

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
FEBRUARY 28, 2012**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Scott, followed by invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

2011-140 (City of Chattanooga)

On motion of Councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A
SEWER AND SEWER EASEMENT LOCATED IN THE 500 BLOCK OF
EAST 11TH STREET, MORE PARTICULARLY DESCRIBED HEREIN**
passed first reading.

MARATHON AMENDMENT

On motion of Councilwoman Scott, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF PERSONNEL
TO AMEND THE CURRENT AGREEMENT WITH MARATHON
HEALTH TO PROVIDE WELLNESS AND HEALTH COACHING
SERVICES, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED
FORTY THOUSAND DOLLARS (\$140,000.00) ANNUALLY**
was adopted.

MOU/RED BANK

On motion of Councilwoman Scott, seconded b Councilman Rico,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF RED BANK, TENNESSEE AND THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM, FOR RED BANK'S PARTICIPATION IN THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM
was adopted.

BLOCK GRANT FUNDS

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING THE ACCEPTANCE AND DISTRIBUTION OF FISCAL YEAR 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND HOME INVESTMENT PARTNERSHIP ACT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), PROGRAM INCOME, AND EMERGENCY SOLUTION GRANT FUNDS FROM TENNESSEE HOUSING DEVELOPMENT AGENCY, ALL TOTALING APPROXIMATELY THREE MILLION NINETY-SIX THOUSAND FOUR HUNDRED FIFTY-ONE DOLLARS (\$3,096,451.00), AS SHOWN MORE FULLY HEREINBELOW
was adopted.

CONF.OF MAYORS' DUES

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE PAYMENT OF 2012 MEMBERSHIP DUES FOR THE U.S. CONFERENCE OF MAYORS IN AN AMOUNT NOT TO EXCEED TWELVE THOUSAND TWO HUNDRED FORTY-TWO DOLLARS (\$12,242.00)
was adopted.

CONTRACT C.O.

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL)
FOR LESLIE ALLEN GREEN, RELATIVE TO CONTRACT NO. S-10-
004-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR
(SLAP), FOR AN INCREASED AMOUNT OF TWO THOUSAND FOUR
HUNDRED FIFTY DOLLARS (\$2,450.00), FOR A REVISED
CONTRACT AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND
ONE HUNDRED FIFTY DOLLARS (\$17,150.00), AND TO RELEASE
THE REMAINING CONTINGENCY OF ONE THOUSAND FIFTY
DOLLARS (\$1,050.00)

was adopted.

Councilwoman Scott added that this was funded out of CDBG Funds and was federal money.

CONTRACT C.O.

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL)
FOR LESLIE ALLEN GREEN, RELATIVE TO CONTRACT NO. S-10-
005-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR
(SLAP), FOR AN INCREASED AMOUNT OF ONE THOUSAND
(\$1,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO
EXCEED TWENTY EIGHT THOUSAND FOUR HUNDRED FIFTY
DOLLARS (\$28,450.00), AND TO RELEASE THE REMAINING
CONTINGENCY OF TWO THOUSAND FIVE HUNDRED DOLLARS
(\$2,500.00)

was adopted.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL)
FOR LESLIE ALLEN GREEN, RELATIVE TO CONTRACT NO. S-10-
006-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR
(SLAP), FOR AN INCREASED AMOUNT OF TEN THOUSAND FIVE
HUNDRED FIFTY (\$10,550.00), FOR A REVISED CONTRACT
AMOUNT NOT TO EXCEED TWENTY FOUR THOUSAND SEVENTY
DOLLARS (\$24,070.00)

was adopted.

CONTRACT C.O.

On motion of Councilman Gilbert, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH THOMPSON ENGINEERING, INC., RELATIVE TO CONTRACT NO. R-09-001-401, SOUTH CHICKAMAUGA CREEK GREENWAY PROJECT CONSTRUCTION ENGINEERING INSPECTION (CEI) SERVICES FOR AN INCREASED AMOUNT OF TWO HUNDRED EIGHTY THOUSAND SIX HUNDRED FIFTEEN AND 34/100 DOLLARS (\$280,615.34), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-FIVE AND 34/100 DOLLARS (\$438,895.34)
was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE CHATTANOOGA LAND COMPANY, LLC FOR AN EASEMENT, ACCEPTANCE, AND PLACEMENT OF DONATED ART PIECES FROM THE BENWOOD FOUNDATION
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE CHIEF OF THE FIRE DEPARTMENT TO ENTER INTO A TECHNICAL TRAINING AND FACILITIES USE AGREEMENT WITH INDUSTRIAL EMERGENCY SERVICES (IES) FOR TRENCH RESCUE TRAINING, FOR COMPENSATION OF TWENTY-ONE THOUSAND SIX HUNDRED DOLLARS (\$21,600.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH EARTHWORX, LLC FOR PROFESSIONAL ENGINEERING SERVICES RELATIVE TO CONTRACT NO. S-12-001, STORMWATER AS-FOUND GIS PROGRAMS, FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,275,000.00)
was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. E-03-027-101, GOODWIN DRIVE EXTENSION—GUNBARREL ROAD TO JENKINS ROAD, FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-EIGHT THOUSAND SIX HUNDRED FIFTY-SIX DOLLARS (\$278,656.00)
was adopted.

TEMP. ROW USAGE

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING NORTHSIDE NEIGHBORHOOD ASSOCIATION C/O GARNET CHAPIN TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY LOCATED IN THE 700 BLOCK OF NORTH MARKET STREET TO INDICATE THE ASSOCIATION BOUNDARIES AND HISTORIES, AS SHOWN IN THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. ROW USAGE

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING AVONDALE NEIGHBORHOOD ASSOCIATION C/O ROXIE PATTON TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 1300 BLOCK OF DODSON AVENUE TO INSTALL A COMMUNITY MARKER TO INDICATE THE ASSOCIATION'S BOUNDARIES, AS SHOWN IN THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

SPECIAL EXCEPTIONS PERMIT

2012-018 (CHRISTIE GIVENS/JACKIE JOHNSON)

Councilman Murphy noted that a member of the RPA Staff was present to deliver a presentation concerning this Special Exceptions Permit for use of a Late Night Entertainment Center located at 2819 Cummings Highway.

Mr. Bryan Shults was present and stated that this Special Exceptions Permit is the first one that complies with the distance requirements and meets the buffer. This prompted Councilman Murphy to question that if it met the distance requirement did they even need a permit? Mr. Shults felt that the way the Ordinance is written that they did need the permit. Attorney McMahan researched the matter.

Councilwoman Scott stated that she would like to hear the presentation.

Mr. Shults read the definition of a Late Night Entertainment Center, where there is more than 100 people on the premises. He mentioned caveats such as music, dance floors, after midnight timing, and the use of alcohol between certain hours. He also read the distance requirements. He went over the checklist, noting that the applicant meets all of the requirements. He noted that notification letters had been sent—that only four people were involved and stated that he had no calls voicing opposition. At this point, Mr. Shults showed a map of the surrounding zoning and also an aerial view of the site. He presented a picture of the site and the front of the establishment, showing the surrounding businesses. He also showed a side view. The Council was presented with a picture of the parking lot, showing the distances surrounding it. A site plan including a patio that is not in use was presented, and Mr. Shults

SPECIAL EXCEPTIONS PERMIT
(CONT'D)

explained that the front door requirement of 750 ft. had been met and that the buffer distance complies. The closest zoned residential property is vacant.

At this point, Mr. Shults went over the following eleven conditions: A fully operational fire suppression system shall be installed as determined by the Chattanooga Fire Marshall's Office; An internal floor plan layout has been submitted with the application; No outdoor gathering places such as a deck or patio shall be permitted; All exterior doors shall remain closed at all times except for normal ingress/egress; Patron access to the establishment shall be from the front door only; No amplified noise, speakers, entertainment or lighting, and the sale of food or beverages shall not be permitted outside of the business establishment; A minimum of two (2) security officers licensed by the State of Tennessee shall be provided between the hours of 11:00 p.m. to thirty minutes (30) past the closing time of the business establishment; The security officers shall be easily and appropriately identified as security officers; Signs shall be placed on the premises or around the perimeter of the parking lot prohibiting loitering and solicitations; Upon inspection by the Regulatory Bureau, of the Chattanooga Police Department, the applicant may be required to conduct a lighting study of parking lot and if necessary add additional lighting; and Applicant shall submit to the Traffic Engineering Department a shared parking agreement with adjoining property owners in order to provide adequate parking for the Late Night Entertainment/Event Facility and/or Nightclub.

Mr. Shults stated that the applicant was present and was working on the last condition. He noted that these conditions are consistent and again stated that he had not heard from any opposition.

At this point, Attorney McMahan read from Section 38.527 concerning the need for a Special Exceptions Permit for Late Night Entertainment. This is a requirement in the C-2 Zone, and he noted that it could be revoked.

SPECIAL EXCEPTIONS PERMIT(CONT'D):

Councilwoman Scott asked if the applicant, Mrs. Givens, was present? She came forward and Councilwoman Scott asked if she wanted a Beer License? Ms. Givens responded that she already had one. Councilwoman Scott asked her about a Liquor License? Ms. Givens stated that she would apply for one—that she was waiting on seeing how this meeting went. Councilwoman Scott asked her if she had read the requirements of the City Beer Code, and if she were willing to abide by the requirements—the answer being “yes”. Councilwoman Scott asked her about her ability to meet the parking requirements? She responded that she had 4,000 sq. ft.—that 53 parking spaces were required, and she was able to provide more with an agreement with adjoining property owner. Councilwoman Scott asked her about the Security License by the State. Ms. Givens responded that she had complied and was making this request through Nashville so that she could do her own security.

Councilman Murphy noted that she had more than an adequate amount of property, which was a positive for this situation and asked if there were any of the conditions that she was not agreeable with and would like to have some relief from—that this relief would be within the power of the Council. She responded “no”—that she was in agreement with the conditions.

On motion of Councilman Rico, seconded by Councilwoman Scott,

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 2819 CUMMINGS HIGHWAY, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED REPORT, MAPS, AND DRAWINGS, SUBJECT TO CERTAIN CONDITIONS

was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND IF AWARDED, ACCEPT A GRANT FROM THE UNITED STATES ATTORNEY GENERAL FOR THE EASTERN DISTRICT OF TENNESSEE IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00). THE FUNDS WILL BE USED TO COORDINATE AND FOCUS FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS AND PROSECUTORS FOR CASES AND INVESTIGATIONS DIRECTED AT VIOLENT GUN CRIMES WITHIN THE DISTRICT; COMPILE AND SHARE VIOLENT CRIMINAL INFORMATION AND SUPPORT CRIMINAL INTELLIGENCE UNITS AND DATABASES,

GRANT (CONT'D)

INCLUDING THE STATE OF TENNESSEE FUSION CENTER;
AND EDUCATE THE EASTERN DISTRICT'S LAW ENFORCEMENT
OFFICERS, PROSECUTORS, COMMUNITY LEADERS, AND CITIZENS
THROUGH OUTREACH AND TRAINING EVENTS

was adopted.

OVERTIME

Overtime for the week ending February 20, 2012, totaled \$24,058.87.

PERSONNEL

The following personnel matters were reported for the various departments:

WELLNESS CENTER:

- ❖ **JENNIFER LOWRY**—Promotion to Manager, Range 23, \$62,000 annually effective 2/10/12.

PERSONNEL, BENEFITS DEPT.:

- ❖ **CHERYL POWELL**—Hire as Pension and Data Analyst, Range 21, \$48,124 annually, effective 2/24/12.

CITY ATTORNEY'S OFFICE:

- ❖ **JACQUELINE HARRIS**—Hire Admin. Support Specialist, Range 10, \$28,137.00 annually, effective 2/24/12.

CHATTANOOGA PARKS AND RECREATION DEPT.:

- ❖ **GLENN SHEPPARD**—Hire as Parks Director, Range 25, \$58,496.00 annually, effective 2/24/12.

CHATTANOOGA POLICE DEPT.:

- ❖ **PATRICIA ALLISON**—Hire as Accounting Technician 1, Range 8, \$25,521.00 annually, effective 2/24/12.

PERSONNEL (CONT'D):

PUBLIC WORKS DEPT.:

- ❖ **JEREMIAH AKERS**—Resignation of Electrician 2, effective 2/17/12.
- ❖ **CHRISTOPHER SCHULER**—Hire Electrician 2, Range 14, \$34,201.00 annually, effective 2/10/12.
- ❖ **TRAVIS HICKS**—Hire Electrician 2, Range 14, \$34,201.00 annually, effective 2/10/12.
- ❖ **SCOTT CONLEY**—Promotion to Crew Supervisor 2, Range 12, \$32,256.43 annually, effective 2/12/12.
- ❖ **JESSE COMPTON**—Promotion to Laboratory Technician 2, Range 13, \$34,500.00 annually, effective 2/12/12.
- ❖ **JAMES BOYNTON**—Leave of Absence without pay for Plant Operator 2, Effective 2/14/12.
- ❖ **KARI LAWMAN**—FMLA for Engineering Contracts Technician, effective 1/6—2/24/12.

DONATIONS

Mr. Ron Swafford, Director of Chattanooga Human Services Dept. reported that he had a lengthy list of monetary donations and Goods and Services donations; that in the future they will report these on a regular basis, but it had taken awhile to get these current. He presented the following totals:

Total Money for Social Services from United Way and Atlanta Gas Light Co. totaled \$39,253.25.

Total Money for Child Care from UTC totaled \$200.00.

Total Money for Foster Grandparent from various agencies totaled \$2,300.00.

DONATIONS (CONT'D):

Total Money for Head Start from various sources totaled **\$14,238.00.**

The Total Money Donations amounted to **\$56,081.25.**

Total Goods for Social Services from Food Lion and Camilla Bibbs-Lee totaled **\$358.00.**

Total Goods for Child Care from various sources totaled **\$5,400.00.**

Total Goods for Foster Grandparent from various sources totaled **\$1,167.42.**

Total Goods and Services amounted to **\$6,925.42.**

DONATION

Other than what was previously reported in committee, Adm. Zehnder reported the following donation for the Parks and Recreation Dept.:

Ella Moore of Sharon's Adult Daycare donated a pool table with a value of **\$350.00.**

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilman Murphy, the following hotel permits were approved:

BEST WESTERN ROYAL INN—3644 Cummings Hwy, Chattanooga, TN.

BUDGET MOTEL—3535 Cummings Hwy, Chattanooga, TN.

HOME AWAY EXTENDED STAY—1949 North Pointe Blvd., Chattanooga, TN.

PARK CITY MOTEL—2747 Cannon Street, Chattanooga, TN.

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund for Tax year 2009:

C N M HAMILTON LP \$7,342.35

PURCHASES

On motion of Councilman Rico, seconded by Councilman McGary, the following purchases were approved for use by the various departments:

PUBLIC WORKS DEPARTMENT:

BRENNTAG MID-SOUTH, INC. (Lowest and Best Bid):
Requisition R52230

Blanket Contract for Sodium Hypochlorite

\$200,000 annually, approximately

TERRACON CONSULTANTS, INC. (Services already provided):
Requisition R55008

Geotechnical Engineering Services at Hamm Rd. (Ratify)

\$10,280.00

CHATTANOOGA FIRE DEPT.:

TENNESSEE FIRE EQUIPMENT (Best Complete Bid Meeting Specs.):
Requisition R53694

Blanket Contract for Fire Fighter's Structural Helmets & Accessories

\$14,525.00 annually, approximately

PURCHASES (CONT'D)

PARKS AND RECREATION DEPT.:

JOHN DEERE COMPANY (TN State Wide Contract)
Requisition R54346

Two (2) John Deere All Terrain Utility Vehicles

\$14,722.34.

APPOINTMENTS

On motion of Councilman Rico, seconded by Councilman McGary the following board appointment was approved:

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE:

- ❖ Appointment of **JAMES PAUL MCALLISTER (Dist. 2 Representative)** for a three-year term to expire **February 28, 2015**.

Also, for the same Board, the name of **CHRIS BROOKS (Dist. 8 Representative)** was brought forward. Discussion ensued.

Councilwoman Robinson noted that we had a Resolution on tonight's agenda that involved \$3 million dollars of Community Development Block Grant Funds and HOME Investment Partnership Act Funds from HUD. She noted that this represented a responsibility of over \$3 million dollars a year, and this troubled her and prompted her to ask a question of Mr. Brooks. She stated to him that when the Council opens their meetings with the Invocation and Pledge of Allegiance, she had noticed that he never stood for the Pledge. She asked him if he was a citizen of the United States? She stated that she hated to have to bring this up but one of the things that this committee has to do is assure that there is justice and "justice" is a part of the Pledge. She stated that she would like to know Mr. Brooks' thoughts on this.

Mr. Brooks responded that he could show his social security card if necessary. He stated that he was committed to this city—that he attended Council meetings every week.

BOARD APP'T: CHRIS BROOKS
(CONT'D)

Councilman McGary spoke to this issue. He stated that he thought most of the Council was familiar with Mr. Brooks and his association, "Chattanooga Organized for Action". He related that often he and Mr. Brooks did not see eye to eye—that sometimes they did not have the same political understanding, but this involved a \$3 million dollar allocation and this was not the venue to prosecute Mr. Brooks for his political views. He mentioned Mr. Brooks taking part in voter registration drives to encourage communities to become more active; that Mr. Brooks came to most of our Council meetings and had created a Blog to get out information about our meetings to be sure that all our citizens are informed. He stated that he felt Mr. Brooks would bring a needed perspective as to how these dollars are spent; that Mr. Brooks lived in his district and had the best interest of the City at heart. He stated that he was placing his trust in Mr. Brooks and thought he would be of help to all of us in being a part of how this committee functions.

Councilman Benson stated that Chris was very active and that he liked to see citizens active; however he noted that Mr. Brooks was very vigorous in the public sector and took leadership in the recall effort. Mr. Brooks agreed that "yes", he was involved in this. Councilman Benson went on to say that city business does not need the constant threat of recall; that if we place him on this City Board, and he assumed this responsibility, and we agree to this appointment, would he abstain from any future activity in the recall of the Mayor? He explained that the recall effort was a bad interruption for the city, and we should not have anyone on a board that is actively pursuing the recall of the Mayor in anyway.

Mr. Brooks responded by asking Councilman Benson if he was asking him to advocate his rights as a citizen and to suppress these rights if he were to be appointed to a City Board?

Councilman Benson responded that he was asking him to not be disruptive to order.

Councilman McGary questioned how this had any direct bearing on Mr. Brooks' ability—in order to be appointed to this Board? He stated that Mr. Brooks lives in the city and has the qualifications to fulfill the duties of this Board; that Councilman Benson is addressing a wider issue and is out of line. **Councilman Murphy stated that he would second this.**

BROOK'S BOARD APPT.(CONT'D):

Chairman Ladd asked that all future comments be performance based.

Councilman Benson stated that others were putting words in his mouth; that Mr. Brooks understood what he was asking and stated that he had not gotten an answer yet?

Again Chairman Ladd asked that all questions and comments be based on performance. Councilman Benson attempted to explain that his questions were performance based—that Mr. Brooks' actions related to his performance. Chairman Ladd explained that there needed to be a separation of the Mayor's Recall, and Mr. Brooks' service on this Board. At this point, Councilman Benson stated that Chairman Ladd needed to ask the question the way she wanted to ask it?

Councilwoman Berz voiced "Hi Chris". She expressed to him that it was his right to stand up for what he believed. She asked him why he wanted to be on this Board? Mr. Brooks responded that he was committed to this city and wanted to serve in a greater capacity and learn the functions of the city and participate in it. Councilwoman Berz responded "quid pro quo"—that Mr. Brooks would have to listen as much as he talked.

Councilman Gilbert stated that this was the first debate of a Board appointment that he could recall; that Mr. Brooks was an organizer in this City and in the community—that this was what community development involved; that he had helped in the Westside issue; that this is what he is doing right now—that people have no voice, and he is trying to give them a voice; that he speaks out for people that he represents and people in his area.

Councilman Rico stated that to be a community organizer and to serve on a city board are two different things; that he had had discussions with Mr. Brooks, and Mr. Brooks was not real good at listening—that he has all the answers; that he tries to intimidate people—that he tried to intimidate him, but it did not work; that he did not like intimidation; that the best way to learn is to listen, and Mr. Brooks does not listen. He also stated that Mr. Brooks had no real job, and this made a difference.

Mr. Brooks responded by questioning why he was being scrutinized so viciously? Councilman Rico answered people have to pay their dues.

BROOKS' BOARD APPT. (CONT'D):

Councilwoman Scott stated that she thought Mr. Brooks would serve just fine on this board; that this scrutiny is far off base; that Mr. Brooks graduated from the University of Tennessee at Knoxville in 2007 with a Bachelor of Arts in Philosophy; that he graduated *Magna Cum Laude* with a GPA of 3.78 overall and a 4.0 in his major and minor; that he was Phi Beta Kappa; that he received the Chancellor's Award for Top Collegiate Scholar for the College of Arts and Sciences in the Division of Humanities; that he had attended the Chattanooga State Technical Community College with a 4.0 in his major and was a member of Phi Theta Kappa; that he received his high school diploma from Hixson High in 2002. She stated that this was a local person who had dedicated his time; that we might not always agree with him, but he was quite qualified to serve on this board.

A Roll Call Vote was taken on the appointment of **Chris Brooks** to the **Community Development Advisory Board for a three year term to expire February 28, 2015:**

COUNCILMAN BENSON	"NO"
COUNCILMAN GILBERT	"YES"
COUNCILWOMAN BERZ	"YES"
COUNCILMAN RICO	"NO"
COUNCILMAN MCGARY	"YES"
COUNCILMAN MURPHY	"YES"
COUNCILWOMAN SCOTT	"YES"
COUNCILWOMAN ROBINSON	"YES"
CHAIRWOMAN LADD	"YES"

The appointment was approved, and there was applause from the audience. Chairman Ladd stated that we would allow clapping this time.

CHAIRMAN LADD'S MEETING

Chairman Ladd announced that she would be meeting with folks tomorrow night who had not been to City Council meetings before, and this would be an educational session on how we conduct business. The meeting will be held in the Council Assembly Room at **6:00 p.m. on Thursday, February 29th**. Councilmembers were invited to join her and participate.

COMMITTEES

Councilman Murphy announced that there would be a meeting of the **Legal, Legislative and Safety Committee on Tuesday, March 6th immediately following the Agenda Session**. Contracts with the Fire Department concerning fire hydrants will be discussed, as well as Ordinances and Resolutions within this Committee's jurisdiction.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation/Educations Arts and Culture to immediately follow the Legal and Legislative Committee meeting on Tuesday, March 6th**. There will be a Report from Friends of the Zoo.

Councilwoman Berz stated that Councilmembers received their Budget Requests packets of information today. This information is also on the website in an effort to make everything transparent—all requests are on the website. Council will have a week to review information received today and then it will be made available to the general public. There will be a Budget Work Session at **1:30 P.M. on Tuesday, March 6th in the J. B. Collins Conference Room** and Councilmembers will have the opportunity to ask needed questions. For the next four weeks there will be Budget Educational Sessions, starting at **10:00 a.m. on Tuesday March 13th, with the following week being at 1:00 P.M.**, and rotating each week in order to accommodate Councilmembers' schedules. She noted that the Press has the schedule and asked Mr. Hightower if this would be published. He responded "no". In this event, Councilwoman Berz noted that the Council office has this schedule, showing the alternate meetings that meet different Councilmembers' schedules.

AGENDA: MARCH 6, 2012

Chairman Laded inquired as to whether there were questions regarding next week's agenda that had been previously discussed during the Agenda Session.

**RULES OF PROCEDURE FOR
ADDRESSING THE COUNCIL**

At this time, City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

CARL EPPERSON

Mr. Carl Epperson of 1201 Boynton Drive addressed the Council. He was speaking as a member of the Westside Community Association with thousands of Chattanooga residents living there. He stated that they were deeply concerned about the future of their homes and the future of their community.

He went on to say that City Hall had been busy making plans for them—but without them! He stated that they had been meeting with corporate executives, planners, foundations, and land developers—everyone but the very residents who call public housing home! He said that every step of the way they had been excluded from conversations about their own homes and asked the Council how they would feel if they were not even invited to this meeting and if they showed up were told they were not allowed to speak. He stated that is what has happened at Westside.

Mr. Epperson stated that they asked for a public forum to discuss their concerns and to ask questions but what they got was a sham—that most of the Westside was never contacted—even the City Council was not contacted—the media was not contacted, and they still wanted a public forum so that their voices and concerns and questions could be heard.

He stated that what they needed was a real discussion about the city-wide housing crisis that is taking place right now with thousands of people on the waiting lists for public housing and Section 8. He stated that list was closed, and they were being left out in the cold while the Mayor holds backroom meetings to decide their fate without their input and consent.

CARL EPPERSON (CONT'D):

Mr. Epperson stated that he had an e-mail from John Hayes, the local representative for Purpose Built Communities, where he says that City Hall is actively pursuing a federal grant for money to destroy what little public housing stock that they had left. He questioned why the Mayor and Purpose Built Communities were seeking a federal grant to demolish their homes and gentrify their community if they had not picked a site yet? He asked why they were pursuing a grant without any public input and without the consent of the City Council? He wanted to know when they would be given a real opportunity to have a city-wide public forum on the housing crisis in Chattanooga. He asked the Council to work with them because they were fighting for their homes, the communities, and the future.

Mr. Epperson stated that Councilmen Benson and Rico stand in support of this Mayor and Administration but that the “train had jumped the track” in his second term.

Councilman McGary stated that he had a question for Councilwoman Robinson concerning the informational session held by Purpose Built—that the Council had stated that more information was needed. He asked if all the meetings that go forward will be held by the Mayor or will they be held by the Council so that we can have public input?

Councilwoman Robinson responded that she had not planned any meetings and did not know the Mayor’s agenda; that the meeting last week was by the end of February, and she did not know if others were to be held; that everyone had been told that discussion needed to be centered more on finding an alternative in the future and not just be centered on Westside per se.

Councilman McGary asked about the possibility of an overarching conversation about public housing and if the Council could take this up?

Councilwoman Robinson stated that the Council had no authority over CHA—that this is a Federal HUD operation, and we don’t have any control; that all we do on our Housing Committee is to keep housing on the radar—such things as infill housing, distressed neighborhoods and high foreclosures, but we don’t control public housing; that we are mindful of public places, streets, parks and playgrounds and strive to keep our neighborhoods clean and safe; that we need safe walkways to schools and to provide an atmosphere that citizens can enjoy—she stated that these are the reasons she keeps talking about housing.

CARL EPPERSON (CONT'D):

Councilman McGary contended that we needed to get a fact-finding endeavor started; that we needed to get a report or a representative from the Chattanooga Housing Authority to bring this issue before us; that we need to know the status.

Councilman Murphy stated that he was hearing Councilman McGary, the citizens, and also Councilwoman Robinson—that Purpose Built is more than housing—that the school is pivotal; that commercial development with planners is early—that Purpose Built is a lot more than housing; that it is appropriate for someone to convene a meeting—that one of the roles of the Mayor is being a convener; that people in his office answer calls, and he is able to return calls better. Councilman Murphy suggested that Councilman McGary, who represents Westside and which will go to Councilman Rico (noting that he and Councilman McGary share parts of East Chattanooga) go to Mayor Littlefield and sit down with him privately and use the Mayor's role as convener and Chief. He went on to say that he was sure that the Mayor would be responsive, and this would be his suggestion and recommendation. He went on to say that if the Mayor's schedule did not allow this, that the Council can be the convener as well, but he would start with the Mayor; that it was Councilman McGary's constituents who were the most concerned and asked that Councilman McGary work with the Mayor's schedule.

Councilman Gilbert stated that he had listened to the comments about us having no authority over CHA; that citizens are asking our Mayor to come to a meeting, and they can ask councilmembers to come to a meeting; they can ask for a time and can also ask for notification—that it is all so simple; that we are a partner with CHA, and they need to get us to agree and partner with them. He stated that we should at least sit down with our citizens and discuss this with them and get their view—that we need to work together.

At this point, Chairman Ladd asked Vice Chairman Benson to chair the meeting so that she would be able to weigh in on this issue. She stated that she agreed with Councilman Gilbert; that first there was the concern of Purpose Built being on the Westside and secondly we needed an informational meeting with CHA; that she was hearing things about housing that she did not know about; that we needed an educational session on Section 8—that she needed to “flesh” this out for herself and look at the housing issue going forward; that she needed base information about what works.

CARL EPPERSON (CONT'D):

Chairman Ladd went on to say that we need to know what Purpose Built may be looking at and make sure public meetings are held and announced well so that we can hear what residents have to say. She stated that she would like an Informational Meeting with CHA to address these issues at either 2:00 P.M. or 2:30 P.M. on a Tuesday. She asked Councilwoman Robinson to schedule something like this to get the Council up to speed—that a Public Meeting be scheduled so that the Council can attend. She stated that she felt this was under our jurisdiction, and these are citizens we need to hear because their livelihoods are affected, and we need to be aware, and it is our responsibility. **She made the motion that the Council be given this Informational Session with CHA. This was seconded by Councilman McGary.**

Councilwoman Robinson stated that we could do this; that she had an e-mail from the head of CHA, and she had offered to come by and report to the Council. She stated that she would like a week's notice—that the meeting could be set at 2:30 p.m. She stated that like Chairman Ladd had pointed out—there are two issues and one is the hearing from CHA concerning the current situation; that the whole Purpose Built conversation is separate; that CHA is not the lead agency in this endeavor; that as Councilman Murphy pointed out, the Federal Government is cutting back, and there will not be that much money, and we need to start looking ahead—that this may take ten years. She went on to say that we want clean, decent, and affordable housing—that this is what we all want; that it will take a long time to sort through it all—that Purpose Built has gotten stuck in the middle at a time when we are making Westside better today, noting that we have a lot of immigrants there also.

Councilman Benson confirmed that Councilwoman Robinson would set up a meeting at 2:30 on some Tuesday.

JODA THONGNOPNUA

Mr. Thongnopnua addressed the Council. He thanked the Council for the discussion that resulted in the action that had taken place tonight. He thanked the people who had stayed until the end of the meeting—that he thought it was important for people to stay and listen to the public's comments at the end of the meeting. He noted that some public officials had left, saying that public officials play a big role in the concerns of people who address the Council. He noted that some people had walked out during the time of the citizens' comments and that this broke his heart to see this. He asked that public officials not set a precedent and to stay and listen to citizens.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, March 6, 2012, 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)**