

**CITY COUNCIL BUILDING  
MARCH 27, 2012  
6:00 P.M.**

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilman Gilbert.

**MINUTE APPROVAL**

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

Chairman Ladd explained that items that would be read had been discussed at length in committee meetings; that it might seem that they are being approved quickly, but the Council's homework has been done, and they were ready to vote.

**AMEND CITY CODE  
EVENT FEES**

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART  
II, CHAPTER 26, SECTION 26-23, ESTABLISHING THE EVENT FEES  
FOR USAGE OF VARIOUS CHATTANOOGA PARKS AND  
RECREATION FACILITIES AND ARTS AND CIVIC CENTERS**  
passed second and final reading and was signed in open meeting.

**ETHANOL FRANCHISE**

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,  
**AN ORDINANCE GRANTING UNTO ENGLEWOOD ENTERPRISES A  
FRANCHISE FOR CONSTRUCTION, REPAIR, AND MAINTENANCE  
OF AN ETHANOL PIPELINE LOCATED WITHIN THE RIGHT-OF-WAY  
IN THE 4200 AND 4300 BLOCK OF JERSEY PIKE (CASE NO. MR-  
2012-019), AS SHOWN ON THE MAP ATTACHED HERETO AND  
MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN  
CONDITIONS**

passed second and final reading and was signed in open meeting with  
**Councilpersons Berz, Gilbert, and Benson voting No.**

**AMEND BUDGET ORD.**

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND BUDGET ORDINANCE NOS. 12523  
AND 12534 SO AS TO APPROPRIATE FIVE THOUSAND DOLLARS  
(\$5,000.00) AND TWENTY THOUSAND DOLLARS (\$20,000.00)  
RESPECTIVELY TO THE ENGEL STADIUM FOUNDATION FOR  
ROOF REPAIR TO ENGEL STADIUM**

passed second and final reading and was signed in open meeting with  
**Councilwoman Scott voting No.**

**REZONING**

**(2012-015 Denis & Joy Dobosh/Mathew Hullander)**

Chairman Ladd stated that the applicant would be given a chance to speak first. Councilwoman Robinson noted that a motion to substitute was needed. **On motion of Councilman Rico, seconded by Councilman McGary, this Ordinance was substituted.**

Attorney McMahan explained the need for substitution—that at the last meeting the Council had discussed an informal list of sixteen (16) conditions, which were different from what Planning had devised, and the 17<sup>th</sup> condition had been added during the meeting. The Ordinance had been re-drafted into a more standard format, and we now have 17 conditions, which are all the same as last week except for condition #1 that previously read “*No restaurant*” and now reads “*No restaurants and other businesses are to operate only between the hours of 7:00 a.m. to 9:00 p.m.*”

**REZONING (CONT'D):**

Councilman McGary confirmed that a subsequent meeting was held following the last Council meeting and asked if changes had been made.

Councilman Benson noted that the way the 1st condition reads, it sounds like restaurants and businesses can't stay open. Attorney McMahan explained that it meant they could only be open between the hours of 7:00 a.m. and 9:00 p.m. Councilman Benson asked if everything had to close at 9:00 p.m. and was told "yes".

Councilman Gilbert asked Mike Price how the residents had gotten along on this issue.

The applicant, Mathew Hullander, spoke at this time. He stated that they did hold a meeting at the East Brainerd Church of Christ on Friday evening to review the conditions that had been rewritten; that Councilman Benson was there, and he thought the meeting went great; that there was no opposition; that Mr. Clowdus would speak to this as well, reiterating that there was no opposition at the meeting; that the hours of operation had been left out of Condition #1 and between the hours of 7:00 a.m. to 9:00 p.m. had been inserted. He noted that the Planning Staff had six (6) original conditions and that they had added the additional conditions; that the Planning Commission passed on this rezoning and the City Council passed this on first reading at the last Council meeting and several from the neighborhood were there at that meeting.

**Mr. Steve Clowdus of 1221 Panorama Drive** spoke next. He confirmed that a meeting was held on Friday and that 15-16 people attended; that there was not a whole lot of opposition; that those present wanted to make sure that the conditions were met and would hold Mr. Hullander to them; that he did not think anyone wanted anything built there, but they were trying to get the best they could get, and the conditions were acceptable to most; that a few people would not be happy with this or anything else.

Mr. Hullander spoke again, stating that there had been conversation about offices; that they had done a lot of research concerning the square ft. price between office and C-2 and it is \$7.00; that he had explained to the neighbors that if it were offices, they would all be coming at one time and leaving at one time and mixed-use would be better than offices in relation to traffic; that they wanted this place to look good, and to be honest, if it were offices, they could not control how this is built. He went on to talk about TDOT's plans—that this fall they plan to move the existing ramp 400 ft. with two lanes—that these plans will alleviate some of the traffic problems.

**REZONING (CONT'D):**

Councilman McGary stated that he had one question for Mr. Hullander—that he was curious about the 17 conditions—that at the last meeting some were aware of conditions and some were not. He wanted to know if everyone was in agreement?

Mr. Hullander mentioned a Ms. Ann Fincher who had headed this effort up and had communicated with the attorney; that everyone had lists; that there was some confusion as to how many meetings they had had; that they wanted to make the neighbors happy and had kept adding conditions and had come up with this many.

Councilman McGary noted that it had been reported that about 15 people were at the meeting on Friday. He wanted to know if Mr. Clowdus was part of a neighborhood association and was present at this meeting? Mr. Clowdus responded that signs were put out concerning the meeting, and it was also put in the paper. Councilman McGary wanted to know how many were in the neighborhood association? Mr. Clowdus responded that there were about 500 homes—that he did not really know the number of members. Councilman McGary questioned if 15 people were adequate representation of the neighborhood's interest. Mr. Clowdus responded that a handful did not want anything, but the rest were coming to terms with the conditions; that it seemed with the conditions that the applicant was trying to work with the community and most of the neighborhood wanted this—that some wanted nothing. Councilman McGary asked if it were his feeling that the neighborhood was behind these 17 conditions? Mr. Clowdus responded that "the most he had talked to,"yes". He reiterated that a handful were not.

Mr. Hullander added that letters had been sent out to 85 people; that four meetings had been held involving Ms. Fincher and Mr. Clowdus—that meetings had been held and only one was in opposition—Ms. Sutton—who would be speaking.

Councilwoman Berz asked Mr. Clowdus to again approach the podium. She noted that she had spoken to him outside the meeting two weeks ago and also two other people. She wanted to know if these other people were represented at the Friday night meeting? He indicated that they were present. Councilwoman Berz went on to say that the Council wanted to protect the rights of people and the neighborhood and that several of the Council were having a difficult time getting their arms around what the people want—that they kept hearing different things; that she felt due diligence had been exercised with the meetings. She wanted to know if this was representative of the neighborhood

**REZONING (CONT'D):**

because the Council was getting two different messages; that the next people who would be speaking had a petition signed by 50 people saying they wanted nothing but offices. She stated that this was a problem with her.

Mr. Clowdus responded that the one in opposition had worked harder; that these people who had signed this petition had not come to the meeting.

Councilwoman Berz asked Mr. Clowdus if he was representing the people who were here at the meeting the last time? He responded he was representing a lot of them, maybe not all; that they wanted to hold Mr. Hullander to what he said he would do and be sure that he would look out for their interests. He reiterated that some people would not be happy with “nothing”. Councilwoman Berz responded “they are not happy with commercial but want offices—not “nothing”. She added that the Council was trying to do what is best for you “guys” and wanted to know if Mr. Clowdus had a “feeling” about this. Mr. Clowdus responded that he had a “feeling” for the people he had talked to, which was about 25; that they wanted this to look as good as possible with a higher clientele; that the people he had talked to would rather have something nice—that these two old houses had seen their better days.

Councilwoman Berz asked Mr. Dobosh to come to the podium. She stated that two weeks ago he was not clear that he was bound by the same conditions.

Mr. Dobosh stated he thought he would never be asked to speak! He stated that he was speaking with mixed emotions; that his family had been here for 50 years and would like the people opposed to understand his situation and asked where they had been for 42 years. He stated that he was bound by the same conditions and asked those in opposition what they would do with a residence that was not marketable as a residence any more? He stated that he had rights, too. He went on to say that his beautiful home was one of a kind. Councilwoman Berz asked if he understood there could be no restaurant? Mr. Dobosh responded that that was in the conditions and that all of the conditions applied to him also.

Mr. Hullander stated that Mr. Clowdus was their closest neighbor; that the first petition that went around had gotten names before they had talked to him; that they talked about a “terrible strip mall”; that some had told him they were sorry that they had signed the petition.

**REZONING (CONT'D):**

Councilwoman Scott stated that she had a question for Greg Haynes and asked him to come forward; that this was going from R-1 to C-2 and that she did appreciate Mr. Hullander making an effort to improve the situation neighborhood-wise. She noted that this would be going from R-1 to C-2 with conditions; that from time to time people have come back to the Council, after they have agreed to the conditions, and asked that the conditions be lifted. She wanted to know the process for them coming back to the Council to have conditions lifted—would the notification be identical as far as signage being posted so that the neighborhood would know. Mr. Haynes verified that it would be the same process.

Councilman Benson questioned if they would not have to wait 8 months to come back and change conditions? Mr. Haynes stated that he thought the 8 months' timeframe was only if the Council denied this. Councilman Benson thought they could not remove conditions for 8 months. He thought they would have to wait. Mr. Haynes responded that he thought they could come back anytime—that the 8-9 months was only if the case was denied.

Chairman Ladd noted that Attorney McMahan was looking for the answer. She asked the opposition to talk.

**Mr. Art Rahn of 7203 Sylvia Trail** spoke. He stated that he had talked to the neighborhood about this strip mall; that these people had been to meeting after meeting, and they were worn out with this and had told him just to take his position. He stated that this petition was signed this last weekend. He stated that the residents were asked if they wanted this rezoned to C-2 for a strip mall, and the answer was “no”—that they had 50 signatures and 67 households represented; that the question about whether the neighborhood is for or against is pretty clear—that a strip mall is a big jump—that there are two nice homes here, and the neighborhood does not want this.

Attorney McMahan read from Section 38-672 of the Zoning Ordinance—that the nine months applies only if there is a denial. Councilman Benson asked if they could come back next week and ask for conditions to be lifted and was told “yes”.

Councilman McGary asked Mr. Rahn if this petition was signed this past weekend after the meeting on Friday? Mr. Rahn verified that it was signed after the meeting—that less than ten people were at the meeting. Councilman McGary asked if these people had come to 2-3 meetings—that it appeared that

**REZONING (CONT'D):**

a segment of the neighborhood was working with Mr. Hullander—that six conditions had been presented and eleven conditions had been added by the neighborhood; that it seemed these people wanted to work with Mr. Hullander; however a segment of the neighborhood wanted to say “no” and that this be based on offices only. He asked who was speaking for the neighborhood.

Mr. Rahn responded that this was 50 people in the neighborhood.

Councilman McGary asked Mr. Clowdus if they would be opposed if this was rezoned to O-1? He stated he was asking this particular question because it seemed that one wanted O-1 and the group was going with R-2. Mr. Clowdus responded that the people want conditions on it if this is going in; that a broader area that is further away can't support this.

Chairman Ladd asked those in the audience who were opposing this to raise their hands. She then asked for a show of hands of those in support.

Councilwoman Scott asked Mr. Burns to look at the map as to the location of those who had signed the petition. She noted that she gave him the wrong name—that it should be Elaine Trail. She wanted him to get it on the screen as to where the petition was coming from.

Councilwoman Robinson stated that she thought the Council was in the position of weighing heavily on a commercial corridor; that she got the impression that the applicant was working with an architect and trying to get materials that were compatible with the design of the building that was already there; that it is in the location of the applicant's own company; that commercial development is inevitable, and the Council is weighing this; that the development will be quality and TDOT is going to make the traffic situation much safer.

Councilman McGary asked Mr. Hullander if there had been any discussion about this being rezoned to O-1? Mr. Hullander responded that Councilman Benson had brought this idea up—that by not going to office, they were using quality materials and going to make this a nice development—that they would never use the term “strip mall”; that they would refer to a nice looking building.

Councilwoman Berz asked if they had any tenants yet? Mr. Hullander responded that they were trying to get past the rezoning first; that there had been some inquiries, but they were being “picky”.

**REZONING (CONT'D):**

It was noted that the motion to substitute had been made. Councilman Benson stated that he would vote “no” on the substitution.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7120 AND 7148 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading on roll call vote as follows and was signed in open meeting:

<b>COUNCILMAN BENSON</b>	<b>“NO”</b>
<b>COUNCILMAN GILBERT</b>	<b>“YES”</b>
<b>COUNCILWOMAN BERZ</b>	<b>“NO”</b>
<b>COUNCILMAN RICO</b>	<b>“YES”</b>
<b>COUNCILMAN MCGARY</b>	<b>“ABSTAIN”</b>
<b>COUNCILWOMAN SCOTT</b>	<b>“YES”</b>
<b>COUNCILWOMAN ROBINSON</b>	<b>“YES”</b>
<b>CHAIRMAN LADD</b>	<b>“YES”</b>

**AMEND CAPITAL BUDGET**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12534, ENTITLED “AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2011/2012” SO AS TO PROVIDE FOR CERTAIN CHANGES TO REVENUES AND APPROPRIATIONS IN SECTION 1 AND PROVIDE FUNDING FOR STREET AND OUTDOOR LIGHTING IMPROVEMENTS WITHIN THE CITY LIMITS**

passed first reading with Chairman Ladd and Councilwoman Scott voting “no”.



**SP. POLICE APPOINTMENT**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ROY CURRY AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA PUBLIC WORKS DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**SP. POLICE APPOINTMENT**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF SAMUEL WEBB AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA PUBLIC WORKS DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**'OFFER TO PURCHASE'**

On motion of Councilman Benson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN "OFFER TO PURCHASE" RELATIVE TO TRACT 29 OF THE ENTERPRISE SOUTH INDUSTRIAL PARK AND AUTHORIZING THE MAYOR TO EXECUTE A DEED AND OTHER NECESSARY CLOSING DOCUMENTS CONVEYING SAID PROPERTY TO BCP CHATTANOOGA, LLC FOR THREE HUNDRED SEVENTY-EIGHT THOUSAND FORTY-FIVE DOLLARS (\$378,045.00)**  
was adopted.

**TDEC GRANT**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED ACCEPT A CLEAN TENNESSEE ENERGY GRANT BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) FOR THE CITY OF CHATTANOOGA/MOCCASIN BEND WASTE WATER TREATMENT PLANT FOR ENERGY CONSERVATION, IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00), TO BE MATCHED WITH TWO HUNDRED NINETY-ONE THOUSAND DOLLARS (\$291,000.00) OF CITY FUNDS, FOR A TOTAL PROJECT COST OF FIVE HUNDRED FORTY-ONE THOUSAND DOLLARS (\$541,000)**  
was adopted.

**TEMP. ROW USAGE**

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING FAIRFAX BAGWELL NEIGHBORHOOD ASSOCIATION C/O DEBORAH MAYNARD TO USE TEMPORARILY THE RIGHTS-OF-WAY LOCATED AT THREE (3) LOCATIONS AROUND THE COMMUNITY TO INSTALL MARKERS TO INDICATE THE ASSOCIATION'S BOUNDARIES, AS SHOWN IN THE PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMP. ROW USAGE**

**Councilman Rico made the motion to approve this Resolution, seconded by Councilman McGary. Discussion ensued.**

The applicant, **Thomas J. Snow, Jr.**, addressed the Council, noting that he was a lifelong stutterer. He stated that his business was a family-owned business and had been for 49 years; that from 1972 until July of last year, the family business covered several blocks on Jim Snow Way, that was originally Provence Street off of Lee Highway. He stated that this property was purchased by his father in 1972, and it was a dead-end dirt street and never used for through traffic; that Snow Company had built prior to any portion of Rustic Village; that when the

**TEMP. ROW USAGE (CONT'D):**

owner of Rustic Village purchased the property, they needed his father's support, and his father had several concerns with the traffic and on-going water problems associated with the apartments, and he hired an attorney to address these issues; that in response, the realtor that represented the owner of the apartments wrote a letter to his father's attorney. Mr. Snow read statements from that letter. He noted that he had a copy of this letter today and also a City Ordinance from 1984, Ordinance No. 8318, which details the agreement between his father and the owner of Rustic Village and says that that road will remain closed. He went on to say that the road in question had never been used for access to Rustic Village; that it had been closed for 30 years. There is an industrial building on Jim Snow Way that has been leased to IBI Power, and their business is here; that IBI would like to expand with 30-40 more people and was considering the possible purchase of these buildings; however a manufacturing business is a challenge, and they need part of the street for loading from time to time.

Mike Price asked if he could speak briefly to this issue. He showed an aerial view of the road involved in the Temporary Use Permit. He showed the portion to be utilized and also showed the portion which can be used for emergency vehicles. He noted that Chief Flint was present and could address the concerns of the Fire Department. He described a three apartment entrance and three points to get in, stating that this temporary use would not create any problem. He noted that initially the applicant had asked for closure and abandonment; however Planning was not in favor of this because of a small property that would be landlocked; that temporary usage was their second option. He showed pictures of pieces of equipment and how they needed the use of this site for operation.

Councilwoman Berz asked if the Council could get a diagram showing the end, stippled area, would not be used; that this concerns the middle portion. She stated that her question had to do with noise around the apartment complex; that the noise level would be higher.

Mr. Price responded that they were using this area now for unloading.

Councilwoman Berz asked about the stippled area—if they would be using this at all? Mr. Price responded that it would be used for parking and getting vehicles in and out in an efficient manner. She asked if this would have less effect on the residents and was told "yes" by Mr. Price—that this would shift the operation away from the residents.

TEMP. ROW USAGE (CONT'D):

Councilwoman Berz asked Mr. Snow if he needed this Temporary ROW Usage in order to sell this property? Mr. Snow responded that they hoped to entertain an offer—that if not, the company was looking at other options outside the City of Chattanooga. Councilwoman Berz reminded him that the Council was interested in protecting residents, noting that Mr. Snow was getting this fixed to sell it. She wanted to know what conditions would apply to the new buyers?

Mr. Price mentioned a 120-day timeframe to give them time to re-pave the roads and put them in a condition that would be up to city standards. Bill Payne added that there was also a condition of vegetation. Mr. Price stated that they would plant some evergreens to screen this off—that they did not have to do this but wanted to be a better neighbor to the apartments. Mr. Payne explained that there were six (6) standard conditions that apply; the fencing or vegetation was an additional condition; also another condition was that the dead-end will be open for emergency response and then there was the 120 days that Mr. Price had already mentioned.

The opposition, **Dr. Lentz Reynolds**, spoke next. He began his speech by saying that the applicant had made a very bad presentation. He mentioned Phase I of his apartments that were built in 1979 and Phase 2 about three years later. He stated that he had been a resident of Tennessee for 78 years, and he had been really worried about getting this finished up; that to sell his property or to leave it to his heirs would be completely impossible. He went on to say that the Fire Department could not take a fire truck anywhere near his apartments on Phase I with all this going on. He stated that this was “pie-in-the-sky and absurd”. He mentioned having two separate pieces of property, stating that there would be no egress to Phase 2, and he could not sell the properties separately, which would mean that a large complex will have to be split up, which would be hopeless. He went on to say that this came before the Planning Commission at the County in February of 2012, which was just a month ago, and he read from the Planning Commission’s opinion at that time. He went on to say that he had plans for an additional apartment building, and this would prevent him from doing so. He then continued to read from the county document.

Dr. Reynolds went on to say that his objection to the Temporary Closure was that there would be no way for a fire vehicle to get in before his buildings burnt. He questioned why this had all changed since the closure and abandonment was turned down at the county? He stated that a fire would burn his buildings and

**TEMP. ROW USAGE (CONT'D):**

that people would burn. He asked how in the world he could figure out how to undo what they will do? He stated that somebody would have a real problem doing anything; that it just did not work this way; that now they could bring in from Brainerd Rd. He stated that they designed their apartments the way that the City asked them to do, and he would appreciate being left alone; that he was really worried and concerned about this.

Councilwoman Scott asked him if he were saying the apartment complex did not front on Charles Drive? He responded that they do—Phase 1 and Phase 2—that one could see three large buildings and then a fourth building. She asked if they all fronted on Charles Drive? Dr. Reynolds responded “no”—that Phase 2 fronts on a cul-de-sac; that the end of Phase 2 only fronts the cul-de-sac. She asked if Charles Drive runs all the way to the back and was told “no” that it does not—that a little section is not a road. Dr. Reynolds stated that this is a little road that they put in; that there is no egress but a cul-de-sac. She wanted to know where the city street stops. Mr. Payne showed her on the map with Dr. Reynold’s connection between Phase 1 and Phase 2. She asked if the structure does not front a city street? Mr. Payne explained that there was separate frontage, but this is not affected because it is only a temporary closure with no impact; that Phase 2 can be accessed through Phase 1.

Councilwoman Scott asked that Greg Haynes come forward. She asked if the proposed plan meets zoning requirements? She also asked about the letter of recommendation regarding the comments of Mr. Herron of the Fire Department. She wanted verification from the Fire Department and wanted to know that this clearly meets the zoning requirements and that they would not be in violation and that we have adequate fire access. Mr. Haynes responded that this does not affect zoning.

Dr. Reynolds asked with this temporary usage in place, would they be able to get approval to build? Mr. Haynes explained that the original application was to close this permanently, and the Staff and Planning Commission denied this because Phase 2 would be landlocked. Dr. Reynolds asked if they would be able to re-model or make structural changes? Mr. Haynes went on to say that the application to close the whole street was withdrawn, and they then applied for a Temporary Usage through the Public Works Department and that Public Works should address this.

Chairman Ladd informed Dr. Reynolds that his time had expired but asked him to remain standing as the Council might have questions for him.

**TEMP. ROW USAGE(CONT'D):**

Councilwoman Scott stated that she would like to hear from Deputy Chief Flint.

Deputy Chief Flint stated that he was at the committee meeting and had discussed this issue with Randall Herron as to access and water coming in from the north side. He stated that Mr. Herron had no problem with the water supply. He added that he had once worked at Fire Station #13 and knew that fire apparatus will go through there and access and water is not an issue.

Councilman Benson confirmed that there was no issue with this being used by Mr. Snow. Chief Flint stated that they could go through the main entrance. Councilman Benson confirmed that Mr. Herron had approved this, adding that he was tough. He went on to say that this is in compliance with the Fire Safety Code for the temporary usage of Jim Snow Way; that it does not look like it has ever been used.

Dr. Reynolds stated that his purpose was to make the city happy so that he might be able to build at a later date, noting that Phase 1 was built in 1979 by Mr. Rothwell and Phase 2 was 2-3 years later. He asked if he could get approval for one more building? Councilman Benson mentioned that all his buildings were wood buildings. Dr. Reynolds again noted that wood buildings will burn. Councilman Benson reminded him that the Fire Marshall says there is no harm. Chief Flint mentioned a new fire hydrant. Councilman Benson stated that he thought the safety issue had been disputed. Dr. Reynolds stated that there was another issue other than safety—that he would be losing his frontage on a public street for this section.

Mr. Haynes explained to Dr. Reynolds that frontage was the whole reason the application for closure and abandonment was dropped at the Planning Commission; that the applicant was not asking for closure but temporary use; that this lot still has frontage.

Councilwoman Berz confirmed that we would not be interfering with Dr. Reynold's property; that to say he would not be able to build or do other things was not true? Mr. Haynes responded that it was not the case here—that this was temporary use. Councilwoman Berz confirmed that he did have frontage.

**TEMP. ROW USAGE (CONT'D):**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THOMAS J. SNOW TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 6200 BLOCK OF JIM SNOW WAY (DEAD END ROAD) FOR THE USE OF SAID RIGHT-OF-WAY IN THE DAY-TO-DAY OPERATIONS OF IBI POWER, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMP. ROW USAGE**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING RAY DEBARGE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1617 ROSSVILLE AVENUE TO INSTALL TWO (2) AWNINGS FACING ROSSVILLE AVENUE, AS SHOWN IN THE PHOTO ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ATKINS NORTH AMERICA, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. T-10-001-401, CONSTRUCTION ENGINEERING INSPECTION (CEI) ON CHATTANOOGA REGIONAL ITS SYSTEM PHASE 1, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SEVEN THOUSAND ONE HUNDRED AND 53/100 DOLLARS (\$707,100.53)**  
was adopted.

Councilman McGary questioned why the amount was read 53/100 dollars rather than \$.53 (cents), questioning whether it was actually 53 dollars or 53 cents? Attorney McMahan suggested that the words could be taken out of the caption and just leave the number or it could be written "cents" rather than 53/100.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. T-10-001-201, TO STANSELL ELECTRIC COMPANY, INC., IN THE AMOUNT OF FOUR MILLION ONE HUNDRED SIX THOUSAND SIX HUNDRED FIFTY-SEVEN AND 70/100 DOLLARS (\$4,106,657.70), WITH A CONTINGENCY AMOUNT OF FOUR HUNDRED TEN THOUSAND SIX HUNDRED SIXTY-FIVE AND 77/100 DOLLARS (\$410,665.77), FOR AN AMOUNT NOT TO EXCEED FOUR MILLION FIVE HUNDRED SEVENTENN THOUSAND THREE HUNDRED TWENTY-THREE AND 47/100 DOLLARS (\$4,517,323.47)  
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-11-005-202, TO YERBEY CONCRETE CONSTRUCTION, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED THIRTY-NINE THOUSAND DOLLARS (\$639,000.00)  
was adopted.

CONTRACT

On motion of Councilman McGary, seconded by Councilman Rico,  
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A UTILITY RELOCATION CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO THE RELOCATION OF SANITARY SEWERS FOR 1-124 FROM 0.27 MILES SOUTH OF RIVERFRONT PARKWAY TO 0.54 MILES NORTH OF RIVERFRONT PARKWAY, PIN NO. 103917.00, CONTRACT NO. W-11-005-801, AND RECEIVE REIMBURSEMENTS FROM TDOT IN AN AMOUNT UP TO FOUR HUNDRED THIRTY-FOUR THOUSAND THREE HUNDRED EIGHTY-SEVEN DOLLARS (\$434,387.00)  
was adopted.



**SAFE ROUTES GRANT**

On motion of Councilman Gilbert, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A SAFE ROUTES TO SCHOOL (SRTS) GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR SIDEWALK FACILITIES RELATIVE TO WOODMORE ELEMENTARY SCHOOL, IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00), WITH ONE HUNDRED (100%) PERCENT SRTS FUNDS AND THE SUPPORT OF EXTENDING SIDEWALK FACILITIES TO INTERCONNECT OTHER LOCAL POINTS OF SERVICE**  
was adopted.

**TDEC GRANT**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) GRANT FOR THE COLLECTION OF HOUSEHOLD HAZARDOUS WASTE, IN THE AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)**  
was adopted.

**EBP SERVICES**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**A RESOLUTION RELATING TO TELECOMMUNICATIONS SERVICES PROVIDED BY THE ELECTRIC POWER BOARD OF CHATTANOOGA**  
was adopted.

**BONDS ISSUE**

On motion of Councilman Rico, seconded by Councilman Gilbert,

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS OF THE CITY OF CHATTANOOGA, TENNESSEE, OR INCUR OTHER INDEBTEDNESS IN THE AGGREGATE AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000.00) FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF THE PURCHASE, INSTALLATION, MAINTENANCE, AND MANAGEMENT OF APPROXIMATELY FIVE THOUSAND THREE HUNDRED (5,300) LED AND INDUCTION LUMINARIES FOR STREET LIGHTING TOGETHER WITH AUTOMATED METERING INFRASTRUCTURE-LIGHTING CONTROL SYSTEM TECHNOLOGY FOR THE CITY OF CHATTANOOGA**

was adopted, with Councilwomen Scott and Ladd voting “no” and Councilman Benson abstaining.

**OVERTIME**

Overtime for the week ending March 22, 2012, totaled \$27,077.34.

**PERSONNEL**

The following personnel matters were reported for the **CHATTANOOGA POLICE DEPARTMENT & PERSONNEL DEPARTMENT**:

- ✓ **TIM CARROLL**—Retirement of Assistant Police Chief, effective 3/26/12.
- ✓ **SHEA JEFFERSON**—Voluntary Demotion to Personnel Technician, Range 11, \$35,000 annually, effective 3/23/12.

**DONATION**

Adm. Zehnder reported the donation of T-Shirts for the Warner Park Field Crew from UTC/Healthsouth, valued at \$200.00.

Adm. Zehnder also announced that TDOT will host a Bike Summit at the Marriott from May 2<sup>nd</sup> to May 4<sup>th</sup>.

**HOTEL PERMITS**

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

**CHATTANOOGA CHOO CHOO**—1400 Market Street, Chattanooga, TN

**COUNTRY INN & SUITES HIXSON**—5000 New Country Drive, Chattanooga, TN

**DAYS INN RIVERGATE**—901 Carter Street, Chattanooga, TN

**EXTENDED SUITES**—2000 E. 23<sup>rd</sup> Street, Chattanooga, TN

**HAMPTON INN CHATT. AIRPORT**—7013 Shallowford Rd., Chattanooga, TN

**HAMPTON INN**—6145 Weir Way, Chattanooga, TN

**HOLIDAY INN EXPRESS**—6274 Artesian Circle, Chattanooga, TN

**LAQUINTA INN #931**—7015 Shallowford Rd., Chattanooga, TN

**LIQUOR LICENSE**

Daisy Madison, Administrator of Finance, presented a Liquor Store License in the name of **James Gaylor Hayes, II** located at **6401 Hixson Pike Ste E** to the Chattanooga City Council for approval. This was duly signed by five Councilmembers and approved.

**PURCHASES**

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

**HUMAN SERVICES DEPARTMENT:**

**MAYFIELD DAIRY FARMS, LLC (Lowest Bid meeting specs.)**  
**Requisition R50341**

Blanket Contract for Dairy Products

\$57,000 annually, approximately

**PURCHASES (CONT'D)**

**PUBLIC WORKS DEPARTMENT:**

**A & H SAFETY SUPPLY (Lowest and best bid meeting specs.)**  
**Requisition R55080**

Blanket Contract for Traffic Safety Materials

\$15,200.00 annually, estimated

**TELEDYNE ISCO (Lowest and best bid meeting specs.)**  
**Requisition R55355**

Samplers and Flow Meters

\$12,302.00

**GENERAL SERVICES DEPT.:**

**AMERICAN PAPER & TWINE (Lowest and best bid meeting specs.)**  
**Requisition R55116**

Blanket Contract for Citywide Multi-Purpose Printing Paper

\$125,000.00 annually, approximately

Councilwoman Scott stated that she was wondering if at the next meeting Mr. Johnson could give the Council an update as to whether paper is more expensive this year than last year. Mr. Johnson stated that last year it was \$124,959.00, prompting Councilwoman Scott to acknowledge that it was about the same thing.

**BOARD APPOINTMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following Board Appointment was approved:

**NORTH SHORE DESIGN REVIEW COMMITTEE:**

The appointment of **Mr. Joe Robbins** for a three year term, expiring **March 27, 2015**.

Councilwoman Scott asked if the applicant lives in Chattanooga? Mr. Johnson responded that as far as he knew "yes". Chairman Ladd stated that she thought he was from Lookout Mountain. Councilwoman Robinson stated that he does not live in the City but has a business in North Chattanooga.

Councilman Benson stated that we had had this question before; that he thought we should be seeking out city residents first; however extenuating circumstances could cause us to have to go out of the city limits; that there are a lot of people on a lot of boards who live outside the city, and he would hate to punish this person without some equity. He again stated that he wished it could be only city residents.

Councilman McGary wanted to know what the policy is on this? Attorney McMahan read from the City Code, noting that there is nothing about residency.

Councilwoman Scott asked if this was a City Council nomination or was it the Mayor's nomination? Attorney McMahan responded that it was presented to the Council for approval by the Mayor; that he would think that Councilwoman Robinson presented the name to the Mayor and then the Mayor submitted it to the Council.

**ATTORNEY MCMAHAN**

Attorney McMahan asked for help from the Public Works Department for correct wording concerning numerical amounts of contracts.

He also noted that on April 10<sup>th</sup>, under Other Business, he would bring up a Liquor License on Dodds Ave., which is within 500 ft. of McCallie School. Councilwoman Berz inquired as to why? Attorney McMahan explained that it meets all the requirements of the City Ordinance but a determination has to be made concerning the 500 ft. distance. Councilwoman Berz responded "it either is or is not 500 ft. from a school". Attorney McMahan explained that there was some question as to whether this is school property, and they would go by the Council's decision.

**BOARDS RESIDENCY**

Councilman McGary stated that he would like to have the issue of whether someone has to live within the City to be placed on a Board re-visited in committee. In other words, a city resident versus someone who just has a business within the city and lives outside the city limits.

Councilman Rico stated that for some of the Boards, it states that members have to be a city resident.

Councilwoman Scott asked that something be drafted that the Council could look at that would be worded around this question and then the Council could decide as a whole.

Attorney McMahan explained that it is either a requirement between being a resident or not; that the Mayor's Office keeps up with the Boards, and there may be a reason not to limit this to just city residents; that it could be changed to just residents, but this is the way it has been up to now.

Councilwoman Scott stated that she would like to have a list to see if it is a requirement or not and as a group, the Council could decide whether to change this or not.

Councilman McGary stated that he agreed with Councilman Benson as to extenuating circumstances but thought that the first priority should be city residents.

Chairman Ladd stated that she would request that Councilman Murphy put this in his committee.

**COMMITTEES**

Councilwoman Scott scheduled a meeting of the **Personnel, Performance and Audit Review Committee to immediately follow the Agenda Session on Tuesday April 3<sup>rd</sup>**. The topic of discussion will be Dogwood Manor, and Councilwoman Scott stated that she assumed Ms. McCright will be coming and that Ms. Madison and Mr. Thornton will be attending, as well. The real estate issue will also be discussed.

**COMMITTEES (CONT'D)**

Councilwoman Berz noted that the **Budget and Finance Committee** will be meeting from **1:00 P.M. to 3:00 P.M.** on **April 3rd** for an Educational Session for further departmental reports.

**AGENDA: APRIL 3, 2013**

Chairman Ladd inquired as to whether there were questions regarding next week's agenda; being none, the meeting continued.

**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.

**REV. LEROY GRIFFITH**

**Reverend Griffith** approached the podium. Chairman Ladd asked if his discussion was to be about housing on the Westside. Reverend Griffith responded that he would be discussing what we have been discussing and how the Council has not followed through on the discussion. Chairman Ladd explained to him that at this point, there is nothing the Council can vote on concerning housing on the Westside; that there might be something in the future but right now she would have to say that this is out of the Council's jurisdiction, and there is nothing the Council can do without legislation in front of them—that there is nothing for the Council to act on. She stated that she was interested in the discussion but reiterated that there was nothing in front of the Council to consider.

Reverend Griffith continued, stating that he resided at 1211 Grove Street. He began by saying that over two thousand and seven hundred years ago, in a much less technological age, and yet a time with very similar social, cultural, and political problems, the prophet Isaiah, is reported to have declared, "Come let us reason together," says the Yahweh, whom the people and the leaders claimed to be their God. But the leaders, for whatever reasons they may have had, did not engage in the requested dialogue. They even tried to silence God's prophet. Cataclysms followed.

**REV. GRIFFITH (CONT'D)**

Reverend Griffith continued stating that today, on the Westside and in public housing throughout Chattanooga, the children of God feel that they are being silenced by the Council, as well as the Mayor; that the Council had promised to meet publicly with the Westside Community Association and engage with its members and other public housing and low income residents, but neither the Council nor the Housing Committee reasoned together with them. He agreed that some of the Council attended a meeting where they were made aware of the calamitous nature of current and proposed programs that fail to meet the housing needs of working poor, unemployed, old, and homeless people in Chattanooga.

He stated that they were the real experts that the Council needed to hear and with whom they needed to reason regarding the provision of safe and affordable housing for all people in our city; that currently, Betsy McCright, a wise woman, whose knowledge of housing the Council had publicly praised, was scheduled to meet and reason with them on April the 12<sup>th</sup>. He invited Chairman Ladd to schedule a dialogue meeting of the City Council and the Westside Community Association, stating that they understood the difficulty of getting the whole Council to attend such a meeting, and if all members of the Council were willing, she could represent them; that this would be a fulfillment of the Council's many promises.

Councilman McGary asked for some clarification, stating that as he recalled this came about as part of the Purpose Built question, and the Council was asked if they wished to continue, and we said yes. He noted a meeting for public input at the end of February was held; that Rev. Griffith was present, and in effect, this was the promised meeting—that this was an attempt by the Mayor's office, and it was beside the point as to whether it was a good meeting; that the promise was made in the context of a public hearing at the end of February; that there are some concerns about this public meeting for the sake of what was presented. He went on to say that the Council had a meeting on public housing in general with Ms. McCright and no promise was made that people could come to this meeting for public input. He stated that he did not know if there would be a separate opportunity—that this was a district issue. Nevertheless, there was a meeting held in February, and Councilman McGary wanted to be clear as to what was promised and fulfilled.

Reverend Griffith responded that many of Councilman McGary's constituents disagreed, including himself.



**REVEREND GRIFFITH (CONT'D)**

Chairman Ladd stated that Councilman McGary had outlined the situation as she understood it to be “rolled” out; that she would try to attend the April 12<sup>th</sup> meeting; however the Council needed something in front of them to consider; that we promised a meeting, and she agreed with Councilman McGary that that promise had been fulfilled--however they might have felt about how the meeting was held. She stated that the meeting she attended concerning Westside had a lot of dialog, and it was educational and gratifying. She stated that she did not see that we had a reason to progress with this; that there might be something in the future, but the Council does not have anything to act upon.

Councilwoman Robinson thanked everyone for their comments; that Ms. McCright had come to the Westside once and maybe twice; that she planned to attend all neighborhood meetings, which was tremendous. She stated that Ms. McCright would do a good job in publicizing this. She stated that Ms. McCright was the person to go to about public housing; that Chattanooga Housing Authority is the local office of HUD—that it is not a State, County, or Municipal function, and we don’t control this. She stated that the Council was interested in all cities and public housing, residents, and the homeless; that we are interested in our citizens but are not their landlord; that she hoped that as they advocated, they would include CHA and copy them on everything.

Reverend Griffith stated that he hoped the Council could attend the April 12<sup>th</sup> meeting.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, April 3, 2012, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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