

**City Council Building
Chattanooga, Tennessee
September 20, 2011
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance Councilwoman Robinson gave the invocation for the evening.

MINUTE CORRECTION/APPROVAL

Councilman McGary stated page 6 of last week's minutes reference a "Note of Thanks" with comments from Councilman McGary. He stated the comments were made by Councilman Gilbert, not Councilman McGary.

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

LIFT CONDITIONS

2011-096: Shull-Harris Construction, LLC

Councilman Benson and Rico made the initial motion and second to approve this ordinance on second and final reading.

City Attorney McMahan stated Admin. Leach has called to his attention there is an apparent error in the ordinance noting that the description references "R-2A rural residential" which in our parlance would be an R-2 residential zone and this property obviously has come into the city from the county, but our ordinance should say "R-2 residential zone" as opposed to "R-2A" rural development zone.

LIFT CONDITIONS (Continued)

Councilwoman Robinson made the motion to approve the amendment; Councilman McGary seconded the motion; the motion carried. City Attorney McMahan amended the caption of the ordinance in open Council meeting;

Later during the meeting Admin. Leach realized he spoke incorrectly and noted that the R-2A rural residential development reference was because the back portion of this property is in the county and this is on the extension on Jenkins Road out near Lee Highway; that as he recalls from the case this is a reference to the back portion which is in the county and in fact is zoned R-2A.

Councilwoman Robinson noted that she made the initial motion to approve the amendment and again made the motion to reverse the amendment; Councilwoman Berz seconded the motion.

Councilman Murphy asked if we can rezone something that is not in the city. City Attorney McMahan stated we are just lifting a condition.

Admin. Leach stated the ordinance references the rear of the property which is zoned R-2A rural residential which happens to be in the county; that the Council is not rezoning the property but rezoning to the edge of the rural residential zoning. He stated the request was for parking to the rear of the building; the rear of the building abuts the R-2A zone.

Councilman Murphy asked for clarification that we are not lifting conditions on land that is not in the city. Admin. Leach responded "correct".

On motion of Councilman Robinson, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO APPROVE LIFTING CONDITION NO. 1 TO ALLOW TWO STORY BUILDINGS AND LIFTING CONDITION NO. 2 TO ALLOW PARKING TO THE REAR ALONG THE R-2A RURAL RESIDENTIAL DEVELOPMENT IMPOSED IN ORDINANCE NO. 11788 ON PROPERTY LOCATED AT 3336 JENKINS ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN IN THE ATTACHED MAP

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

AMEND CONDITION

2011-097: Penny Manis

On motion of Councilman McGary, seconded by Councilman Benson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO APPROVE AMENDING CONDITION NO. 1 TO ALLOW HAIR SALONS AS WELL AS OFFICES IMPOSED IN ORDINANCE NO. 11490 ON PROPERTY LOCATED AT 8402 EAST BRAINERD ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN IN THE ATTACHED MAP

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

HOMEAGAIN PROGRAM FUNDS

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO CEO ENTERPRISES, IN. IN HOMEAGAIN PROGRAM FUNDS FOR THE PURPOSE OF CREATING AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING AND AUTHORIZING AN AGREEMENT WITH THE ENTITY FOR THE SAME

Was adopted.

FREE WOOD CHIPS

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING FREE WOOD CHIPS TO ALL CITY AND NON-CITY RESIDENTS, CONTRACTORS, AND PERSONS-FOR-HIRE AT THE WOOD RECYCLING CENTER FOR A PERIOD OF NINETY (90) DAYS

Was adopted.

REQUEST SUPPORT

Councilman Rico made the motion to defer the matter 30 days; Councilman McGary seconded the motion.

REQUEST SUPPORT (Continued)

Councilman Murphy stated there is apparently a move afoot by the Majority Leader who happens to be a member of our local County Delegation to establish federal identification out of county Election Commissions. He stated it is his thought that would resolve much of the complaint that individuals had about the onerous delays of standing in line competing with folks wanting driver's licenses. He stated in deference to the fact they apparently seem to be working on this and it is the Majority Leader of the House who is a Hamilton County Representative and he certainly share his colleague's spirit in the resolution and we should wait to see what happens. He stated he plans to vote for it and it is not because he does not zealously want to protect the voting rights of our seniors who do not have to have a photo on their driver's license or anybody else who may not have a photo ID currently; that he knows everyone on the Council zealously wants to protect people's voting rights, as well.

Councilwoman Berz stated she has three different resolutions and is not certain which one we are talking about.

City Attorney McMahan stated it is his understanding the resolution the Council is voting on only has the one condition about having the County Election Commission listed as the place to get a photo ID.

Councilman Benson stated that is not correct and he is willing to amend; that he talked to Mr. McCormick and others and the timing is right; that we have to take the "tide when it is high". He stated he would be willing to amend this to incorporate asking them to not only accept city/county government and corporate identification cards **or** Election Commission identification cards. He stated the other resolution that is being circulated that has confused everyone says "delay two years" and that is not going to pass; that he would make an amendment that we go ahead and incorporate what they seem to be willing to do which is at the Election Commission, when people register to vote, they take their picture; that it would be beneficial and hold down the crowds at the driver's license bureau.

Chairman Ladd clarified at this point all we have to vote on is the deferral for 30 days which is the motion and that is all we have before us at this time.

Councilwoman Berz stated her question is if we are talking about the one that just urges that this picture taking "thing" take place at the Election Commission, it is her believe that is what Mr. McCormick was looking at, anyway, so she is not sure we need to defer it. She stated what this would do would help ensure that is what happens and "backs" what they say they are trying to do.

REQUEST SUPPORT (Continued)

Councilwoman Robinson stated if this new law is written by the State Legislature with the requirement that this identification card be obtained at the Election Commissions all across the state of Tennessee, she could go for that; that she hates to get into city cards, corporate cards or if you have "this or that" and feels they said driver's license with a photo is good and if we can add to that and say "and/or a card that each registered voter will be able to obtain at the Election Commission in the county in which they reside" that will cover it. She asked for feedback and if that is the case she will vote for it and if a motion has not been made that explicitly states that she would make that motion, now.

Chairman Ladd again reminded the Council the motion for deferral still has to be handled first before picking up an additional motion.

Councilwoman Berz stated Councilwoman Robinson is on the right track; that the version we are voting on states, " ... *the Chattanooga City Council urge the members of the local Hamilton County Delegation to offer and support an amendment to Public Chapter 2011-323 to amend this act to allow city/county government, corporate identification cards **and/or** Election Commission identification cards to be valid sources of photo identification for voting purposes in order to protect and ensure the rights of our citizens to vote*". She stated her point is if we go ahead and pass this it not only states what we want but also encourages Mr. McCormick and the people that are suggesting this anyway that "yes" we are behind this, so she would speak against the deferral.

Councilman Gilbert expressed agreement with Councilmen Benson and Berz; that this expresses agreement and the more support Mr. McCormick receives the better opportunity he has to get it changed. He stated if the Council votes for this it gives Mr. McCormick "ammunition" to go back to the state and say even the City of Chattanooga and hopefully Hamilton County voted to change this to a location where people can go and have photos taken.

On roll call vote on Councilmen Rico and McGary's motion and second to defer 30 days:

ROBINSON	NO
BENSON	NO
GILBERT	NO

REQUEST SUPPORT (Continued)

BERZ	NO
RICO	YES
MCGARY	YES
MURPHY	YES
SCOTT	YES
LADD	NO

The motion failed.

Councilman Benson made the motion to approve with an amendment that *photo identification cards be taken at the Election Commission*; Councilwoman Berz seconded the motion.

Chairman Ladd stated that is exactly the way Councilwoman Berz read it. She clarified that the motion is to approve as it is exactly written.

Councilman Murphy asked for a point of order to have in writing what we are actually voting on. The paragraph Councilwoman Berz read was shown to Councilman Murphy at this point.

Councilman McGary stated he has problem with the language about corporate identification cards; that it is his understanding that the move afoot by our Representatives is to ensure these are government issued cards which could be licensees or military ID's on a federal level; that he could see possibly the idea of moving the location where such an ID can be acquired to our Election Commission, but wondered if the idea of a corporate identification card does not accomplish the goal that is being set out. He stated he is curious why that particular piece of identification is included.

Councilman Benson stated that was put in at the request of several people familiar with the legislation; that Blue Cross-Blue Shield has an ID card.

A point of order by Councilmen Rico and Murphy was called for at this time as Councilman Benson spoke out of turn.

REQUEST SUPPORT (Continued)

Councilman Benson stated he responded to a question that was asked.

Councilwoman Scott expressed concurrence with Councilman McGary's comments about the corporate card as there are issues with that. She stated the other thing she finds troubling is the Council is trying to craft a resolution "on the fly"; that we have had two or three different printed versions and two of them listed as 7(c); that she does not think it is in our best interest to pass something that we have not seen in front of us and clarify what it is. She stated "crafting law on the fly" is a dangerous thing to do and urged the Council to rethink this. She **made the motion to table the matter one week; Councilwoman Robinson seconded the motion.**

Councilman Benson stated the corporate ID was suggested by one of the Delegation members. He stated we can amend that out if the Council does not want the corporate cards, but the people that so often oppose this would like to say hold it back until we can craft it better; that we will be crafting all day or for a year on this! He stated we are giving them flexibility, just urging them to look at this so our citizens can vote. He stated we have a responsibility to try to promote better voting and we are joining up as part of the impediments if we do not tell them what we think would help make this bill work.

Councilman Rico stated that it is his thought they know how we feel, especially those in his district. He reminded the Council this is their law and we cannot change laws they make; that we can call and lobby and ask, but we cannot make laws that will supersede the state law and we have seen that. He stated he does not know why we are doing this other than it looks good; that they know how we feel but they are not going to change.

Councilwoman Berz respectfully disagreed with Councilman Rico stating that our voice should be heard and we should do everything possible to support voters in their voting. She suggested if all have the same paragraph on the resolution document it should read, "*... the Chattanooga City Council urge the members of the local Hamilton County Delegation to offer and support an amendment to Public Chapter 2011-323 to amend this act to allow city, county **and state** government cards **or** Election Commission identification cards*"; that she agrees with the corporate ID, however, there are students at UTC here who have state cards, university ID cards and they should be allowed to vote. She stated the whole purpose of this law is to make sure people are who they say they are; that there have been only two occasions of voter fraud in Hamilton County which has come at the polling places where folks have wanted outcomes to be different.

REQUEST SUPPORT (Continued)

Councilwoman Berz stated this affects voters and expressed agreement with Councilman Benson that the longer we keep trying to wordsmith “waters down” our position which is very strong. She stated she does not think we defer at all; that we should make our position strong and in no way denigrate the power of our state Representatives to do what they do; that we are just giving a position and we ought to go ahead and vote on it and be very clear.

Councilwoman Robinson asked that Councilwoman Berz restate what she just said about amending the legislation to allow . . .

Councilwoman Berz stated it says “... *city/county*” and she is just adding the word “state” and deleting “*corporate*” and that is it. She stated the reason for “state” is the University students.

Councilwoman Robinson stated we already have a motion on the floor to defer which she seconded; that she is so respectful for what Councilwoman Scott has admonished us about, and that is “not to legislate on the fly”, but as stated by Councilwoman Berz that very clearly answers the hesitation that she had as it was previously written and it is **with respect for Councilwoman Scott’s position that she withdraws her second to defer one week.**

Councilman Rico then seconded Councilwoman Scott’s motion to defer one week.

At this point, Councilman McGary called for the question.

On motion of Councilwoman Scott, seconded by Councilwoman Rico,
A RESOLUTION AUTHORIZING THE CHATTANOOGA CITY COUNCIL TO URGE THE MEMBERS OF THE LOCAL HAMILTON COUNTY DELEGATION TO OFFER AND SUPPORT AN AMENDMENT TO PUBLIC CHAPTER 2011-323 IN ORDER TO PROTECT AND ENSURE THE RIGHTS OF OUT CITIZENS TO VOTE

Was deferred one week; on roll call vote:

BENSON	NO
GILBERT	NO
BERZ	NO
RICO	YES

REQUEST SUPPORT (Continued)

MCGARY	YES
MURPHY	YES
SCOTT	YES
ROBINSON	NO
LADD	YES

OVERTIME

Overtime for the week ending September 15, 2011 totaled \$14,728.95.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **SHANIKA FREEMAN** – Termination, Recreation Specialist, effective September 14, 2011.

PUBLIC WORKS:

- **ANNETTE SMITH** – Hire, Crew Worker 1, Traffic Engineering, Range 2, \$22,350.00 annually, effective September 9, 2011.
- **MARK HROMI** – Termination, Waste Resources Maintenance Supervisor, Waste Resources, effective September 7, 2011.

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following purchase was approved for use by General Services:

PURCHASE (Continued)

BROOKER FORD INC. (Lowest and best bid)

R43497/301243

Two (2) Aerial Bucket Trucks

\$178,595.00

EMERGENCY PURCHASE

The emergency purchase for Structural Repairs for 5200 Wilson Road Bridge Traffic Rail Repair with Talley Construction in the amount of \$24,721.12 on R48721 for the Public Works Department was duly reported and signed in open meeting.

BOARD APPOINTMENT/REAPPOINTMENTS

On motion of Councilman McGary, seconded by Councilman Rico, the following Board appointment/reappointments were approved:

BEER AND WRECKER BOARD:

- Appointment of ***ANDRAE HARRIMAN*** as the District 3 representative, filling the unexpired term of J. Frederick Weinhold, for a term expiring September 20, 2014.

MULTICULTURAL AFFAIRS ADVISORY BOARD:

- Reappointment of ***JAMES MCKISSIC*** and ***DAVID BROWN*** for two year terms expiring September 20, 2013.

CHATTANOOGA-HAMILTON COUNTY AIRPOLLUTION CONTROL BOARD:

- Reappointment of ***ROBERT LYNCH*** for a four year joint City/County reappointment for a term expiring July 19, 2015.

LIBRARY BOARD

City Attorney McMahan reported that the Library Board that was recently appointed met for an organizational meeting today and Jim Kennedy was elected Chairman. He stated the one important item they took action on today was to establish a \$50 fee for non-residents of the city to obtain a library card. He stated that the cards are good for three years and it will take three years before all of the county residents end up paying the \$50; that it was a motion they passed at the meeting today.

911 ANNIVERSARY

Councilman Murphy reported to the Council that he had the best week one could have to commemorate the 911 Anniversary. He stated on Sunday he was on the green with the police and fire departments and EMS responders and by Friday he was aboard the USS Eisenhower at sea; that the Navy was courteous enough to fly him aboard, tour the ship and host him wonderfully. He stated we have a lot to be proud of both here at home and our sailors, marines and airmen serving abroad. He expressed thanks to Chief Flint on behalf of the Fire Department and Captain Roddy on behalf of the Police Department; that their departments sent him with a lot of patches and hats that were shared with the sailors who share their specialty and they were very well received. He stated they were very excited to be thanked and proud to have something from Chattanooga; that they also let him bring back some Eisenhower insignia patches and will be getting them to both departments for display. He stated he could not have penned it better and it was a wonderful thing; that we have a lot to be proud of!

WOODRUFF PERSONNEL HEARING

Councilman McGary inquired as to the personnel hearing for Carlos Woodruff noting that all Council persons were invited to attend on Friday, September 23. City Attorney McMahan stated he would double check this as it is his thought it involves an Administrative Law Judge; that it is a public hearing and everyone is invited. He stated there are presently no Council hearings for the City Council to hear.

SUB-COMMITTEE ON BEER CODE REVIEW MEETING

Councilwoman Scott announced on Wednesday, September 28 from 10 a.m. – 12 p.m. the Council's Sub-Committee on Beer Code Review will meet again.

COMMITTEES

Councilwoman Scott stated the Personnel, Performance and Audit Review Committee met today to review audit findings.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, September 27**. He stated an update will be provided on the efforts to get the data to enable the redistricting process to occur. He stated he would ask whether IS would have the capability of making a new e-mail address so that the public can submit redistricting comments for input or suggestions to us before the process even starts for continuous input before the Council begins; that the public welcome to make input. He stated he wants to make sure this is a completely open process and the public have a chance to provide input before we even begin; that the Council will be updated on that and other matters within the Committee's jurisdiction.

Councilman Benson asked that the voter ID issue be discussed in Legal and Legislative and should take top priority on the Committee's agenda and placement on next week's Council agenda. Councilman Murphy stated the matter was deferred one week and would automatically be on the agenda next week.

Councilman McGary scheduled a meeting of the **Health, Human Services and Multicultural Affairs Committee for Tuesday, September 27** immediately following Legal and Legislative.

SPECIAL COUNCIL MEETING

Chairman Ladd announced that the Council will have a special meeting on next Tuesday, September 27 at 1:00 p.m. for the sale of bonds.

Councilwoman Robinson asked if the meeting would be recessed at the end of this meeting.

SPECIAL COUNCIL MEETING (Continued)

City Attorney McMahan stated we should and we have advertised a special meeting to cover all bases; that he recommends both be done.

MEETING RECESS

Chairman Ladd recessed the meeting of the Chattanooga Council until Tuesday, September 27, 2011 at 1:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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