

**City Council Building
Chattanooga, Tennessee
September 15, 2009
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Ladd gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Murphy,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SECTION 38-84, REGARDING THE
USE OF THE URBAN OVERLAY ZONE WITHIN R-TZ RESIDENTIAL
TOWNHOUSE/ZERO LOT LINE ZONE**

passed second and final reading and was signed in open meeting;
Councilwoman Scott voted "no".

AMEND CITY CODE/ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SECTION 38-402(1)(c) TO
CHANGE A CONDITION FOR RESIDENTIAL PLANNED UNIT
DEVELOPMENTS**
passed first reading.

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 26, SECTIONS 26-22, 26-23, 26-24, 26-25 AND 26-134, AND
BY ADDING NEW SECTIONS 26-26, 26-27, 26-28, 26-29, 26-30, 26-31,
26-32, 26-33 AND 26-34, ESTABLISHING EVENT FEES FOR USAGE OF
VARIOUS CHATTANOOGA PARKS AND RECREATION FACILITIES**
passed second and final reading and was signed in open meeting.

REZONING

2009-114: Armstrong, Weber, Randall, LLC c/o Andrew Mattox

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A
TRACT OF LAND LOCATED AT 1711 BALDWIN STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO
UGC URBAN GENERAL COMMERCIAL ZONE**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE/ZONING ORDINANCE

Councilman Gilbert stated there was full discussion in Committee and made the motion to defer the matter until next Tuesday to allow Messrs. Hutsell and Haynes an opportunity to rewrite some of the requests and present to Council. He stated that he has talked to Mr. Hutsell who has indicated he has more language that could be applied. He stated Chief Cooper had a concern about who was going to enforce it and Mr. Hutsell indicated his department would enforce it, thus relieving the police department on enforcement.

AMEND CITY CODE/ZONING ORDINANCE
(Continued)

On motion of Councilman Gilbert, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-264 AND 38-266,
AND BY ADDING SECTION 38-527 RELATIVE TO A SPECIAL
EXCEPTIONS PERMIT FOR BEER SALES IN NEIGHBORHOOD GROCERY
STORES**
was deferred one week; Councilmen Murphy and Scott voted "no".

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTION 3-96 RELATIVE TO PLACEMENT OF TRAFFIC
DIRECTIONAL SIGNS AND DELETE 3-116 REGARDING BUSINESS
DIRECTIONAL SIGNS**
passed first reading.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTION 24-273(d)(4), RELATIVE TO THE USE OF
REVENUES GENERATED BY THE CITY'S TRAFFIC CONTROL
PHOTOGRAPHIC SYSTEM**
passed first reading.

2010 BUDGET

Adm. Madison stated that the budget in totality is \$167,535,000.00 and has not changed; that the requests from today's Committee were used and reallocations of funding, primarily between agencies, were made. She expressed thanks to the wonderful staff that assisted in putting the document together and noted that it has really been an interesting challenge working with the Council. She expressed appreciation noting that Council members really "rolled up their sleeves"!

2010 BUDGET (Continued)

Councilman Murphy stated that he wanted the record to reflect that he finds it unfortunate that many difficult decisions were made in the budget, particularly those that have fallen on our Multi-Cultural Chamber and the African American Museum. He stated that he feels as a Council if we are to approve this budget when we deal with additional revenue issues in weeks to come and as we pursue the enormous debt that is owed to this city by scofflaws who are ignoring the judgments of our city court judges, that we seek to rectify what seems to him to be terribly deep cuts.

Chairman Benson acknowledged that all on the Council have agencies and others that they respect highly; that all of them took cuts and it hurt.

Councilman Rico called for the question at this point.

On motion of Councilwoman Berz, seconded by Councilwoman Berz,

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

passed first reading; Councilmen Murphy and Scott voted "no".

AMEND 401(a) RETIREMENT PLAN

On motion of Councilman Rico, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING AMENDMENT OF THE CITY OF CHATTANOOGA 401(a) RETIREMENT PLAN TO ADDRESS CHANGED REGULATIONS UNDER THE INTERNAL REVENUE CODE, AND AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY IN CONNECTION WITH SAID AMENDMENT

was adopted.

ECONOMIC RECOVERY ZONE

On motion of Councilman Murphy, seconded by Councilman Rico,
**A RESOLUTION DESIGNATING AN ECONOMIC RECOVERY ZONE
WHICH SHALL INCLUDE AREAS AS SHOWN ON THE MAP ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE**
was adopted.

MEMORANDUM OF UNDERSTANDING

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO NEGOTIATE
AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
HAMILTON COUNTY, TENNESSEE IN SUBSTANTIALLY THE FORM
ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE**
was adopted.

AGREEMENT

Councilmen Rico and Ladd made the initial motion and second to adopted this Resolution.

Councilwoman Scott stated when we were in Committee she had issues in terms of the contract and wanted to make sure it was reviewed by the Council, both this Resolution and the next one. She made the request of the motioner to reconsider the motion.

Councilman Rico stated that it was his thought there was a question about the other Resolution.

Councilmen Rico and Ladd withdrew their motion and second at this time.

Later in the meeting Adm. Leach noted that the Resolution with MAP Engineers is time sensitive and did not get a sense of when it would be reheard.

City Attorney McMahan noted that both would be on the agenda next week.

Adm. Leach inquired as to whether the Council planned to review the contract form.

City Attorney McMahan clarified that the two contracts have inconsistencies and there is a need to make sure the format is correct.

AGREEMENT (Continued)

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

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT RELATIVE TO CONTRACT NO. W-09-021-201 WITH MAP ENGINEERS, LLC, BONNY OAKS DRIVE SEWER RELOCATION AT RAILROAD BRIDGE IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$13,650.00)
was deferred one week.

PROPOSED FINAL PUD

2007-166: R and S Development

The applicant was present; there was no opposition.

Chairman Benson asked if this is the request that was deferred last week at the request of the engineer.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that matter has been resolved; that there was a question for the city engineer and the fire department. He stated there was an agreement to approve subject to two conditions: subject to approval of construction documents by the appropriate reviewing department and revision of vertical profiles.

PROPOSED FINAL PUD (Continued)

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS DALLAS ROAD SUBDIVISION PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF DALLAS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

RIGHT-OF-WAY NAME CHANGE

2009-PW-012: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 800 THROUGH 899 BLOCK OF WELLS STREET TO THE 807 THROUGH 899 BLOCK OF FOREST AVENUE, DUE TO 911 ISSUES
was adopted.

RIGHT-OF-WAY NAME CHANGE

2009-PW-013: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 700 THROUGH 799 BLOCK OF NATCHEZ CIRCLE (AKA NATCHEZ ROAD) TO THE 1800 THROUGH 1999 BLOCK OF NOTTING HILL, DUE TO 911 ISSUES, WITH THE 1000 THROUGH 1099 BLOCK PORTION OF NORTH NATCHEZ ROAD REMAINING UNCHANGED
was adopted.

RIGHT-OF-WAY NAME CHANGE

2009-PW-014: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE PORTION OF OAK STREET BETWEEN OAK HILL ROAD AND THE DEAD END TO THE 4600 BLOCK OF BEGONIA LANE, DUE TO DUPLICATE STREET NAMES
was adopted.

RIGHT-OF-WAY NAME CHANGE

2009-PW-015: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Scott, seconded by Councilman Rico,
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1
THROUGH 99 BLOCK OF BEASON DRIVE TO THE 800 THROUGH 899
BLOCK OF MCROY DRIVE, DUE TO DUPLICATE STREET NAMES**
was adopted.

RIGHT-OF-WAY NAME CHANGE

2009-PW-016: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Scott, seconded by Councilman Murphy,
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 500
THROUGH 599 BLOCK OF WEST CREWDSON STREET TO THE 500
THROUGH 599 BLOCK OF MOONHOLLOW LANE, DUE TO 911 ISSUES**
was adopted.

RIGHT-OF-WAY NAME CHANGE

2009-PW-018: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Ladd, seconded by Councilman Rico,
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 4700
THROUGH 4719 BLOCK OF CHARLOTTE DRIVE TO THE 2600 THROUGH
2699 BLOCK OF BRYANT ROAD, DUE TO PLAT CORRECTION**
was adopted.

ADVERTISE FOR PUBLIC HEARING: AREA 3A

On motion of Councilman Rico, seconded by Councilwoman Scott,
**A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE
COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 13, 2009
AT 7:00 P.M., THE ANNEXATION OF AREA 3A, WHICH IS ADJACENT TO
TEXTILE LANE AND CUMMINGS HIGHWAY NEAR LOOKOUT CREEK AT
THE BASE OF LOOKOUT MOUNTAIN, LOCATED IN HAMILTON COUNTY,
TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE
ATTACHED MAP**
was adopted.

ADVERTISE FOR PUBLIC HEARING: AREA 3C

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 13, 2009 AT 7:00 P.M., THE ANNEXATION OF AREA 3C, WHICH INCLUDES PROPERTIES ADJACENT TO RUBY FALLS AND THE U.S. PARK SERVICE LAND RESOURCE DIVISION, ON THE SIDE OF LOOKOUT MOUNTAIN, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP

was adopted.

ADVERTISE FOR PUBLIC HEARING: AREA 4B

On motion of Councilwoman Ladd, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 15, 2009 AT 6:00 P.M., THE ANNEXATION OF AREA 4B, STONINGTON, GOLD CREST, DAHL SPRINGS, WHICH INCLUDES PROPERTIES ADJACENT TO HIXSON PIKE, THRASHER PIKE AND/OR HOUSE RIDGE, ELY ROAD, BULLOCK, MANASSAS GAP, DOVE FIELD, JACKSON MILL, RAPIDAN RIVER, ORANGE PLANK, BAYONET, BRIGADE, MUSKET, CLEARWATER, AND COTTER STREETS, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP

was adopted.

ADVERTISE PUBLIC HEARING: AREA 6A

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 20, 2009 AT 7:00 P.M. THE ANNEXATION OF AREA 6A, WHICH INCLUDES PROPERTIES ADJACENT TO HIGHWAY 58 AND TURKEYFOOT ROAD, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP

was adopted.

ADVERTISE PUBLIC HEARING: AREA 6B

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 20, 2009 AT 7:00 P.M., THE ANNEXATION OF AREA 6B, WHICH IS ADJACENT TO HIGHWAY 58 AND HICKORY VALLEY ROAD, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP
was adopted.

ADVERTISE PUBLIC HEARING: AREA 6C

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 20, 2009 AT 7:00 P.M., THE ANNEXATION OF AREA 6C, WHICH IS ADJACENT TO HIGHWAY 58 AND INCLUDES HIGHWAY 58 ROAD FRONTAGE LOTS FROM CENTRAL HIGH SCHOOL TO HARRISON-OOLTEWAH ROAD, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP
was adopted.

ADVERTISE PUBLIC HEARING: AREA 12A

On motion of Councilman McGary, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 22, 2009 AT 6:00 P.M., THE ANNEXATION OF AREA 12A, WHICH IS ADJACENT TO OOLTEWAH-RINGGOLD ROAD, AND THE GEORGIA STATE LINE AND INCLUDES HURRICANE CREEK SUBDIVISION AND WINDSTONE SUBDIVISIONS, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP
was adopted.

ADVERTISE PUBLIC HEARING: AREA 12B

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 27, 2009 AT 7:00 P.M., THE ANNEXATION OF AREA 12B, WHICH IS ADJACENT TO EAST BRAINERD ROAD AND OOLTEWAH-RINGGOLD ROAD AND INCLUDES EMERALD VALLEY SUBDIVISION AND FRONTAGE LOTS ON EAST BRAINERD ROAD AND OOLTEWAH-RINGGOLD ROAD, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP
was adopted.

OVERTIME

Overtime for the week ending September 10, 2009 totaled \$50,542.70.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES:

- **SUSAN GIDDENS** – Resignation, Administrative Support Assistant 2, Child Care, effective August 21, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **RANDY STARGIN** – Suspension (10 days without pay), Firefighter Senior, effective September 4, 9, 11, 13, 18, 2009.

PUBLIC WORKS DEPARTMENT:

- **DILLON JENNINGS** – Hire, Water Quality Technician I, Engineering, Range 12, \$31,021.47 annually, effective September 11, 2009.
- **SARA CRABTREE** – Promotion, GIS Technician, Engineering, Range 13, \$32,573.00 annually, effective September 11, 2009.

PERSONNEL (Continued)

- **ANTONIO SANDS** – Suspension (10 days without pay), Equipment Operator 5, City Wide Services, effective September 9-22, 2009.
- **JIMMY YEARBY** – Suspension (10 days without pay), Crew Worker 1, City Wide Services, effective September 10-23, 2009.
- **JASIMINUS TAYLOR** – Suspension (10 days without pay), Crew Worker 1, effective September 11-24, 2009.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Gilbert, the following hotel permits were approved:

RIGHT WAY INN MOTEL – 6200 Fisk Avenue, Chattanooga, TN

WINGATE BY WYNDHAM – 7312 Shallowford road, Chattanooga, TN

ACCEPT DONATION

Chief Randy Parker stated that Bruce Garner placed second in the International Association of Fire Fighters 2009 Media Awards Contest and was awarded \$200. He asked Council approval for Mr. Garner to accept the \$200.

On motion of Councilwoman Robinson, seconded by Councilwoman Berz approval was duly given for Bruce Garner to accept the \$200 award.

REFUND

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refund due to amended report from TMA audit.

DIXIE INDUSTRIES - \$1,890.41

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Murphy, the following purchase was approved for use by the Chattanooga Police Department:

B&H PHOTO (Lowest and best bid)
R0125509/B0006287

Digital Cameras & Accessories

\$14,894.00

HEARING: APRIL BOLTON

City Attorney McMahan stated that the hearing for April Bolton needs to be rescheduled as the Chiefs in the Police Department will be out of the city.

The hearing for April Bolton was rescheduled for Monday, October 26 beginning at 9:30 a.m. with the same panel – Councilmen Murphy (Chair), Scott and Benson with Councilwoman Ladd serving as Alternate.

HEARING: STEVE HARGIS

City Attorney McMahan stated the hearing for Steve Hargis needs to be rescheduled as Mr. Hargis' attorney is scheduled to be out of the city the week of the original hearing date.

The hearing for Steve Hargis was rescheduled for Monday, December 14 beginning at 9:30 a.m. with a change in panel – Councilmen Robinson (Chair), McGary and Scott; Councilwoman Ladd volunteered as Alternate.

COMMITTEES

Councilwoman Scott reminded Council members of the meeting of the **Economic Development Committee** scheduled for **Tuesday, September 22** immediately following Legal and Legislative.

COMMITTEES (Continued)

Councilman Rico stated the **Public Works Committee is scheduled to meet on Tuesday, September 22 immediately following the Agenda session.**

Councilman Murphy stated that the **Legal and Legislative Committee would meet on Tuesday, September 22 immediately following Public Works** to take up matters within the Committee's jurisdiction.

Councilman McGary stated the Education, Arts and Culture Committee met today to discuss alcohol sales at the Tivoli and Memorial Auditorium and further research on the matter will be continued. He stated Dr. Gerald Black of the Chattanooga History Museum was present and gave an update.

Councilwoman Berz stated that the **Budget, Finance and Personnel Committee would meet on Tuesday, September 22 at 2 p.m.** to continue discussion on the 2010 budget. She stated the budget was approved on first reading today and those who had concerns will be talking more about that next week prior to the possible second reading.

NEXT WEEK'S AGENDA: SEPTEMBER 22, 2009

The agenda for next week's Council meeting is spread below:

Ordinances – Final Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 3, Section 3-96 relative to placement of traffic directional signs and delete 3-116 regarding Business directional signs.
- b) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Section 24-273(d)(4), relative to the use of revenues generated by the City's Traffic Control Photographic System.
- c) An ordinance hereinafter also known as "the Fiscal Year 2009-2010 Budget Ordinance," to provide revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010; appropriating same to the payment of expenses of the municipal government; fixing the rate of taxation on all taxable property in the City, and the time taxes and privileges are due, how they shall be paid, when they shall become delinquent; providing for interest and penalty on delinquent taxes and privileges; and to amend Chattanooga City Code, Part I, Chapter 2, Section 2-267, relative to paid leave for active-duty training. **(Revised.)**

NEXT WEEK'S AGENDA: SEPTEMBER 22, 2009

Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-264 and 38-266, and by adding Section 38-527 relative to a Special Exceptions Permit for beer sales in neighborhood grocery stores. **(Deferred from 9/8/09 & 9/15/09.)**

- b) An ordinance to amend Chattanooga City Code, Part II, Chapter 18, Section 18-165, so as to provide for appeals to the public officer of notice to abate a public nuisance.

- c) An ordinance to amend Chattanooga City Code, Part II, Chapter 3, Article X, Section 3-102, relative to Jurisdiction of the Board.

- d) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga **known as Area 1B**, being certain parcels adjacent to Cummings Highway within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Revised.)**

- e) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga **known as Area 4A**, being certain parcels adjacent to the current city limits between Hixson Pike and Middle Valley Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Revised.)**

- f) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga **known as Area 4C**, being certain parcels adjacent to the current city limits of Hixson Marina Road, Big Ridge Road, and Fairview Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Revised.)**

NEXT WEEK'S AGENDA: SEPTEMBER 22, 2009

Resolutions:

- a) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement relative to Contract No. T-09-002-201 with Arcadis, U.S., Inc. for a Transportation Planning Study for Moccasin Bend Archeological District in an amount not to exceed \$98,500.00. **(Deferred from 9/15/09.)**
- b) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement relative to Contract No. W-09-021-201 with MAP Engineers, LLC, Bonny Oaks Drive Sewer Relocation at Railroad Bridge in an amount not to exceed \$13,650.00. **(Deferred from 9/15/09.)**
- c) A resolution authorizing the Chattanooga Fire Department to award a contract to Thomas Brothers Construction for the site work only for the new Fire Station No. 7 at Enterprise South Industrial Park in the amount of \$348,772.14, plus a contingency amount of \$34,877.22, for a total amount not to exceed \$383,649.36.
- d) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a Lease Agreement with the Hunter Museum of American Art for portions of property whereupon sculptures are or will be located on City of Chattanooga property.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into a Conservation Easement Option Agreement with the Tennessee Wildlife Resources Foundation, Inc. for the design and construction of stream mitigation improvements for Friar Branch.

CAROL GADDY

Carol Gaddy stated she was present to make two points and displayed a copy of her tax bill for two properties, which she indicated has been paid and noted that she still has to come up with Hamilton County taxes. She stated that she is not working and has no income at all; that her husband draws Social Security and there are people like them all through this city; that they have worked for years and paid their taxes dutifully.

CAROL GADDY (Continued)

Mrs. Gaddy stated she was charged \$87 court cost and that she assumed or was told wrong that there would be a six month period before the city turned tax bills over to the Clerk and Master's Office, which would amount of 180 days. She stated the ladies at the counter (Treasurer's Office) treated her so disrespectfully and ugly; that this was her first time at city hall and the newly renovated building to pay taxes. She stated there was only person who was absolutely atrocious and worse than the ladies at the counter ant that was the security guard, Mr. Feagan. She stated she is before the Council to tell of his foul treatment of her; that he laughed in her face and she told him she was hard of hearing and to speak loudly and clearly, noting that he seemed to be interested in showing off or trying to impress the ladies taking our tax dollars about what a big macho man he was! She stated he escorted her out of city hall and she had not looked at what the tax lady had handed to her as all she saw were two white pieces of paper.

Mrs. Gaddy stated that she came to speak with the Council tonight to ask her Councilman to get her \$87 court cost back or pay it himself! She stated she and her husband believe they were wrongly charged and saw it as an offensive money grab. She stated when she questioned it and stepped up to the counter to pay, she was still trying to figure out having to come up with money for Hamilton County taxes which was \$250 more than she expected to pay. She stated she had to get her checkbook to write another \$50-some-odd amount for what is being called stormwater fee, and on the tax bill it says "water quality fee". She stated she and her husband need the \$87 and need someone to address it, plus the fact she heard part of a resolution that the Council is in the process of changing this. She stated when the security guard stated he was Captain Feagan that was supposed to impress her about his stature in this city and was asking for a receipt at the counter when he shoved her out. She stated she had to put more money in the parking meter and go back through the front door (for a receipt) and he stood up with both hands on his hip like he was going to confront her again.

Chairman Benson cautioned Mrs. Gaddy that she had run over the three minute time limit.

Mrs. Gaddy read from the Tennessee Constitution to prove to her Councilmen what she faced at City Hall was against our *State Constitution*: Article I Declaration of Rights under the *Tennessee Constitution*, Section 2: "*Governing being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.*" She stated the way she read that is anything that goes against our rights under the *Constitution* we are supposed to oppose that and stand against it.

CAROL GADDY (Continued)

Chairman Benson expressed understanding of the problem and suggested that Mrs. Gaddy talk with Councilmen Rico and Murphy who represent the districts of the two homes on which she paid taxes. He stated they would meet with her during the interim prior to another meeting.

Mrs. Gaddy continued attempting to speak over Chairman Benson and he cautioned that he would have to ask a policeman to escort her out.

Mrs. Gaddy still continued trying to speak and Councilman Murphy noted that he and Councilman Rico would speak with her after the meeting.

As Mrs. Gaddy was leaving, Councilwoman Berz addressed her stating that it takes a lot of courage to come up in a full room and stand up for her rights and that she has two very kind Councilmen who will talk with her after the meeting; that she (Berz) feels all the energy she is feeling. She stated apparently she was not treated properly and expressed hope that anyone in our city representing our city, no matter what uniform they wear, should always treat people graciously. She apologized for any rudeness she experienced.

Mrs. Gaddy stated that it is her thought Mr. Feagan should be reprimanded!

COUNTY COMMISSIONER JIM COPPINGER

Chairman Benson welcomed County Commissioner Jim Coppinger back to his home ground!

MEETING RECESS

Chairman Benson recessed the Council meeting until 7 p.m. for the Annexation Public Hearing for Area 1B.

Council Building
Chattanooga, Tennessee
September 18, 2009
Annexation Public Hearing: Area 1B
7:00 p.m.

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

PUBLIC HEARING TRANSCRIPT

A complete transcript of the public hearing proceedings is attached.

ADJOURNMENT

At the close of the public hearing, Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, September 22, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

A LIST OF NAMES OF PERSONS IN ATTENDANCE AT THE COUNCIL MEETING
AND ANNEXATION PUBLIC HEARING FOR AREA 1B
IS FILED WITH MINUTE MATERIAL OF THIS DATE

CHATTANOOGA CITY COUNCIL
ANNEXATION PUBLIC HEARING
SEPTEMBER 15, 2009

BEFORE MEMBERS OF THE COUNCIL:

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

HALL & ASSOCIATES
1010 MARKET STREET, SUITE 402
CHATTANOOGA, TENNESSEE 37402
(423) 267-4328
www.hallreporting.com

ORIGINAL

INDEX

1		
2		
3	Opening Statements By Chairman Benson	Page 4
4	Presentation By Attorney Noblett	Page 6
5	Presentation By Chief Freeman Cooper	Page 15
6	Presentation By Chief Randy Parker	Page 16
7	Presentation By Mr. Leach	Page 19
8		
9	Comments By Clay Crumbliss	Page 25
10	Comments By Steve Perlacky	Page 31
11	Comments By Gina Crumbliss	Page 42

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. BENSON: Members of the City
2 Council, this is an extension of our regular
3 meeting for the annexation public hearing. Let me
4 go over the process. Do you have these pages,
5 some of you? I thought we had passed them out.
6 Let me read the highlights to you.

7 We're doing this so that everyone's
8 opinion can have an opportunity to be suppressed
9 -- to -- not suppressed, expressed. Oh, lordy,
10 what a night -- but without a lot of redundancy,
11 if we can get everybody's opinion in and feeling.
12 We believe this is the way to do it. This is the
13 first of the series, so we'll learn a little bit
14 better. We need your advice too.

15 The process of this hearing for the
16 City of Chattanooga proposed annexation will be
17 the following, in case you don't have this paper.
18 Special presentation by the city attorney first.
19 Remarks regarding the proposed area will be made
20 by Chattanooga Hamilton County Regional Planning
21 Agency staff. Then the floor will be open for
22 public comment after that.

23 Now, these comments need to come in
24 this form, residents in the specific area. I
25 think we've got two areas here tonight, haven't

1 we?

2 MR. McMAHAN: No. There's only one
3 tonight.

4 MR. BENSON: Only one. All right.
5 Okay. The residents in the specific area under
6 discussion will be given priority to comment over
7 nonresidents in the area. Okay. There will be an
8 opportunity for three people to speak five minutes
9 each. We generally just give three, as some of
10 you saw the lady awhile ago speaking, but we're
11 going to give you five minutes each for three
12 people or a total of fifteen minutes. If three do
13 not want to speak fifteen minutes, one
14 representative can speak a total of fifteen.

15 A timer is placed to the right of
16 myself here. A yellow light will come on when the
17 speaker has one minute remaining. When the red
18 light comes on, the speaker's time has come to a
19 close. Now, the council can ask any speaker
20 anything, and, of course, that won't be held
21 against your time, to get a response on any
22 question they bring up.

23 The council will vote separately on
24 each proposed annexation area after each
25 respective public hearing at the next regularly

1 scheduled council meeting the following week.
2 What that means is next Tuesday we will vote on
3 the annexation of the areas that we discuss
4 tonight, and also we will discuss Thursday evening
5 in this room the annexation plans.

6 So we will be voting next Tuesday
7 evening at the 6:00 meeting on tonight's
8 discussion. The outcome of tonight's discussion
9 will be rendered this Thursday. I hope that's
10 clear and I hope we can follow it. Really, we
11 need to watch for redundancy because we want to
12 get as much information from every one of you that
13 we can.

14 At this time I will ask the city
15 attorney to make his presentation of the
16 annexation.

17 MR. McMAHN: Mr. Chairman, actually
18 I'd like to let everyone know that we have a court
19 reporter present this evening. So if you speak,
20 please identify yourself and speak slowly and
21 clearly so the court reporter can pick up your
22 comments.

23 Members of the council, although it is
24 normally not necessary for you to identify
25 yourselves, it would help the court reporter to do

1 so, especially since some of you are to her back.
2 So anyone who speaks needs to identify themselves
3 by name.

4 I personally am not going to make a
5 presentation tonight. Mr. Phil Noblett, the
6 Assistant City Attorney, is going to start off.
7 He is going to briefly explain the laws with
8 respect to annexation. We're going to have
9 presentations by the department of public works,
10 the police chief, and a representative of the fire
11 department, who are going to explain the plan of
12 services which has been presented to the city
13 council in a little bit more detail than the
14 printed document. So first we'll call on Mr.
15 Noblett. I think they have a slide presentation.

16 MR. NOBLETT: This annexation area
17 tonight that we'll be reviewing is involving
18 Annexation Area 1-B. This is involving a proposed
19 plan of services for an area adjacent to Cummings
20 Highway. It's in the urban growth boundary in the
21 city of Chattanooga.

22 There are a number of streets that
23 will be involved in this particular annexation.
24 There was a specific description that was listed
25 in the paper and map that was listed for the folks

1 who are here this evening to know whether this
2 area involved them or not. This includes Cummings
3 Cove Drive, Peregrine Place, Osprey Way, Alpine
4 Way, Obar Road, and West Hills Road off of
5 Cummings Road.

6 The first presentation we're going to
7 be doing here is for Area 1-B, we're going to try
8 to follow this type of outline for all the
9 presentations that you'll have so that you'll be
10 able to see them in a similar light. We're going
11 to try to give you the procedures this evening, at
12 least regarding the law that is out there and
13 plans of services requirements under the law and
14 then timelines for your action in connection with
15 this particular case.

16 As you can see, the Chattanooga
17 annexation history has occurred between 1838 and
18 2003 to this point. All of the areas that are
19 included here in the city of Chattanooga now were
20 annexed over a number of years and brought into
21 the city over a period of time. Each one of those
22 different colored areas that you see on the screen
23 up there involves areas that have been annexed and
24 brought into the city.

25 The big gray area up in the corner is

1 the Volunteer Army Ammunition Plant, or it is now
2 Enterprise South, which Volkswagon is currently
3 locating in. So over the years, the city has
4 tremendously grown.

5 Let me go back to one slide here and
6 show you. The initial starting point of the city
7 of Chattanooga originally was a little small area
8 in gray right there back in the 1830s.

9 Urban growth boundaries were adopted
10 here in Chattanooga in 2001. There was a master
11 interlocal agreement that was entered into by all
12 the cities here in Chattanooga, around
13 Chattanooga, including the cities of East Ridge
14 and the cities of Collegedale and the cities of
15 Walden and Signal Mountain and the city of Lookout
16 Mountain. I believe Ridgeside was also a signer
17 on that one.

18 At that point in time, there were
19 boundaries that were established for growth for
20 the city of Chattanooga over a number of years.
21 Those boundaries that were established by the
22 urban growth boundaries are all the areas in
23 purple that you see on the extremities.

24 The outlined areas in red on this map
25 are areas that were under consideration by the

1 city council, and one of these areas is under
2 consideration this evening, the area right here at
3 the extreme for Area 1-B.

4 Procedures for annexation by ordinance
5 of the city are governed by state law. It's
6 T.C.A. 6-51-102(a)(1), and a municipality can
7 annex upon its own initiative without a request or
8 a petition from anyone when it appears that the
9 prosperity of the city and the territory that is
10 involved would be either materially retarded and
11 that the safety and welfare of the inhabitants and
12 the property are in danger. That's what the state
13 law says before an ordinance for annexation can
14 occur.

15 Before any territory can be annexed, a
16 governing body of the city is required to adopt a
17 plan of services that establish at least the
18 services that are going to be delivered to the
19 area to be annexed, in this case Area 1-B and the
20 projected time of those services as they come in.

21 State law has specific requirements
22 about what plans of services will include.
23 They're supposed to have references to police
24 protection, fire protection, water service,
25 electrical services, sanitary sewer services,

1 solid waist collection, road and street
2 construction and repair, recreational facilities
3 and programs, street lighting, and zoning
4 services.

5 The plan of services that you see this
6 evening will also have provisions about animal
7 control, even though the state law does not
8 require it because the City of Chattanooga
9 provides that additional service.

10 Plans of services are allowed to
11 exclude things by the city that are provided by
12 another public agency or another private company
13 in the territory to be annexed. There are
14 different areas of the city that may have a
15 different water company. There may be different
16 areas of the city that have services that are
17 provided by WWTAA, which is Water And Wastewater
18 Treatment Authority, created under state law. If
19 those services are provided by that other entity,
20 then those services do not have to be provided by
21 the city in the plan of services.

22 T.C.A. 6-51-102(b) is saying that any
23 type of ordinance annexation has to be sent to the
24 planning commission before it is started, and you
25 ask the regional planning agency to place it on

1 the planning commission's agenda.

2 The RPA in this case has already
3 reviewed the plan of services for this annexation
4 back on August 6th, 2009, and the Chattanooga
5 Hamilton County Planning Commission has approved
6 the plan of services on August 10th, 2009 before
7 this meeting.

8 For adoption of a plan of services, a
9 city is required to hold a public hearing. That's
10 the reason these folks are here this evening. You
11 have to give proper notice of the time, place, and
12 purpose of this public hearing; and it has to be
13 published in a newspaper not less than 15 days
14 before the hearing, which did occur in this case.
15 So all these folks had adequate notice before the
16 meeting.

17 Before any territory can be annexed,
18 you have to adopt a plan of services. You have a
19 recommendation from the planning agency and
20 planning commission at this point, and you have to
21 establish that that plan of services shows when
22 the services will be delivered and the projected
23 timing in the plan.

24 Any ordinance that you adopt as a
25 council will have to come on here shortly, and you

1 have to adopt those plan of services. A copy of
2 the plan of services and the written report from
3 the planning commission should be attached to any
4 ordinance that you adopt.

5 There is a requirement for a public
6 hearing before you can ever have an annexation
7 ordinance read under T.C.A. 6-51-202, and that
8 ordinance itself does not become operative
9 immediately upon passage like a lot of your
10 ordinances do. It has a thirty-day waiting period
11 after final passage of the ordinance under state
12 law.

13 The projected time line right now for
14 your review in these matters today is September
15 15th. This is the public hearing that is being
16 held on Area 1-B. On September 22nd, by your
17 scheduling here this evening, a first reading will
18 occur on the annexation for Area 1-B. On
19 September 29th a second reading will occur. There
20 are required two ordinance readings as a matter of
21 law. If there is a thirty-day waiting period, the
22 effective date of any annexation for Area 1-B
23 would be on October 29th, 2009.

24 That's all the procedural and legal
25 issues that I will give you this evening. I will

1 ask Mr. Leach to come up now regarding public
2 works.

3 MR. BENSON: We need to go back to the
4 map on 1-B.

5 MR. NOBLETT: Yes, sir.

6 (Discussion ensued off the record.)

7 MR. BENSON: Do you want to describe
8 the boundaries?

9 MR. NOBLETT: Yes, I can. This
10 particular boundary of this area is on the
11 southern side of Cummings Highway. It's within
12 the urban growth boundary of the city of
13 Chattanooga. The areas that are involved will at
14 least go in an area called Cummings Cove Drive.
15 It will include all the streets, Peregrine Place,
16 Osprey Way, Alpine Way, Obar Road, and West Hills
17 Road, and any of the properties that area adjacent
18 to those areas. They are specifically shown on
19 the map that you have in this area.

20 MR. BENSON: Just in the green?

21 MR. NOBLETT: Yes, sir, the green area
22 that you have south of Cummings Highway. There's
23 a reference on there for Areas 1-C and 1-A. None
24 of those are under consideration at this point by
25 the city council.

1 MR. BENSON: Thank you, Mr. Noblett.
2 Hang close by for any -- oh, you are going to
3 introduce services?

4 MR. NOBLETT: Yes, sir. I'll be glad
5 to. We're going to talk a little bit on the next
6 issue, on services that we have. We have a data
7 sheet. Let me go through this data sheet first.
8 We'll do that.

9 The area that is involved at this
10 point in time here we believe would only affect
11 about 360 persons. There are 95 parcels that are
12 contained within Area 1-B. We have at least
13 numbers and data sheet estimates at this point in
14 time for the assessed values of those properties,
15 the appraised values of those properties, the
16 buildings that are on those properties, and the
17 land value that is there.

18 You can see that this particular area
19 involves about 325 acres of land. This is all
20 adjacent to Cummings Highway and is easily
21 accessible by our services here in the city
22 because the City of Chattanooga has already
23 annexed Cummings Highway. It has also annexed
24 one-half of Cummings Cove Subdivision previously.
25 This area is adjacent.

1 You can go into the particular area
2 for annexation. You have to go through an
3 entrance that is currently within the city of
4 Chattanooga in order to be in the county portion
5 that is just outside the city limits of the city
6 of Chattanooga.

7 I believe at this point we have a
8 police briefing section. We'll let the Chief talk
9 a little about police services that are provided.

10 CHIEF COOPER: Mr. Chairman and
11 council, the map before you now is a current map
12 of the city and the separation of the three
13 sectors of the city. The bottom left corner there
14 shows the section of 1-B that is to -- that is
15 before you for proposal for annexation. The C-13
16 there represents Charlie 13. It's our current
17 Charlie 13 district that is in existence right now
18 in that area. The small section that you see
19 there on the border is the only section that is
20 being annexed and added to that area.

21 It is our opinion that this is not
22 going to have any effect in deference of the
23 police procedures or patrolling districts at this
24 time. We will be able to absorb whatever cost for
25 service that will be rendered from these

1 approximately 95 homes in this area without any
2 issues of any problems.

3 We have two officers assigned to that
4 district for each shift on a 24-7 basis, allowing
5 for off days. That's two officers on day shift,
6 two officers on night shift.

7 MR. BENSON: Any questions from the
8 council about the police services?

9 CHIEF COOPER: This view of this map
10 is just enlarging that portion there of everyone
11 that is being annexed. Thank you.

12 MR. BENSON: Thank you, Chief. If
13 there are no questions, then Chief Parker.

14 CHIEF PARKER: Area 1-B is basically
15 the same area as we saw just a few moments ago
16 with the addition of -- in this general area is
17 where a fire station would be located, and
18 additional equipment would be located in the
19 Tiftonia area as part of the annexation.

20 There will basically be a quint or a
21 ladder-type truck. There has been a lot of growth
22 in that area with the Walmart and motels and the
23 other industry that have moved out there, Covenant
24 Trucking and several others. There's been an
25 increased need for a ladder truck in that area, so

1 there will be a ladder combination type vehicle
2 placed out there which will be stationed at a new
3 fire station in the Cummings Cove area adjacent to
4 the property.

5 We do have a commitment for property
6 that is located adjacent to -- I believe it's
7 known as the Lookout Valley -- the old medical
8 center property. We do have a verbal agreement
9 from the property owners out there to give that or
10 sell that property to the City of Chattanooga.
11 The fire station will be built on the property.
12 Go to the next slide.

13 MR. BENSON: Where does this area get
14 their fire service now?

15 CHIEF PARKER: Currently it's provided
16 by another fire station that is located closer in
17 to town. It's about a mile and a half, two miles
18 away.

19 MR. BENSON: Not the city?

20 CHIEF PARKER: I'm talking about the
21 area -- the fire station that's there. Currently
22 the area that's up for annexation, as far as we
23 could determine, there is no written agreement.
24 It's come up before. There is no written
25 agreement that anyone can produce that says that

1 they have fire protection, and there is no fire
2 protection for them in that area.

3 MR. BENSON: Ms. Scott.

4 MS. SCOTT: I wanted to ask, will
5 there be any need for additional fire hydrants or
6 water lines to allow hydrants to be put in or do
7 they all exist in this particular area?

8 CHIEF PARKER: Currently based on our
9 water supply, Officer Randall Herron, having done
10 a drivethrough of the area and reviewing the map,
11 there is no additional need for fire hydrants in
12 that area right now because that neighborhood was
13 built to the current city standard.

14 As places are added and things are
15 upgraded, there will be -- we'll look at it
16 continually. The area that is annexed now with
17 the current road in there, there is no additional
18 fire hydrants that will be needed.

19 MR. BENSON: Do they have a water main
20 to service that?

21 CHIEF PARKER: Yes, sir, they do.

22 MR. BENSON: They have a large enough
23 water main to handle our standards?

24 CHIEF PARKER: Yes, sir, they do.

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

1 MR. LEACH: Actually Steve Leach,
2 parks and rec at this point. I was tagged. In
3 talking with Mr. Zehnder, Commissioner of Parks
4 and Recreation, of course, kind of generally all
5 the normal parks and recs programs that are
6 available now to assist the city of Chattanooga
7 will be available to the newly annexed area, 1-B.
8 Recreation programs such as swimming and summer
9 camps, baseball, flag football, et cetera, will be
10 available, tennis.

11 In this area currently, in the city
12 portion of the Lookout Valley area, there is John
13 A. Patten Multipurpose Complex at 3202 Kellys
14 Ferry Road. There is also a tennis court located
15 at Lookout Valley High School at Browns Ferry
16 Road, that is managed by the city, and Lookout
17 Valley Youth Sports Complex at 370 Warren Place,
18 which encompasses ball fields and playgrounds for
19 the citizens of this area.

20 I think we'll go on now to -- that's
21 says fire brief. Okay. Public works. Also I've
22 been asked to present for neighborhood services
23 and community development services that will be
24 available to this annexation area. It will
25 include code enforcement. Now, code enforcement

1 includes housing, litter, overgrowth, illegal drum
2 dumping, and inoperable or abandoned vehicle.

3 They assigned a team of code
4 enforcement inspectors under the supervision of
5 the manager of codes in community services and
6 neighborhood relations. They will direct
7 immediately code enforcement in this area.

8 Again, also within the neighborhood
9 services community development, they do community
10 development projects through a community
11 development lot grant money. They do a
12 neighborhood relations and outreach to the
13 community. They provide the Neighborhood
14 Leadership Institution, which trains neighborhood
15 leaders in skills of organizing and neighborhood
16 activism at no cost to residents. They also have
17 a Neighborhood Partners Program providing funding
18 for small-scale projects for neighborhood
19 development. You have seen those in a lot of
20 neighborhoods, entrance features to neighborhoods.

21 Now, on to public works. The first
22 item is solid waste. Solid waste, within 90 days
23 the city will implement their Solid Waste Program.
24 There are about 95 garbage cans estimated at this
25 point in time. They are about \$4,558.10. We will

1 also through recycling signups, brush collection,
2 and trash collection provide those services to the
3 newly annexed area. We can do this with existing
4 forces.

5 As the chief of police mentioned,
6 we're already in this community. We're already in
7 the subdivision. This will just be a minimum
8 addition to that subdivision, of services to that
9 subdivision.

10 Traffic engineering, again, we've done
11 a survey out there. Company engineering office
12 has looked at any traffic needs, traffic facility
13 needs in this area. We estimate about \$348
14 primarily in signage. Again, we have about 90
15 days to implement that.

16 Road and street construction repair,
17 we have also had teams out looking at that. We
18 have about \$24,000 in maintenance-related work.
19 None of these are critical. We can do these
20 within the next several years, and there are no
21 critical roads at this point in time that are to a
22 point where they absolutely have to have work. We
23 have calculated that there are about 9,112 linear
24 feet of roads in this area.

25 Water quality, part of our services

1 are water quality services. We have a section of
2 public works that does go out and do inventories
3 of water quality issues. They also go out and
4 look at points of discharge in the area, we will
5 conduct an inventory and survey in this area at an
6 average cost of about 40 to \$50 per structure. We
7 will complete that within six months.

8 Inspection code enforcement, again, as
9 I mentioned, we often combine with neighborhood
10 services, which I've already briefed. Neighborhood
11 services doesn't do a lot of building condition
12 issues. We look at building construction, home
13 construction, commercial construction, electrical
14 plumbing and gas. We have experts in those, and
15 will begin that immediately upon annexation.

16 Sanitary Sewers, let me go to that
17 one. Servicing Area 1-B will require approximately
18 installation of about a thousand feet of sewers.
19 You can see on that map the red line up there.
20 The little dots are on the east side, right side
21 of your slide, and represent the existing Cummings
22 Cove which the city serves. The light green is
23 the 1-B and is the area currently served by
24 Hamilton County Water And Wastewater. They have
25 sewers in place.

1 We do see a need for an additional
2 sewer line of about a thousand feet in that
3 northwest corner or north central corner, again,
4 at a cost of about 315,000. It would be about
5 three years before that would be placed in there.

6 We also perform the normal sewer
7 maintenance. This is in the event WWTa does cede
8 this area to us. That is sort of still a point of
9 discussion. We have talked to the WWTa staff.
10 They seem to feel like we will, in fact, be
11 responsible for this area. That's pending board
12 approval.

13 Finally, animal control. That is an
14 area that McKamey Animal Center will conduct
15 animal control functions in this area pursuant to
16 their standard that they are already in this
17 neighborhood and their standard of service. That
18 concludes public works.

19 MR. BENSON: Any questions from the
20 council of any of the presenters?

21 (Brief pause.)

22 MR. BENSON: Okay. At this time --
23 well, Councilman McGary.

24 MR. MCGARY: Thank you, Chair. My
25 question is for Mr. Leach. Do we have any time

1 frame as to when the board will make a decision
2 towards ceding some of these new lots?

3 MR. LEACH: We have not heard of a
4 decision of time frame for that. As I mentioned,
5 we have talked to WWTA staff. We have got just a
6 belief from talking to the staff that they seem to
7 -- they would indicate that we would take
8 responsibility for these areas. So, Mr. Attorney,
9 I don't know if you want to speak to this. I know
10 they've had some other discussions about that.

11 Mr. Payne does bring a good point.
12 The board does have a thirty-day decision period,
13 WWTA by the MOU, that they have to make a decision
14 one way or another. Again, just discussions with
15 the staff, we feel like we would probably have the
16 responsibility. Does that answer your question?
17 I'm sorry I missed that.

18 MR. BENSON: Councilman Murphy.

19 MR. MURPHY: With regard to the
20 sewers, where does the effluent currently go to
21 now?

22 MR. LEACH: It goes currently to our
23 sanitary sewer plant over at Moccasin Bend.

24 MR. MURPHY: So we're just talking
25 about the physical infrastructure. We're already

1 handling the processing of the effluent from this
2 area already?

3 MR. LEACH: That's correct.

4 MR. BENSON: If there are no more
5 questions, we've come to the period where the
6 residents living in 1-B may give their
7 expressions. So if you have a spokesman -- as I
8 said before, you can have five minutes per person
9 or a total of 15 minutes if you don't want the one
10 person to speak for all of you.

11 How do you want to -- do you have
12 three people speaking? Come to the microphone. I
13 believe we've got one here and two. Now, the two
14 can have 15 minutes if you don't have a third.
15 Then the council might want to ask you all some
16 questions if you're representing your people.

17 Okay. Please come and give your name
18 and address. We'll put the timer on for 15
19 minutes I guess and one of you back down at a
20 time, you know. Give him some left. The two of
21 you have a total of 15 minutes.

22 MR. CRUMBLISS: My name is Clay
23 Crumbliss. I live at 4116 Obar Drive. This is
24 one of the areas in 1-B. Interestingly, I'm not
25 necessarily refuting the proposed annexation. I

1 question the approach. It's more like a -- it was
2 interesting that Mr. Leach was the only one who
3 gave facts. He gave numbers.

4 Annexation to me in this case was more
5 like a merger or acquisition. To go into a merger
6 or acquisition -- I mean, there is no budget.
7 There is no proposed -- you showed all of the
8 average assessments and all this, but there was no
9 projected income or revenues generated from this
10 annexation. There were no projected expenses.

11 You have mentioned that there was
12 \$315,000 supposedly that's going to be spent in
13 the next three years or in three years for the
14 sewers. There's \$24,000 existing road repairs
15 that will be done over the next several years.
16 But there was no budget. There's no budget that I
17 could see showing the cost versus the revenues.

18 The fire station is going to cost
19 something. The additional equipment is going to
20 cost something, and it's seems to me that you're
21 entering into something -- and I'm not against the
22 annexation necessarily. It gives me peace of mind
23 for the fire and, yes, the sewer. I knew the
24 sewer was there.

25 To go into this and not fully show the

1 numbers, the budget, whatever, is kind of
2 interesting to me. What I'm really also curious
3 about is why, I guess, why Section 1-A and 1-C,
4 why they're not being considered. I think that's
5 probably why this gentleman is here, although I
6 don't know that.

7 It seems to me from what I read and
8 depict from the schematics that appeared in the
9 paper -- and which, by the way, I will digress.
10 It was interesting how for a period of time it
11 listed Cummings Cove and all the other areas by
12 name. Then suddenly in the paper, here is 1-B,
13 2-D, and you go by numbers.

14 You have to go back and try to figure
15 out what number was I, you know. Am I a number or
16 am I a neighborhood? These are just observations
17 that, you know, as you move forward you might take
18 into consideration. It might make this a lot more
19 peaceful and maybe less agitation appearing in all
20 of this. That's just a thought.

21 I know that if we went out and bought
22 a business, we're not just going to go buy the
23 business and sit back and go, huh. Okay. Oh,
24 God, I didn't think about these expenses. I
25 didn't think about this. I wonder what my

1 revenues are going to be. I thought the revenue
2 was going to be a lot higher.

3 It just seems interesting to me. What
4 is also interesting is what appears to be an
5 omission of certain properties that are not
6 included in this round of annexation. There's
7 been no explanation that I could detect anywhere
8 along the lines or reason in that. For instance,
9 the property at 320 West Hills is not included in
10 this annexation, but yet this is part of West
11 Hills. Everybody says West Hills is being /
12 annexed. I don't think so.

13 320 West Hills is not included in the
14 schematics that I've seen. Now, I could be wrong.
15 I'm just saying from the information made
16 available to me and that I have searched around
17 looking for, 320 West Hills is not included, but
18 yet 203 West Hills is being annexed. That seems
19 odd.

20 Also, 319 West Hills is not being
21 annexed. That may be in 1-C. I don't know that
22 either. That is an interesting omission in my
23 opinion too. The reason I say that is, I'm one of
24 founding -- I'm one of the founders of Black Creek
25 Club. As you know, we operate a business inside

1 the county which would now move inside the city.

2 It's a business.

3 So in addition to the property taxes
4 you'll pick up, you're going to pick up a business
5 tax.f.

6 Well, 319 West Hills is Raccoon
7 Mountain Caverns. That's a business. They
8 already boast on their Web site of city water,
9 city sewers, up for 73 camp spaces at least. As a
10 business that is currently existing that's being
11 annexed, it seems odd to me that an adjacent
12 business property line that we share is being
13 omitted.

14 So my question is, why is that. Why
15 is it that 320 West Hills, that sits atop a hill
16 overlooking Obar, all of Obar, is not being
17 annexed, and that's a residence. Without any
18 explanation, my mind wants to think, huh. This is
19 along the lines of, for lack of a better term,
20 gerrymandering at its finest. So those are the
21 types of questions I would love to hear answered
22 in all of this.

23 Really, as a business owner or as a
24 founding owner of the Black Creek Club, I have to
25 question why other entities that are existing and

1 operating entities aren't included in this. You
2 say 1-A and 1-C, if, in fact, that's where one
3 exists -- and I could be wrong. Maybe they are
4 included in all of this, but it's not been that
5 clear. From what I can tell on the maps provided,
6 it is not.

7 Why places are already being serviced
8 with city water, city sewer, are they not being
9 included in this round of annexation, and if not,
10 when will they be, because there are -- I mean,
11 all of a sudden we have to conform with the city
12 codes. That's fine. However, the adjacent
13 contiguous land next to us is not having to. So
14 is there an inequity here? I don't know. I'm
15 asking these questions.

16 It just seems to me that this is going
17 off in a kind of a half cocked motion because
18 there has not been any kind of monetary
19 explanation regarding expenses and revenues. Lord
20 only knows we've got a budget problem already
21 within the county and the city. I don't need to
22 explain that to the police I don't think. We've
23 been through all of that.

24 Personally, I sat here and was
25 listening to all of this, and thought, you know,

1 wonder if this is kind of a back way into a metro
2 government; because if you look at all of the
3 annexation that is being proposed in this round
4 and the next round, then all of a sudden you've
5 eliminated the county, so to speak, and you've
6 only left yourself with those municipalities that
7 are chartered. And there are what, ten, eleven I
8 guess.

9 So this is all very interesting how
10 this is working. I think I can speak for others.
11 We would just love to hear some explanation to
12 these questions and maybe some more.

13 MR. BENSON: Thank you. Did you give
14 a name and address?

15 MR. CRUMBLISS: Yes. It's Clay
16 Crumbliss. 4116 Obar Drive.

17 MR. BENSON: Well, you asked good
18 questions. We're trying to get the answer now on
19 the computer about 320 West Hills. Okay. Go
20 ahead.

21 MR. PERLACKY: My name is Bob
22 Perlacky. 319 West Hills Drive. Might be able to
23 answer some of those questions actually. With
24 respect to our Web site advertising city water,
25 it's public water, yes, Tennessee American. As

1 for city sewer, that's a reference to the sanitary
2 connection for the campsites. We're serviced by
3 seven septic systems. There's absolutely no
4 sanitary sewer that serves our property. That's
5 probably the reason we were left off, the expense
6 of running the sewer versus the low population
7 density.

8 Okay, anyhow, my brother Steve owns a
9 250-acre parcel of land. As you go down West
10 Hills Drive, it's immediately on the right, two
11 acres of which you all want to annex. That's part
12 of the larger tract of, like I said, 250, where
13 his property taxes are about \$500 a year. So
14 you're going to be getting, what, about two to
15 four dollars a year in tax off this, and you have
16 to provide him sewer service. Doesn't seem to add
17 up just right there.

18 West Hills Drive itself, it's a county
19 road. We've had our property at 319 about 15
20 years. It's never been resurfaced in that time.
21 It could use resurfacing. That costs a lot of
22 money from what I understand.

23 Second of all, our primary business is
24 the cave out there, that's what we want to
25 protect. The water that flows through the cave

1 exits underneath West Hills Drive and comes out as
2 Obar Springs on the golf course property.

3 We absolutely, positively do not want
4 any sanitary sewer anywhere near that cave. That
5 cave in some sections is less than ten feet
6 underground. There are rare and endangered
7 species that live in the cave. Just the potential
8 of an accident breach, you know, is very
9 disturbing to us.

10 West Hills Drive, the way you all had
11 it pictured on there, you'd think it's the back
12 door into Cummings Cove. It's not. It's a
13 dead-end street. It's a cul-de-sac. There's a
14 large earthen wall at the bottom of it and a huge
15 wooden fence on the top of it. I mean, we are two
16 separate areas. Why we're included -- why you
17 just want the street -- you want only the
18 maintenance expense of the street, but you don't
19 want -- you know, the campground, you don't want
20 that. I know there's a sewer expense in there,
21 but there's expense involved in maintaining the
22 road.

23 Just a few years ago -- if I might
24 back up, Obar Branch drains that entire side of
25 Raccoon Mountain. Several years ago the water was

1 -- the tubes that go underneath West Hills Drive
2 were insufficient to carry the volume of water,
3 and the water spilled over onto West Hills. It
4 was impassable because the creek was flowing over
5 it. What allowance is being made for that? At
6 some point, if it's a city street, you're going to
7 have to deal with that.

8 As you go down West Hills, the reason
9 we haven't developed that is quite simple.
10 Sinkholes. Whenever you have limestone, you're
11 prone to have sinkholes. We've had sinkholes
12 there. We had one several years ago that was
13 within 15 feet of a county road. It took us three
14 loads of stone from the quarry to fill in the
15 sinkhole.

16 There's a lot of maintenance issues
17 with respect to West Hills Drive. We think the
18 county is doing a halfway decent job. If it
19 becomes a city street, do we get priority because
20 it's a three-year time frame? Is that fair to
21 other members of the city when they've been
22 waiting for their street to be repaired?
23 Obviously if I lived in the city, I would be
24 concerned about that.

25 The streetlights, there are no

1 streetlights on West Hills except the one that we
2 paid for at the cave parking lot. When my brother
3 built a house over there, the power company wanted
4 \$10,000 a pole for each pole they have to set.
5 There will be numerous poles to set just to
6 provide streetlights on that street. Again, you
7 have to dig a hole to put the pole in.

8 I would be very concerned about
9 puncturing the cave system, or even worse,
10 altering the way the stream passage flows. If you
11 accidentally break that, it could back up in the
12 cave and cause tremendous problems. We use the
13 cave as a commercial property.

14 The vegetation control, just this past
15 week the county was out there. Every -- you know,
16 once a month in the summertime, they come out and
17 do the vegetation cuts. There is a large center
18 median that is about 500 foot long. Then it has
19 steep banks on the sides. They do a wonderful job
20 of the brush cutting and everything like that. Is
21 the city prepared to do that?

22 It takes the county two days with
23 their crews to do the entire West Hills Drive.
24 That's a large expense. Yes, the county has
25 access to prisoners who do it, cheap labor. Does

1 the city have access to that? Will they be
2 willing to step up to the plate? West Hills Drive
3 is the main entrance to our property. Obviously
4 we would like it to look good.

5 Like I said, the county has done a
6 very good job in terms of maintaining the brush
7 and services like that. They trim it as opposed
8 to spraying it with chemicals. Again, chemicals,
9 the environmental impact in the cave would be
10 disastrous. There are a lot of environmental
11 issues involved.

12 Preservation of the life in the cave,
13 that's the principle that we operate our business
14 on. The low density around it, because of the
15 campground that's fine. It keeps people away from
16 that area. A high density is the last thing you
17 need around the cave system.

18 The cave is home to numerous bats.
19 Bats, what do they do? They love to eat bugs.
20 Did you know that the bats in the Chattanooga area
21 are said to eat over 20 millions pounds of insects
22 a year? Bugs can carry a lot of germs. The cave
23 systems are worth protecting.

24 We're really asking, please take West
25 Hills out of this. It has nothing to do with the

1 Cummings Cove area. If you look at your maps, a
2 large portion of it is outside your urban growth
3 boundary. So why take this road that has the
4 potential to give you no revenue except the two
5 dollars my brother is going to give you every year
6 in property taxes?

7 When I look at it, I don't see how it
8 makes any financial sense. Like I said, paving,
9 it has to be repaved at some point. That's not
10 cheap. The two dollars is not going to buy much
11 paving. The road does not interconnect into
12 Cummings Cove whatsoever.

13 Finally, 911 calls. If it becomes a
14 city street when everything off it is still in the
15 county, what happens when we dial 911? Right now
16 we have a sheriff out there in about 15 minutes.
17 What happens if it's in the city and we start to
18 get the finger-pointing as to whose jurisdiction
19 it is? What if there's a wreck on the road? Yes,
20 there have been some. What happens?

21 If the city comes out and says no,
22 it's not ours and they have to call the county,
23 just time delays like that; these are serious
24 issues that need to be addressed. I haven't heard
25 any of it. Interestingly, the previous speaker

1 was talking about the way of the annexation and
2 stuff like that.

3 Just by chance, this past week I was
4 working on a history project and came across a
5 little book about Will Cummings, you know, a
6 respected judge, respected politician in this
7 area. I just want to read you something about the
8 annexation in general.

9 He mentioned that he was a county
10 judge when the city annexed North Chattanooga,
11 East Lake, Missionary Ridge, Brainerd, Riverview,
12 St. Elmo, and Alton Park. This important step was
13 pointed out in a preceding chapter -- was taken,
14 however, with the consent of the majority of those
15 residing in the suburban areas. However, with
16 annexation came terrors (phonetically) of economic
17 disaster that brought new problems that had not
18 been expected.

19 There was an urgent movement in the
20 late 20s to annex a number of suburbs for the 1930
21 census so that from the standpoint of population,
22 the city would show growth and keep its
23 traditional place among the cities in the state.
24 The business leaders and chamber of commerce
25 joined in this movement. The group went about

1 annexation in a democratic manner. They carried
2 their appeal to the people involved. They did not
3 go to Nashville and obtain legislation by which
4 they would cram annexation down the throats of the
5 citizens of --

6 MR. BENSON: You're going to have to
7 speed it up. You're already out of time, please,
8 sir.

9 MR. PERLACKY: One more sentence.

10 MR. BENSON: One more sentence.

11 MR. PERLACKY: They gave people
12 affected a vote. That was Judge Cummings.

13 MR. BENSON: Okay. You've both asked
14 some good questions, both of you. We're studying
15 and will get some of these answers. You can talk
16 to us individually maybe afterwards. We've
17 already expired with our minutes. We've got
18 council people who might want to ask you a
19 question.

20 MR. MURPHY: Mr. Perlacky, do you have
21 a map of the cave system such that if the area was
22 annexed, you could provide it to our public works
23 officials?

24 MR. PERLACKY: Uh, we have a decent
25 map of large sections of the cave, particularly as

1 you move down West Hills towards Cummings Road
2 that have not been explored primarily because
3 they've been deemed to be the younger section of
4 the cave. The breakdown, the large rocks that are
5 falling within the cave, instead of being hundreds
6 of thousands of years old, they're more like
7 hundreds of years old. We do not want to be there
8 when one of those falls. By the way, if you are,
9 you get a room named after you.

10 MR. MURPHY: Is the mapping that you
11 have done -- I assume you've looked at whatever
12 the U.S. geological survey has for the area. Is
13 what you've done more comprehensive or should they
14 be considered in combination?

15 MR. PERLACKY: They should be
16 considered in combination.

17 MR. MURPHY: All right. So if this
18 area should be combined, you'd be willing to
19 provide that mapping?

20 MR. PERLACKY: By all means. Anything
21 to protect the cave.

22 MR. MURPHY: Absolutely.

23 MR. PERLACKY: It's got to be
24 protected.

25 MR. MURPHY: I think everybody would

1 have that environmental concern.

2 MR. PERLACKY: Well, the cave is
3 outside your urban growth boundary, but the
4 right-of-way of the road is not, if that's what
5 you want to take. Years ago I met with some young
6 lady in the development office, and we presented
7 the case after I had talked to the previous
8 mayor's administration.

9 They had told us that we were not
10 within the urban growth area. We thought we were
11 safe and everything was fine, only to find out
12 that we were included with this. When the mayor
13 said a deal is a deal, we were left with the
14 impression before that we were out of it primarily
15 because of the cost of sewers. That's the first
16 thing they mentioned. 320 West Hills Drive, by
17 the way, has the same problem with sewer.

18 MR. BENSON: Okay. We've given the
19 opposition 15 minutes to speak, but I notice there
20 is a lot of clapping. I'd rather you raise your
21 hands, those that are in objection so we can see.
22 Raise your hands, those in objection, to annexing
23 1-B.

24 (Audience complied.)

25 MR. BENSON: Raise your hand, those

1 that are in objection to 1-B. That's what I
2 meant. We all can't speak. Fifteen minutes is
3 what we've got. Now, does the council have
4 questions of anybody out there or would like to
5 make any statements? Yes. I'm sorry.

6 MRS. CRUMBLISS: This may help you.
7 You were wanting to find the parcel of that land
8 --

9 MR. BENSON: Okay. I'm going to ask
10 you a question. Tell me about -- I guess it's 320
11 West Hills. Is that what you want to tell me? Do
12 you want to tell me about 319 West Hills Drive?

13 MRS. CRUMBLISS: I have both of these
14 parcels. 320 West Hills is the one that is not
15 being annexed.

16 MR. BENSON: That's right.

17 MRS. CRUMBLISS: 203 West Hills is.

18 MR. BENSON: Give your name and
19 address if you can answer those questions. That's
20 sort of cheating a little bit on the 15 minutes,
21 but go ahead.

22 MRS. CRUMBLISS: My name is Gina
23 Crumbliss, and I too reside at 4116 Obar Drive. I
24 have for you the two parcels, one that isn't being
25 annexed, the residence, and the one that is, both

1 on West Hills that are being cherry-picked.

2 MR. BENSON: Why is that?

3 MR. McMAHN: I think that part of the
4 explanation came from Mr. Perlack. Part of the
5 area is not within the urban growth boundary. The
6 only way that the city can annex in an area that
7 is not within the urban growth boundary is to
8 either get the urban growth boundary amended or
9 upon the petition of the owners of the property
10 that are not in the urban growth boundary.

11 MRS. CRUMBLISS: Just one moment,
12 please. That's interesting because the parcel
13 that is being annexed is actually further west
14 than the parcel that is not being annexed which is
15 further east, which makes it share all kinds of
16 borders with the property that is --

17 MR. McMAHN: Could you get the urban
18 growth boundary map up? Do you have that
19 available on your system?

20 MR. BENSON: Well, if we made a
21 mistake, can we amend this?

22 MR. McMAHN: Yeah. If by chance we
23 have included West Hills Drive or either of those
24 two parcels you've talked about improperly because
25 they are not in the urban growth boundary, then

1 the annexation ordinance to be considered next
2 week could be amended to delete those parcels.

3 MR. BENSON: Thank you for bringing
4 that to our attention. Anything else out there
5 where you see an error? Okay.

6 MR. PERLACKY: If I can add on --

7 MR. BENSON: You've had your time.
8 No, no, no, no. It's not fair. There are other
9 people who would like to speak too, but we can't
10 let them speak either because you've used up 15
11 minutes. I forewarned you of that.

12 Any questions from any of the members
13 of Council?

14 (Brief pause.)

15 MR. BENSON: That concludes the public
16 hearing.

17 (Discussion off the record.)

18 MR. BENSON: We're adjourned.

19

20

21

22

23

24

25

