

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
AUGUST 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 Councilman Murphy, followed by a brief reflection on the opening of the Mosque in Councilman Benson's district on Saturday, where all faiths were welcomed in a celebration and also mention of the fact that Officer Brenda Hafley had lost her battle with cancer.

**MINUTE APPROVAL**

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

Chairman Ladd explained to those in attendance that it might seem that the Council was moving quickly on some items, but the items had been discussed earlier in committee as to where the Council stood on the issues.

**CLOSE AND ABANDON**

**2012-111—Walnut Commons**

On motion of Councilman Murphy, seconded by Councilman Rico,

**AN ORDINANCE CLOSING AND ABANDONING A GENERAL SLOPE EASEMENT  
CONTAINING TWO HUNDRED THIRTY-ONE (231) SQUARE FEET, MORE OR LESS,  
AND A TEMPORARY CONSTRUCTION EASEMENT CONTAINING FOUR HUNDRED  
FORTY-NINE (449) SQUARE FEET, MORE OR LESS, MORE PARTICULARLY  
DESCRIBED HEREIN**

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

**AMEND CITY CODE/FORT WOOD**

To open the floor for discussion, Councilman **McGary made the motion that this Ordinance be deferred**, after conversations with the neighborhood and the President of the Neighborhood Association, Janice Heath. He stated that the wish was to have this deferred for three weeks and that that was his last contact with the neighborhood. He noted that he was operating off his last contact. **This was seconded by Councilwoman Berz** for discussion purposes.

Councilman Rico stated that in regards to the earlier committee meeting, he did not think the people wanted this deferred.

**Janice Heath of 928 Oak Street** and President of the Neighborhood Association, addressed the Council. She stated that a week ago Monday marked the beginning of another academic year at UTC and at 9:45 a.m. on Oak Street, Vine St. and Fort Wood St., parking was filled to capacity; that she invited a friend to lunch and she was unable to find a parking space. She went on to say that City Council, City Traffic Engineering, and the Fort Wood residents agree that the parking problem in the Fort Wood neighborhood is critical and that this problem extends to Central Ave.—that Fort Wood residents overwhelmingly agree that the first step in addressing this parking problem is the elimination of the grace period. She spoke of two problems with the posted one hour grace period. First, enforcement is inefficient because it requires parking enforcement to visit the streets twice—once to mark vehicles, then again, an hour later to identify those who have stayed beyond the legal limit. The second problem is that it allows students who have classes that last less than one hour to fill the streets without disobeying the law. She stated that for both of these reasons, they felt that the grace period should be dropped.

She went on to say that earlier in the day they were encouraged to give CARTA the opportunity to better enforce the grace period, when they take responsibility on October 1<sup>st</sup>. They indicated that they would be coming through the neighborhood 3 to 4 times a day, which she felt would be impossible to effectively enforce a grace period—that their streets would be filled with unpermitted vehicles, while residents who have paid \$25.00 for a parking permit and pay taxes will still be unable to park by their homes. Multi-space meters were suggested as a possible solution; however, she stated, Fort Wood residents expressed strong concern over the aesthetic impact of these meters in this historic district and could be a significant cost to the city. They felt that the elimination of the grace period would be a more cost effective solution and would solve the enforcement issues, provide adequate space for residential permit parking, and enable visitors of residents to park with a guest placard, which is an effective means of protecting visitors from being ticketed. As the President of the Fort Wood Neighborhood Association, Ms. Heath stated that it was her responsibility to represent the expressed will of the residents; that the original petition, signed by over 2/3 of the Fort Wood residents, includes three elements—the expansion of the restricted parking area, expansion of the hours of coverage, and removal of the one hour grace period, and they were requesting the City Council's consideration of the entire petition request.

**FORT WOOD (CONT'D):**

Councilwoman Berz asked Mr. Heath what her understanding was of what the Ordinance now says? She responded that it restricted parking in the 800 Block of Oak Street, Vine Street, and Fort Wood Street. Councilwoman Berz asked if there was no mention of the “grace period”? She maintained if there were no mention, then was she correct in saying there was nothing to take away? She asked Ms. Heath if we were only dealing with the physical area to be enlarged, and the answer was “yes”; however Ms. Heath stated that they wanted some clarification about the “grace period”—that this was added by the Traffic Engineer, and they were requesting that this be taken away. Councilwoman Berz surmised that the “grace period” was no where in the law—that it was discretionary; that upon the advice of the Traffic Engineer, we could put up a sign or take a sign away—however this was not in the body of the law. She asked Ms. Heath if they wanted this discretion taken away and felt that this would enhance the area? She stated that she wanted to make sure that they both had the same understanding of the law. Ms. Heath responded that another speaker would address this issue more specifically.

**Mr. Tom Bibbler of 905 Oak Street** spoke next. He stated that he was a retired professor and had taught Councilwoman Berz, but not Chairman Ladd. He stated that he agreed that the “grace period” was not in the law, but it was on the signs. He noted that the residents of the homes in Fort Wood were without parking close to their houses; that the last houses had sold to families with small children and when people were seeking parking spaces it posed a safety hazard to the small children. He stated that when this area extends to Central Ave. on the east that college students would know that in that block they could get free parking. He stated that Clark Street is already a zoo with no parking space; that students are not dumb—that they will find free parking.

Councilman McGary wanted the Council to be aware of the full conversation—that a meeting was held last Friday in lieu of our last Council meeting; that the neighborhood participated in this meeting, which included himself, Mrs. Heath and two neighborhood representatives. There were also two from CARTA and John Van Winkle and another person from Traffic engineering. He stated that they took all of the moving parts—first was enforcement—who would enforce the rules? This enforcement was for a 24 hour period from 7:00 a.m. Monday until 6:00 p.m. on Friday. He stated that enforcement was where the money is at. He stated that they attempted to get a better sense of what CARTA will do—that CARTA indicated that they would be taking photos of license plates. The question was posed as to how long it would take before someone got ticketed? Also the question was asked as to what happens with parking meters? He explained that CARTA talked about multi-space meters with no cost to the city—that it would cost CARTA about \$8,000; that CARTA would take responsibility on October 1<sup>st</sup>, but the meters would probably be no earlier than October 15<sup>th</sup>. It was discussed to postpone everything until November 1<sup>st</sup> to see if there was a clear change; that this was the

**FORT WOOD (CONT'D):**

conclusion of the meeting on Friday, after hearing the three original requests at the meeting on Tuesday—extending the boundaries, extending the time, and elimination of the “grace period”. He mentioned three issues in the CARTA recommendations—After extending the section to the 800 and 900 Blocks of Vine and Oak Streets and the 500 Block of Fort Wood Street, there will be an evaluation after the first of the year; CARTA will take pictures of license plates in the 30-minute period—after 30 minutes, they would be ticketed. He noted that one of the neighborhood representatives mentioned what meters would do to their home value—however it was brought out that if we do not get a handle on this problem immediately, it would also affect the home value. Thirdly, was the hope that the “grace period” would be eliminated. He stated that this was his understanding of where they were going forward. He questioned if the neighborhood wanted this passed tonight as it is or defer it for a certain amount of time to give clarity.

Ms. Heath stated that she was sorry for the confusion—that after the meeting on Friday, Board members and residents were all concerned about the meters in the neighborhood and the effect it would have on the Historic District; that she communicated with Councilman McGary—that if the idea of deferring is because of what they are willing to accept—that they don’t want this. She asked those from the Fort Wood neighborhood to please stand, and a number of people stood up. Ms. Heath stated that they wanted action now. Councilman McGary referred to what the last revision of the Ordinance stated. Ms. Heath stated that the original Ordinance that they presented to the City is the proposal they would like to see happen; that Dr. Rice would further address these issues.

Councilman Rico again noted that this was discussed in committee, and the people said they did not want this deferred—that it was that simple.

**Dr. Cynthia Rice of 822 Vine Street** spoke next. She stated that she had lived in Fort Wood since 1999; that the original ordinance was passed in December of 1994 and a lot had changed since then; that the only thing representing the neighborhood is the petition that they signed; that the Traffic Engineer had asked that CARTA be given a chance to work something out but that they had been hearing all of this for two years. She stated that she did not see deferring this or how it could affect the outcome; that the petitioners all had discussed this, and it was a non-binding agreement—they did not want the CARTA kiosk meters. She stated that there were three problems with the “grace period”—that the kiosk meters would destroy the integrity of their neighborhood; that it would be difficult to enforce a 30 minute “grace period”; and thirdly, the petitioners were against the “grace period”. She asked that the Council vote according to their petition but not vote on the Ordinance that was in front of them today. She noted that the “grace period” was left up to the discretion of the Traffic Engineer, and they wanted this specifically put in the Ordinance so that in a year or two the city could not come back and change it. She noted that the Traffic Engineer had stated that they had temporary parking placards.

**FORT WOOD (CONT'D):**

Councilwoman Berz indicated that what is before the Council tonight is not what the neighborhood requested. Dr. Rice responded that the petition that the Council received is what Fort Wood put in their Resolution Request form—that somehow it got changed, and she did not know who changed it. Councilwoman Berz indicated that she did not think they would want the Council to vote on what is before us—that the Ordinance does not talk about the “grace period” nor limited parking. She again noted that the “grace period” is not in the law. Dr. Rice stated that they would like to have it put in the “law”—“no grace period”. Councilwoman Berz stated that the Council needed a more proper law before us; that she thought it would be wise to defer because the Council does not have in front of them what Dr. Rice is saying. Dr. Rice stated that she did not know the political side of this—that they sent their petition in and thought it would be written in as they laid it out.

Chairman Ladd asked if we could vote as an amendment to this Ordinance to include what they are seeking?

Attorney McMahan explained that there were parking regulations all over Tennessee without “grace periods”; that Traffic Engineering elected to put up a sign—that this could be addressed in the Ordinance; however the idea of a “grace period” is discretionary and not a part of law. He stated as to the other requirement of 7:00 a.m. on Monday until 6:00 p.m. on Friday, that no one would be enforcing in the middle of the night—not at 1:00 a.m.—that we would just be passing an Ordinance that we could not enforce.

Councilman Murphy stated that Attorney McMahan had “hit” on something—that every law we pass, we rely on people to enforce; that CARTA will begin enforcement on October 1<sup>st</sup>. He mentioned a wise lesson he learned in law school “Don’t interfere with good discretion”. He noted that we needed a certain amount of discretion and did not think we wanted to really write away all discretion. **He made the motion that we amend the Ordinance that is before us to add a clause “No sign to the contrary”. Councilman Rico seconded this amendment.**

Councilman Benson noted that the Council has no copy of what we are doing but that it does take two readings to pass an Ordinance; that we could pass the amendment of Councilman Murphy and the Council could have a chance to read what it says and come up with a final Ordinance next week to vote up or down.

Councilman McGary addressed Dr. Rice and asked if everyone was of the same understanding that the Ordinance we are referring to is not the language that is in front of the Council—that the only thing in front of the Council tonight is the extension of the parking area. Dr. Rice responded that her question was what happened to their Petition Resolution that was sent to the City Attorney? Councilman McGary responded that he could not answer that; that his

**FORT WOOD (CONT'D):**

intent was to fully address their three concerns as was written and how best to do this; that the three concerns could be divided into pieces, the first being the extension of the zone to the 500 Block of Fort Wood Place and the 800 and 900 Blocks of Oak Street, Vine Street, and Fort Wood Street; that this might not be the consensus of the neighborhood, but this was communicated to him—that we were only dealing with the extension. He stated that this did not mean the other items would not be addressed—enforcement being the major issue and the elimination of the “grace period”—that these would be addressed.

Dr. Rice stated that when this petition went out as a whole, that they meant to get all or nothing—that none of them were politicians. She also explained that it was the neighborhood people who signed it—that there is also a Fort Wood Neighborhood Association with paying members and surveys and petitions—that they sometimes make decision that vary from the neighborhood, and they don't have the authority to go that far.

Chairman Ladd noted that Dr. Rice was addressing what they had originally turned in; that the Attorney's office wrote the Ordinance and did not add these other issues; that she thought Councilman Murphy had an excellent amendment with additional language that addressed their initial concern; that this had been a convoluted conversation, and she thought that we had heard from everyone who were in favor of this Ordinance. She asked for anyone who wished to speak in opposition to it.

**Mr. Ken Harpe of 8 Silver Bow Lane, Signal Mountain** spoke next. He was representing the Kappa Sigma Fraternity and Kappa Sigma Housing Corp. He stated that he had been a member of their Board for 40 years and had seen a lot of changes in Fort Wood; that he was a former member of the Fort Wood Association but now lived on Signal Mountain—that he had lived in Fort Wood for four years and then it was not as gentrified as it is now. He stated that he was not sure what was being discussed tonight; that he was a member of the Fort Wood Association but had had no communication; that the main issue tonight seemed to be the extension of the zone down to Central Ave., and they objected to this; that they had 60 members who met at the Kappa Sigma House and parking is a severe problem; that extending this zone would present a real problem when they assembled—that it seemed to be an effort to drive them away; that there were other fraternities involved, also, and a lot of people in these organizations; that they had stabilized Fort Wood. (To this comment there was an outburst from the audience, which Chairman Ladd asked to be silenced). He added that they were the only stable entity in Fort Wood and that they objected to this Ordinance as they understood it.

At this point, Councilman McGary and Councilwoman Berz withdrew their motions to defer.

**FORT WOOD (CONT'D):**

Chairman Ladd asked Councilman Murphy to restate his additional language that would take care of this issue. Councilman Murphy stated to add the clause “Post no signs to the contrary”.

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24,  
SECTION 24-507, SCHEDULE VII, RESTRICTED ON-STREET PARKING AREA**  
passed first reading, as amended.

Chairman Ladd stated that this would pass for the second time next week.

**AMEND CHARTER:  
INTERNAL AUDITOR**

Councilwoman Scott stated that this was an amendment to an amendment; that it had already passed the Audit Committee, the City Council (with three public discussions), and put on the ballot, word for word, for all to read and had a 73% approval rating by the people; that this amendment is trying to change an amendment that has already been approved by the voters and has had no chance to go into effect. She stated that there was no confusion on the part of the voters and for the City Council to reverse by this amendment flies in the face of the referendum on August 2<sup>nd</sup>, and she urged her fellow councilmen to vote “no” on this Ordinance.

Councilman Gilbert stated that this could be amended at a later date if it was misused or abused; that there had been no opportunity yet to see if it would work; that if problems arose, it could easily be put on the March ballot.

Councilman Benson stated that Councilman Gilbert made a good point, but he felt like he had the opportunity and obligation to point out a chance to correct a wrong portion—that when he saw a wrong, he tried to “right” it. He stated that he would vote for this in order to alert the citizens to a wrong that they were not aware of.

Councilwoman Berz stated that she had respect for the voters in her district and would not “fly in the face” of their votes and would vote against this.

Councilman Murphy stated that he had 1,000’s of constituents who don’t subscribe to the newspaper and are not on internet and to say that all voters know in toto is not realistic; that a lot of people voted based on the caption and the title—that an independent auditor sounds wonderful, but a lot is lost in the detail; that there is no accountability in this office to the voter;

**INTERNAL AUDITOR (CONT'D):**

that the auditor could only be discharged by a super majority; that there is no accountability; that being independent is all right, but he would bear no responsibility to the people. Another thing being said was that we would be doing something wrong, that the first time around both Councilwoman Scott and Councilman Benson urged to let the voters decide—that if it were good to let them decide then, then it would be good to let them decide now; that he would urge to “nip this in the bud” before there is a problem.

Councilman McGary stated that when David DiStefano spoke at the last meeting, he delivered a very good line—that there is no perfect system for independence; that in reality, the Mayor appoints the Auditor and the Council confirms and politically, this is a problem; that we need to move away from this system—that this might not be perfect, but we had to see what changes needed to be made.

Councilman Rico enthusiastically agreed with Councilman McGary.

Councilman Benson stated that he was not asking to move away from the political potential but was asking to move away from the independent auditor; that his point was that we were going to the extreme of independence, and he was trying to temper this and move away from what we have now—that he would like it to say that it does not take a super majority to terminate him; that this would be a self-perpetuating Board. It also reads that he would be paid the market rate but does not define what market, whether it be in the southeast or in Tennessee. He questioned why these changes would scare anyone; that market rate is undefined; that he just wanted to clean up these two bad parts.

Councilwoman Berz noted that everyone kept referring to the auditor as “him”—that it could be a female, as well—that this was a gender problem.

Councilwoman Scott noted that the market rate is well known to the CPA’s in our area; that the individuals on the Board are the tightest people with money that she knew of; that they understand the market, and she had full faith in them with reasonable expectations as to salary; that they had no desire to change the salary.

On motion of Councilman Benson, seconded by Councilman Murphy,

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA AS AMENDED BY ORDINANCE NO. 12566, AS SET FORTH HEREIN, SO AS TO CHANGE THE METHOD OF DETERMING THE INTERNAL AUDITOR’S COMPENSATION AND METHOD OFOR REMOVAL FROM OFFICE**

**failed on roll call vote as follows:**

INTERNAL AUDITOR (CONT'D):

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

LEASE AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman McGary,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A LEASE AGREEMENT WITH DIBBLE DABBLE DEVELOPMENT, LLC FOR THE LEASE OF REAL PROPERTY LOCATED AT 717 WEST BELL AVENUE TO BE USED AS A PARKING AREA BY THE GENERAL PUBLIC IN ORDER TO ACCESS RECREATIONAL TRAILS ON STRINGER'S RIDGE FOR A NOMINAL FEE OF ONE DOLLAR (\$1.00) PER YEAR**

was adopted.

Councilwoman Scott stated that this was a lease rate that she could recommend heartily.

PROFESSIONAL SER. 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 A PROFESSIONAL SERVICES AGREEMENT WITH SOUTHERN ENVIRONMENTAL TECHNOLOGIES, INC. FOR ENVIRONMENTAL AND ENGINEERING SERVICES, IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)**

was adopted.

**BERTHING AGREEMENT**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A BERTHING AGREEMENT WITH THE TENNESSEE AQUARIUM FOR THE USE OF THE SOUTH WATERFRONT FOR MOORING OF THE RIVER GORGE EXPLORER**  
was adopted.

**PROJECT AGREEMENT**

On motion of Councilman Benson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCAL AGENCY PROJECT AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE EXPANSION OF THE STATE INDUSTRIAL ACCESS ROAD SERVING VOLKSWAGEN GROUP OF AMERICA FOR AN ESTIMATED COST OF ONE HUNDRED SIXTY-ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$161,875.00)**  
was adopted.

**CONTRACT CHANGE ORDER**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR DILLARD CONSTRUCTION, INC., RELATIVE TO CONTRACT NO. E-07-001-202, RIVER STREET EXTENSION—PHASE 2, FOR AN INCREASED AMOUNT OF TWENTY-FOUR THOUSAND SIX HUNDRED THIRTY AND 45/100 DOLLARS (\$24,630.45), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED EIGHT HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED FIFTY-FIVE, AND 64/100 DOLLARS (\$832,355.64), AND TO RELEASE THE REMAINING CONTINGENCY OF FIFTEEN THOUSAND THREE HUNDRED SIXTY-NINE AND 55/100 DOLLARS (\$15,369.55)**  
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 BETWEEN ENCO UTILITY SERVICES, HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY (WWTA), AND THE CITY OF ROSSVILLE, GEORGIA (REFERRED TO COLLECTIVELY AS “THE CUSTOMER GROUP”) FOR UTILITY BILLING, BILL PRINT, PAMENT AND CREDIT, AND COLLECTION SERVICES FOR A MONTHLY RATE OF ONE AND 42/100 DOLLARS (\$1.42) PER BILL WITH NO CHARGE FOR IMPLEMENTATION SERVICES**

was adopted.

Councilman Benson stated that he thought the entire Council agreed on this—that it was tragic we are having to do this; that TAWC refused to continue service in combining the Wastewater fee with the Water fee on the same bill; that the customer was only having to work with one bill and one stamp, and the Water Company was not continuing to cooperate on this. He asked Attorney McMahan to correct him if he were wrong—that this was a shame. Attorney McMahan stated that he was absolutely correct. Chairman Ladd stated that Councilman Benson was not entirely correct—that she did have some differences. This prompted Councilman Benson to ask her if she was on their committee? She responded “no”—that she resigned. He asked her when and was told 2-3 months ago.

**FEMA GRANT**

On motion of Councilman Murphy, seconded by Councilman McGary,

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A 2012 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT ISSUED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY UNDER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED SIXTY-FIVE THOUSAND EIGHT HUNDRED FORTY-EIGHT DOLLARS (\$1,765,848.00)**

was adopted.

**FEMA GRANT**

On motion of Councilman Murphy, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A 2012 ASSISTANCE TO FIREFIGHTERS GRANT ISSUED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY UNDER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), IN THE AMOUNT OF ONE HUNDRED EIGHT THOUSAND NINE HUNDRED SEVENTY-TWO DOLLARS (\$108,972.00), AND AUTHORIZING A CITY MATCH OF TWENTY PERCENT (20%), OR TWENTY-ONE THOUSAND SEVEN HUNDRED NINETY-FOUR AND 40/100 DOLLARS (\$21,794.40)**

was adopted.

**HONORARIUM/ARUN GANDHI**

On motion of Councilman Gilbert, seconded by Councilman McGary,

**A RESOLUTION AUTHORIZING PAYMENT TO DR. ARUN GANDHI FOR AN HONORARIUM AND PARTIAL TRAVEL REIMBURSEMENT RELATIVE TO THE 2012 CHATTANOOGA SOCIAL JUSTICE AND CULTURAL TOUR, FOR AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND DOLLARS (\$13,000.00)**

was adopted.

Councilman Murphy noted that this was a donation of County tax dollars, and we could thank Commissioner Boyd for this; that we are the middle man. He congratulated Missy Crutchfield for being able to acquire this donation.

**NEW CITY FLAG**

Councilman McGary stated that he would like to open this up to public process; that he had reviewed the minutes of the former Council—that it was Councilman Crockett's own recommendation that this be an open process—that it was his thought at that time, and he was wanting to open this to the public in the same way; that he wanted an open process. He mentioned citizens and graphic designers that were present tonight concerning the flag question; that it was their effort to create this open process, and there was one person here who wanted to address the Council on this matter. **Councilman McGary made the motion to open this up for discussion.** Chairman Ladd asked if there was a second to this?

Councilman Murphy responded that he did like the symbolism of the new flag; however from his constituents' feedback, they preferred the existing one and urged him to vote for the existing flag; that most of his feedback was concerning the old flag.

**NEW CITY FLAG (CONT'D):**

Councilman Benson noted that Mr. Crockett gave an overview in committee meeting today concerning community input, and if we were going to hear from others, he suggested that Mr. Crockett give his presentation as he had done earlier in the evening.

Ms. Tianna Buckwalter thanked the Council for including the public in this conversation and allowing her the opportunity to speak this evening. She stated that she was a designer and creative director and a resident of Chattanooga; that she had been involved with the Gig City and Gig Tank projects and was an enthusiastic supporter of the collaborative spirit of Chattanooga that makes it so unique. She stated that she was here with other interested Chattanooga citizens to express concern about the flag that the Council was about to vote on; that they appreciated that there has already been a lot of work and discussion put into this process, but their concern was just whether this is a good design—the bigger question is making the most of a great opportunity; that they had concerns about the product as well as the process. She went on to say that there was a resolution introduced in 2001 calling for a community-wide process to identify the strengths and values and the principles to guide this community's decisions as a part of the process of adopting a new city flag; that they were unclear when this process was conducted and how it contributed to the flag design that the Council was about to vote on; that from what they had determined, the flag redesign process was started in the 1990's, well before most of Chattanooga's renaissance, and our city has an entirely different reputation 20 years later and an entirely different set of resources, including an active and engaged creative community. She stated that they also had practical and professional design concerns with the proposed flag and there had been enough public outcry about the design that they thought it deserved another look. Beyond that, she stated, they were concerned about missing a chance to achieve something greater; that there were a lot more important issues in our city than discussing the finer points of flag design; that rarely in the lifetime of a city does the opportunity come along to design something that has the potential to be a touchpoint for every citizen and a rallying point and unifying symbol. She stated that they had an opportunity on the local level to help create unity across the city of Chattanooga—that our boundaries have grown and our population has changed over the past ten years; that they thought the process of creating and rolling out a new flag could help to bring people together and create a sense of unified identity across a diverse audience. She stated that we have the opportunity to leverage Chattanooga's great design community in coming up with this new design; that Chattanooga has a track record of great collaboration across public and private sectors to produce positive results in an innovative way, and this has gotten the attention of the nation. She concluded by saying that hardly anyone knows we have a city flag, let alone know what it looks like and how great it would be if we could create something people would care about and want to put on their cars—something that could become a rallying point that exemplifies a positive new era for our city. She respectfully asked the Council to allow a group of competent and qualified professionals who are interested and willing to step up to make a recommendation for due process that will honor the community,

**CITY FLAG (CONT'D)**

achieve design excellence, and afford them a chance to give one of our city's most important emblems their very best effort.

**Councilwoman Scott** stated that clearly we have a difference of opinion; that it has taken awhile for this flag to come into being; that she thought the better thing to do was to defer this issue for more discussion; that the sun would come up tomorrow without a flag; that if we absolutely need a new flag, this could be deferred a month, and **she made this motion.**

**Councilman McGary seconded this motion** by adding that he would be in favor of deferring this for 30 days and creating an Ad Hoc Committee with two members from the Council to discuss this issue, and he would offer himself; that the individuals in this audience would be more than happy to participate in an Ad Hoc Committee and if the citizens were willing to give of their efforts, we should make this as open and transparent as possible. He moved to defer this for 30 days and establish an Ad Hoc Committee to discuss this issue. **His second motion was an amended motion, and he did not receive a second on his amended motion.**

Councilman Benson noted that the young lady and Councilman McGary, too, needed to hear what Mr. Crockett could tell them about the process and transparency. He asked to let Mr. Crockett talk.

Councilman Murphy explained that he did not second Councilman McGary's motion concerning the grass roots effort and the movement to do something different with the flag because he did not feel that the Council needed to control a grass roots' effort.

Councilman McGary stated that he thought there should be some interface between this group and the Council; that we should organize it and should appreciate their efforts and desires; that they were already a part of the process, and he was just asking the Council to formalize this; that the citizens should be a part of this.

Mr. Crockett stated that he was excited to see a grass roots group; that we had reason to be excited about this—that this was never about a flag; that 20 years ago, in 1994, we had people who considered themselves grass roots and leaders who were rebuilding downtown and the Riverfront and wanted something to give us an identity as a city and not just a flag. He stated that our town had been cleaned up, and we had returned to the River, and the energy was palpable, and there was a mushroom of activity; that we had hoped to find out how we could put things up and put Chattanooga on the national map to give us an identity of a green city, and this involved a lot of people, along with 50 designers with graphic arts—that they talked about such things as saturated colors, and there were 100 different ideas; that the same energy is here—that this is not just a flag but a marketing tool to say that we are a green city and have

**CITY FLAG (CONT'D):**

returned to the River and would like for everyone to know that we have a history. He stated that he could not portray this without visuals; that he had put something together and that the city seal tells our story; that some of the designs were more stylistic and were great but did not have adequate symbols to tell our story. Chairman Ladd asked that Mr. Crockett wrap his comments up—that she was trying to be fair. He contended that everyone had not seen the history of the current flag in the 1950's.

**Councilwoman Robinson made the motion to allow 30 more seconds for Mr. Crockett because we were experiencing a technical glitch. This was seconded by Councilman Gilbert.**

Mr. Crockett, as he was taking his seat, stated he had nothing more to say without the visuals. Councilman Benson asked him to please continue using the microphone.

Chairman Ladd allowed him the opportunity to show what he was talking about.

With visuals in place, Mr. Crockett showed that our present flag looks like the flag of Tennessee; that the idea had arisen of using the city seal and putting the seal on our flag, much like Atlanta has done, making use of the symbol of turning into a green city with the river and the golden ring of the seal; that we wanted our seal to be symbolic and make our flag different from other State flags. He explained that we wanted to have this flag on every building and that the Chamber of Commerce thought it was great; that we had come up with a couple from the graphic artist and had now gotten down to the two that he showed on the screen. He stated that we were talking about a concept here; that in the former process we had nine votes and then passed it to the next Council in 1994.

**The motion to defer this for 30 days failed on Roll Call vote as follows:**

<b>COUNCILMAN BENSON</b>	<b>NO</b>
<b>COUNCILMAN GILBERT</b>	<b>NO</b>
<b>COUNCILWOMAN BERZ</b>	<b>NO</b>
<b>COUNCILMAN RICO</b>	<b>NO</b>
<b>COUNCILMAN MCGARY</b>	<b>YES</b>
<b>COUNCILMAN MURPHY</b>	<b>YES</b>

**CITY FLAG (CONT'D):**

<b>COUNCILWOMAN SCOTT</b>	<b>YES</b>
<b>COUNCILWOMAN ROBINSON</b>	<b>NO</b>
<b>CHAIRMAN LADD</b>	<b>YES</b>

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION TO ADOPT A NEW FLAG FOR THE CITY OF CHATTANOOGA**  
was adopted on Roll Call vote as follows:

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

**SPECIAL EXCEPTIONS PERMIT**

**2012-109 (JOHN BOYD/MEO MIO'S RESTAURANT)**

Councilman Rico stated that we had heard this presentation once. Councilman Benson asked if anything had changed. Attorney McMahan asked Attorney Cox if anything had changed since the last time? Mr. Cox responded that the applicant had complied with the recommendations of RPA and had met all conditions. Attorney McMahan stated that the applicant should be allowed to speak. Before the applicant spoke, Attorney Cox asked Mr. Shults of RPA if RPA's

**SPECIAL EXCEP.PERMIT(CONT'D)**

conditions had been met. Mr. Shults responded “yes”, to the best of his knowledge. He also asked him how many times the Council had enforced the distance requirements. Mr. Shults responded that since this was adopted in 2011, we had had 11 applications before the Council, and he proceeded to go through the applications one by one. He noted that only one had met the distance requirement.

Attorney Cox stated that it did not matter what one called this—that it was purely and simply a Beer Permit; that his client was asking to sell beer past 11:00 p.m. when there was an occupancy of over 100 people and entertainment, reiterating that this is just a permit to sell beer. He went on to say that the only objective criteria was the 750’ setback from the property line and that this was not practical and had been waived on almost every case. He noted that once something was waived, you no longer have a distance requirement that is enforceable. He added that noise had been highlighted and called on Ken Murphy of LOC, who is an audio engineer, and had prepared a report for Meo Mio.

Mr. Murphy talked about sound press level meters to measure sound and verify the volume of sound in digital numbers. He stated that he had made 40 measurements. Attorney Cox asked him to summarize the results. Mr. Murphy talked of variable levels that were much less than the level of passing traffic; that outside one could barely tell that the tests were being performed. He was asked the distance when taken outside, and he responded 800 ft. into the neighborhood. He spoke of the slight decibel levels inside and stated that he had spoken with people in the neighborhood who stated that they could not hear anything at all—that they were concerned about it being a nightclub but not about the noise. Mr. Murphy noted that the typical sound level was comparable to a library or conversational speech.

Councilman Gilbert stated that he would like to hear from RPA concerning definitions for nightclubs. He also asked about low bass of a group and what could be heard on the low end and what would happen if they cranked it up loud? Mr. Murphy responded that it would be 100 decibels. Councilman Gilbert asked if it would not be higher than that? Mr. Murphy responded “not typically”, prompting Councilman Gilbert to maintain that it could be higher. Mr. Murphy explained that they would not be having large productions or headliners such as Nightfall, which is about 110 decibels and has big concerts with PA equipment. Councilman Gilbert talked about low end bass and Nightfall and asked if this could possibly be heard in the neighborhood? Mr. Murphy responded that inside Meo Mio’s it would cost thousands of dollars, and he did not think that that was their intention; that outside, it would be substantially reduced; that it would probably be 70 decibels at the most.

Councilman Benson stated that he would like to hear from Attorney Cox; that he did a good job representing his clients, but he was asking for a nightclub structure and beer to be served until 2:00 a.m. (he was told it was 3:00 a.m.). Councilman Benson stated that people will be driving

**SPECIAL EXCEPT.PERMIT(CONT'D)**

away at that time in the morning; that we had problems with cars stopping in parking lots. He stated that beer could get to one in the wrong way, and this could devalue the cost of the houses around there.

Attorney Cox noted that they could already remain open until 3:00 a.m. and could sell liquor by the drink but not beer at 5% or less. Councilman Benson asked if they could do all of that, why were they asking for something that would be less intrusive? Mr. Cox noted that he said 5% less. Councilman Benson asked Mr. Cox if he thought it would hurt someone's house to be close to this establishment? Mr. Cox agreed that headlights would be a problem but there would be no perceptible noise.

Councilwoman Berz stated that she thought Mr. Cox was being misleading and asked the City Attorney for clarification as to whether he could stay open until 3:00 a.m. in the morning now; that the time to close was 11:00 p.m. Attorney Cox noted that they just had to stop selling beer at 11:00 P.M. Councilwoman Berz asked if they could sell any alcohol? Attorney Cox responded that alcohol cannot be enforced—that liquor by the drink is not in the purview of the City.

Mr. Shults added that alcohol or alcohol consumption did not apply to liquor by the drink. He noted that the distance requirement of the Beer Board is 500 ft. and this distance is from the door of 750 ft. He noted that 3:00 in the morning is in the Beer Code; that they are asking to be open until 1:00 a.m.; that it is 185 ft. to the nearest structure; that this does not comply to the requirements of the Ordinance.

Attorney McMahan explained that there are zoning provisions in the City; that the State license reads from 11:00 p.m. and 3:00 a.m.—that alcohol is more than beer and includes liquor by the drink.

Councilwoman Berz asked if the applicant could do all of this without a permit and it was correct that he was just applying for this Special Exceptions Permit just to be a good citizen. She wanted to know how this “jives” with the law? Attorney McMahan responded that he understood Attorney Cox's point—that State law supersedes our City Ordinance.

Councilwoman Scott maintained that it was a zoning issue; that Mr. Boyd had a license and could do so in the proper zoning location; that the question was whether this was properly zoned, and the Special Exceptions Permit would have to be granted; that you can't sell beer next to a church—that this is a zoning issue, and he has to get a Special Exceptions Permit as opposed to that other reason—that we were back to the issue of zoning. She noted that she had also had some calls from the neighborhood in objection.

**SPECIAL EXCEP.PERMIT(CONT'D)**

Chairman Ladd allowed opposition to speak.

Karen Rhyne of 671 Wild Flower Circle spoke in opposition. She stated that she was the closest to Meo Mio—175 ft.; that she had been a patron of Meo Mio and had no opposition to the restaurant but did not want a late night entertainment there; that you could hear the bass in her home; that they were open late at night and this is a neighborhood and stated if they wanted to do this, they should be in the proper neighborhood, like downtown—that this was not an entertainment area.

On motion of Councilwoman Scott, seconded by Councilman Benson,

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 4119 CUMMINGS HIGHWAY, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED REPORT AND MAPS, SUBJECT TO CERTAIN CONDITIONS**

was denied.

**OVERTIME**

Overtime for the week ending August 23, 2012, totaled \$47,257.54.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA POLICE DEPARTMENT:**

- ❖ **MARTIN PENNY**—Resignation of Police Officer 3, effective 8/3/12.
- ❖ **STEVEN L. JONES**—Retirement of Master Police Officer, effective 8/23/12.

**PUBLIC WORKS DEPARTMENT:**

- ❖ **J. BEN MOUNTCASTLE**—Resignation of Engineering Technician, effective 7/6/12.

A representative of the Police Dept. expressed sadness at the loss of one of their officers, Brenda Hafley, and announced that visitation would be on Wednesday from 2:00 p.m. to 4:00 p.m. and from 6:00 p.m. until 8:00 p.m. The funeral will be on Thursday at 11:00 a.m. at the Silverdale Baptist Church.

**DONATION**

Adm. Zehnder reported that Grant Sullivan had donated baseball equipment to the Parks and Recreation Department with no real monetary value.

**HOTEL PERMIT**

On motion of Councilwoman Scott, seconded by Councilwoman Robinson, the following Hotel Permit was approved:

**COUNTRY HEARTH SUITES                      101 E. 20<sup>th</sup> St., Chattanooga, TN**

Chief Parker related that we lost a firefighter last week; that several councilmembers attended the family hour and funeral, and he expressed the family's appreciation.

**REFUND**

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the City Finance Officer was authorized to make the following refund for Tax Year 2011:

**GUNBARREL COMMONS, LLC                      \$8,834.36**

**PURCHASES**

On motion of Councilwoman Robinson, seconded by Councilwoman Scott, the following purchases were approved for use by the Public Works Dept.:

**REJECT ALL BIDS**  
**Requisition R62675**

For Four Vacuum Regulators

**SOUTHERN LIGHTING AND TRAFFIC SYSTEMS, INC.(Lowest bid meeting specs.)**  
**Requisition R63345**

Blanket Contract for LED Traffic Signal Inserts

\$30,000 annually, estimated

**PURCHASES (CONT'D):**

–  
**CEMEX, INC. (Lowest bid meeting specs.)**  
**Requisition R62867**

Blanket Contract for Bulk Cement

\$25,000 annually, estimated

**ROBERTS' RULES OF ORDER**

Councilman Gilbert clarified that after the question is called for, the speaker should not continue until they are recognized by the Chair.

**COMMITTEES**

Councilman Murphy scheduled a **Legal, Legislative and Safety Committee meeting for Tuesday, September 4** immediately following the Agenda Session.

Councilman Benson scheduled an **Economic Development Committee meeting for Tuesday, September 4** to immediately follow the Legal and Legislative Committee.

**NEXT WEEK'S AGENDA:**  
**SEPTEMBER 4, 2012**

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

**KARL EPPERSON**

**Karl Epperson of 1201 Boynton Drive** was the first speaker. He stated that he was coming before the Council angered by the Council's concerted failure to protect his home from greedy land speculators eager to buy and demolish the low and moderate income Westside community without any genuine regard for the safety, security and welfare of the people residing therein; that the Council knew the common concerns and plans of Westside residents because they had invested their time and money to educate them about them; that they showed a documentary movie that revealed that there is a continuing nationwide effort by land speculators and others to aggrandize themselves at the expense of racial minorities and low and moderate income people who have lived and worked in the core of our cities for

**KARL EPPERSON (CONT'D)**

generations. He stated that the Westside Community Association came to the Council with demands that action be taken to prevent the demolition of College Hill Courts using the power given to them by the electorate. He added that the Council said they were impotent and filed their demands and did nothing more. He then said that the Westside Community Association drafted an inclusionary zoning ordinance and had it reviewed by three lawyers who said that it complies with both State Law and our City Charter and after procedural referrals, the Council could either adopt or reject it; that they submitted it and the Council filed it and did nothing more. Mr. Epperson went on to say that Councilman McGary submitted their proposed inclusionary zoning ordinance for consideration and action and this was seconded by Councilman Gilbert, and the matter was referred to the Legal and Legislative Committee where it was filed and forgotten. He went on to say that having exhausted all other options, they did their legal research to enact the proposed ordinance through the initiative process, and it was submitted to the Regional Planning Commission, with no objection to it. He noted that the Hamilton County Election Commission properly received it and proceeded to approve the plan to circulate it among registered voters for their signatures. He went on to say that the City Attorney opposed the Election Commission's intention to follow State Law procedures. He stated that it seemed to him that the City Attorney's opinions are more concerned with protecting the interests of the Mayor than in credibly advising the City Council or defending the rights of the citizens of our city.

**LEROY GRIFFITH**

**Leroy Griffith of 1115 Grove Street** spoke next. He stated that he was the president of the Westside Community Association and presented four statements that he considered to be factual: (1) Mayor Ron Littlefield, in concert with Purpose Built Inc. of Atlanta and some employees of the Chattanooga Housing Authority, attempted to develop and manage a plan of gentrification on the Westside that would displace the residents of College Hill Courts, demolish its historic facilities, and construct new multi-unit residential buildings that none of its current residents would be able to reside in; (2) The Westside Community Association has thwarted the efforts of the Mayor, Purpose Built, and their political and financial allies to destroy our community; (3) That they petitioned both President Barack Obama and Vice President Joe Biden to do what is necessary to make College Hill Courts and East Lake Courts national historic sites so that they could take action to acquire financial, material, and human resources needed to bring those historic complexes up to code—the Council did not support their effort; and (4) They supported the construction of mixed income residential facilities in Chattanooga's urban overlay, including the Westside, so long as the housing met the residency requirements set forth in their proposed inclusive zoning ordinance, and the silence of the Council echoed all along the riverfront. Mr. Griffith stated that in this context, he was here to tell the Council that they opposed their effort to change the City Charter so that the collection of approximately

**LEROY GRIFFITH (CONT'D)**

15,000 certified signatures will be required to place an initiative on the ballot rather than approximately 5,000 signatures that are required today—that they saw this as a clear and cowardly effort to destroy their democratic rights to rule themselves; that it was his opinion that the Council’s attempt to change the Charter is just one more attempt by the people of worldly power in this city to deny the full humanity of all of God’s children and to disenfranchise the meek and lowly. He urged the Council to repent and turn to the ONE they claimed to pray to. He asked that justice roll down like waters and righteousness like a mighty stream! He prayed “Repent before this city turns from corruption to chaos.

Councilwoman Robinson requested a copy of his words.

**PAUL CUMMINGS**

**Paul Cummings** stated that he was a 17-year resident of Chattanooga and the owner of Paul Cummings Worldwide Enterprises, the Wildwood Valley Inn and Conference Center, Woople, LLC and Luap Property Holdings, LLC. He stated that he was present tonight out of concern for the future growth of our City; that one year ago he purchased 100 Tremont, the old Rock Creek facility and 104 Tremont—that this was a cash transaction of approximately \$900,000 and for the previous 5 years, both buildings had been allowed to diminish in both appearance and structural integrity. For the last 9 months of his life, he stated that he invested his time, energy, creative ability and over \$1,000,000.00 cash into the local economy to turn this prime location into a state of the art piece of architectural design and beauty; that he utilized a local contractor and local subs to keep the invested capital in our city; that he purchased \$300,000 of artwork and furnishings from the local North Shore merchants. He stated that this process was a reclamation, restoration, and creation project and three months were spent salvaging and restoring every original element of both buildings—that the building is a masterpiece inside. He stated that they also spent \$10,000 with a local artist, Kevin Bates, to create the artwork on the side of the building known locally as the “Faces on Fraiser”. He explained that his goal in moving Woople to Chattanooga was to create a Collaborative Community Education Center designed to foster the growth of local businesses and other great companies from outside of Chattanooga; that they were in the process of bringing 40 new jobs to Chattanooga and were working with a series of well-known companies to host multiple conferences throughout the year that will continue to bring revenue to our community.

He explained that after all of this, they were now faced with a troubling situation mandated by the Historic Preservation Planning Committee—that they had decided that he must paint the new addition on his building **gray** within the next 30 days or face a \$50.00 daily fine for each day he failed to comply with their requirements. He stated that he would like a time to discuss this issue. He stated that if forced into a position, he would have no choice but to seek every remedy available to them under the law to see that this ruling is over-turned; that it was his

**PAUL CUMMINGS (CONT'D)**

opinion that the City can't publicly claim to be progressive and on the leading edge of the new Modern City and then act abusive and regressive in its interactions with small businesses who are considering relocating to Chattanooga. He noted that it was stated to him that "outsiders" can't come to Chattanooga and do what they want without following the rules—that he was no outsider; that his daughter went to schools here and that he had banked locally since he arrived in Chattanooga and had invested heavily in the community over the years, although quietly; that they served people when the tornado hit our community because they believed in giving without expectation of return.

Mr. Cummings went on to say that every day he looked out of the windows of his building at the myriad of old buildings in need of repair and cosmetic improvements, and he wondered why he was being singled out; that he had taken photos for the Council to review and simply wanted to be treated fairly by the committee. He added that Google had been out and requested to photograph and video their buildings to publish a virtual tour as a link because their building accurately reflected the growth and progressive nature of the Tech Community in Chattanooga—that they declined to accept their offer because this building may be vacated due to these actions. He went on to say that this egregious decision was made at a meeting that they knew he could not attend due to a previous engagement; that Sarah Kurtz stated that it was a simple "old business formality" and that "no one" was planning to force him to paint his building, which he thought was a blatant misrepresentation of the truth. He ended by saying that he hoped a resolution could be found to this issue and that the Council might visit his building and see that it is anything but an eye-sore to the North Shore.

Councilwoman Robinson stated that "the train had jumped the track" somewhere and that she would like to talk to Mr. Cummings as soon as this meeting is over.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, September 4, 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 ATTENDANCE IS FILED WITH MINUTE MATERIAL  
OF THIS DATE)**

















