

**City Council Building
Chattanooga, Tennessee
June 13, 2006
6:00 p.m.**

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, 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, Councilman Benson gave invocation.

MINUTE APPROVAL

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

INTERIM BUDGET

City Attorney Nelson stated that the amended version before the Council includes an increase in pay for city employees effective July 1 so there will not be a need to go through back pay procedures.

Councilmen Rico and Franklin made the motion and second to substitute the amendments to this Ordinance; the motion carried.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF
THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST AND
SEPTEMBER 2006, PENDING THE ADOPTION OF THE 2006-2007 ANNUAL
BUDGET**

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

CLOSE AND ABANDON

MR-2006-018: Paul E. Huffman

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY
LOCATED SOUTH OF 1309 CHESTNUT LAND, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP 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

2006-114: City of Chattanooga, City Council

Councilwoman Rutherford made the motion to move Ordinance 6(j) forward on the agenda; Councilwoman Robinson seconded the motion; the motion carried.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this rezoning was requested by the Council. A map was displayed showing the current zoning of C-2 property. He stated that Planning has recommended rezoning the back portion to C-5 and leaving the front part C-2 where the loan office is located. He noted that the back portion where the nightclub is located is the portion recommended for rezoning to C-5. He stated residential property abuts the rear and some residents have installed chain link fences to keep cars from parking. He again stated that Planning recommends approval of the back portion for C-5 and leaving the front portion where the loan company is located in the C-2 zone.

Councilwoman Rutherford stated that she would like for the entire property to be rezoned which is what the Staff recommended; that the Commission suggested it be divided. She stated because this is located so close to the school and church she would really rather the Council entertain the entire piece of property. At this point she asked the residents in support of the rezoning to stand (several were in attendance).

Councilman Benson stated that he is a member of the Planning Commission and concurs with the recommendation of the Planning Commission, yet, at the same time a letter has been received from the attorney representing the owner saying he could not be present tonight.

REZONING (Continued)

Councilman Benson stated the attorney represents the property owner and out of a sense of fairness the Council should hear from the opposition tonight so they would not have to run back and forth to another meeting. He stated he would hate to have to vote on this without hearing the owner or someone advocating for the owner, as well as the residents. He stated that he would like to postpone the vote but go ahead and give time to the opposition to speak tonight and then let the attorney come in and speak his three-to-nine minutes before the vote is taken.

Chairman Pierce stated that he has no problem with that if the opposition understands there would be no vote on it tonight. He stated that it has been asked that the matter be passed until July 11 and if the opposition elects to present their side tonight time will be allowed to do that, but he would not want to entertain them coming back on July 11 and expecting to get the same time over again. He stated the opposition should either take time tonight or wait until July 11, which is the time the attorney agreed he would be back in the states as he is not out-of-the-country. He stated it is up to the opposition as to whether they want to go ahead and speak to the issue or pass the whole thing until July 11.

Councilwoman Rutherford stated the attorney has a partner who could have been here. She stated the attorney told her on yesterday that he would be back in two weeks and she does not understand why this would be postponed until July 11th.

Chairman Pierce stated we are approaching the end of the month and the Council will not meet on July 4; that July 11 would be the next date.

Councilman Benson stated that he did not feel comfortable with the opposition not being given an opportunity to give their opinion; that he does not believe the Council would vote on this tonight without hearing the other side.

Councilwoman Rutherford stated that the other side could have had representation and they chose not to. She stated when there are this many people present their lives have been pure hell because of this and both residential and commercial constituents are due some courtesy.

Chairman Pierce reiterated that if those in opposition wish to speak tonight they could do so but could not come back on July 11 and have the Council listen to it all over again.

REZONING (Continued)

Councilman Franklin asked as a point of clarification if the Council would still have to vote to defer the matter. The response was affirmative.

Councilwoman Robinson asked if the property owner were present. The response was no.

Councilwoman Rutherford asked why not pass this on first reading and wait for second reading on July 11.

Chairman Pierce stated that the process would not be changed; that it has been requested that this matter be tabled. He again addressed the group present in opposition and stated that if they elect to speak the Council would listen. He asked those wanting to speak to raise their hands; when a few raised their hands he noted that the Council would listen to them and then defer the matter.

Dr. Stephen Sawrie of 4727 Brainerd Road stated that he is an Orthodontist and practices in a location directly across the street from this building and has been practicing for 36 years. He stated if anyone could pick the worst spot to have a bar, it is at this location. He stated this is located across the street from Barger Elementary and there is a church behind it; that the bar does not open onto Brainerd Road as it is on a side street in a residential area, which is in violation and is across from his practice. He stated Atty. Reingold presented his side at the Planning Commission and said it was a property rights issue. He stated everyone has rights; that it is right for his patients to be safe and the neighbors not to be terrorized. He stated this location is a "good time house" and that is all it is; that it has been a bar for twenty years since the early eighties; that it used to be the Sportsman's Barbeque and a very nice neighborhood café until a liquor license was received in the early eighties which was a terrible mistake.

Dr. Sawrie stated 50 cars were towed off the first year and it has changed hands at least six-to-eight times and has been a constant annoyance. He stated windows have been broken out and he watched the local news one night and the person filming the scene panned across the area and he saw his office in the background when the reporter was giving an action report of murder at the Brainerd Café before it became the VIP Lounge. He made reference to gunfire that has erupted since opening and stated the police are constantly called as this is their number one priority in complaints about this building. He stated this is the worst it has ever been as there are rough, rough crowds! He stated they terrorize this neighborhood where some are elderly; that they park in their yards and there are loud voices at night.

REZONING (Continued)

Dr. Sawrie stated that it is his feeling that it is a disgrace to have this in a neighborhood. He stated Atty. Reingold tried to elevate this to a matter of eminent domain; however, no one is trying to take hold of the business as they (VIP Lounge) were run off on Wilcox, which was their last address!

Lee Jones stated his mother lives directly behind Dr. Sawrie's office and as has been previously stated the neighborhood is being terrorized. He stated there are cars with loud speakers and boom boxes and his mother's house vibrates every night. He stated the club does not open until 2 a.m. and at 3 a.m. in the morning it looks like Las Vegas with the slow flow of traffic creeping through. He stated when the club is packed an argument starts about something and there are fights; that people are rude to the neighbors. He stated they pull in their yards, turn around in their driveways, throw bottles in driveways and damage flowers. He stated last week when the police were there giving someone a ticket a car went through his mother's yard – through the yard not the driveway around the police car! He stated they want a nice neighborhood; that they spend money on their property and upgrade their plants and shrubs every year. He stated their yards are now "decorated" with "no trespassing" signs, orange cones and (they) have to forget about putting flowers out! He stated even after taking a bath on cold nights they have to put up barriers to keep people out of their yards. He stated his mother is 81 years old and noted that he does not know how others feel about their mothers, however, he feels very special about his mother and does not like this one bit! He stated he does not want her to be threatened or disrespected!

Councilwoman Rutherford stated in a report run by Capt. Mike Williams, since June 9 there have been 35 calls to this one location.

Sgt. David Woosley of the Chattanooga Police Department stated that he is the third shift superintendent in this area. He stated he was not present to discuss property rights as that is beyond his realm of influence; that the list of calls is a little skewed and the report does not dictate the traffic stops for noise violations or any other noise violations on North Larchmont, Woodvale, Kenwood, Brainerd Road or any other locations that stem from this location. He stated that he has nothing personal against the VIP Lounge and hope they do well in business, however, they could not have selected a worse location than in a residential neighborhood; that the residents call on a regular basis, some are in tears and most are elderly and have no other recourse. He stated that they come in, make arrests, write tickets and eventually move the noise in the parking lot.

REZONING (Continued)

Sgt. Woosley stated the club has been cited for noise and beer board violations to the point of not having a beer license; that the persons coming in are "brown bagging". He stated some court hearings are still in process and the neighbors have been as patient as anyone could expect any neighborhood to be. He stated one resident is 90 years old and has lived in the neighborhood for 40 years and has to barricade her own driveway to keep them from parking, reiterating that this is a horrible location for a night club. He stated this is not the place for it; that from 3 a.m. – 5:30 a.m. this is all they (police) do in Brainerd. He stated last night the last problem was after 4 p.m.; that the latest call he has personally responded to was at 5:30 a.m. for a disorder in the parking lot. He stated the residents are elderly and are not physically able to defend their own property at that time of the morning. He stated the rest of Brainerd and our citizenry suffer from them having to be stuck in one spot and working on one issue for two-to-three hours a night at 3 – 5 a.m. in the morning. He stated if a person does not live there no one can imagine trying to sleep, especially if they have to go to work!

Chairman Pierce stated that he personally sympathizes with what everyone has had to say; that what bothers him is that we have this many people complaining about something happening and our police force cannot find reasons to padlock the place. He expressed that rezoning will not solve the solution or help the property.

Sgt. Woosley stated that the police department does not have padlock powers; that it is up to the District Attorney.

Chairman Pierce asked why it has not been declared a nuisance and boarded up.

Sgt. Woosley stated there is a procedure and the District Attorney addresses that.

Chairman Pierce again expressed appreciation to everyone for all that had been said and noted that the request would be heard again on July 11; that all would be free to come back and listen to the other side. He stated no matter what the Council does it is not going to close the club down; that every piece of property there could be rezoned and be grandfathered in. He stated he did not want them to get the wrong impression that rezoning this will put them out of business because that will not work! He stated it would be up to the police department to enforce laws on the books; that no one can tell him there are no laws on the books to protect citizens against what these residents are going through. He stated he would talk with the Chief or anyone in the Chattanooga Police Department.

REZONING (Continued)

Councilman Benson stated there is no question about their behavior and their right to use this for a C-2 that close to the neighborhood. He stated the Council can not be hasty in this and not follow due process. He stated that he heard Atty. Reingold at the Planning meeting and all the others and there is no question in his (Benson's) mind or Planning's that there is the need to try to reduce it and get back to C-5 and limit that type of activity. He stated that he understands the question about property rights, not eminent domain, however, it is questionable, in his opinion. He stated it might be wise, if it is thought we would be jeopardizing ourselves, to go ahead and vote on first reading and have the second on July 11. He stated he would like for City Attorney Nelson to address downzoning that it is not done "blanketly"; that this is an isolated case and it concerns him legally as we would be adding another "piece of jeopardy" if we move without giving the opposition time to speak up. He stated it might be said that he (Atty. Reingold) had a chance to speak at Planning, however Planning is just the recommending body and we are the legislative body and the other side has a right to be heard.

City Attorney Nelson stated that this is not to single out one piece of property; that he can say this has "an odor" to it. He stated due process generally requires before anyone can say something is taken, the owner must be deprived of all beneficial uses of the property and that would not be the case here, and would not make a sincere condemnation action in court. He stated if the property is rezoned C-5 the present owners and their successors, as long as it remains open, would continue to be grandfathered in and it really is not going to accomplish what he thinks everyone wants to accomplish.

Councilman Benson asked if the person would still be able to operate in that zone. City Attorney Nelson responded "yes".

Chairman Pierce stated to act on this on first reading tonight is sending a signal and the Council might as well go ahead and vote it out next week. He stated it has been said we would table the issue to give the opposition the opportunity to come and speak; that we should listen to both sides before rushing to judgment as to whether this is the right thing to do. He stated that he knows we will open ourselves up for a lawsuit and there is no way around it; that we may not be doing so with this particularly, however we are setting a precedent by doing something just totally out of the ordinary to try to rezone a business out and we are, again, talking about spot zoning. He stated that it is unfortunate that piece was zoned and it had a right with the zoning to operate as a club.

REZONING (Continued)

Chairman Pierce stated that he knows those in opposition are being tormented, however he does not know what the solution is and this is not it; that they are being misled to believe this will solve the problem and it will not; that a way should be found to solve the problem and not try to put a "band aid" on it. He stated those people can operate for the next ten years under the same conditions if we pass this tonight and on final reading next week. To those in opposition he reiterated that that this will not help them and cautioned them to please not let anyone fool them.

Councilwoman Robinson stated that she wanted to go back to what the police discussed as to what the real solution is which is to get a form from the District Attorney to padlock the place as a nuisance. She stated since that has happened in various instances before it sounds like this would be the process for that.

City Attorney Nelson stated the District Attorney has to file a petition in Criminal Court to ask that the property be declared a nuisance and be padlocked if the Court agrees.

Councilwoman Robinson asked what would compel the District Attorney to take that action.

City Attorney Nelson stated that he would be guided by his own judgment; that it could be brought to his attention by any citizen or any Council member.

Councilwoman Robinson asked if the Council could make a request based on the information before us and the neighborhood.

Chairman Pierce stated what will happen is that the officers will be do their job and will present what they have to the District Attorney's office and that is where the problem ends up, with the District Attorney. He stated after it is padlocked and boarded up the District Attorney will file a petition with the Court and, basically, it would be back open, and that is normally the case. He suggested that the officer be allowed to do his job and get the information to the District Attorney and maybe pressure would be put on him to board it up. He stated under former Mayor Corker a business on Rossville Boulevard stayed boarded up two weeks and it was back open and is still open. He stated this is a bigger problem than rezoning and he would like to get to the bottom of it rather than putting on a "band aid".

REZONING (Continued)

Councilwoman Rutherford stated that she has talked with the District Attorney and what she was told is that this is not serious enough; that crimes have not taken place. She stated if Chairman Pierce could "move" the District Attorney she wishes he would!

Chairman Pierce stated that Councilwoman Rutherford could get the Union group to march! Councilwoman Rutherford stated that she did not think the Union is not part of this. Chairman Pierce stated they would support her.

Councilwoman Rutherford stated that she wished they would support this; that she has used every method she knows to use from the law enforcement, code violations, the fire department, television (media) and the District Attorney! She stated it was our Mayor who suggested trying to do the rezoning; not so much the actual rezoning as we are at least notifying the property owner we have taken every step. She stated that she wrote the property owner, not the business owner, in April begging him to give the neighborhood some relief; she noted that the property owner lives in Johnson City. She stated that she does not have any place to go to help her constituents and is begging the Council to go ahead tonight and pass this on first reading and at least show that this Council cares about what is happening. She stated she is willing to postpone second reading until July 11, however if first reading is not done until July 11 that is another month away from having anything to even try to work with. She stated if we could get Bill Cox and have it said the City Council is so concerned they even rezoned the property maybe that will help. She stated she could not express strongly enough what these people are living through.

Councilman Franklin asked Sgt. Woosley at what point does he have to have sufficient evidence based on the number of calls dispatched to support taking information to the District Attorney to have it padlocked.

Sgt. Woosley stated that he wished he had the answer; that he has taken complaints and there have been numerous calls and has arrested people until he is "blue in the face"; that he does not know what the official numbers are before that would take place as it is up to the District Attorney.

Councilman Franklin stated there is a thin line between District 5 and 6 and most of these people are a part of him, too.

Councilman Page stated that it is his thought the Chairman has given the Council information as to what might need to happen to make sure all facts presented and both positions are here at the same time.

REZONING (Continued)

Councilman Page stated he would defer to Councilwoman Rutherford's method and would follow her lead as she and the neighborhood have gotten his attention. He asked that the City Attorney do research for when it does come before the Council again as Councilwoman Robinson put a good idea before the Council to pass a Resolution or ordinance asking the District Attorney to review the seriousness of the case and make a judgment accordingly.

At this point, Councilwoman Rutherford initially made the motion to pass the Ordinance on first reading and defer the matter until July 11; Councilman Franklin seconded the motion.

Councilman Benson stated if Attorney Reingold does not come (on July 11) there would be no more postponements.

Councilwoman Rutherford amended the motion to reflect passage on first reading and rezoning the entire tract C-5; Councilman Benson seconded the motion. When it was clarified that the motion was for the entire tract, Councilman Benson withdrew his second. Councilman Franklin then seconded the motion.

Councilwoman Rutherford further amended the motion to reflect passage on first reading, rezoning the entire tract C-5 and deferring second reading until July 11; Councilman Franklin seconded the motion.

Councilwoman Robinson stated that she feels the Council is trying to fix a problem and rezoning will not fix it; that this amounts to spot zoning. She stated there are a lot of things wrong; that she hears the neighborhood and wants to send the message forth to our District Attorney. She stated by deferring second reading until July 11 we are tying our District Attorney's hands and it may take him longer to get his forces marshaled. She stated with the upcoming July 4 holiday we may find ourselves on the following Tuesday and may not be able to have allowed our District Attorney to do what he needs to do to evaluate and find out how serious this Council is about this problem, how serious our business community is about the problem and how upset we are that our police department team is tied up playing policeman to a bunch of disorderly and rude people.

Councilwoman Rutherford stated if the Council passes this tonight, on her word of honor, she would call Bill Cox in the morning and alert him to what we have done and ask that he take action immediately.

REZONING (Continued)

Chairman Pierce stated we do not know how much information has been furnished by the police department; that the District Attorney may not have anything to take action on.

Councilwoman Rutherford stated she would approach him first thing in the morning; that she has spoken with him previously and will contact him in the morning if we could just get past this right now.

Councilwoman Robinson stated that the motion will not accomplish anything as it amounts to spot zoning, which worries her. She stated she would much rather we adopt a resolution with terminology that we would like to ask our District Attorney to take a look and find resources that will fix the problem.

Councilwoman Rutherford stated this could fix the problem from this standpoint if we take action on this club and downzone to C-5.

Chairman Pierce asked if everyone understood why Planning did not want to rezone the whole tract.

Mr. Pace stated that the Staff made the recommendation to approve the whole tract and Councilman Benson may be in a better position to speak for Planning on their reason for rezoning the back portion.

Councilman Benson stated that it was thought it would be a little on safe ground legally by rezoning the tract adjacent to the neighborhood and keeping the tract facing the front street (Brainerd Road) commercial.

Councilwoman Bennett asked to see the maps and surrounding properties that were initially displayed by PowerPoint. She noted that the application reflects that the request to rezone came from the City Council and wanted to understand why the request came from the Council and not from the property owners.

City Attorney Nelson explained that the method of rezoning can be through the Council, the Planning Commission, itself, or it can be done by petition.

Councilwoman Rutherford clarified her motion for the entire tract.

Councilman Benson stated that it is all commercial on Brainerd Road.

REZONING (Continued)

At this point, Chairman Pierce asked for a roll call on Councilwoman Rutherford and Franklin's motion and second to rezone the entire tract C-5 and defer second reading until July 11; on roll call vote:

Bennett	"No"
Benson	"No"
Franklin	"Yes"
Gaines	"Yes"
Page	"Yes"
Rico	"No"
Robinson	"No"
Rutherford	"Yes"
Pierce	"No"

The motion failed.

Councilwoman Rutherford then offered another motion to pass the Ordinance on first reading and defer second reading until July 11; Councilman Benson seconded the motion.

On motion of Councilwoman Rutherford, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THE REAR
 PORTION OF A TRACT OF LAND LOCATED AT 4803 BRAINERD ROAD,
 MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE
 COMMERCIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE**

passed first reading, second reading was deferred until July 11; on roll call vote:

Bennett	"Yes"
Benson	"Yes"
Franklin	"Yes"
Gaines	"Yes"
Page	"Yes"
Rico	"Yes"
Robinson	"Abstain"
Rutherford	"Yes"
Pierce	"No"

AMEND ZONING ORDINANCE

Mr. Pace stated this ordinance clarifies that the Regional Planning Agency is the official keeper of the zoning map in its digital form and the amendment incorporates another section that deals with the measurement of boundaries from property line to property line.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE III,
SECTION 101 AND ADDING A NEW SECTION 106, RELATIVE TO ZONES
AND BOUNDARIES**
passed first reading.

REZONING

2004-165: Ray D. Slatton

Pursuant to notice of public hearing, the request of Ray D. Slatton to rezone a tract of land located at 6052 Highway 153 came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this request has been deferred for some time as there have been complications in regard to ownership of the property. He stated the ownership issues have been settled and Mr. Slatton is the owner in this request for C-2. He stated there is commercial zoning to the south with houses on either side; that Staff recommended denial as it did not meet the regulations of the Hixson North-River Plan which called for consolidation of properties if zoned commercial. He stated Planning recommended approval of the C-2 with conditions.

Councilman Page stated that this matter has been before the Council before and there was no opposition. He stated he wanted to make sure the applicant has cleared up the ownership issue and has agreed to the landscaping.

Mr. Slatton responded "yes".

Councilman Page stated 153 is going commercial and is being cut so many times with small pieces of property in such a traffic ridden area. He encouraged Mr. Slatton to make minimum cuts and expressed hope he (Slatton) could have a larger parcel of land and not cut 153 in many pieces.

REZONING (Continued)

On motion of Councilman Page, seconded by Councilman Benson

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6052 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

MR-2006-079: Timothy Duckett/Millennium Taxi Service

Councilman Rico stated Ordinances (c), (d) and (e) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE SOUTHERN THIRTY-EIGHT FOOT (38') RIGHT-OF-WAY OF THE 1600 BLOCK OF EAST 21ST STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

MR-2006-084: Ken Defoor

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF THE 2300 BLOCKS OF NAPIER DRIVE AND TIMBERLANE TRAIL AND THE 7300 BLOCK OF MCCUTCHEON 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 first reading.

CLOSE AND ABANON

MR-2006-085: Ken Defoor

On motion of Councilman Franklin, seconded by Councilman Benson,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A SEWER LINE AND RIGHT-OF-WAY EASEMENT LOCATED AT 7318 MCCUTCHEON ROAD, 2314 AND 2318 NAPIER DRIVE, AND 7315 SHALLOWFORD 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 first reading.

REZONING

2006-095: Advance Paper Company

Pursuant to notice of public hearing, the request of Advance Paper Company to rezone tracts of land located at 3409 and 3411 Calhoun Avenue came on to be heard.

The applicant was not present; there was no opposition in attendance.

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 REZONE TRACTS OF LAND LOCATED AT 3409 AND 3411 CALHOUN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

REZONING

2006-107: John S. Wise

Pursuant to notice of public hearing, the request of John S. Wise to rezone a tract of land located at 1188 Pineville Road came on to be heard.

The applicant was present; opposition was in attendance.

REZONING (Continued)

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 1188 PINEVILLE ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
was denied.

REZONING

2006-108: Tommy Woods

Pursuant to notice of public hearing, the request of Tommy Woods to rezone tracts of land located in the 1100 to 1200 blocks of North Moore Road came on to be heard.

The applicant was present; there was no opposition in attendance.

On motion of Councilman Franklin, 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 1100 TO 1200 BLOCKS OF NORTH
MOORE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM RT-1
RESIDENTIAL TOWNHOUSE ZONE TO R-T/Z RESIDENTIAL
TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2006-110: Melissa Bradley

Pursuant to notice of public hearing, the request of Melissa Bradley to rezone a tract of land located at 601 Tremont Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is located on Tremont Street; that the property is zoned R-2 except for the east side where there is commercial, C-2 and C-5. A site plan was shown with access for parking in the rear as well as other homes that are used for business.

REZONING (Continued)

Mr. Pace stated that there are residential structures to the north of the requested site, C-5 businesses to the south and C-2 across the street with parking. He referenced other businesses in the area such as the former Aretha Frankenstein's which recently burned and is being repaired, a beauty salon and the Plum Nelly gift shop. He stated the recommendation is for approval with the following conditions: *use of the existing structure only, gift shop/office use only and no parking in the front yard unless required to meet the parking regulations.*

Denny Brown of MAP Engineers was present representing the applicant. He stated that they met with Planning prior to presenting this plan and worked out the details as far as parking and maintaining the aesthetics are concerned. He stated it is felt this is a use that is warranted and accepts the condition that it be a gift shop or office as stated by Staff and Planning.

Brian, who lives two houses down from this location, asked that the area be kept a neighborhood with no more commercial. He stated regardless of what the engineer said there should be no parking at this point as they do not want anymore concrete in the neighborhood. He stated retail in the neighborhood is failing; that two stores across the street built huge concrete driveways and they have moved out. He stated the Plum Nelly shop next door is retail and they cannot make any business and they are leaving. He stated the curves on the street are extremely hazardous and the Electric Power Board is regularly replacing poles that have been "taken out"; that the last thing they need is more traffic! He asked the Council to keep the neighborhood a neighborhood and stop more business from encroaching.

Jim Wilcox of 410 Beck Avenue stated that he lives a half block from this property and it is his personal residence. He stated he had the pleasure of working with Councilwoman Robinson several years ago when the zoning was done for the existing Aretha Frankenstein's Restaurant and they pressed their concerns about the neighborhood and the business node in the neighborhood and it came out favorably. He stated they were given assurance that commercial would be held at the corner of that property as far as further intrusion into the neighborhood is concerned and that is the main issue. He stated the commercial intrusion has to be stopped at some point as this is a very vibrant neighborhood. He reiterated that they were given assurance at that time that would happen and expressed hope the Council would follow through with that.

REZONING (Continued)

Bob McNutt of 505 Latta Street stated that he was part of that group three years ago that helped get the rezoning for Aretha Frankenstein's. He reminded the Council that he is a big city mixed use person, loves living a block from Frazier and has seen property values rise. He stated when the zone was changed it was understood the break would be at the curve, a natural break in the street. He stated there is no demand for more commercial and encouraged the Council to stick with the plan drafted three-to-four years ago.

Mr. Brown rebutted comments made by stating that the study was done three-to-four years ago and that he understood the way it worked and the dynamics it changed. He stated that he worked with the Staff on this and the current study underway for this area and based on what we worked with as far as determining the line was at this property. He stated the property owner also owns the adjacent property to the north which is also R-2 and gives a cross use access easement and another benefit there would be no more commercial beyond this point. He stated they would like to ask for rezoning of both parcels, however that is not the case here; that they agree this is the stopping point in conjunction with what the Staff recommends. He stated as far as parking and street traffic, Tremont has some speed bumps to minimize any impact of traffic as far as speeding; that this will be a gift shop/office with a low volume of traffic.

Councilwoman Robinson stated that this is in an area that has seen a little node of commercial growth, particularly in the area with the restaurant that burned recently and was a very nice development as well as other shops and boutiques. She stated the thing that has caused heartburn in the area is where that commercial node has occurred along one side of the street and is very contained; that when it starts to cross and intrude into the neighborhood there is a little heartburn that no matter what the intention the current owner might have, at the time the property is sold it could change. She stated some problems that have given her a lot of pain in that area is that it certainly is an area in the road where there is a curve and until speed control devices were installed recently there were a lot of wrecks hitting the light and telephone poles. She stated she absolutely does not want parking on the street in that area because of the narrow nature of the road. She stated while we want progress, nevertheless it comes to a point where a line has to be drawn; that she studied this area in great depth and has come to the conclusion that we have to hold the line on that side of the street.

REZONING (Continued)

Councilwoman Robinson stated that she is afraid for what she sees is a very fragile neighborhood; that these small homes would make wonderful shops but people living there want them to remain homes and their neighborhood to remain intact. At this point she **made the motion to deny the rezoning; Councilwoman Bennett seconded the motion.**

Councilman Benson stated this is an excellent example where a community benefits agreement could have been made and asked if the applicant has met with the community. Mr. Brown responded "no"; that one gentleman was in opposition and he met with him.

Councilman Benson asked Mr. Brown if he was familiar with the community benefits agreement; that the applicant does own property to the north and it would have been an excellent opportunity.

Mr. Brown asked if the Council could defer the matter rather than deny allowing for an opportunity to meet with the neighborhood if Councilwoman Robinson would agree.

Councilman Benson noted that it is unfortunate this matter has been handled this way.

Councilwoman Rutherford asked the thinking of the Planning Staff; that she knows they recommended approval.

Mr. Pace admitted that the Staff was not one hundred percent; that the majority did recommend approval and is what he is representing tonight. He stated there is the word "no" to the north side of the street; that the eastern property, the one across the street and the C-2 making a node is generally the reasoning behind this and would complete the node on the north corner.

Councilwoman Rutherford stated this would make a clustering there.

Mr. Pace stated that they are not in favor of extending up Tremont as a line has to be drawn somewhere and encouraged the Council to do that.

Councilwoman Robinson stated maybe it would be good to get everyone together if this is deferred; that she and Councilwoman Bennett are working on the north shore plan which is not in final form, yet. She stated in going back to the neighborhood plan some years ago we talked about this area remaining residential.

REZONING (Continued)

Councilwoman Robinson stated if there is any interest in meeting with the neighborhood she would be willing to defer the matter two weeks. At this point she and Councilwoman Bennett withdrew their motion and second to deny. She stated it would be good to reaffirm what was in place before as there have been a couple changes since then. She then **made the motion to defer the matter until July 25; Councilman Benson seconded the motion.**

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 601 TREMONT STREET, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5
 NEIGHORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN
 CONDITIONS**

was deferred until July 25.

FINAL PUD

2006-034: Larry Plemons

Councilman Benson made the motion to move Resolution (j) forward on the agenda; Councilman Franklin seconded the motion; the motion carried.

The applicant was present; there was no opposition in attendance.

Councilman Rico stated Resolutions (a), (e), (f) and (g) were discussed in Public Works Committee and approval is recommended.

Mr. Pace stated this request is located in the East Brainerd area and is a detached single-family PUD and approval is requested for the final PUD plan.

On motion of Councilman Rico, seconded by Councilman Benson,
**A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT
 DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT
 DEVELOPMENT KNOWN AS GENTRY SQUARE PLANNED UNIT
 DEVELOPMENT, FORMERLY KNOWN AS PLEMONS PLACE PLANNED
 UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED AT 735 AND 751
 GENTRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS
 SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED
 HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
 CERTAIN CONDITIONS**

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JORDAN, JONES & GOULDING FOR ENGINEERING SERVICES RELATIVE TO A CAPACITY ASSURANCE, MANAGEMENT, OPERATION, AND MAINTENANCE (CMOM) AUDIT AND ACTION PLAN FOR THE CHATTANOOGA SANITARY SEWER SYSTEM IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS (\$70,000.00)

was adopted.

CONTRACT

Chairman Pierce stated the request is to defer this matter an additional week due to something about the contract and bids that need clarification.

Dan Johnson, Chief of Staff, stated that the request is to defer one week for an opportunity to investigate further the request for proposal procedure.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO INTEGRATED NETWORKING TECHNOLOGIES, LLC FOR ITS BEST BID IN THE AMOUNT OF TWO HUNDRED SIXTY-FIVE THOUSAND ONE HUNDRED THIRTY-TWO AND 32/100 DOLLARS (\$265,132.32) FOR A SURVEILLANCE SYSTEM FOR CHATTANOOGA'S 21ST CENTURY WATERFRONT, ONE-HALF OF WHICH WILL BE PAID BY HAMILTON COUNTY

was deferred one week.

REIMBURSEMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE HUMAN SERVICES DEPARTMENT TO REIMBURSE THE HAMILTON COUNTY WATER AND WASTE WATER TREATMENT AUTHORITY AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR SEWER CONNECTION AT THE CHATTANOOGA HEAD START/EARLY HEAD START CENTER LOCATED IN DAISY, TENNESSEE

was adopted.

GRANT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT FEDERAL HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANT(S) TO BE USED TO FUND "REMEMBER YOUR DREAM" PROJECTS, INCLUDING A PILOT BOYZ, INC. ORGANIZATION IN THE CHATTANOOGA AREA
 was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2006-2007, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY
 was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-05-010-101, MBWWTP – SLUDGE DEWATERING SYSTEMS OPERATIONS AND PERFORMANCE TESTING ASSISTANCE, WITH CONSOLIDATED TECHNOLOGIES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWENTY THOUSAND TWO HUNDRED FIFTY DOLLARS (\$20,250.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SIXTY THOUSAND TWO HUNDRED FIFTY DOLLARS (\$60,250.00)
 was adopted.

PAYMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO MAKE A PAYMENT TO STEIN CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF SIXTY-SEVEN THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$67,760.00) FOR RELOCATION OF AN EXISTING SANITARY SEWER IN RENAISSANCE PARK
 was adopted.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING HERITAGE DEVELOPING, LLC TO USE TEMPORARILY AN UNOPENED RIGHT-OF-WAY AND ALLEY BEHIND THE 1100 BLOCK OF WEST MISSISSIPPI AVENUE FOR USE AS CONSTRUCTION ACCESS DURING CONSTRUCTION OF FIVE (5) NEW SINGLE-FAMILY HOMES, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING TREE STUDIO DEVELOPMENT COMPANY II TO USE TEMPORARILY 19TH STREET BETWEEN THE 1800 BLOCK OF COWART STREET AND THE ALLEY TO INSTALL STAIRS TO THE TOWNHOUSES, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending June 9, 2006 totaled \$71,238.53.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **ROGER L. SAMPLES** – Return from Family Medical Leave, Crew Worker, Sr., City Wide Services, effective June 5, 2006.
- **VANESSA Y. HOLLOWAY** – Family Medical Leave, Office Assistant, Traffic, effective June 22-July 24, 2006.

REZONING (Continued)

CHATTANOOGA POLICE DEPARTMENT:

- **MINDY S. MILLIGAN** – Promotion, Police Officer, Pay Grade P1/Step 2, \$30,880.00 annually effective June 9, 2006.
- **MICHAEL R. HARRIS** – Lateral Hire, Police Officer, Pay Grade P1/Step 3, \$32,324.00 annually, effective June 9, 2006.
- **KIMBERLY RIDDLE** – Resignation, Police Officer, effective June 9, 2006.
- **SANYA G. SHAFFER, JAMES M. AGNEW, RANDALL C. BISSELL, BRYON C. BOLLER, JACK E. BURKE, DAVID R. CATCHINGS, CASEY A. CLEVELAND, JOSHUA D. CURTIS, JEFFREY D. FRANCIS, LUCAS J. FULLER, SARAH E. GILBERT, CHRISTOPHER HARRIS, MICHAEL D. MANSHOLT, JORDAN L. REDDICK, DEREK D. RONCIN, WILLIAM L SALYERS, MATTHEW G. SMITH, DANIEL R. SMITHSON, JOSHUA S. STEVENSON, JOSHUA G. TURNER, ROBERT O. WADE** – Hire, Police Officer, Pay Grade P1/Step 1, \$29,437.00 annually, effective June 9, 2006.

FINANCE DEPARTMENT:

- **LISA SIAS** – Hire, Accountant, Pay Grade 17/Step 3, \$36,872.00 annually, effective June 9, 2006.
- **CHRISTINE A. ESSEX** – Family Medical Leave, Deputy Court Clerk, May 22-August 14, 2006; Leave of Absence, August 15-November 10, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **TAMMY WEY** – Family Medical Leave, Senior Firefighter, effective June 5-August 28, 2006.
- **PAMELA WILLIAMS** – Family Medical Leave, Senior Firefighter, effective May 30 – August 22, 2006.
- **JAMES L. HENEGAR, MELISSA J. MILLER, GEORGE RATLEDGE, STEPHEN ROSE** – Promotion, Senior Firefighter, Pay Grade F2A/Step 3, \$31,055.00 annually, effective June 9, 2006.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Parks and Recreation Department:

GEORGIA TURF & TRACTOR (Lower and better bid)
R0089757/B0003224

Field Finisher

\$10,060.00

PENNINGTON SEED, LESCO, INC., HARRELL'S, REGAL CHEMICAL and AGRO
DISTRIBUTORS (Multiple contracts; Lowest bidder for each item)
R0088599/B0003034

Chemicals, Fertilizers and Seed

(Price information available and filed with minute material of this date)

PROMAXIMA (Best overall bid)
R0088440/B0002978

Fitness Equipment

\$28,088.00

PAVEMENT MANAGEMENT SESSION

Lee Norris reminded Council members of the invitation each received regarding a small educational session on next Tuesday at 2:30 p.m. in the Council Conference Room. He stated the subject involves pavement management so the Council can see that the department is moving forward on that.

PAY TIME SYSTEM

Chairman Pierce expressed appreciation to Admin. Madison and the Mayor for the hard work put forth to try to work out a solution for public works as far as the payroll is concerned to the best interest of all. He stated employees in public works will continue to receive a check once a week without interruption.

PAY TIME SYSTEM (Continued)

Admin. Madison stated that the city is proposing, as a means of assuring accurate processing of payroll and avoiding having to eliminate the guesswork in preparation of payroll, to go to a pay time system. She stated that system ensures none of the city's employees will have any real negative impact on pay or amount of pay.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Department:

ADAMS EQUIPMENT CO., INC. (Lowest and best acceptable bid)
R0089297/B0003117

Combination Sewer Truck, Alternate Bid 1

\$227,658.00

SKYLINE PAINTING, INC. (Lower and better bid)
R0089272/B0003105

Painting and Surface Preparation Services

\$20,000.00

EARTHSCAPES, INC. (Only bidder)
R0089315/B0003104

Erosion Control

\$40,000.00

PURCHASE

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

PURCHASE (Continued)**GLOBAL PROTECTION (Lowest and best bid)**
R0088523/B0003010

3M Breathe Easy Air Purifying Respirators

\$10,417.52

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refunds of gross receipts tax:

SOUTHERN FLUID POWER	\$4,447.21
HOLSTON GASES OF CHATTANOOGA	1,321.69

PURCHASE

On motion of Councilman Benson, seconded by Councilwoman Rutherford, the following change order was authorized:

LEE-SMITH, INC. (Change Order 1)
P0024159/R0087050

Truck Chassis and Body Retrofit - *Contract price increase of \$2,435.00; during retrofit the vendor found a defective pump and some cracks that had to be repairs resulting in an increased cost.*

\$70,800.00 – Original Price
<u>2,345.00</u> – Change Order 1
\$73,235.00 -- New Contract Total

INDUSTRIAL DEVELOPMENT BOARD

City Attorney Nelson stated that the Industrial Development Board (IDB) has two members whose terms have expired, Ted Mills and James Miller, both of whom have done outstanding jobs as recognized by their fellows on the Board. He stated Ted has been Chairman for a number of years and James was Secretary.

INDUSTRIAL DEVELOPMENT BOARD (Continued)

City Attorney Nelson stated state law requires that the Council elect the members to the Board and asked that a nomination be made of the two to re-elect them to another term. He stated the Mayor's office is in accord.

On motion of Councilman Rico, seconded by Councilman Franklin, Ted Mills and James Miller were reappointed to the Industrial Development Board.

CERTIFIED RESULTS FROM ELECTION COMMISSION

City Attorney Nelson reported that he has received the certification of results for the city of Chattanooga municipal election held on May 2, 2006 in which our esteemed new member (Councilwoman Gaines) was elected along with two city judges. He stated that the document would be made part of the Council's records and minutes and would be kept as an official record of the Council. **(A copy of this document is filed with minute material of this date; the original is on file in the Council Clerk's office.)**

ORAL MOTION FOR DISTRICT ATTORNEY COX

Councilwoman Rutherford asked that a Resolution be adopted that can be sent to District Attorney Cox asking him to do whatever is necessary to declare 4803 Brainerd Road a nuisance.

On motion of Councilwoman Rutherford, seconded by Councilman Rico, a Resolution was duly authorized; Chairman Pierce voted "no".

Chairman Pierce stated he did not know what information the police department has that would cause action of that nature to take place.

Councilwoman Rutherford asked how the document would get delivered to Mr. Cox.

City Attorney Nelson stated that he would draft a resolution this week for adoption on next Tuesday and the Council Clerk can send a copy. He stated that would be written documentation as a resolution and noted that an oral motion can be made.

Councilwoman Rutherford stated that she would call Mr. Cox first thing tomorrow morning.

PANDEMIC SUMMIT

Councilwoman Robinson stated that she would be in attendance at the community meeting on tomorrow for plans the city and county have toward any possibility of a pandemic in the area as part of her committee's work. She stated she will report back to the Council in a week when it is learned what the City Council would have to do in taking a hard look to make sure that we are as ready as we possibly can be in the event that occurs.

COMMITTEES

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, June 20 at 4 p.m.**

Councilman Page reminded Council members of the **Economic Development Committee scheduled for Tuesday, June 20 at 3:30 p.m.**

Councilman Franklin announced that he would be scheduling a meeting of the Safety Committee within the next two-to-three weeks.

Councilwoman Bennett stated that a meeting of the Budget and Finance Committee was held today and expressed appreciation to Admin. Madison for all her and the department's hard work.

(Councilman Rico excused himself from the meeting at this point.)

JOAN HOLIDAY JOHNSON

Joan Holiday Johnson stated all day long different trucks have come through Alton Park as part of the last phase (of HOPE VI) on Chandler; that the trucks throw dirt and she noted that there was a pond of water that has since been closed over. She stated she was before the Council in December and nothing has happened. She stated there were persons who came to her house and placed a patch on her window but it has come down and is hanging everywhere, now. She stated the home was supposed to have been winterized, however standing inside she can look out and standing outside she can look in! She asked what the city is trying to do to Alton Park homeowners. She stated that she formerly lived in Wheeler Homes and was blessed with Roy McDonald, who sent her to Texas to get HOPE VI here. She stated that she owns property, yet she has been told her home was not there, that it is a lot with no residence on it. She stated that she lives at 402 West 40th Street and it is not a lot!

JOAN HOLIDAY JOHNSON (Continued)

She made reference to having insurance and then the policy was dropped, noting that she could not understand if she lives on a lot how insurance was granted. She stated that it is felt the city is "playing games" and asked what plans the city has to help homeowners to help themselves.

Ms. Johnson continued by stating that dust is everywhere and cars are loaded with "red stuff". She inquired about Councilman Rico (who had left the meeting at this point) and noted she has received a letter from him telling her to get used to the dust and the noise and again asked why the city is not working with homeowners.

Chairman Pierce acknowledged that the Council does not have an answer and noted that he could not recall her coming before the Council in December. He stated HOPE VI was initiated in that area and it is automatic dust would be created as well as other things. He asked if there is a neighborhood organization in the area.

Ms. Johnson responded "no"; that something is going wrong. She stated there has not been a meeting in Alton Park in two years. She stated (former Mayor) Kinsey brought HOPE VI to them and then (former Mayor) Corker came in; that the city is not concerned with the people.

Councilwoman Rutherford asked if dust is coming from the development of new housing in the area.

Ms. Johnson responded that she did not know; that there was a pool of water and a lot of dirt. She stated air pollution came by this morning. She reiterated that the city is not doing anything and asked how what has been done can be rectified.

Councilwoman Rutherford asked Ms. Johnson if she has spoken with anyone at CNE.

Ms. Johnson responded that since the last time she was before the Council there was a meeting in January and Councilman Rico knew about it. She stated Jerry Konohia (of CNE) was brought in and now no one is talking to them. She stated she is a tax payer, a senior citizen and a homeowner; that she will be homeless as no one cares about what is going on in Alton Park.

Councilwoman Rutherford suggested that Ms. Johnson call Rayburn Traugher at CNE and noted her thought that he could guide her.

JOAN HOLIDAY JOHNSON (Continued)

Councilman Benson stated that CNE is really cutting back and their budget is half of what it was.

Ms. Johnson stated that the grass does not get cut nor the street swept; that in the thirteen years she has been out there the street has been swept five times and she cut's the city's grass! She stated Councilman Rico should be here as he knows what is going on. She stated the Council is full of lies and Council members do not care; that they go to their offices and then go home!

STEVEN WEST

Steven West was present representing SEIU and stated that a representative for the organization would like to have a few words with the Council. He expressed hope that the Council would "come on board" with them about the pay plan.

Don Driscoll stated that he is State President of SEIU Local 205. He expressed appreciation for the recent proposal regarding the change in pay plan and restoring the weekly pay. He stated that he and others are concerned about this and stated the department still mandates employees to give several days of leave time to offset the changes being made. He stated that they feel this is wrong to take the leave of employees. He stated that he knows the Council is wrestling with difficult problems yet they do not want the Council to turn their heads as he does not want to see firemen fight fires and 911 operators sitting at computers and not be able to spend time with their family because of a changing pay style. He stated there are alternatives other than a payroll change. He stated it is hoped the finance department and the Mayor will work with them and involve them in looking toward the future and discuss how to improve the quality of city services. He stated SEIU is about all the people of the city; that they serve all and are proud to be Chattanooga employees and work with the City Council and Mayor. He stated they want to make sure their families will not suffer because the payroll system needs to be corrected.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, June 20, 2006 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)