

**City Council Building  
Chattanooga, Tennessee  
July 1, 2008  
6:00 p.m.**

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Page, Pierce, Rico, Robinson and Shockley; Councilwoman Berz was absent due to personal commitment; Councilwoman Gaines was absent due to the death of her mother. 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, invocation was given by Councilwoman Robinson.

#### **MINUTE APPROVAL**

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

#### **SPECIAL PRESENTATION: MCKAMEY ANIMAL CENTER**

Councilman Benson stated that today was the advent opening of a new quasi-governmental facility and it has come a long way in bringing this about. He stated this was started by the Council and our present Mayor Littlefield about five years ago and the facility is now completed. He stated the facility is open and asked that representatives from the McKamey Animal Center tell the Council what happened on the first day of opening. He stated the new Chairman is Dan Alderman, who is replacing "Barby" Wilson, noting that "Barby" will still be very, very active in the Animal Care Trust and McKamey Center.

**SPECIAL PRESENTATION: MCKAMEY ANIMAL  
CENTER (Continued)**

**Dan Alderman** expressed thanks to the Council and noted that Dr. Amanda is on her way to the Council meeting. He stated today was a wonderful day in the city of Chattanooga; that many came out and toured the facility again now that it is open. He stated Dr. Amanda, in addition to fixing the copying machines, has already been spaying and neutering today. He stated that she called him into the room to watch the procedure which produced a cringe inducing effect; however, it showed her commitment to the process. He stated the staff is wonderful; that there are always a few things but everything went extremely well; that this was a good day for Chattanooga! He expressed thanks to Councilman Benson, Mayor Littlefield, Dan Johnson, Marie Chinery and everyone who put in so much time and effort.

**Dr. Amanda Wotjalik-Courter**, Executive Director of the McKamey Animal Center, stated that the Center took in 104 animals today and of those it looks like 78 are cats! She stated she has been neutering and spaying today and for every animal relinquished their cases would be pursued on tomorrow. She stated several animals were relinquished today and there was one field service case involving two Great Danes that were abandoned on the CSTCC campus and noted the case would be pursued on tomorrow. She stated it has been a busy day; that they have a great staff and had eight adoptions already. She stated there has been a lot of public support noting that the public came out in force. She expressed hope that each of the Council members would come back and tour the facility. She stated if there are questions please call 305-6500.

Mayor Littlefield stated that it is a great day; that he got to go out and look at the facility today with animals and cats in windows peering out; that it is a much happier environment than what we have had before in Chattanooga. He stated that he looked at Centers in other cities and once again Chattanooga is on the leading edge and has set standards for other communities to copy. He stated we are fortunate to have wonderful volunteers and a great Executive Director. He stated the surroundings out there are so much better than anything he has ever seen in other communities. He stated that the Center he thought was absolutely the finest some years ago in Nashville was financed by a lot of country music money and was crowded into an environment not nearly what ours is. He stated with the promise of a new dog park and the other surroundings with the soccer fields and recycling location people will have a greater reason to visit this location. He stated there could not have been a better property; that we had been trying for five-or-six years, probably during the early tenure of his time on the Council and could probably say almost seven years when we first started talking about this.

**SPECIAL PRESENTATION: MCKAMEY ANIMAL  
CENTER (Continued)**

Mayor Littlefield stated it has been a long and happy road -- a long road with a happy conclusion. He stated tonight the Council will grant legal police status to the new officers and asked that the Resolution for the special policemen for McKamey Animal Center be brought forward on the agenda.

Councilman Page stated that he did visit the facility yesterday and was really impressed with the staff and colors; that it is really a high tech facility. He stated he would be remiss if he did not reminisce a little and complimented Mayor Littlefield and Councilman Benson, noting that they really did put a lot of leadership and enforcement in making this happen; that he and others on the Council "tagged along", but the Mayor and Councilman Benson really did push this forward and he can speak for the facility because it is in his district! He stated that he is glad to have the facility in the community and looks forward to this being a very successful year in the city of Chattanooga. He stated that he wanted to acknowledge those present who provided the leadership.

Councilwoman Robinson echoed Councilman Page's comments by stating that she remembers very early on she, Councilman Benson and Mayor Littlefield were just coming into office and it was not long before the two of them (Benson and Littlefield) went to Knoxville and Nashville to look at what they had and came back with a vision of what was needed here. She applauded what they have done as well as other civic leaders, noting that the Center is a wonderful asset. She commended everyone who played a part, especially Councilman Benson and Mayor Littlefield.

**SPECIAL POLICEMEN**

Councilman Page made the motion to move resolution 7(h) forward on the agenda; Councilman Benson seconded the motion; the motion carried.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF RANDALL OWENS,  
LISA COX, JAMES AGNEW, JAMES WILSON, DONNA D. SMITH,  
VERONICA CARLISLE, MICHAEL FITZGERALD AND BRANDON BENNETT  
AS SPECIAL POLICEMEN (UNARMED) FOR ANIMAL CARE TRUST  
D/B/A/MCKAMEY ANIMAL CARE AND ADOPTION CENTER, INC., TO  
DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN  
CONDITIONS**

was adopted.

**SPECIAL POLICEMEN (Continued)**

After the Resolution was adopted, Chairman Bennett announced that Judge Russell Bean was present to swear-in those being commissioned, noting that the swearing-in would take place in the Council's lobby area.

**CLOSE AND ABANDON**

**MR-2008-016: Mike Cooke**

Chairman Bennett stated that this is a request that was held over from the Stringer's Ridge proposal; that we have not heard anything from the applicant or owner as the matter has been withdrawn.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated there were a series of PUD's sent back from the Council to Planning in February or March and before those cases could go to Planning the property owner had requested the cases be deferred indefinitely and that project is on hold. He stated this is a closure case that was left over and needs to be "cleaned up".

Chairman Bennett recognized members of the Hill City Neighborhood Association at this time and thanked them for being present.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING UNOPENED PORTIONS OF THE 700 BLOCKS OF PINE RIDGE ROAD, LAKEVIEW ROAD AND HIGH RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was denied.

**CLOSE AND ABANDON**

**MR-2008-036: Betts Engineering Associates, Inc.**

On motion of Councilman Rico, seconded by Councilman Page,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 700 BLOCK OF RIVER GORGE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

CLOSE AND ABANDON

MR-2008-044: Kenneth D. Thurman

On motion of councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED  
PUBLIC ROAD LOCATED AT THE NORTH LINE OF THE 8100 BLOCK OF  
GRAHAM ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS  
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE**  
was denied.

CLOSE AND ABANDON

MR-2008-053: Bob Franklin c/o Girl's Preparatory School

**Councilwoman Robinson** stated that she has received a number of telephone calls in the past two weeks about this. She reminded the Council that this road runs behind GPS and is used a great deal by a lot of people in the neighborhood. She stated that the students use the road after school to exit the campus and the neighborhood uses the road quite often to avoid going out at Island Avenue onto Barton, which is a very scary strip of road and needs traffic control very much, very soon. She stated there are a number of people who use the road for access down to Coolidge Park and their children go that way down to the car rather than walk along where the traffic is very fast. She stated in spite of that fact, GPS has brought this to us to put a single metal arm that would come down and keep cars out only between midnight and 6 a.m.; nevertheless, it is her thought it is warranted that dialogue between GPS and this neighborhood should take place. She **made the motion to defer the matter until those meetings have taken place; that she is not sure how long and suggested deferral for at least two weeks. Councilman Pierce seconded the motion.**

Chairman Bennett stated that Bob Franklin is present and noted that she has received many calls, as well. She stated there is some confusion about what is actually meant as far as closing the road and what GPS actually intends to do. She stated since this is a public hearing, she asked the applicant to come to the microphone and others wanting to speak would be recognized, as well, so the Council could be fully informed.

## CLOSE AND ABANDON (Continued)

**Bob Franklin** of Franklin Associates stated his agency is the architect for GPS and their request is basically not to close the road but to take ownership of the road so that it can be maintained. He stated their logic is the road is in a fairly serious state of disrepair and has been for a long time. He stated they have gone to public works and asked that the road be fixed and repairs to the curb and gutter; that the pot holes are worse than pot holes as the road is actually giving-in on the slope. He stated public works encouraged them to come to the Council to ask that it be given to GPS with maintenance; that the type of maintenance they want to do is to maintain the slope bank, repair the curb and gutter and keep the road paved. He stated the real issue, perhaps, is will the road remain open; that they did request putting a gate at the road for the purpose of security from midnight to 6 a.m. which was mentioned when they were at the Planning meeting. He stated GPS is more than willing to say the road would remain open twelve hours a day, 365 days a year and would grant permanent access to the public at all times, which would be in the best interest of GPS and the neighborhood for the road to be used at all times any time of the day. He stated that is their request at this point; that permanent access will protect the neighborhood and public for using the road. He stated there might be times when there is construction and the road would need to be closed temporarily to work on the back of the building; that GPS is willing to make it available all night long if that is the desire of the neighborhood and that, essentially, is the issue.

Councilman Pierce asked the City Attorney if controls can be placed on the road like that.

City Attorney Nelson responded that it would depend upon the public's purpose.

Councilman Pierce stated that he was just asking if we have the right to put that kind of control on the road.

City Attorney Nelson responded that a public road should remain open.

Councilwoman Robinson stated that would be a moot point now if the road is not closed.

Councilman Pierce stated that they are demanding the road stay open at least 18 hours a day.

Mr. Franklin clarified that they are talking about 24 hours a day.

## CLOSE AND ABANDON (Continued)

Councilwoman Robinson stated that the closure of the road is "off the table".

**Ken Bivin** of 102 Island Avenue stated that he lives at the top of the hill and from what has been said he does not agree with GPS owning the road; that the city owns it and if they are open 24 hours, just take care of it. He stated if they want to fix the road go to public works and fix the road and let the city keep it open. He stated that he is uncomfortable with GPS owning the road.

**Rich Bailey** of 519 Sterling Avenue stated that he and others have been talking and agree with Mr. Bivin's concern partly on the basis of the neighborhood's dubious history with GPS and their difficult relationship. He stated that the "L" shaped road on the PowerPoint photo is actually a public road that has marked "no parking" signs where GPS' buses are parked – things like that. He stated the GPS guard dislikes people walking down the area of Frazier and things like that have occurred over five-to-ten years and have contributed to a stressful relationship with GPS that goes into their reluctance. He stated that he has a couple points to make and noted that he has a problem believing one way to get the road maintained is that they have to take control. He expressed agreement with Mr. Franklin's comment that the road has not been maintained by the city; that he would like to see it maintained whether by the city or GPS and does not see the need to transfer ownership to make that happen.

Mr. Bailey stated that he is also concerned over what he has seen along the stretch of Frazier as it has been closed for a year or so for GPS' construction and not yet open even though construction is finished, and in looking down the road there is a view unobstructed by equipment. He stated it appears GPS narrowed the roadway by building new retaining walls and does not know if it is a public or private right-of-way; that it was in fact a roadway when construction began. He expressed appreciation for Councilwoman Robinson's call for dialogue and expressed that he was representing the interests of people in saying they would like to request an immediate denial right now and hoped for a motion to do that.

**Brian Green** of 517 Sterling Avenue reiterated there is a dubious history and the questions Mr. Bailey raised in reference to city owned property; that he assumes taxes go for maintenance of roads and this neighborhood having the road and this avenue available for the future without question. He expressed appreciation for GPS' architect; however, as long term owners in the neighborhood he would like to see the road perpetuated through city ownership.

### CLOSE AND ABANDON (Continued)

At this point Chairman Bennett asked those in opposition to the request to stand. Several from the community stood.

Councilman Benson stated that he has seen a lot of progress made in reconciliation since this was first introduced at Planning six months ago. He stated many spoke then and he recalls GPS' attitude at that point was that they were going to close the road at midnight and (he) has seen a lot of "giving" from GPS at this point. He stated that he voted against the matter at Planning as he uses that road to pick up his granddaughter at summer camp. He stated that it should be a public road and still contends to that, although at one point in time the GPS Board did not want to repair the road unless they owned it. He stated that it is his thought there is merit in stopping and assessing to see what the long range plans are; that as far as the city ever finding enough money to repair a road that is not used a lot is not a high priority. He expressed support for the motion to defer noting that he has seen reconciliation come pretty far from the time it was first presented.

Councilwoman Robinson stated that she wanted the record to reflect that she has been trying to get the traffic engineer to make a study in that area where Island comes out to Barton to please consider putting in a traffic light. She stated there is so much traffic in and out of the neighborhood; that she does not have an accurate count of how many are going in and out as so many are using that road behind GPS as they are too afraid to go out at Island. She stated that she would like to see a study done and it is her thought it would be skewed now because school is out and would not show enough traffic ingress and egress. She stated what she has asked for and has been told is that it is not warranted and there are no plans for a traffic light. She stated there was talk of installing a camera to take photos of speeders the same way it happens on the "S" curves; that this straight stretch of road is much more in favor of a traffic light and thinks it should prevail in that regard. She stated that she would like to say that the inner road where the buses are actually does belong to GPS as the city abandoned that road eight years ago.

Mr. Bailey stated that the street still has city directional signs and (he) understands it is not abandoned.

Councilwoman Robinson responded that it was abandoned and does belong to the school.

Mr. Bailey stated that the Ordinance included certain parts of Dickerson.



### CLOSE AND ABANDON (Continued)

Councilwoman Robinson stated she would go back and check as it is her thought it has been abandoned.

Mr. Franklin stated there is confusion about Dickerson and Frazier; that on the city tax maps the long black dotted line indicates it as Frazier and even the street sign says Frazier. He stated the city maps and everything in public works call the road Dickerson and his original request is very much a misunderstanding and they in no way meant to confuse anyone. He stated that the photo shown by PowerPoint accurately reflects Frazier – or Dickerson; that the other thing is the permanent access easement is legally binding and that road will always be open. He stated GPS does not want to shut down a permanent access easement and it is their thought that would protect the neighborhood. He stated in reference to the issue of ten-to-fifteen years of strained relationships the GPS administration simply can not tell anyone not to drive or walk down the road or those kinds of things. He stated, finally, a school of this size, whether public or private, takes a lot of money to maintain; that all think GPS has unlimited resources and they do not. He stated the Board finds it hard to fix something that is not theirs; that they have their own major maintenance issues they have to address. He stated if it stays a city road he would ask that the city maintain it; that he knows it has been explained by public works folks that funds are very limited on road repair in our town.

Adm. Leach stated that Mr. Franklin is very accurate; that he has worked with the staff and there are no plans to rebuild the road; that he went down the road today as far as he could and it is in bad shape as it slopes; that if it becomes worse we would have to close the road ourselves due to safety issues. He stated they made the offer basically if they could have ownership they would repave the road and leave it open which may be a good idea; that the city does not have available funds to do major work required at any time.

Councilman Pierce asked Councilwoman Robinson if she thought it would take 30 days to defer the matter.

Councilwoman Robinson responded affirmatively.

Councilman Pierce then asked if Councilwoman Robinson's motion could include a date certain rather than thirty days and make it 28 or 35 days for the matter to come back either July 29 or August 5.

Councilwoman Robinson responded "July 29".

**CLOSE AND ABANDON (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING THE 700 BLOCK OF  
FRAZIER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS  
SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred until July 29, 2008.

**ACCEPT CONTRIBUTIONS**

Councilman Benson stated this matter was discussed in Legal and Legislative Committee at length today and it appears the "cart is being put before the horse". He stated a policy or some quality of control is needed which would govern any activity like that.

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE  
DEPARTMENT TO ACCEPT CONTRIBUTIONS FROM BUSINESSES FOR  
CORPORATE TABLE TICKETS AND/OR ADVERTISING IN A SOUVENIR  
BOOKLET FOR THE POLICEMAN'S BALL**  
was deferred one week.

**PAYMENT AUTHORIZATION**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE HUMAN SERVICES DEPARTMENT TO  
PAY CAPS SYSTEMS AN AMOUNT NOT TO EXCEED THIRTEEN  
THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) FOR CLIENT  
TRACKING SYSTEM SOFTWARE MAINTENANCE FOR FY 2009.**  
was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE PERSONAL  
SERVICES CONTRACT WITH DR. BARBARA MEDLEY FOR OVERSIGHT OF  
THE OFFICE OF MULTICULTURAL AFFAIRS FOR THE PERIOD JUNE 1, 2008  
THROUGH AUGUST 31, 2008 IN AN AMOUNT NOT TO EXCEED TEN  
THOUSAND FIVE HUNDRED DOLLARS (\$10,500.00)**  
was adopted.

### TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING JOHN A. FELLAS TO USE TEMPORARILY 1419 WILLIAMS STREET TO REPLACE AN EXISTING BALCONY THAT SITS ON THE RIGHT-OF-WAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

### TEMPORARY USE

**Councilmen Page and Robinson made the initial motion and second to adopt this Resolution.**

Councilman Benson stated that he has real problems with this as the Council is crossing over a threshold. He stated it is his thinking a precedent is being established here that is putting the Council in violation of separation of church and state. He stated he does not believe taxpayer's money should be used for the promotion of religious institutions; that he knows this is a directional advertising sign but it is on public property and the church is not paying any lease money for that. He stated that he wondered if this would be done for private people, such as Rico Monuments, for example, for direction to a business and wondered where it ends. He stated that he is even more worried about the legal entanglement we would eventually get into if we do not be very, very careful. He stated not too long ago that the Council turned down Second Presbyterian Church downtown for a similar request of signage and thinks we generally did not because we did not want to intrude into religious affairs. He stated he can not vote for this and asked that the Council think about the "slippery slope" they might be putting themselves in.

Councilman Rico expressed his thought that this request is located in Councilwoman Gaines' district. It was clarified that the matter is located in Councilman Shockley's district.

**Councilwoman Robinson** stated that she is reminded by Councilman Benson that this does actually have some precedence as we have denied directional signs for churches. She stated that she remembers saying at the time that it is good prohibition as we have 1,000 churches in our city and do not think we can do for one and not do for another. She stated that she remembers one instance in particular regarding Second Presbyterian in downtown; that we turned that down and it is her thought there have been a couple others, as well, and for that reason **withdrew her second to the motion for approval.**

## TEMPORARY USE (Continued)

Councilman Page stated that he could agree with his colleagues, Councilmen Benson and Robinson, if, in fact, we made this a policy of the City Council, but expressed what bothers him is that there are a number of signs across the city and there will be other requests. He stated he would like for the Council to review this in a larger context and what the City Council will do in regard to future requests and grandfathering other signs.

Councilman Shockley asked if there is a definition somewhere of "temporary" as it applies to this request; that it seems as though temporary is given for permanent signage.

Adm. Leach stated Rev. Black is present representing this request. At this point a handout was distributed that reflected all signs that have been permitted over time. He stated Richard Hutsell is present and can respond to questions. He stated "temporary" generally means not permanent and the sign can be removed if it causes traffic issues. He stated the sign is put there at the applicant's discretion; that the city tells them where to put it and if it impairs traffic it can be removed.

Richard Hutsell stated in anticipating this he had a conversation with Councilman Benson and noted that an ordinance adopted in May of 1994 allows for these signs; that it allows for requests for signs and is especially for nonprofit entities as defined in the ordinance as "a group of nonprofit organizations that do not charge dues or requires fees". He stated it was misstated at Committee religious organizations or other entities can, however, by the list distributed some have in the fourteen years this has been in effect; that approximately eleven have. He stated what this does is indemnify the city if the temporary use is granted and if the sign is damaged they accept responsibility; that if the sign is removed they would have to reinstall it as the city does not maintain it. He stated primarily what traffic, the city engineer and his (Hutsell's) office looked at when the *Code* was amended in 1994 are facilities located backing subdivisions, neighborhoods and off main thoroughfares. He stated Ben Taylor is present from traffic and his job is to look at signs and provide there is not a single distance problem, it is appropriate to place the sign and is required to be on the right-of-way; that the facility cannot be more than 6/10 of a mile from the location of the sign. He reiterated the ordinance has been in existence since 1994 and noted that he did not recall that Second Presbyterian was involved, but that was the first time he can recall from his list that they were denied by the Council for this type sign under this *Code* section.

Chairman Bennett asked if Mr. Hutsell were saying this particular request has gone through that process and the *Code*.

### TEMPORARY USE (Continued)

Mr. Hutsell responded "yes" it has come through the process through his office to see if it meets the *Code* and that traffic has looked at it with reference to 6/10 of a mile sign location to see if it is an appropriate location to place a sign. He stated the temporary use agreement signed states that the city at any time can remove the sign. He stated that he explained to Councilman Benson that we have a substantial number of temporary sign uses in the downtown area overhanging the right-of-way, as well as canopies which require a temporary use and noted a fee is not charged. He stated the city has additional business directional signs, a few of which we manufacture, install and maintain at a charge. He stated the list is provided so the Council could see there have been eleven requests in fourteen years.

Councilman Benson stated that he looked at the list and he is guilty of voting for the two in 2001 and one in 2004; that he did not think it through as well as he should have back then. He stated that he has done a lot of thinking on this; that all churches and everyone want to promote what they are promoting and that is fine. He stated the First Amendment is really where it should stop when our attention is called to it; that what was done in the past does not justify the future if we get enlightened as to what the future might be. He stated that he is "sort of like" Councilman Page and would have no problem if they are already grandfathered in; that that was done with good intentions and maybe not enough knowledge. He stated what really scares him is to continue to say any church directional sign can be put up on property owned by taxpayers of this city.

Councilman Shockley stated in looking at the list these dates by churches indicate signs were installed as requested.

Mr. Hutsell responded "yes".

Councilman Shockley stated since this list goes back to 1994 he does not see how the signs could be grandfathered past 1994.

Mr. Hutsell explained that this would require, as Councilman Benson mentioned, Council members to see it first or not approve in the future; that an amendment would be required. He stated under *Tennessee Code*, that exists now and previous to this action would be grandfathered and protected unless unused in the future.

Councilman Shockley stated that still would not grandfather them since they are after 1994.

## TEMPORARY USE (Continued)

Adm. Leach stated that we have been working for fourteen-or-fifteen years under this ordinance that allows it; that if we go back to May, 1994 those would be legal grandfathered signs. He stated all this says is if the city decides to amend the document to eliminate this section not to allow signs, the ones adopted over the past fourteen years would be grandfathered-in and prior to that they would not have been legal. He stated since May of 1994, until the Code was amended, those on the list are legal and will continue to be legal and will be grandfathered-in.

**Councilman Page** expressed that he felt uncomfortable at this time voting "yes" on it and would like to put it back in Legal and Legislative Committee. He stated that it is his thought it needs to be studied and from the consensus a majority of the Council have real problems with it and it needs to be looked into. At this point, he **made the motion to put the matter up for discussion in Committee; Councilman Rico seconded the motion.** He stated that Rev. Black can come to the meeting; that he does not think discussion should continue on the item now if the motion passes for deferral.

Councilman Pierce stated since Rev. Black is here he should be given an opportunity to address the matter.

**Rev. Bobby Black**, Pastor of Washington Hills United Methodist Church, stated that it appears this is a non-profit organization, a place that helps young people, single-parent families and the community on a non-profit basis and it seems we are skewing everything to make sure we have freedom from religion! He expressed his belief that we are being so sensitive in that way working against whether we need to or not help the people who so desperately need it. He stated the city department has come forth in favor and three people have put in time in 90 and 95 degree temperatures to make sure every "i" was dotted and every "t" crossed. He stated all across this city are directional signs on rights-of-way and if they are grandfathered it would be a horrible prejudice against three square foot signs and expressed hope that the Council would search themselves. He asked that they consider the damage being done through drugs, lack of parenting, lack of encouragement and abandonment of all the things we stand for to help the people; that they should consider allowing this sign just a half block off the road just for people to be able to have a beacon of hope, a direction, hopefully, toward a better life for themselves, their families and community. He stated they are on the same side as the Council but fighting a spiritual battle and they are making progress and helping people.

### TEMPORARY USE (Continued)

Rev. Black continued by stating if Councilman Shockley knows anything about this Church, in the years he has been there he has worked with the youth and doing a very good job in outreach and nurturing. He appealed to the Council to consider what they are saying and let the people that need the help get it; that they know the demographics of Washington Hills and they deserve all the help they can get and the Council is in a position to help.

Councilman Benson stated that the motion is to place the matter in Legal and Legislative Committee on July 15. He asked that administration come back with something that would get them out of the area of tying it into church and state and inter-relating our activities. He stated a dollar rental for so much as a year for use of the right-of-way would help and Rev. Black might want to consider leasing the spot; that he is not trying to promote what the church is trying to do in making a better life in the community. He stated that might be a way to start doing it and the city attorney can advise so it would not indicate local church and state separation.

On motion of Councilman Page, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING WASHINGTON HILLS UMC TO USE TEMPORARILY THE NORTHWEST CORNER OF LAGUANA DRIVE AT BONNY OAKS DRIVE TO INSTALL A DIRECTIONAL SIGN, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was tabled for discussion in Legal and Legislative Committee on July 15, 2008.

### TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING MIKE COOKE TO USE TEMPORARILY THE RIGHTS-OF-WAY ALONG PINE RIDGE ROAD BEGINNING AT WEST BELL AVENUE TO THE SOUTHEAST CORNER OF TAX MAP NO. 126N-J-003 FOR NEW DEVELOPMENT, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was denied.

### EMINENT DOMAIN

Councilman Page noted that he would have to recuse himself from voting on this issue.

**EMINENT DOMAIN (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST DEANNE B, FLANDERS FOR RIGHTS-OF-WAY, A PERMANENT DRAINAGE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENTS ON PROPERTY LOCATED AT 1923 HAMILL ROAD, PARCEL NOS. 110I-H-004 AND 005, RELATIVE TO CONTRACT NO. E-03-028-201, HAMILL ROAD IMPROVEMENTS (HIXSON PIKE TO HIGHWAY 153), PHASE I**  
was adopted; Councilman Page abstained.

**OVERTIME**

Overtime for the week ending June 27, 2008 totaled \$14,965.93

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA POLICE DEPARTMENT:**

- ▶ **TERESA GRAINGER** – Job Elimination, Animal Services Field Supervisor, effective July 1, 2008.
- ▶ **GLORIA RUPERTO-TORRES, KAREN R. SATTERFIELD** – Job Elimination, Animal Services Officer, effective July 1, 2008.
- ▶ **ROBYN GRANT CAMPBELL** – Termination, Communications Officer, effective June 25, 2008.
- ▶ **MICHAEL EARLY** – Suspension (3 days without pay), Police Officer, effective June 27, 2008.
- ▶ **CHERILYN BRYANT** – Suspension (3 days without pay), Sergeant, effective June 27, 2008.
- ▶ **ROSLYN HARRIS** – Retirement (33 years of service), Administrative Support, Assistant 2, effective June 30, 2008.



**PERSONNEL (Continued)**

- ▶ **DAVID L. YOUNG, JR.** – Return from Military Leave, Police Officer, effective July 3, 2008.

**PARKS AND RECREATION DEPARTMENT:**

- ▶ **BRANDON LEE JOHNSON, ERIC SLEDGE** -- Hire, Crew Worker I, Range 2, \$19,044.00 annually, effective June 20, 2008.
- ▶ **DANA CARTER** – Resignation, Administrative Support Specialist, effective June 25, 2008.

**PURCHASE**

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

**PRO CHEM (Best bid)**  
**R0109963/B0005289**

Sodium Hypochlorite (*Although Specialty Chemical Company submitted the lowest unit price their delivery truck is too large to fit in most of the recreation center parking lots; Pro Chem uses an appropriate length hose to pump it to the tanks without damaging the sidewalks and parking lots. Pro Chem can deliver the next day while Specialty Chemical needs two days for delivery.*)

\$2.15 per gallon

**COMMITTEES**

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, July 8 at 3 p.m.**

**HAPPY FOURTH OF JULY**

Councilman Page wished everyone a happy "Fourth of July" holiday!

## GEORGE WITCHER

**George Witcher** of 600 Georgia Avenue, Apartment 25, stated he was present a few weeks ago and expressed thanks to the Council for the good result from his complaint. He expressed appreciation to the gentleman from the Free-Press for his article and noted that he wanted to say publicly Fred Roberts did a great job of recreating the problem and as far as he can tell the problem is solved, again expressing appreciation. He stated that he has one other item that deals with Republic Parking on the Northshore area and distributed copies of a receipt from a parking ticket he received on June 26. He stated tickets are being written to people that are not valid and there have been a couple situations before; that they know through the computer system time someone parks and when the time expires they alert people to go right to your car and the minute, the second it turns to "expired" they write the ticket; that they start writing that instant! He stated when a person takes into account it is already working for them to go to the kiosk and the timer starts, by the time a person pushes the first button and by the time a person gets back to their car a ticket is on the car. He stated some slightly sketchy tickets are being written and also, when a person parks in one of the stalls, in this care stall number 858, the time was 11:54 a.m. and the moment he paid his money the gentleman who saw him park wrote a ticket at 11:57 a.m., after the time he had already paid his money and he received a ticket inside his time! He stated he called Republic Parking and found out if a person calls and asks about it the person is told to void it as they do not want any negative publicity. He stated Republic receives \$10 each time a ticket is written; that it is odd we get penalized with a substantial fee and he imagines most of the money goes to Republic Parking and not the city.

Councilwoman Robinson asked if the officer was still there when the ticket was put on the car.

Mr. Witcher stated when he parked in the stall there is not ticket to put on the dash and in this case Checker No. 101, who actually was parking as he was writing the ticket, saw him get out of the vehicle and walk toward the kiosk. He stated after he paid he went to the North Shore Grill to read a book and came back out and had a ticket. He wondered why he had a ticket if he had paid; that the times clearly match up, noting that he kept the original.

Chairman Bennett asked which lot Mr. Witcher parked in – Theatre Center or on the street.

Mr. Witcher responded that he parked in the one in the one behind the Northshore Grill by Sushi Nabe.

Councilwoman Robinson asked "along the street".

**GEORGE WITCHER (Continued)**

Mr. Witcher responded "if it is considered a street in the back area".

Chairman Bennett thanked Mr. Witcher for letting the Council know this information.

Councilwoman Robinson stated that she is thankful Mr. Witcher did not have to pay for it.

Mr. Witcher stated there are a lot of people who pay and do not question it.

Councilman Page stated he did not know where to go with this as there needs to be a response.

Chairman Bennett stated that was why she wanted to know where Mr. Witcher parked; that CARTA manages those spaces.

Councilman Page suggested that Mr. Witcher write down in detail his experience and share it with the Council and CARTA and ask for a response.

Chairman Bennett assured Mr. Witcher that the Council would make sure it gets to CARTA.

Councilman Page suggested that Mr. Witcher write the note to Tom Dugan and talk to the Council Chairman.

**CONDOLENCES TO COUNCILWOMAN GAINES**

Chairman Bennett asked Council members to remember Councilwoman Gaines as she lost her Mother this week.

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, July 8, 2008 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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