,
SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2007-142: GVH Shallowford Associates

Councilwoman Rutherford stated that this ordinance was discussed in committee today. She asked Councilman Benson if any constituents were present.

Councilman Benson responded "yes"; that a representative from the Hickory Valley Christian School is present and (he) would like for her to speak about her concerns. He stated that he would like to add concerns he has, as well.

Chairman Page noted that the representative from the School is being extended a courtesy to speak as the public hearing was held last week. He asked that she restrict her comments.

REZONING (Continued)

Mrs. Ginny Young, Principal of Hickory Valley Christian School, stated that concerns involve the traffic that is already heavy at Shallowford; that the speed is too fast when cars come around corners and there have been four pretty serious accidents at David Lane and Shallowford. She stated it appears that this location is a distance from the School, but with a new business and two exits and entrances, traffic would be increasing, particularly at high times of the day and holidays. She stated they have talked with TDOT about a railing for the School, but there is even the need for a light at that location. She stated that she knows at this point something like that could not be done, however they have major concerns in that span of the new Shallowford Road when it is extended with speed and people coming around corners into Hickory Valley. She stated with another business coming in and people pulling in-and-out there and backing up, traffic is a great concern; that sometimes traffic is backed up past the School's location by 11 a.m.

Councilwoman Rutherford asked Mrs. Young how far the School is from the location the drug store will be.

Mrs. Young responded her guess is that it is about three football field lengths.

Councilman Benson stated that he "thinks so", as well; that what Mrs. Young is bringing to us is a traffic problem that has been augmented by TDOT. He stated Steve Leach has talked about some type of warning light as four wrecks have been there which has nothing to do with the zoning, now, but indirectly. He expressed his wish that Mr. VanWinkle would take a look into this again to see what can be done to get them out; that it would not be any good with business if traffic is all tied up. He asked Mrs. Young if she any objection to the drug store.

Mrs. Young responded "no, other than the exit and entrance onto Shallowford Road, which she knows they need".

Councilman Benson asked if anyone from Brookhaven has complained. Mrs. Young responded "no".

Councilman Benson stated that it is his belief this can be used to measure the growth from the Post Office down to Hickory Valley. He stated that he would like to ask the Regional Planning Agency (RPA) to look into it and maybe the Legal and Legislative Committee needs to recommend a moratorium on any more development and get a plan for growth on both sides; that there will be a problem out there, especially on the southern side of Hickory Valley. He stated he would like to see an effort to protect investments out there.

REZONING (Continued)

Councilman Benson stated that something is needed like what was done in the "triangle" where there was a plan that saved everyone up there.

Councilwoman Bennett asked if a traffic study has been conducted.

Greg Haynes, Director of Development Services for RPA, responded "no". He stated that he would like to follow up on the comment made by Councilman Benson about a land use plan. He stated if the Council recalls about a year-and-a-half ago the Shallowford, Lee Highway Land Use Plan was adopted covering this area; that both sides of Shallowford Road are covered under this Plan. He stated the reason for the Plan was for the widening of Shallowford Road and the impact it would have.

Councilman Benson asked if this request violates the Plan.

Mr. Haynes responded "no"; that it is consistent with the Plan.

Councilman Benson asked if it is Mr. Haynes' thought the Plan is current and we should stick to it.

Mr. Haynes responded "yes"; that he will be repeating comments made in Committee earlier today. He stated the two main reasons for the conditions placed is, one, to use as a drug store only the other is that the building would be oriented with the long end facing Hickory Valley. He stated the two main reasons for rotating the building is that it visually holds the commercial and retail "eye" with the C-5 zone to the north. He stated the condition orients the building away from any residential on Brookwood, although the residences face Brookwood and not Shallowford. He stated for those reasons if repositioning the building conflicts with the entrance and safety, safety should be a higher priority. He stated RPA does not consider this condition to be a critical deal with no major impact; that the building can be reoriented; that orienting it toward Hickory Valley causes conflict with the project itself. He stated he would rather see that condition held firmly so the project will have safe entrances and exits.

Councilwoman Rutherford made the motion to approve this and remove the building orientation recommendation; that it is her thought what she has heard in Committee and what Greg has just stated certainly allows the developer to use the property the way they think is best; **Councilman Rico seconded the motion.**

REZONING (Continued)

Councilman Benson asked if that means the Traffic Engineer has to give assurance of safety.

Councilwoman Rutherford stated that the Traffic Engineer told the Council in Committee he did not have any problem with the entrances and exits; that it is her understanding TDOT is who determines where they would go.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 2245 HICKORY VALLEY ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed second and final reading and was signed in open meeting; **Councilmen Benson and Pierce abstained.**

AMEND CONDITIONS

2007-143: City of Chattanooga c/o Steve Leach

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITION
NOS. 1, 2 AND 3 IMPOSED IN ORDINANCE NO. 11572 (CASE NO.
2004-093) ON A TRACT OF LAND LOCATED AT 2010 GODSEY DRIVE,
MORE PARTICULARLY DESCRIBED HEREIN**

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

REZONING

2007-145: City of Chattanooga by RPA Staff

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC C-
2 CONVENIENCE COMMERCIAL ZONE, CO-3 CENTRAL BUSINESS**

REZONING (Continued)

ZONE, M-1 MANUFACTURING ZONE AND M-3 WAREHOUSE AND WHOLESALE ZONE PROPERTIES WITHIN THE SOUTH BROAD STREET AREA, MORE PARTICULARLY DESCRIBED HEREIN, TO URG URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO THE ATTACHED ZONING STUDY

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

REZONING

2007-147: City of Chattanooga c/o Mayor's Office

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 2900 AND 3000 BLOCKS OF ALTON PARK BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE

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

LIFT CONDITIONS

MR-2007-055: Earthworx, LLC

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 11540 CAPTIONED, "AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE OPENED 5500 BLOCK OF CLEAR CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS" TO LIFT CONDITION NO. 2 REQUIRING A CUL-DE-SAC

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

AMEND CITY CODE

On motion of Councilwoman Bennett, seconded by Councilman Benson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, SECTION 7-74, RELATIVE TO KEEPING OR POSSESSING SWINE, GOATS OR CHICKENS

was deferred two weeks (October 2).

APPROPRIATION

Councilman Franklin stated this matter was discussed in today's meeting of the Parks and Recreation Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Bennett,
AN ORDINANCE APPROPRIATING FROM THE DEPARTMENT OF PARKS AND RECREATION CAPITAL PROJECTS FUND TO CHATTANOOGA JUNIOR GOLFER'S DEVELOPMENT PROGRAM/THE FIRST TEE OF CHATTANOOGA, A NON PROFIT ORGANIZATION, THE AMOUNT OF FORTY-THREE THOUSAND DOLLARS (\$43,000.00) FOR THE DESIGN AND ENGINEERING DRAWINGS FOR THE HICKORY VALLEY PRACTICE GOLF FACILITY

passed first reading.

DONATION

Chairman Page noted that all Resolutions were discussed in their respective Committees.

On motion of Councilman Rico, seconded by Councilwoman Gaines.

A RESOLUTION AUTHORIZING THE DONATION OF FOUR (4) SURPLUS ROLL-OFF CONTAINERS FROM THE DEPARTMENT OF PUBLIC WORKS TO ORANGE GROVE RECYCLING CENTER

was adopted.

GRANT

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF AGRICULTURE FOR THE DEVELOPMENT OF THE LOWER TENNESSEE RIVER WATERSHED ACADEMY IN THE AMOUNT OF FIFTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$57,500.00)

was adopted.

CONTRACT

Councilman Pierce inquired as to how the locations of properties would be determined.

CONTRACT (Continued)

Bob Dull, Executive Director of the Chattanooga Housing Authority, stated that an RFP would be issued; that they are looking for housing opportunities for supportive services. He stated it is envisioned the services would be dispersed at scattered sites and not at the Farmer's Market site.

Councilman Benson expressed appreciation for the adjective used, "supportive" services. He asked if this would be similar to Section 8.

Mr. Dull responded "no"; that they are actually targeting special needs opportunities; that part of the RFP will look for partners able to provide those services in conjunction with the developer.

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CHATTANOOGA HOUSING AUTHORITY (CHA) TO CREATE A MINIMUM OF TWENTY-FIVE (25) UNITS OF PERMANENT, SUPPORTIVE HOUSING OPPORTUNITIES FOR INDIVIDUALS AND FAMILIES EXPERIENCING CHRONIC HOMELESSNESS IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FORTY-FOUR THOUSAND FOUR HUNDRED FIFTY-TWO DOLLARS (\$644,452.00), WHICH FUNDS ARE TO BE AWARDED FROM PREVIOUSLY ALLOCATED HOME INVESTMENT PARTNERSHIP ACT FUNDS

was adopted.

CANCEL CONTRACT

On motion of Councilman Rico, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO CANCEL THE CONTRACT WITH CHATTANOOGA HOUSING RESOURCE BOARD (CHRB) AND TRANSFER SAID CONTRACT TO CHATTANOOGA NEIGHBORHOOD ENTERPRISE (CNE) ON AN INTERIM BASIS FOR THE CONTINUATION OF THE HOUSING INFORMATION SERVICE LINE IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND FOUR HUNDRED DOLLARS (\$50,400.00)

was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO EXECUTE
A SUBSCRIBER AGREEMENT WITH PHP COMPANIES, INC. d/b/a/
CARITEN WORXS PROGRAM FOR MEDICAL MANAGEMENT SERVICES
FOR INJURIES SUSTAINED BY EMPLOYEES WHILE WORKING**
was adopted.

OVERTIME

Overtime for the week ending September 14, 2007 totaled \$86,482.78.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **BOBBY G. CRUTCHER** – Suspension (2 days without pay), Crew Worker, City Wide Services, effective September 6-7, 2007.
- **ALONZO C. LEWIS** – Return from Family Medical Leave, Equipment Operator Senior, City Wide Services, effective September 10, 2007.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **HALLIE DYER** – Resignation, Teacher Assistant, Head Start, effective August 22, 2007.
- **SHANDRA FRITZ** – Resignation, Family Service Assistant, Head Start, effective August 20, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **DEBRA LLOYD** – Family Medical Leave, Communications Officer, effective September 10-17, 2007.

PERSONNEL (Continued)

- **SONJA MELENDEZ** – Hire, School Patrol Officer, \$15.08 per hour, effective September 14, 2007.

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Chattanooga Fire Department:

CARDIAC SCIENCE (Best proposal)
RFP/R0101107

Automatic External Defibrillators and Accessories (LifeGuard Medical Solutions submitted the lowest proposal, however, they failed to meet specifications since they did not offer pricing for training units and accessories nor did they offer trade-in for old defibrillators. Zoll Medical Corporation submitted a lower proposal, however, they failed to meet specifications since their wall case has no alarm nor did they submit pricing for training units.)

\$5,109.00

HOTEL PERMIT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following hotel permit was approved:

INTOWN SUITES – GUNBARREL – 1914 Gunbarrel Road, Chattanooga, TN

EMERGENCY PURCHASE

The emergency purchase for repair of air conditioning for the Building Maintenance Division of the General Services Department issued to Mountain City Services, Inc. on R0102728 in the amount of \$11,387.22 was duly reported and signed in open meeting.

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Mayor’s Office, General Services Department:

PURCHASE (Continued)

DATA MANAGEMENT, INC. (Only bid)
R0101922/B0004433

Six (6) Time Clocks

\$11,780.00

RECYCLING CENTER

Councilwoman Bennett acknowledged the opening of the new John A. Patton Recycling Center in the Lookout Valley area last Friday and noted that it is a wonderful addition to the community.

GOVERNOR'S ECONOMIC DEVELOPMENT
CONFERENCE

Councilwoman Bennett stated that she attended the Governor's Economic Development Conference in Nashville the latter part of last week and brought back kits that outline new Tennessee initiatives in Economic Development. She stated a kit has been placed in each Council member's mailbox.

COMMITTEES

Councilwoman Bennett stated there has been a change in the **Budget and Finance/Personnel Committee** meeting with the Segal Consultants. She stated the **meeting is scheduled for Tuesday, October 16 immediately following Public Works.**

Councilman Benson stated that the **Legal and Legislative Committee will meet on Tuesday, September 25 at 3 p.m.**

LOUISE HAMMONDS

Louise Hammonds of the Oak Grove Neighborhood Association read from a prepared statement and noted that she would not be coming back for awhile as there are major concerns with her health. As she began reading her statement she expressed thanks to the Council for the time allowed to speak.

LOUISE HAMMONDS (Continued)

Mrs. Hammonds stated due to health concerns she has not been as active as she once was and will now have to put her life on hold to fight a battle with her health. She stated that she was present to say a few things about how she feels and realizes it will not matter at all, but it means a lot to her. She expressed thanks to Councilwoman Rutherford for not only working in her district but in other communities when serious problems are there; that she is truly a person to be proud of and what she stands for. She stated that she would always have her respect and support; that it is bad there are not more people like her as some elected officials do not know where they live and do not come into their districts.

Mrs. Hammonds continued by stating that the community has blight problems, crime, and the police have done all they can and they have met with them. She stated they have not seen or heard from their Councilman since the neighborhoods were redistricted and under new oversight; that some people are too busy doing what the Mayor wants and "us" little people do not mean much. She stated they have tried to clean up the community and had a good relationship with former Mayor Corker and the community got stronger. She stated that he (Corker) truly worked in their community and now they can not get one person in any department or office to listen. She stated her community does not have sidewalks and is the only community left with no sidewalks. She stated she has lived there forty-one years and in a meeting three weeks ago the Mayor said money was set aside for the sidewalks. She stated she does not know if it is just her community that is being overlooked as children walk to school in mud when it is raining and the elderly have to walk in the mud, also. She stated they do not have anyone interested in her community.

At this point Chairman Page asked Mrs. Hammonds to summarize her comments and reminded her of the Council's three minute rule for persons addressing the Council at this point on the agenda.

Mrs. Hammonds stated that so much time and money has been spent downtown and on fighting some stupid thing over where somebody lives when there is much that needs to be done in the community. At this point she asked Gary Ball to complete reading her statement.

GARY BALL

Gary Ball stated that Mrs. Hammonds has made her point; that her heart is in the right place.

GARY BALL (Continued)

Mr. Ball stated that he received a call this week that David Martin had passed; that Mr. Martin was one of the original people in his community who tried to help. He stated that he wanted the Council to realize that we are losing a lot of people in the older neighborhoods; that it is becoming more and more difficult to keep older neighborhoods going with no outside help or community impact as there is no real input from the city. He stated when we continually lose these people he wanted the Council to understand how difficult it is. He stated Ms. Hammonds has not had a meeting for four months and thought it needs to be realized as these people pass they are not being replaced in the old communities. He stated Jean Swafford passed last year and the impression is there is nobody out there with any of the problems we have; that lots of people have the same problems and just will not get out.

Chairman Page stated that the Council's prayers would be with Ms. Hammonds and expressed appreciation for her community activism.

Mr. Ball referenced the front page of the newspaper and the story involving the Union and stated that he does not know how the City Council continues to survive with publicity like that. He asked how the city would get industry in here when the front page says the "Union is seeking to flex its muscles". He stated he does not understand the mindset that we are caught up in. He stated that he does not oppose unions and has worked on both sides, but this kind of publicity and this kind of catering to a guy from Nashville who comes in and stirs everything up is going to do more to this city to prevent us from getting the kind of industry and influx we need out at Enterprise South. He stated this is all over the website.

Mr. Ball concluded his comments by stating that the other thing he wanted to mention has to do with the rezoning at 701 East Martin Luther King Boulevard; that the Council needs to go back and see that this is a spot zone. He stated the Council would not let this go on his son's property and he talked to Greg (Haynes) and told him this was kind of ironic. He stated this is for an R-4 special zone for UTC which is a "big hitter" and referenced "little guys" not having the same consideration. He stated that it is his guess the fraternities can now build in the area as a result of the rezoning; that it is his thought the R-4 zone on M. L. King would allow that and knows it was a real concern about the other spot zoning, however "you know who" seconded it tonight. He stated that it is his thought this really "flies in the face" of the decision Randy made when he was here two months ago. He stated that he just wanted to let the Council know that the Council pretty much does what they want to do when they want to; that if UTC or someone like that comes in it does not seem to matter, however when the "little guy" comes here the Council "pounds him up" pretty good.

STEPHEN WEST

Stephen West addressed the Council and stated that he works for the City of Chattanooga's Public Works Department. He stated that he could answer Mr. Ball's question about the Union explaining that the employees chose the Union and the City Council did not have anything to do with that.

At this point Chairman Page cautioned Mr. West and indicated that there would be no debate.

Mr. West continued his comments by stating that the Union did not come in here at the request of the Council and expressed appreciation to the Mayor for what he has done. He stated in reference to Ms. Rutherford, if he lived in Georgia he would be fired and that is the way the *Charter* is written; that he has to live in the city or Hamilton County. He stated if he lived outside of the city in Georgia his job is gone; that even though he has been here twenty-something years, if he moved to Georgia now he would end up losing his job. He expressed his thought that Ms. Rutherford does not live in her district and should have been suspended until the investigation is complete; that the Council has let her stay on the City Council and vote and she has no business voting with an investigation going on. He stated that he has to live by the rules and she should have to live by the rules the Council has made. He again stated that it is his thought that it is not right for her to sit on the Council and vote on things. He stated as for (Councilman) Rico, he always has something mean and stupid to say; that he talks about public works (employees) and he (Rico) is over them. He stated they do not have any respect for him if he ever comes down there and hopes he never comes down to public works. He stated that he (Rico) does not care about them and does not care about their concerns. He ended his comments by stating that is all he has to say.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, September 25, 2007 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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