

**City Council Building
Chattanooga, Tennessee
August 17, 2010
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Ladd gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: ADM SOUTHERN CELLULOSE

Mayor Littlefield stated the city is a vast organism and part of that is the sewage treatment facility and collection system; that an important part of how this city runs are the industries that are part of that system. He stated many people do not know industries have a responsibility themselves; that we accept the waste output from those industries within certain characteristics very carefully defined. He stated the ability of those industries to live within those guidelines determine whether or not we are successful as a city in maintaining all the permits we spend so much time talking about for so many weeks. He stated tonight we recognize one of our oldest and largest industries, Southern Cellulose, now called ADM, Archer Daniel Midland Southern Cellulose, which is receiving our "Pretreatment Excellence Award" which is something that is done annually; that they were nominated by the Kentucky-Tennessee Water Environment Association at the Water Professionals Conference in Nashville this past July.

**SPECIAL PRESENTATION: ADM SOUTHERN
CELLULOSE (Continued)**

Mayor Littlefield stated they have been a part of this community and this system for more than half a century and one of the largest industries in our system in terms of the amount of load they provide; that they pay us a lot of money and they do a very good job of pre-treating as they have to take care of it before it comes to us. He and Steve Leach recognized Kyle Hutton, Plant Manager, and Randall Burris, Environmental Manager, and presented them with an "Industrial Pretreatment Award of Excellence for "outstanding operation of its industrial water waste pretreatment facility during the period January 2009 – December 2009 by the City of Chattanooga Waste Resources Division".

Kyle Hutton thanked everyone and expressed appreciation for the patience and cooperation extended to the company by Rick Tate and his group; that they have worked very hard to get to this point in regaining confidence in the community.

REZONING

2010-088: City of Chattanooga

Councilmen Robinson and Gilbert made the motion to move Ordinance (a) forward on the agenda; the motion carried.

Mike Price with MAP Engineers spoke at this time while referring to a PowerPoint presentation. He stated there is not a whole lot more that can be said other than restating some of the information that has been stated previously before the Council. He stated there were several issues related to this development to address. He stated the first was traffic; that what he heard from the very beginning and throughout the rest of discussion was safety; that they have proposed and shown before the Council relocation and lowering of Hunter Road to create a safety condition. He stated at the Council's urging a meeting was held with the city and county traffic engineers, their traffic engineer and the opposition's traffic engineer. In guiding Council members through the PowerPoint Mr. Price referenced a synopsis of the meeting wherein John Van Winkle, Todd Leamon and Karen Anderson with Volkert all came to an agreement that the information that was presented and proposed presents a safe condition as it relates to access in-and-out of Hunter Road and creates a safer condition for those that travel Hunter Road. He then referred Council members to the letter from Volkert explaining some of the particular items as it relates to the development, as well as a description regarding levels of service.

REZONING (Continued)

Mr. Price continued by stating spot zoning was an issue claimed by the opposition noting that C-1, O-1, M-2, C-3 and M-4 zones are throughout; that this is not a spot zoning. He stated spot zoning is placing a non-residential use in a residential area and this is a high density, multifamily residential use in a residential area, which does not fit the definition of spot zoning. He referenced the land use plan wherein the site was shown; that the proposed site has a density of ten units per acre and the land use plan did have errors in the way it was written, however, in the specific area as it relates to this site, it reflects ten units per acre which is what they are meeting with the revised plan before the Council. He stated the site plan has been changed several times to come up with the proposed density of ten units per acre, setbacks for the main units being 100 feet from the Windhaven subdivision, a second entrance being added – all these things have been done time and time again to achieve a plan that meets the requirements of the RPA, fire department, traffic engineers and the concerns of the residents of the area as it relate to conditions indicated. He referenced the landscaping and buffering noting that extensive studies were done as to how this site could be buffered from the Windhaven subdivision; beside the fact it has a 100 foot setback. He stated the landscaping buffering would exist through the use of buildings, landscape berms and garages; that what would be seen is a sculptured landscaped area. Four photos were shown of the property as it is today; that once additional landscaping is added the amount of trees and canopy in this area and screening will be increased.

Mr. Price made mention of the website he had never heard of before, apartmentratings.com, indicating that the opposition will bring to the Council a long list of items as it relates to this. He stated he does not know how to compare that; that he took the apartments the opposition came up with on the list and found what the average rating was for all the apartments they came up with; that the average rating was 56.4 percent of those individuals that indicated an approval rating for all the Contra-Vest and Integra apartments. He stated he then listed the apartment complexes in the Chattanooga area and their rating, which is 52.9 percent. He stated if items are simply being pulled out of an unregulated website he is not certain how to make heads or tails of that.

David Daniel stated that he wanted to go further into the website and the quality of project proposed to be built which seems to get lost over all the rhetoric that has gone on over the last 30 days.

REZONING (Continued)

Mr. Daniel stated in his 24 year career he has built about 20,000 apartment units and about 100 projects and the number of people who go in-and-out of the apartments over the ten years on that website, probably 50,000 – 70,000 people, have gone through their apartment complex. He stated in looking at the people who make comments on the projects, some have 5-20 comments; that if they are added up to 60,000 – 70,000 other people who have gone through there it is immaterial; that there will be positive and negative comments and people who go to the website are usually disgruntled and are having issues because they have not paid their rent or do not like our pet policy or something like that. He stated the three properties he brought with him have a 95, 96 and 97 percent approval rating from their residents which can be taken for what it is worth. He stated every person who goes in to rent a unit goes through a full credit and criminal check and they do their due diligence on the people to assure they are good upstanding citizens. He referenced letters from the Chamber of Commerce in Ormond Beach recommending them as a good developer; a letter from the City Manager of Kannapolis, North Carolina where they are currently under construction who has applauded them for all they have done there, as well as several other communications of praise regarding their complexes. He called the Council's attention to the fact that they were nominated for an Aurora Award which is the top real estate award in the U.S. for the "Best Multi-Family Project for 2009" and if that does not speak to the quality they would bring into a community he does not know what does! Photos were shown of one of their clubhouses, a carriage house and an internal shot of their cyber café. He expressed hope the Council's vote will be consistent with the facts they have presented and not the half truths that are out there; that they can add a lot to the community.

Mike Wilson of 5323 Hunter Road spoke in opposition and stated there is wide public support to reject spot zoning on Hunter Road; that they have 2500 signatures that say "no". He stated they started clearing the site without proper paperwork; that each step of the development has been at minimum or below the norm in code. He stated one Integra website has over 2000 negative comments on their apartments; that the PTA has endorsed their (Wilson's) organization in unanimous disapproval of apartments on Hunter and asked that the Council follow RPC's recommendation for R-1 for this property.

Roger Duckworth, Colonel Retired, stated that the owner invested in this land knowing it was zoned single family, A-1 Agriculture or single family.

REZONING (Continued)

Col. Duckworth stated his development team has tried to define this multi-faceted problem as a single issue of safety because it is the only one of the many issues they could pretend to fix. He referred Council members to one of the charts in the PowerPoint noting the colors of red, yellow and green and indicated there is no green in this chart; that there is no green on this chart and no goodness to this plan. He stated the only goodness will be the money accrued the land owner and developers; that everyone else will suffer. He stated traffic, safety, schools are all extremely important for a vibrant community, but there are major and legal issues that cannot be personally fixed by anyone. He quoted from Tennessee Code 13-3104 stating the RPC has the statutory authority to advise and the RPA has voted "no" consistently on this rezoning; that their total vote three times was 30-4 against this rezoning. He referenced a statement from Vance Travis who indicated he "could not imagine having this put in his backyard". He noted City Ordinance 12194 dated December 16, 2008 which prohibits entry into a nonresidential zone through a residential zone; that the "R-3 zone for purposes of access shall be considered a nonresidential zone if developed with multi-family residences or apartments". Another chart reflected a map noting Hunter Road and the 13 acres planned for development in red and around the 13 acres are R-1, R-1, R-1, A-1 and R-1; that they were not present on the map the Council was just shown for some reason; that they are all residential areas and no legal access to an R-3 zone by the *City Code*.

Col. Duckworth continued by referring Council members to a slide regarding spot zoning; that the Tennessee Planning Commission handbook states "Generally spot zoning is an up-zoning of property to a more intensive use than before"; that R-1 to R-3 with the effect of allowing development inconsistent with the surrounding area, single family to multi-family apartments and transferring benefit to the property owner is to the detriment of others. He stated the property is surrounded by A-1 and R-1 zoning that has been there for a long time. He referred to a slide reflecting a transcript from the January 11 RPC meeting wherein an expert was questioned by the RPC members; that Mr. McDaniel stated "this is textbook spot zoning" and Mr. Haynes responded "you're correct, this would be an R-3". He stated farther in the transcript it was said this could be an R-3 spot zone and has it on tape. He then referred to the Commissioner's Training Handbook that says "the law is well settled that spot zoning is properly known and understood, the spot zoning ordinance as properly identified are invalid". Further, he noted the State of Tennessee's Office of Attorney General says "Spot zoning is invalid" but also states "no city, therefore, may implement spot zoning as Tennessee Courts define the term whether inside or outside its boundaries". He stated no city may implement spot zoning.

REZONING (Continued)

Col. Duckworth stated they fully expect a “no” vote today; that they would like a unanimous vote from the Council so that a strong message will be sent. He closed by stating their group asks for a unanimous vote, to protect their neighborhoods, assure investor confidence and uphold city and state ordinances and laws.

Mike Price rebutted by stating he heard the mischaracterizations as it relates to some of the items that have been brought before the Council regarding the site being graded without proper approval and minimal or below code and he has no idea what they are talking about as he did the civil design, got the proper approvals and has gone through all of the steps and gained the approvals necessary. He stated if he has not heard once he has heard it 100 times Hunter Road and safety which is why they addressed it; that it was not what they made up as it was what they heard the residents’ concerns were. He stated 2003 has been brought up many times and noted he was on the Planning Commission in 2003 and voted against the plan as the plan looked like army barrack housing and it was horrible, a wrong plan. He stated this plan is totally different with a quality plan, quality developer and lay out. He stated this addresses what needs to be done to meet the needs of the community to address the traffic and the issues raised before us. He stated in reference to spot zoning local attorney Allen McCallie is present and can give an opinion as it relates to that issue. He stated they have a quality developer and development.

In making closing statements, David Daniel stated they have come a long way in the last year; that they got excited that Chattanooga was a growing, vibrant city as evidenced by the commitment made to VW and thought it would be a great opportunity to come and provide very needed and desirable housing for not only the employees of VW but other citizens of Chattanooga. He stated with the \$1.5 billion plant VW is building it seems logical there would be quality housing nearby. He stated they reduced the size of the project to 230 units, increased setbacks in the front to 60 feet, increased side setback to over 100 feet, increased landscape buffers, agreed to specific material for the exterior, added deceleration lanes for better safety, agreed to improve Hunter Road to increase safety, insisted the property would not be Section 8 or tax credit funded, agreed units would be market rate and demonstrated rating of projects are equal or better than any other Class A property in Chattanooga. He stated the city Engineer has recognized their design and improvements to Hunter Road are adequate and improves the safety of the road.

REZONING (Continued)

Mr. Daniel stated they will create hundreds of construction jobs that are needed and would provide 8-10 permanent jobs and will increase the tax base for the city and county. He stated he has provided letters of recommendation from other projects in places they have built and asked that the Council take all that into consideration; that their objective from the beginning was to build a Class A project that will be an asset to the community for desirable housing for VW employees and all the other citizens of Chattanooga.

John Harris of 8818 Windhaven Drive stated he conducted most of the research on the apartmentratings.com site; that there is a pattern of behavior with this particular developer. He stated he reviewed the various complexes in their portfolio on their website and presented a book from of 1100 different complaints from 2000-2004 which all talk about parking; that they have to park on side streets to walk to their houses, sometimes up to a half mile away and he has not found one development they have done that this was not the case. He stated they talk about a gated community and the gates are constantly broken, oftentimes broken to the point they will cause backups into traffic and cause traffic jams on the main arteries; that the comments are very well written by the property owners and very consistent one to another. He stated Mr. Price displayed a slide with various percentages; that it may be management after Integra leaves however their typical pattern is they will build the property and when complaints start happening with noise, thin walls and mold problems they sell the property or move it off to a different management company who will then continue the degradation of the property further and further; that the positive ratings are generated by management staff in the office. He stated it can be clearly seen a pattern of behavior with these developments and the question for the Council is why bring an inferior development to our community so the developer can return to Florida and leave us with a gigantic mess. He asked as a Windhaven resident to please consider the Windhaven residents who will have to look at this every single day and deal with all the problems, crime and everything it brings from these developments. He submitted his findings for the official record.

Col. Duckworth stated they have been very straight forward and have brought forth accurate information and not opinions; that they have documented what they have said. He asked that the Council protect their neighborhood, follow the city ordinances and follow the state zoning laws.

REZONING (Continued)

Mike Wilson expressed thanks to the Council for arranging their schedule around their meetings to discuss their concerns; that this has been a long process and knows the Council will do the right thing tonight and vote "no" on R-3 and hopefully they will get R-1.

Another speaker attempted to speak at this time however Chairman Rico gavelled that the time had expired and the discussion period was over as both sides have overextended their time.

Councilman Benson stated since he is the district representative where this development is being proposed, he would like to say a few words noting it would help move this on. Prior to making comments he welcomed newly elected County Trustee Bill Hullender and County Commissioner Chester Bankston. He stated he has been around a long time and served on the Planning Commission in the 70's and is now on the Commission again and has never seen a group on both sides as well organized and with better presentations; that the decorum is role model setting. He stated there has been good dialogue and feels sorry for whoever is voted down on this and whoever wins this earned it by their hard work, complimenting both groups and the leadership of Mike Price. He stated there has been nothing adversarial in this and expressed appreciation in the way everyone has handled themselves; that as the District Councilman he has been concerned from the very beginning about two things; that the volume of traffic that would be brought in would be improved by the developer. He stated another thing of interest was the quality of life going in with this developer; that the developer and community leaders have addressed both these concerns regarding the danger at the entrance as well as what type of quality this development will be. He stated he has not really received any clear cut answers about either, yet if something bad happens he would be worried after it is over with doubts hanging over the property of doing this, rezoning this to R-3 in his mind. He stated as long as that is a doubt hanging over makes it too heavy for him to go ahead and move on this. He stated during the process several things evolved; that first the community knows this land is going to be developed unless they pool their monies together as the residents on Kay Circle did and buy the property if they think it is going to interfere with their lifestyle. In conclusion he stated they are better off being the masters of their destiny in trying to work toward the right type of situation going in there; that it very well could be a PUD homeownership, townhouses or whatever; that it is his thought they are confronted with this empty property and it will be used and does not think it can be kept vacant.

REZONING (Continued)

Councilman Benson stated at this point he did not think he could support this proposal for apartments as there are too many doubts over the quality of it and **made the motion to deny** the application for rezoning; **Councilman Gilbert** **seconded the motion.**

Councilman Gilbert stated as he goes down Hunter he still has issues with safety; that the roads are very narrow and remembers a situation six months ago dealing with Fairmont where an ambulance and fire engine could not make it up there; that seconds count when it comes to someone dying. He asked Commissioner-elect Bankston if he is correct in this area there is the largest elementary and middle school, as well as the largest daycare.

Commissioner Bankston responded that the largest elementary, middle school and daycare is located in that area.

Councilman Gilbert stated there are large schools in the area and a lot of people coming back and forth, kids going to school and there is no way to know if a kid is on the edge of the road and a deer runs through that is hit and will hold up traffic for a period of time. He stated this is not a good idea; that if the county would make the road wider would be a possibility, but at the moment it is not that way. He stated in 2003 the request was denied and now it is approved, however things have not changed that much as there are more people in this area and more of the possibility for more people due to VW. He agreed with Councilman Benson that he has to deny this as it is an unsafe area.

City Attorney McMahan drew the Council's attention to the ordinance that has two components to rezone from R-1 residential zone to either R-1 or R-3 and temporary C-2 convenience commercial to C-2 convenience commercial zone. He stated both are tied up in the same ordinance and everyone here seems to be speaking of the area that is R-1 which he understands is north of the Creek. He stated he has not heard anyone speak to the property south of the creek that is proposed to be C-2. Col. Duckworth responded that is not an issue with them.

City McMahan stated if the Council votes for the first version going from R-1 to R-1 permanent and from C-2 to C-2 permanent, the first ordinance speaks to the overall safety for this development issue with Hunter Road.

REZONING (Continued)

Councilman McGary asked John Van Winkle and Greg Haynes to come forward noting he has great sympathy and appreciation as there are passionate feelings on both sides; that it is his desire to have as much objective information as possible on this particular issue. He stated since the first time he heard this before Council the two chief issues in his mind remain to be traffic and density; that he has heard a third concern tonight as to the aesthetics as to whether this is a quality development or not. He stated his concern remains primarily with the traffic and the actual density; that he would like for the City Attorney to address the issue of spot zoning. He stated Mr. Van Winkle has reviewed the Volkert report and the report by the Ooltewah Citizens for Responsible Growth and asked his objective opinion as to the overall safety of this particular development; that this is a piggy back off what Councilman Gilbert stated; that the Council is in a difficult situation because the issue is not with the development it is with Hunter Road. He stated prior to this becoming annexed by the city of Chattanooga this was a county controlled road when the county should have put money into it; that by placing money into it and developing it, particularly in regard to VW coming, and having foresight to know this area was going to be prime "picking" for development it was his hope the county would have exercised foresight and put effort into that road. He stated since that did not take place the Council has to make a decision for basically a portion of Hunter Road, when the issue is much larger than that portion of Hunter Road. He stated he has great concern about making this developer responsible for the entirety of Hunter Road; that it is not his (developer's) responsibility to repave or widen Hunter Road as it was the county's responsibility which was passed up and now we have to look for other alternatives. He stated he was curious to hear Mr. Van Winkle's viewpoint as to the safety, particularly the suggestions that were made by MAP Associates as to how to correct in front of their property.

John Van Winkle stated when we looked at this case the last time it came before the Council we had not really seen the study done by Mr. Miller representing the neighborhood; that they looked at the Volkert study for the developer and was satisfied that it addressed the major concerns. He stated he did have one comment as it went through the process noting there needs to be some study as Mr. Miler's assumptions were based on an average approach distribution of traffic on Hunter Road.

REZONING (Continued)

Mr. Van Winkle stated that we really had to go out and see what the traffic is actually doing, how many gaps are there for traffic to be able to get out onto Hunter Road, look at the traffic volumes and visibility that was addressed fairly well by the developer on the first go round, but they went even further and made a proposal to lower the road to improve the sight distance for traffic exiting the driveway, as well as providing a second alternate route out of the neighborhood of the proposed development. He stated all those things considered and seeing the results, the gaps of the study was done last Thursday after school was back in session and they were satisfied they had addressed the traffic issues and mitigated the impact they would create. He stated he does not know if it is necessarily fair to hold this proposed developed up based on any future traffic because they have to be able to accommodate their traffic and it is his thought they have done that job. He stated he knows there are other issues; that it is his thought they are more critical than traffic; that they have done their job to address the traffic issues.

Councilman McGary stated in regard to density question and the packet the Council received referring to Mr. Haynes the "city expert", he asked that Mr. Haynes enlighten the Council as to that presentation.

Greg Haynes stated throughout this process he may have said a lot of things; that this case was presented a number of times at Planning Commission and here before the Council. He stated when this first came up he was questioned by one of the Planning Commissioners about spot zoning, and "yes" he did say that and, at this point, did speak that in error. He stated in trying to recreate the scene at Planning Commission he could not remember if he had the zoning map on the screen to refer to or not; that he may have or not, but "yes" he did agree with the Planning Commission this was a spot zone, but will say he spoke that in error as he does not believe it is a spot zone.

Councilman McGary stated at the time this was documented Mr. Haynes confirmed he was recorded accurately, but however as of this point he spoke in error and according to Mr. Haynes' understanding as of today it is not spot zoning. Mr. Haynes responded "yes".

Councilman McGary referred to slides presented to the Council referring to Ordinance 12194 and asked the City Attorney to speak to this in reference to entrance to the property.

REZONING (Continued)

City Attorney McMahan stated he had not seen the slide prior to tonight and during the course of the meeting he has been trying to find that Section and has not found it. He stated if an answer is needed he would have to take a 10-15 minute recess to find it.

Councilman McGary stated if it is the will of the Council he would like for the Council to have good information and would like to have a recess in order to have that information. He asked the City Attorney's opinion if he has an understanding this is spot zoning for the R-3.

City Attorney McMahan stated the area has a combination of zones in the vicinity of this tract that go from a very high intensity commercial area along the Interstate with manufacturing properties, single family residential properties, and commercial; that there is a whole mix of properties in this neighborhood. He state based upon zoning principles generally it would go from high intensity development such as high intensity commercial or manufacturing that would normally go to an office zone, R-4, R-3 or R-2, a transition zone. He stated in his mind this is certainly a transition area and is also a very large tract of 13 acres; that normally spot zone cases deal with small tracts, one lot, in the middle of a subdivision. He stated this is very clearly a large tract, a tract that is going to have to be developed somehow and it is probably not a suitable tract for a plain R-1 development -- that it may or may not be. He stated in his mind it is not a spot zone and that is a debatable legal point, but is the answer he is most comfortable with.

Councilman McGary asked Allen McCallie to express his thoughts on this issue.

Allen McCallie stated he could not state it any better than Atty. McMahan explained and covered it very succinctly. He stated in the last meeting Mike read many passages from Tennessee State Court cases on what constitutes spot zoning and in the handbook the statement "Spot zoning is the absence of planning" appears and is very important to point out here. He stated if someone had to come into the city as Integra did a year ago and pointed to this piece of property on the map and asked to be told what this property is presently zoned and how it is addressed in the growth plan, the answer would have been, as Greg Haynes explained, the property is zoned R-1 and it is in an opportunity growth zone, which is what the Planning Commission adopted.

REZONING (Continued)

Mr. McCallie stated the documentation and illustration proved to be confusing and ambiguous, but if it was asked what the law was regarding this property a year ago, the answer would have been it is in a growth zone which is what Integra relied upon in moving forward with this request. He stated if spot zoning is looked at as the absence of planning and recognized in very serious deliberations, not once but twice, the Planning agency looked at this property and included it in a growth zone and then take what Mike said about the transition from high intensity use to low intensity use, this is the model for how to handle transition zone. He stated he does not think there are any cases in Tennessee law where apartment complexes are considered to be spot zoning in the middle of an otherwise residential development; that is not spot zoning. He stated the other allegation that was made was that an R-3 zone cannot be entered through an R-1 zone and does not have the statute with him; that he interprets that to mean you cannot enter an R-3 zone by traveling through property that is zoned R-1. He stated this property is not entered through R-1 it is entered from Hunter Road which is a public road. He stated the R-1 zone does not apply to the roadway it applies to the property though which you pass and that is what is at issue here.

City Attorney McMahan stated that is set forth accurately in the submittal to the Council; Section 38-511 states "R-3 residential zone for purposes of access shall be considered a nonresidential zone if developed with multi-family residences". He stated that talks about access and not otherwise defined in the ordinance. He asked Mr. Haynes if he knows of any other exceptions. Mr. Haynes stated that is the only section in the zoning ordinance.

Mr. McCallie stated he assumes that means they are not coming to this property through a piece of property zoned R-1, it is through Hunter Road.

Councilwoman Berz called for a point of order; that we are considering the second ordinance, thus the negative motion; that we should be considering the first one that refers to R-1 and keeping R-1 and the temporary C-2 to a permanent C-2. She stated she is not sure why the second one was read as it is the first one we should be considering; that the conversation is good and very instructive, however it keeps us from making a negative motion.

Councilwoman Ladd stated about five or six years ago in the district she lives in we faced an identical situation off Highway 58 on Webb Road; that Webb Road had a bad curve and hills, it was narrow and the residents there were concerned because a developer came in and wanted to put apartment complexes on some property.

REZONING (Continued)

Councilwoman Ladd stated the number one concern was the safety of Webb Road. She stated the developer came in, agreed to reduce the curb and take it out, widen the road in front of the complex, put a turn lane in, reduce the units, add to the buffer beyond what was required, met with the residents and took everything they said into consideration. She stated the residents still were upset because they did not want this around their property. She stated the unit has been in operation for six or seven years and it has been very successful; that the concerns that were raised have not come to fruition. She stated the traffic has worked out fine, there have not been safety issues around that complex, they have been a good neighbor, they have opened their clubhouse to neighborhood associations free of charge for meeting places, contributed to the community and have been a good neighbor. She stated they have not had any incidences and stay 90%+ occupied and is a higher end property much like it appears this developer would do. She stated they were stuck with the same concerns but another concern she had when this whole discussion was taking place and what she has now is the fact Councilman Benson is correct, this is going to be developed and it appears this is going to be a quality development and will be well cared for. She stated there are situations that would give not as many certainties of a positive outcome with what might go in there. She expressed agreement with Councilman McGary who said the Hunter Road issue of safety is an issue that is going to stand with or without any development up there; that it should not have gone as long as it has gone without being addressed.

Councilwoman Ladd continued by stating we have people saying how many schools and the size of schools out there; that this road should have been addressed a long time ago and this morning she was particularly appalled to understand that several bus stops occur on Hunter Road when they could pull into subdivisions; that it is beyond her why bus stops are allowed on Hunter Road at all! She stated that is something that should be addressed with the school board; that there are other things that can be done with safety on the road. She stated we could look at reducing the speed limits and other things that can be done; that she does not see where the developer has failed to try to address the concerns that have been brought up. She stated safety is the only concern that came to her other than a discussion she had with one of the residents this morning; that all she has heard is safety on Hunter Road. She expressed belief that the developer has done all they can do to address that, buffering and reduction in units issues; that much could be done than this development in other situations.

REZONING (Continued)

Councilman Benson stated Ordinance (a) keeps it R-1 with the temporary convenience commercial zone of C-2 and would take a "yes" vote and the subsection would take a "no" vote. He stated he does not know if we should zone it at all right now because this will be tied into the R-1 zone and someone might want to come back with a PUD or something like that to have some quality development in there and assurance with some conditions. He stated there are no conditions in this R-1 and anything can be put in there.

Councilman Gilbert stated that he is also familiar with what Councilwoman Ladd stated about Webb Road; that the only difference in Webb Road and Hunter Road is that Hunter has two large schools and a large daycare. He stated if Interstate 75 is backed up Hunter Road would be taken as a backup. He asked Mr. Van Winkle the exact location the traffic study was taken on Hunter Road. Mr. Van Winkle stated it was taken in front of the property.

Councilman Gilbert asked if that was the only location it was taken. Mr. Van Winkle responded "yes". Councilman Gilbert inquired as to the time of year. Mr. Van Winkle stated it was one peak hour in the morning and the afternoon peak hour. Councilman Gilbert asked if school was in session. Mr. Van Winkle responded "yes; that he has the record but did not bring it with him; that it was the afternoon peak hour when people were getting off work

Councilman Gilbert stated school might have been out prior to the peak hour. Mr. Van Winkle stated the heaviest volume of the day is during the peak time which is the most critical time; that school lets out at 3 p.m. in this neighborhood. He stated if it is not a high volume that would not be the worst condition; that they asked that the study be done at the heaviest time in the morning and afternoon after school was in session. He stated that is why the study was delayed until after school started which was on Wednesday.

Councilman Gilbert asked if they would not want to take one when the school is out, when kids are going to school and when they get out. Mr. Van Winkle stated a study could be done for that; that the overall traffic volumes are heavier during the 5 – 6 p.m. hour and there would not be as many cars exiting the development at that hour, so there would not need as many gaps to try to get out into the traffic onto Hunter Road.

Councilman Gilbert stated if there was a wreck on Hunter Road right now on a Friday, I-75 is backed up, what would happen to Hunter Road. Mr. Van Winkle stated there would be more traffic on Hunter Road; that it depends upon where they are headed whether an accident happened on the interstate.

REZONING (Continued)

Councilman Gilbert stated if an ambulance had to get to the accident could they get there. Mr. Van Winkle stated he did not have enough information to give an answer!

Councilman McGary stated as a citizen of Chattanooga and homeowner and tax payer; that he has a wife and children and want to insure his family is safe as are his neighbors; that he has a great concern about safety of community; that he is very much concerned about the safety of the community as he hears and sees they are very concerned. He asked in order to make a decision what criteria does he need to think through in order to know how to make the best decision he can. He stated there are two categories that would be informative to him: a traffic study, noting two studies have been done and has heard from an objective source that has examined both; that the safety concern for this particular area in question – not Hunter Road in its entirety – our city traffic engineer believes the safety concerns have been addressed. He stated he does not know any other objective source besides two traffic studies that he can go off of that can give an accurate picture as to the safety of that road. He stated in regard to his understanding of safety for this project he is left with the understanding that our objective source in this matter has said the concern has been addressed. He stated the second issue concerns density and whether this is spot zoning; that we have heard from the city attorney and a very reputable gentleman that both have studied the issue intently and identified it is not spot zoning. He stated the two concerns of traffic and density have been addressed.

Councilman McGary continued by stating the third issue is that of the development itself, whether they are structurally sound; that he has to go by objective data and expressed appreciation regarding the apartments.com issue; that as a Councilman he would want to know if a developer has been reckless and put buildings in that have collapsed on people. He stated he would not want to endanger someone's life and would not be the deciding vote to say "yes" to something where he knew it actually was going to cause someone either to be hurt or killed. He stated he does not believe it is his place to make a vote based on aesthetics nor has he been granted the authority to make a decision as to how high the roofs are, or whether the chairs are the right mahogany wood; that he wants to make a decision based on what the concerns are that he would have as a Councilman and as a citizen.

REZONING (Continued)

Councilman McGary stated both have been addressed; that if the motion is to approve Ordinance (a) he cannot do so as he has not heard anything as to why he should unless there is information out there that has not been presented. He stated the information that has been presented clearly state that is not an objective reason why this particular project could not go forth.

Councilman Benson stated we have to vote on the second one which says “rezoning from R-1 to R-3 with conditions form temporary C-2 convenience commercial to C-2 convenience commercial zone” and clarified that is the one the Clerk read. He **made the motion to deny the rezoning from R-1 to R-3 residential zone; Councilman Gilbert seconded the motion.**

**On motion of Councilmen Benson, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 5050, 5336 AND 5344 HUNTER ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1 RESIDENTIAL
ZONE TO R-3 RESIDENTIAL ZONE WITH CONDITIONS AND FROM
TEMPORARY C-2 CONVENIENCE COMMERCIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**

Was denied; on roll call vote:

GILBERT	YES
BERZ	YES
MCGARY	NO
MURPHY	NO
SCOTT	YES
ROBINSON	NO
LADD	NO
BENSON	YES
RICO	YES

REZONING (Continued)

At this time Councilman Murphy immediately made the motion to approve Planning's version for R-1 and C-2 permanent zoning; Councilman McGary seconded the motion.

On motion of Councilman Murphy, seconded by Councilman McGary
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 5050, 5336, AND 5344 HUNTER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE AND TEMPORARY C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

Passed first reading.

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 3, SECTION 3-55, RELATIVE TO NEW SCENIC CORRIDORS
Passed second and final reading and was signed in open meeting.

2020-2011 CAPITAL BUDGET

Councilwomen Berz and Ladd made the motion and second to approve the Capital Budget on second and final reading; however, Councilman Murphy made the motion to amend to change the appropriation to the Department of Parks and Recreation appropriation from \$1,964,950 to \$2,064,950 for capital expenditures related to promotion of the city via public art program; Councilman McGary seconded the motion.

Prior to the vote on the amendment, Councilwoman Scott asked if there would be a second discussion on the whole budget or is this just limited to the amendment. Chairman Rico clarified that it is limited to the amendment right now.

At this point the vote was taken on the motion to amend by Councilmen Murphy and McGary; the motion failed on a vote of 7-2 "no".

2010-2011 CAPITAL BUDGET (Continued)

The original motion and second to approve on final reading by Councilwomen Berz and Ladd was now on the floor for vote with the motion carrying.

Councilwoman Scott stated when the motion is made and the second and then the vote is held, the speed at which we are going through this puts the person who wants to put a light on at a disadvantage and asked that we slow it down a few seconds for those of us that...

Chairman Rico stated that he called for discussion.

Councilwoman Scott stated the vote has been taken and noted the reason she voted against this is this budget did not concentrate on the main infrastructure issues that she thinks most of the residents in her district support, which is why she is disappointed in this.

Councilwoman Berz stated she wanted to say prior to rushing through this that the infrastructure matters and the other matters were discussed for two hours at length at our 1 p.m. meeting. She stated that she would like for the record to reflect Mr. Norris' comments that strategic planning is being done and the plan will not be ready yet; that the money already in the budget would be more than sufficient for this year and when the strategic plan gets completed so we can make the best use of our money he will come back for sufficient funds or more than sufficient funds next year. She stated Councilwoman Ladd made terrific comments about strategic planning; that for the record and the public she would hate for anyone to think we are "blowing off" roads and asked him to speak to that.

Lee Norris stated they are right on the cusp of implementing a strategic plan to restore pavement to the roads in the city of Chattanooga; that it has been a long and arduous process and are right in the middle of collecting street data to make this program work and once it is completed it will provide a means of identifying roads that have completely failed, the ones that need minor cosmetic work and one that they can really direct their dollars on to make a lasting change right now. He stated the whole theory behind this is the right treatment at the right time at the right place; that is where we are going with this. He stated they are still neophytes in getting this thing running and hope to have the first set of data ready to "crunch" before Christmas which will enable them to put together a paving and repair list for next paving season.

2010-2011 CAPITAL BUDGET (Continued)

Mr. Norris stated that is why he has said next year when he comes back he will be asking for more money for pavement management because he will know exactly where to spend it.

Councilwoman Berz asked if the money this year is sufficient to his needs for this year. Mr. Norris responded "yes, it is".

Councilman Gilbert clarified for the audience that the Wilcox Tunnel was discussed earlier today and those particular funds are coming out of \$750,000 allocated years ago; that this money is not coming out of this budget, which is why he voted "no" as he has other issues with the budget. He stated as far as Wilcox Tunnel goes that comes out of the \$750,000 already allocated years ago.

Councilwoman Scott stated there is a saying "the proof is in the pudding" and at the end of the year we will see how much paving has been done on the allocation that should be enough for this year. She stated it is not enough for this year and is not going to be enough for the residents that have gone years without the appropriate maintenance on the road.

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING
FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR
2010/2011 AND TO AMEND THE FISCAL YEAR 2010/2011 BUDGET
ORDINANCE NO. 21410**

Passed second and final reading and was signed in open meeting; **Councilmen McGary, Gilbert and Scott voted "no"**.

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 8, RELATIVE TO AVIATION, SO AS TO REPEAL ARTICLE I AND
ARTICLE II**

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

AMEND ORDINANCE 12414

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND SECTION 5 OF ORDINANCE NO. 12414,
ENTITLED "AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 2, ARTICLE I, SECTION 2-3, IN GENERAL, AND
ARTICLE III, DIVISIONS I THROUGH 7, SECTION 2-136 THROUGH 2-174,
AND TO REPEAL SECTION 2-193 OF THE PERSONNEL ORDINANCE" SO
AS TO DELAY THE IMPLEMENTATION OF CHANGES TO OVERTIME AND
COMPENSATORY LEAVE TO AUGUST 27, 2010**

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted "no"**.

AMEND CHARTER

Councilman Gilbert asked if the information has been corrected that was discussed last week regarding this Ordinance. He stated the discussion was in reference to regular employees who are separated from police and firemen and it should be equal. The response was "yes".

City Attorney McMahan we discussed this last week and currently there are provisions in the Code about police and firemen that are different from regular employees; that by this ordinance when the Council drafts the procedures they can be made equal; that this authorizes the Council to equalize them when the procedures are redrafted.

Councilman Murphy stated he has not heard from any employee groups about this and it must be due to the "batting average" with this new Council; that they are happy to be rid of us! He asked if other Council members have heard from any employee groups. Councilman Benson noted that he has heard from one individual.

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**AN ORDINANCE TO AUTHORIZE A REFERENDUM TO AMEND CERTAIN
PROVISIONS WITHIN TITLE 3 AND TITLE 13 OF THE CHARTER OF THE CITY
OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE
PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE
STATE OF TENNESSEE, TO MAKE CERTAIN CHANGES TO THE
DISCIPLINARY APPEALS PROCEDURES FOR RIGHTS OF POLICE
OFFICERS, FIREFIGHTERS, AND EMPLOYEES OF THE CITY OF
CHATTANOOGA RELATIVE TO THE ADMINISTRATIVE PROCEDURES FOR
EMPLOYEE DISCIPLINARY APPEALS**

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

AMEND ORDINANCE 12413

On motion of Councilwoman Berz, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND SECTIONS 2-436, 2-437, 2-439, AND 2-442 OF ORDINANCE NO. 12413 ENTITLED “AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, SECTION S2-151 THROUGH 2-153, BY DELETING THESE SECTIONS IN THEIR ENTIRETY AND INSERTING A NEW DIVISION 19 ENTITLED ‘INJURY ON DUTY PROGRAM’”

Passed second and final reading and was signed in open meeting; **Councilman Gilbert** voted “no”.

LIFT CONDITIONS

On motion of Councilman Benson, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT THE CONDITIONS IMPOSED IN ORDINANCE NO. 11983 (CASE NO. 2007-086) ON TRACTS OF LAND LOCATED AT 7726 AND 7730 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITOINS

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

RESCIND RESOLUTION 25664

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,
A RESOLUTION RESCINDING RESOLUTION NO. 25664, SPECIAL POLICE COMMISSION, FOR BRAD C. GARDNER, FORMER MANAGER OF CODES, COMMUNITY SERVICES AND NEIGHBORHOOD RELATIONS FOR THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT

Was adopted.

ALLOCATION

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ALLOCATE UP TO SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00) IN NEIGHBORHOOD STABILIZATION PROGRAM FUNDS TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA TO COVER COSTS ASSOCIATED WITH THE RENOVATION AND SALE OF 1612 OLIVE STREET AND TO ENTER INTO AN AGREEMENT WITH THE ORGANIZATION FOR THE SAME

Was adopted.

DONATE PROPERTY

City of Chattanooga c/o Dan Thornton

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ALL DOCUMENTS NECESSARY TO DONATE PROPERTY LOCATED AT 1612 OLIVE STREET TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA

Was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman McGary, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING AND AUTHORIZING PAYMENT TO FOUR DIFFERENT ARTISTS WHO PERFORMED AT THE 2010 SWAGGFEST YOUTH PROGRAM DUE TO THE COMMODITY CODE FOR ALL EXPENSES FOR A TOTAL OF SIXTEEN THOUSAND DOLLARS (\$16,000.00)

Was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TERRACON CONSULTANTS, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. E-03-028-304, HAMILL ROAD IMPROVEMENTS PHASE 3 AND 4, IN THE AMOUNT OF TWENTY-FOUR THOUSAND NINE HUNDRED NINETY-NINE DOLLARS (\$24,999.00)

Was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH PARRIS ROOFING FOR THE ROOF REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED THIRTY-ONE THOUSAND DOLLARS (\$31,000.00), INCLUDING CONTINGENCIES

Was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH SPROUT ROOFING FOR THE ROOF REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED TWELVE THOUSAND NINE HUNDRED DOLLARS (\$12,900.00), INCLUDING CONTINGENCIES

Was adopted.

OVERTIME

Overtime for the week ending August 12, 2010 totaled \$54,584.73.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **ERIC JONES** – Return to Duty from Military Leave, Police Officer, effective August 5, 2010.
- **JOSEPH NEIGHBORS** – Resignation, Police Officer, effective August 10, 2010.

PERSONNEL (Continued)

- **JEANETTE J. WILLINGHAM** – Resignation, School Patrol Lieutenant, effective August 10, 2010.
- **SHAKIR S. GHAZI** – Military Leave, Police Officer 1, effective August 11-November 4, 2010.

FINANCE DEPARTMENT:

- **CHRISTY CREEL** – Family Medical Leave, Management and Budget Analyst 1, effective June 21-October 1, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **BRADFORD RANSOM** – Return to Duty from Military Leave, Firefighter, effective August 13, 2010.
- **JOSHUA S. BURCHARD** – Leave of Absence, Firefighter Senior, effective August 8, 2010.
- **NAKIA SWAFFORD** – Resignation, Firefighter Senior, effective August 13, 2010.
- **TIFFANY BIRD, DOUGLAS BRAGER, JONATHAN CAMPBELL, BRENTON DAVENPORT, JONATHAN DILTS, RANDALL EDGEMON, JOSEPH ERVIN, JAMES FLAGG, ANGAIL GIBBS, RONNIE GOSS, SHAUN HINOJOSA, JEFFREY HOLLIS, KIM HONISH, JR., BRANDON LAWRENCE, COLE LIVELY, JOSEPH MAREK, CHAD MCBRYAR, DANIEL PETERSON, ERIC RODDY, QWANESHA SMITH, BRYANT TAYLOR, WILLIAM A. THOMAS** – Hire, Fire Cadet, Range F0C, \$31,577.00 annually, effective August 13, 2010.
- **STEVEN JENKINS** – Promotion, Fire Cadet, Range F0C, \$31,577.00 annually, effective August 13, 2010.
- **TOBY WALKER** – Promotion, Fire Cadet, Range F0C, \$31,577.00 annually, effective August 16, 2010.

HOTEL PERMIT

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following hotel permit was approved:

PETTIT HOUSE, 109 Ochs Highway, Chattanooga, TN

PURCHASES

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson, the following purchases were approved for use by the various departments:

GENERAL SERVICES:

LEE-SMITH (Lowest and best bid)

R29824

Purchase of Blanket Contract for Light Duty Vehicle Parts

\$1,500,000.00 Estimated annually

LEE-SMITH (Lowest and best bid)

R29838

Purchase of Blanket Contract for Heavy Duty Vehicle Parts

\$1,500,000.00 Estimated annually

PUBLIC WORKS:

BAKERS WASTE EQUIPMENT, INC. (Best complete bid)

R30803/300462

Purchase of Outside Rail Containers and Refuse Compactor (*Stoltzful Steel Mfg. offered the lowest bid, however, their bid was incomplete and considered to be non-responsive and ineligible for the award.*)

\$72,574.00

CITY CODE CLARIFICATION

City Attorney McMahan stated residents of the Hunter Road zoning area brought up what is now Section 38-511 of the *City Code* about access to commercial, industrial and other non-residentially zoned properties. He stated that he discussed this with Mrs. Rennich during the break and it is his understanding that the purpose of this Section really is to prevent someone from going through an R-1 zone to get to a C-2 zone if they are part of the same development; that as written, it is ambiguous and recommended that the Planning Commission study 38-511 and come back with an appropriate recommendation for it to be redrafted.

REFER TO PLANNING

Councilman McGary stated in light of today's Education, Arts and Culture Committee meeting we are steps away from having alcohol and wine sold at the Tivoli and Memorial Auditorium; that one step remains as the zoning needs to be changed on the Memorial Auditorium property. He **made the motion to refer to Planning the matter of rezoning the Memorial Auditorium property so alcohol sales could be sold; Councilwoman Robinson seconded the motion; the motion carried.**

COMMITTEES

Councilman McGary stated the Education, Arts and Culture Committee met today and the Council decided that alcohol would be sold only in the lobby initially and we have challenged the Department to begin the RFP process, which will then go to purchasing and to Council for final approval; that it is anticipated that will take place within the next 45 days or less. He stated simultaneously we will be looking into changing the zoning of the Memorial Auditorium property so alcohol can be sold at both the Tivoli and Auditorium.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 24** immediately following the Agenda session to take up the ethics discussion and any other matter within the jurisdiction of the Committee.

COUNCIL RULES OF PROCEDURE

City Attorney McMahan read the Rules of Procedure with respect to recognition of members of the public on non-agenda items:

“The following procedural rules relative to recognizing members of the public who wish to address the Council on a matter not on the regular meeting agenda shall apply: 1) Each speaker wishing to address the Council shall be recognized only at the microphone provided for that purpose. 2) The speaker may address the Council only upon matters within the legislative and quasi-judicial authority of the Council. 3) Each speaker shall limit his or her remarks to three (3) minutes, unless permission for additional time is provided. 4) The speaker shall not be permitted to use any vulgar or obscene language. 5) The use of the floor by persons addressing the Council shall not be used to personally attack or personally denigrate others. 6) The Chair is prohibited from recognizing any person, neighborhood association or organization to speak to the City Council during the “non-agenda matters” portion of the agenda more than twice in any thirty (30) day period.”

CLARENCE WILLIAMS

Clarence Williams, Vice President of the North Brainerd Neighborhood Association, expressed thanks to the Council for the meeting at 1 p.m. today noting that they are moving forward with the Wilcox Tunnel and is very appreciative of that, as well as the program that will go forward as far as putting more tubes into that area. He stated Wilcox and Shallowford Roads are being widened and the neighborhood appreciates what has been done for them. He stated they look forward to being present at more of the meetings as we move forward in beautifying the city. He expressed personal thanks to Councilwoman Scott for being very inquisitive of things noting that it is very thoughtful!

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, August 24, 2010 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)**