

City Council Building  
Chattanooga, Tennessee  
September 11, 2012  
6:00 p.m.

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

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Robinson called for a moment of silence to give thanks for this day and to remember the occasion of 9/11 and the many people who lost their lives.

#### **MINUTE APPROVAL**

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

#### **AMEND CITY CODE**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 11, SECTION 11-377 AND 11-381, RELATIVE TO SIDEWALK  
VENDORS AND VENDING ON PUBLIC PARK PROPERTY**  
passed second and final reading and was signed in open meeting.

#### **AMEND CITY CODE**

Councilwoman Scott acknowledged that the issues she had with this Ordinance have been corrected and it looks really good!

**AMEND CITY CODE (Continued)**

On motion of Councilman Rico, seconded by Councilman Murphy, AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE IV, CHAPTER 2, SECTION 517, DEPOSIT OF CHECKS RECEIVED; DISHONORED CHECKS passed first reading.

**REZONING**

**2012-096: Twin Brook Investment**

Pursuant to notice of public hearing, the request of Twin Brook Investment to rezone property located at 5414 Hixson Pike came on to be heard.

A representative for the applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5414 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2012-097: MAP Engineers c/o Mike Price/Wilkins Partners**

Pursuant to notice of public hearing the request of MAP Engineers c/o Mike Price/Wilkins Partners to rezone property located at 1735 Joiner Road came on to be heard.

The applicant was present; opposition was in attendance.

**Lynn Wilkins** of Wilkins Research Service at 1730 Gunbarrel Road, stated she is co-owner of the family owned business with her sister, Lisa; that it is a company that was started in 1971 and moved to Gunbarrel in 1998. She stated she feels fortunate that on an annual basis they have been able to hire more people from Chattanooga and the surrounding areas; that they hire from every district and right now they have over 260 employees and feel fortunate the number does not seem to be going down as they are continuing to hire.

## REZONING (Continued)

Ms. Wilkins stated they have 101 parking spaces right now and it is mathematically impossible to continue to grow at the rate they are going. She stated they purchased property for additional spillover parking as they currently have spillover parking to the right and need additional space to the left; that they have onsite projects where local clients come who bring their people and on those occasions that adds to the number of people on their site. She stated they do not want to limit the number of clients who can come and do not want to tell their employees they cannot drive to work. She stated they purchased land for a parking lot and are going by everything the city has said to do as far as landscape design and are trying to work in every way to make it very attractive and have curb appeal and also have agreed to improve the city street at their expense. She stated they are a small business and agreed to improve the public street; that they are asking for access onto Joiner only for their employees with a security card as opposed to a code which would limit the access and there would be no way anyone can use it as a thoroughfare from Gunbarrel. She stated it will be only her employees at staggering times that would have permission to access to leave; that it is felt the access is needed as she does not want to "box" her employees in a parking lot where they would not have any means of leaving or entering from the back side lot. She explained to the left of the lot is Kohl's and Target.

**Mike Price** of MAP Engineers displayed photos of the site by PowerPoint showing the new site plan for the parking lot with a large landscape island running down the center of the parking area and a landscape buffer along Joiner Road as well as adjacent to the existing parking area; that the entire parking lot will be encompassed with landscaping. A photo was shown of a drawing to improve the cul-de-sac at Joiner Road noting there is a substandard cul-de-sac indicating they were required to improve Joiner for turnaround access, which is about a \$45,000 expense and is no small amount to adding the pavement, curb, gutter and sidewalks. A photo reflecting the end of Joiner Road, the side of the Kohl's parking area, as well as an area to the left would be the access point coming out. A home Wilkins Research owns that backs up to the facility was shown as well as a shot of the existing parking lot noting there is not one home that can see this parking lot from the location of the entrance; that it is not like other developments up and down Joiner as it is coming out where there are no other homes that would be affected; that there will be no headlights or anything else coming out. He stated there will be road improvements as it goes further south; that the zoning map is bounded by C-2 property; that one of the points the opposition wants to make reflects the amount of traffic.

## REZONING (Continued)

Mr. Price stated they did an eleven hour traffic study count on Joiner Road and during the time of the count there were a total of 202 cars in eleven hours, that the maximum number of cars in any one hour was 25. He stated this is a very limited use as it relates to traffic through there and there are no cars coming in-and-out of the Magnolia subdivision; that the Wilkins Research cars would come out of the parking area and down toward the south toward Ziegler and East Brainerd Road. He distributed copies of an aerial map and referenced a case before the Council several years ago on property owned by a doctor wanting to rezone the property; that they are all owned by one property owner and the remaining properties on the west side are owned by Wilkins Research, noting his point in showing the map is this is the only curb cut that will be occurring if the request is granted and is not opening up a situation that will create other people coming in. He stated when the doctor went in his access comes out on Ziegler and all the others properties have no access onto Ziegler. He stated they understand adding cars will put more traffic on Joiner Road, but this is not creating a safety issue as it relates to the residents out that way; that in fact what they are doing in widening out Joiner Road they are setting the precedent if any other work occurs on Joiner would widen out Joiner as they are doing. He concluded his comments by distributing quotes made at Planning by some of the people in opposition; that some of their quotes indicated children playing in the street and the ability to walk their dogs in the street; that he does not know if that is necessarily a wise thing to do, but given the amount of traffic they are talking about putting in and the security gate, if they still want to continue he does not think with the amount of traffic they will be adding changes the status quo as it relates to that situation.

Councilman Benson stated the traffic study means very little to him right now; that he is concerned about what the traffic study is after they put the cars in that parking lot and put that exit going out on Joiner. Mr. Price stated Lynn and Lisa did an internal study and can give him (Benson) the numbers.

Ms. Wilkins stated she understands Councilman Benson's reservations; that they did an internal survey and wanted to find out for sure; that an average of less than 40% of her employees even said they would use the lot but that does not diminish the need, it takes away Councilman Benson's concern there will be a massive influx of traffic down North Joiner. She stated she cannot continue to grow at the rate she is growing without parking and does think for safety concerns she does need to give them a means of entering and exiting. She stated she is "with" Councilman Benson as she wants it to be a limited number and wants to not create any massive entrance or exit; that she did do the internal survey and those were the findings.

## REZONING (Continued)

Councilman Benson stated he has been over there and it is tough to get in and out now on Gunbarrel and there is no question about that, especially if a person is trying to cut left on Gunbarrel. He stated the next time he visits her he will hunt for the exit back there on Joiner so he can go out and cut down Ziegler and get in a bigger entrance to Gunbarrel. He stated it is his thought where Mike lives, if he visits her and he is trying to go home all those cars will be going east.

Ms. Wilkins stated Councilman Benson would not be able to use the gate nor Mike Price as they would not have a card.

Councilman Benson stated it is like a friend he has who told a kid his gun was not loaded on the cocktail table; that sometimes that gun gets loaded and sometimes the gates gets open or goes through!

Ms. Wilkins stated the suggestion at Planning regarding a code or card, she thought about it and she does not want anyone to have a code; that she only wants them to have a card because without a card they cannot enter or exit.

Councilwoman Scott stated this is a request to change zoning and an access request as well by its design. She asked if Ms. Wilkins will be able to use this lot to do what she wants to do if she does not get Joiner Road, in other words it comes out and she uses the same entrance. She asked if this is an all or nothing kind of thing.

Ms. Wilkins responded "no"; that she has to have the parking lot but at the same time understands the plight of the residents as she is a compassionate person; that she has over 250 employees who have expressed concern to her if she asks them to use the spillover level parking lot they feel as if they are boxed in a fence pursuant to the city's recommendation with a berm landscape design, holed in, they are not going to feel comfortable and/or safe; that they would rather have the limited access because it would let people think anyone could be coming or going who works at Wilkins. She stated it is not an all or none; that she does not want to say that but she does want people to know the need for the gate; that she was been told if she was not given this she may never be given this. She stated while she is going through the expense as a small business owner to improve a city street, North Joiner, build the parking lot for a rough estimate of \$275,000, it is her thought she deserves some type of entrance onto a city street as they pay a lot of taxes, not just with the company, but with houses they own on North Joiner.

## REZONING (Continued)

Ms. Wilkins stated it is not an all or none as she has to have the parking lot to continue to grow or she could say they cannot hire anyone else. She stated the parking dilemma is staggering.

Councilwoman Scott asked about the plan; that R-1 surrounds her building and the other lots are owned by Wilkins. She asked if Ms. Wilkins has a plan for what will happen.

Ms. Wilkins expressed appreciation for Councilwoman Scott's question; that on the printed plan are houses they own and they have no intention of doing anything with those; that if they want those to be a parking lot they would have done that a long time ago and would not have bought this land to build a parking lot. She stated they intend to keep them as houses, rent them to people they know and maintain the properties and that is their intention for those properties. She stated that would have been a more level access for a parking lot but they have no intention of that; that her parking lot will literally border another parking lot which is Kohl's and Target.

Chairman Ladd asked how many spaces would be added with the new lot.

Ms. Wilkins stated she could have as many as 115 but she does not want any more than what is actually needed; that she and Lisa talked about it and felt they could get by with 40 or 50 and has been told it is about the same when a parking lot is built whether 40 or 50 are striped or whether the full 100 is striped. She stated at this point she does not need that many additional spots and wanted to be honest with the Council and tell him maybe 40-50 would work because she cannot emphasize enough, although she has the need for the parking, it is not going to be the first choice. She stated she does not want to offend anyone and has tried to do her best to agree to do all the landscaping, the gates codes/cards, everything she could do as she did the internal survey, had Mike Price to the traffic account, talked to her employees, met with them and (she) is trying to do much as she can. She asked the Council to please approve this lot with secured limited access onto a city street.

Councilman Murphy expressed thanks to Ms. Wilkins for continuing to invest in the city and is excited she needs to expand, but for some folks when they leave work it is like they cannot wait to get home and eager to put the day behind them; that he knows she understands the folks on Joiner do not have sidewalks as most of East Brainerd does not.

## REZONING (Continued)

Councilman Murphy stated as they walk their dogs in the street or their kids play street hockey or basketball or whatever it is, that is what they want to continue; that any time we have folks mixing a get-off-work or get-to-work rush is dangerous and gives him great pause. He stated one of the things he wants to ask is if she has explored the possibility or inquired of the adjacent property owner about doing her gate and they would lose two parking spots; that he would think they would expect her to compensate them.

Ms. Wilkins asked if he is referring to CBL who owns that as they did that and that was their first approach; that they said "no" that it could not be done and would they would have to renegotiate all leases with Kohl's and Target. She stated they do not want them over there because they have already built their parking lot when they negotiated their leases with the businesses this would open up a whole new "can of worms"; that it is hard to go up against CBL as she is a small business.

Councilman Murphy stated he was not suggesting she go up against them; that there are a certain number of parking spots available to those stores which is part of the lease and if they lose two spaces to give her access in-and-out she also has land where perhaps they could gain them and maybe there is no negotiation required on their part. He stated he is thinking out loud about what might be a most possible outcome.

Mike Price stated he did speak with a representative from CBL who is actually the leasing agent for that center who indicated that any sort of change would create a dilemma they do not want to get in and would also require or cause more parking to go through and would have to get into all sorts of arrangements as it relates to maintenance costs; that they saw it was not in their best interest and he understood that. He stated he does not think that is really an option they could pursue and if they could they would do that; that CBL was not interested in doing that. He stated one thing he would point out as it relates to sidewalks is there are sidewalks on Magnolia but no sidewalks on Joiner; that he does not know if Public Works would agree to do it, but instead of spending money to increase the cul-de-sac -- which has been that way since Kohl's was built and does not know of any problems that have existed since it has been open -- is that money could be used to build sidewalks down Joiner, down the east side.

## REZONING (Continued)

Councilman Benson stated he would love to go with him to see Dan Wolfe at CBL about that; that he did not think about that with what Mr. Murphy had to say; that he thinks he (Murphy) has a great idea. He stated as a person who has a family business down there he would like to have all their business shot through our parking lot and maybe they would get more business and that would be a better shopping center. He asked with whom he spoke at CBL.

Mr. Price stated he is not good with names but honestly did not remember the person's name.

Councilman Benson stated he spoke with Dan Wolfe today and thinks he would consider that; that he did not think about it but it would put more people down in that shopping center and that is what people are paying \$18,000 a month would like to have. He stated he would go with him if this is turned down to see Dan Wolfe. Mr. Price responded "okay".

**Arwin Wood** of 7693 Magnolia Leaf Lane spoke in opposition and was joined by concerned neighbors. She clarified she does not just mean Magnolia Leaf Gardens as they collected over 100 signed names on the petition including neighborhoods like Cannondale as well as other small businesses on Joiner Road. She expressed hope the Council members have driven out to take a closer look at their community; that it is a quiet neighborhood and despite the proximity to the shopping center they consider that a bonus. She stated they walk to Earth Fare and talked about walking their dogs and children to the school bus stops and to school down the road at the southern end of Joiner; that it is truly a great neighborhood and a great place to live and there are no sidewalks until you get to Ziegler. She stated the road is narrow and difficult to have two cars passing at the same time and there are only two exits for North Joiner Road. She stated the Wilkins family owns several properties on Joiner Road and they are adjacent to the empty property in discussion for today; that in a letter sent to the Regional Planning Agency, Ms. Wilkins stated they are designing and planning a 15,000 to 20,000 square foot building on the front end of their lot which she assumes is part of the justification of the additional parking spaces which will cause them to lose ten of their current spots; that Lynn mentioned an additional 40 spots that would be helpful to meet the needs of their growing company. She stated in addition, as a neighborhood they are disappointed this market research company which tends to like to have their finger on the pulse of what is going on in the communities in America with consumers has yet to actively engage their neighborhood.



## REZONING (Continued)

Ms. Wood stated the one time they did speak was a brief conversation after the Planning meeting on August 13 and they have not had any insight into their plan except for their meeting which has been their forum of choice and it is disappointing they have not reached out to talk to them about their plans. She stated another thing is they do operate seven days a week and have staggering times from early morning to late at night; that we are not talking about traffic at core business hours we are talking about as late as 10 p.m. at night; that several have reached out via e-mail or phone calls to the staff just to share some of their concerns. She stated she wanted to highlight some of the things mentioned in the Planning's recommendations by Staff – "if the area is to be developed as a higher intensity residential office use or similar non-residential use it is crucial that adequate traffic infrastructure be in place"; that every effort should be made to manage the traffic at the East Brainerd Road and Joiner Road intersection and the intersection of Gunbarrel and Ziegler Road. She stated another quote was "Joiner and Ziegler were constructed to handle low density residential traffic". She stated the Staff recommendation was for *O-1 gated only with no access to Joiner* and that is what they are recommending that the balance of land remain R-1; that it was noted in the meeting notes that no one was present in opposition to the petition which was incorrect as they were present on August 13 and they are in opposition.

**Nathan Horn** of 7507 Magnolia Leaf Lane stated the problem with the rezoning is it sets a precedent on the remaining lot that the Wilkins family currently owns; that Lynn states they are not planning to expand and they want to believe that but they are still a little nervous given the over laying diagram. He stated any expansion of commercial or office space into their neighborhood would fundamentally change and alter the neighborhood which is family friendly; that they understand as part of the rezoning a parking lot can actually be built and remain on a residential lot; that the other parking lot they built is on an R-1 lot as well and are curious why they need to rezone it to an O-1 lot unless it is just for the access road which they are in opposition to. He stated their primary concern is not necessarily in disagreement to the parking lot as they agree they have to expand but the problem is with the access road, whether there is a gate or not, traffic is traffic. He stated whether the entrance can be seen, the traffic is still coming and they can see the traffic; that even though they cannot see the entrance they can see the effects it will have on their neighborhood. He stated there will be increased traffic due to Wilkins; that whether they have 40 -80% there will be an increase in traffic; that it is a very narrow road, two cars passing each other constantly would have to slow down almost to a stop where there are mailboxes close to the road.

## REZONING (Continued)

Mr. Horn stated there are no sidewalks all the way down Joiner except at the intersection at Ziegler; that residents have to proceed with caution as they walk down Joiner Road or cross over Ziegler or move toward Gunbarrel and this problem at the end of the access road will only compound the issue and put more people at risk. He stated this will affect property values and some will not stay there for the rest of their lives, but they have to resell their home some day and it will be difficult not only for them but also to the realtors in the area who are going to have to sell their homes and that definitely has an adverse impact. He stated he knows the owners at Wilkins are concerned about the safety of their employees as they exit their entrance onto Gunbarrel left, but we also need to acknowledge numerous other businesses, commercial and office spaces, along Gunbarrel down to the East Brainerd intersection also have to turn left every day and they share their concerns as they have to exit left onto Ziegler if they want to get out of their neighborhood. He stated there may be a fairness issue there and does not know how other businesses would be able to do this exact thing. He asked the Council vote against the proposal especially with the access road; that they stand with the Staff's recommendation if the access road can be placed on the Kohl's parking lot as it is an already heavily trafficked area and the road adjoining Kohl's goes up to a four way traffic light intersection which is a safe way for all of their employees to exit and safer for the neighborhood which is a win-win for everybody. He stated a gate does not fix anything, traffic is traffic, and again asked the Council to vote against this proposal.

Councilwoman Berz stated Ms. Wood understands Wilkins is building another building and that is why they want the parking space. Ms. Wood stated that may be part of the justification, but that was included in the letter for the rezoning.

Councilwoman Berz stated the rezoning of the place that is now vacant land Ms. Wood understands is not going to be just a parking lot; it is going to be a new building, as well.

Ms. Wood expressed apologies if she misled the Council; that they are currently planning on building on the front end of the property that comes out onto Gunbarrel; that they are planning on building a site in the front area of their current property.

Councilwoman Berz stated she was not aware of that and asked if Ms. Wood is okay with the lot as long as it does not have the exit onto Joiner Road.

## REZONING (Continued)

Mr. Horn responded "and as long as it keeps RPA's recommendation there is an aesthetic barrier of trees there to block out the noise".

Councilwoman Berz asked what the concept of sidewalks does for them. Ms. Wood stated the main benefit is walking dogs at night; that the opposition mentioned we should not be walking our dog in the street but currently they do not have an option.

Councilwoman Berz stated they mentioned they might be willing to do sidewalks along the street and asked if that changes . . .

Ms. Wood stated it is just for the area heading toward Kohl's since they did not meet to discuss as a group; that she does not know if they are planning to build sidewalks all the way down to Ziegler.

Councilwoman Berz asked if this is something that should be deferred as she heard Ms. Wood mention several times they were not given the courtesy of any sort of meeting and asked if perhaps a "meeting of the minds" can occur.

Ms. Wood stated she would like to say so, but honestly believes "no"; that they spoke with them after the one meeting as her husband spoke with Lynn yesterday and knows there have been lots of discussion and stressed her disappointment they did not involve them early on but found time in their schedule to meet with the people who would be voting as opposed to the neighbors they are impacting.

Councilwoman Berz asked if it is thought a meeting might be beneficial given the suggestion of Mr. Murphy and others there may be a way to work out a compromise.

Ms. Wood stated it would be interesting to poll the neighbors to see what they think and would not want the responsibility of answering for everyone since this is a new topic for them.

Councilman Murphy stated in the Staff's recommendation and in the version that passed Planning it talks about this being a gated parking lot and by that it means an internal gate separating the current parcel from the acquired parcel, asking, why.

## REZONING (Continued)

**Greg Haynes**, Director of Development Services with the Regional Planning Agency (RPA) stated both ways were discussed; that Staff's recommendation was not to just say approve with no access to Joiner, it was rezoning everything except about a 20-30 foot strip that would remain R-1; that the reason for that is they used the precedent that was set at two other rezoning cases just south of here.

Councilman Murphy stated the reason for it is not to have a precedent for the R-1 and the PUD where someone can say now we have R-1 and expand O-1 across the street.

Mr. Haynes stated the real reason in the ordinance is a lesser zone cannot be crossed to access a commercial zone; that an R-1 zone cannot be crossed to access a business zone. He stated even before getting to that recommendation one of their first thoughts is they looked at the amount of property in the front of Wilkins Research just south of the driveway that maybe it could be used for parking, but then knew they had plans they wanted to expand. He stated they went back to looking at approving this portion for O-1 for the area shown and then with an additional condition no access be granted just to make that point even stronger.

Councilman Murphy stated in looking at the Staff's recommendation it was referred to as gated access to this new zone and that could only refer to an internal gate between what they already have as O-1 and the new O-1 and wondered why that matters.

Mr. Haynes stated he was confused on that, too; that it came up at Planning and it was shown on the later drawing a gate or discussion about a gate between the existing parking lot and this new one. He stated the drawing showed a gate at Joiner; that he was not sure what that accomplished but they can explain what their intentions were.

Mr. Murphy stated if they want a gate off their own property that is up to them but does not know why we would put it between one parcel and another as that is a bizarre condition.

Mr. Haynes stated for clarification the area identified as R-1 south of the building is also additional parking which belongs to Wilkins and believes they got it through a special permit process through the Board of Appeals.

## REZONING (Continued)

Mr. Haynes stated another thought was Staff thought the same approach with a special permit from the Board of Appeals would work for this additional parking; that it has something to do with the numbers as the percentage of parking can be increased so much with a special permit, but is not 100 percent sure about that. He stated they looked at several options with the possibility of getting access to all the commercial property just north of it; but cannot recommend or make that a condition that they pursue.

Councilman Benson stated Greg did a good job of explaining that but he is afraid they did not absorb the very important part at the beginning. He referenced the Galen Medial Group at Ziegler and Joiner who wanted an entrance onto Joiner and did not get it because the Council saw this as a domino effect on down with similar requests and offices could possibly go on down with some of the houses in between, but if it does and we give access to Joiner to the Wilkins group it is his thought we need to go back and offer it to the medical facility because we really fought.

Mr. Haynes stated we looked at the land use plan for the area but it does recommend trying to maintain that line and we knew the development pressures were going to come at some point at Joiner which was on technique and method to allow growth and development without changing the nature of that residential history.

Ms. Wilkins stated she is more than happy to talk to anybody as she is the most kind, easy going person and the two people who spoke were also very amiable. She stated the people she tried to talk with were very combative.

Mr. Price stated the Planning Commission heard this and voted unanimously, other than Councilman Benson's vote, to go with the recommendation before the Council this evening. He stated as far as it relates to the precedence and the berm on Ken DeFoor's property they never asked for a driveway on Joiner, never thought about it, and never considered it because they had access to Ziegler and the same is true at the other property at Ziegler and Joiner as he (DeFoor) has access to the street he needs. He stated the rest of the properties are owned by the Wilkins and in terms of opening up precedence and what they had across the street from residential properties are woods and they are screening that with a three foot high berm and a planted row of trees.

## REZONING (Continued)

Mr. Price stated they are landscaping as it relates to that and it is a mischaracterization to use the term after this is done it will be a heavily trafficked area; that they have staggered times for many hours of the day but that also means it is the lesser amount of cars staggered through the day. He stated there is roughly \$45,000 in cost to improve that cul-de-sac and if that money is put toward building a cul-de-sac from Magnolia down to Ziegler is probably about a "wash" and they would be happy with that but is not sure Public Works would, but that is one solution to get the dogs off the street.

Councilman Gilbert stated he has been hearing about the road being so narrow but knows that road is not as narrow as some in his and Councilman Benson's areas; that even in walking a lot of areas, such as Oakwood, there are 500 homes plus another 500 in Lake Hills and an apartment complex, a lot of neighborhoods have that issue, regardless. He stated in looking at the map some of the areas are spots where bushes separate where there is visibility; that in going down the street currently there is a dump site. Mr. Price stated people have been using it over the years as a dump site.

Councilman Gilbert stated that would be an improvement as far as what will be a parking lot. Mr. Price stated he cannot imagine that would be occurring once security cameras and the parking lot is developed.

Councilman Gilbert stated in talking about security we as a city go back and forth about the gang task force and other things in some of the areas of East Brainerd and other areas now; that if employees have one way in is really a problem as far as safety versus one way in and one way out and that has always been an issue in other situations.

Mr. Price stated the Fire Department is located on East Brainerd Road; that at times when Gunbarrel is completely blocked due to traffic that would give them a secondary access into the site.

Councilman Gilbert stated his understanding from Ms. Wilkins is she will supply a card only employees will have and on a given time in reference to the parking lot it is his understanding when there is an influx of people, which may happen once a month or once every six months, that lot would not be used as much.

Mr. Price stated that is correct and is one of the reasons why Ms. Wilkins talked about putting in 40-50 parking spaces now and once when future building is done there might be the need for additional parking for expansion but not now.

## REZONING (Continued)

Councilman Gilbert stated another thing that has been said is in reference to the cul-de-sac versus sidewalk and asked if it is a necessary thing we put a cul-de-sac there as they are trying to improve the city streets which is better for the community.

Admin. Leach stated from the standpoint of usability of the road they would much rather have the cul-de-sac improved for vehicles to turn around; that it is probably a "hammerhead" and would rather have whatever proposal they had made; that as far as sidewalks they always look for sidewalk activity where there is connectivity to something else, like a school, for example. He stated there is always the possibility of putting a sidewalk down there but does it connect to anything and how far would \$45,000 go when utilities have to be relocated; that from the Public Works side they would rather have the cul-de-sac improved.

Councilman Gilbert asked how a parking lot will make it different from what it is now. Admin. Leach stated this is the first he has heard of it and cannot tell why they (Wilkins) are making that improvement; that the road needs improvement.

Councilwoman Berz stated she is a great protector of neighborhoods and asked why the property has to get rezoned to O-1.

Mr. Price stated as Greg mentioned there is a certain limited amount of area that can be utilized in a special use under an R-1 for parking and the other thing he has found is going before the Variance Board, if there is another option such as zoning they typically have indicated in past instances that is the first option to choose; that if they get turned down then come to them, but do not go to them first.

Councilwoman Berz stated right now, except for the number of spaces, they could build their parking lot. Mr. Price responded "no" that they have to go to the Variance Board and receive a special use permit to allow building.

Councilwoman Berz stated in an R-1. Mr. Price responded "yes".

Councilwoman Berz stated she went out there and this is the first she heard of new construction and asked where it is going. Mr. Price stated it would be on the driveway on the right.

Ms. Wilkins stated it is right on Gunbarrel and would face the front of Gunbarrel; right across from the Spine Center on the very front of Gunbarrel.

## REZONING (Continued)

Councilwoman Berz asked where the parking would be for that. Ms. Wilkins stated she does not have the actual number of spots, but very few spots which is for their continued growth to put people there and no structure on the back of Wilkins Research where she has houses in an effort to maintain the integrity of the neighborhood and have everything close to Gunbarrel Road across from Erlanger East.

Councilwoman Berz stated one of the concerns she heard is if it is rezoned to O-1 that leaves it wide open to do what they want to do office wise and can see the nervousness about that.

Mr. Price stated one of the conditions they offered at Planning is that it would be O-1 for parking only, no building.

Councilwoman Berz asked if they would be willing to do that. Mr. Price responded "yes".

Councilwoman Berz asked what kind of mess they would be put in if they do not have the access gate. Mr. Price stated if the Council were to agree to approve it without some sort of security gate it would become a cut through and it would be utilized by everyone in East Brainerd.

Councilwoman Berz clarified there is no gate, no exit. Mr. Price stated his office is directly off Gunbarrel Road, everyday he pulls out on Gunbarrel making a left turn heading toward the mall and has to say a quick prayer as it is dangerous going left on Gunbarrel. He stated keep in mind East Brainerd Elementary is closed and when that is developed as commercial there will be a traffic signal there that will allow people that would otherwise have to pull left on Gunbarrel, south on Joiner and get out at a traffic signal and head left on East Brainerd Road. He stated looking at the long term picture of where the area is developing, that is a safe way for employees to get out and not at the expense of the neighborhood to create an unsafe, untenable situation for them.

Councilwoman Berz stated that is the response she expected; that it is a reasonable response. She stated in thinking about the elementary school and the fact it will be sold for commercial as the county said so that whole character is going to change. She asked if there is a thought of doing the gate secondary or is that a greater expense; that the lot does not present a problem for her and was wondering if there should be any staging of this to make sure Ms. Wilkins gets what she wants or needs.



## REZONING (Continued)

Mr. Price stated if it is agreeable to the Council for the first phase they could put 40-50 spaces in and at some time a total 80 spaces, to pull a number out of the air; that when they get to that number that is when the entrance will be put in and by that particular time East Brainerd Elementary would have been sold and the work that would be taking place on that would have occurred and the traffic signal will be at that point will have happened. He stated it could be staggered where that could occur, "yes".

Councilwoman Berz asked if that would be a wise way to approach it. Ms. Wilkins stated she could not speak on half of the company; that Lisa Wilkins is the real "fire ball"; that she (Lynn) cannot answer for the company as she does not want to answer on behalf of everyone; that Lisa is a 50 percent owner.

**Lisa Wilkins** stated she could not answer the question without knowing what the number would be, how expensive it would be to just pave 40 spaces and not pave the whole thing while at it, even though all 115 are not needed. She stated she feels she cannot answer that question as she does not have enough information.

Councilwoman Berz stated she would think she would want to pave the whole thing; that her question was the gate "thing" that seems to be causing the problem and knows they are anxious to get going with it. She stated she was thinking perhaps when they got to a certain tipping point what would be the additional expense over what they would be spending right now to put in the gate.

Lisa Wilkins stated if she understands correctly the Council would approve the gate but at a later time.

Councilwoman Berz stated she would think at some point there will be a natural tipping point due to the school as the county has said they will sell it for commercial at a great profit, which is going to mean a light and all kinds of things that will change the nature of things and make what they are asking for very small. She stated what they are asking for is not unreasonable and wondered if the timing is right, not the paving. Ms. Wilkins asked if they will have to go back through the whole process to get the approval to get the exit and entrance onto Joiner. Councilwoman Berz stated that is something we can work out.

## REZONING (CONTINUED)

In making his last statement for the night, Councilman Benson stated on this idea he would not buy that as immediately their property values start going down because everybody says they are going to put a gate in and a year or six months from now some will start trying to sell and some wise buyers will say "no" they will not do that where that exit and all the traffic will be. He stated this would not have gotten a single vote on the Planning Commission if it had not been for the very nice, affable, friendly Lynn and Lisa and what they have done for this community; that it is the finest architectural, manicured structure out there on Gunbarrel as they spend a lot of their potential pocket book profits on mowing the grass and keeping the shrubbery; that as a business person he does not know if he would spend that much on that kind of campus as it is beautiful! He stated they are good corporate citizens and they could win a lot of favor due to that and deserve it, but not at the expense of this neighborhood. He stated he would do anything to help them but cannot on this; that he has a real problem with the gate, exit and entrance and thinks the parking lot is okay but we are holding different standards here than we did others down the street and what we did down the street for Cannondale and this would be the following domino on this. He stated on the surface it seemed like a good thing when he first talked to Lynn and he said "no problem", but Mike started talking about the entrance and he (Benson) drove it and saw it; that if he went in there he would go out that exit.

Councilman Benson continued by stating Mike made a "Freudian slip" when he said he wished he had a back entrance rather than go out on Gunbarrel! He stated that is why everybody that goes in Wilkins Research will choose that back gate and put so much pressure on Lisa and Lynn that they will have to keep the gate open all the time. He stated if they go into an indepth analysis it is very unreasonable to even do this in a neighborhood street and there is no commercial back there and no offices. He stated there is an elementary school down the street now and it will be for another year or so and it is young children in harm's way. He stated he was in the Central Office when he had to go tell a mother a bus driver had run over a six year who got off the bus, dropped her paper, went under the bus and the driver killed her. He stated he does not want that happening down here with no sidewalks; that it is placing our local young children in harm's way. **He stated he wants it to be on the record that he is opposed with all he can to any kind of exit on that street; that he wants it on the record because there is going to be something bad happen there.**

## REZONING (Continued)

**Councilman Murphy made the motion to amend the Planning/Staff's recommendation, excluding under *Section 2: Gated parking lot* and by that it references gating the two parcels away from each other;** that they can do that if they want to and he is not going to make them do it. He stated with that one item *the gated parking lot only* refers to the gate between the parcels removed and there would be no access to Joiner Road and the R-1 buffer as described by Planning/Staff to amend the Staff recommendation for approval. **Councilwoman Berz seconded the motion.**

Councilman Benson stated the Staff recommendation was fine noting it was the Planning Commission that did that.

Councilman Murphy stated he just moved we approve the Planning/Staff recommendation; that it is totally up to them if they want to separate the two properties with a gate or fence but he is not going to make them do it.

**On the vote for the amendment, Councilman Gilbert voted "no".**

Lynn Wilkins stated she does not understand and wanted to make sure she uses the correct terminology when explaining it.

Councilman Murphy stated Mr. Price has the Staff recommendation and we passed it except we are not making them divide in any way the two properties; that she can do that if she choose to but will not make them.

Ms. Wilkins stated it was brought up at the very end of the Planning Commission meeting; that it is a gate onto her own parking lot. Councilman Murphy responded she can do that if she wants, but he is not making her do it.

Ms. Wilkins stated Councilman Murphy is staying no parking lot but no access onto Joiner. The response was "yes". Ms. Wilkins asked Councilman Murphy and Benson since both say it is not a problem to get this done through CBL; that they gave her their word. She stayed she would be happy to do that but everyone told her it was not possible.

Chairman Ladd stated at this point we are not in discussion and we have had a vote on the amendment; that the Council wants to make sure Ms. Wilkins understood.

Councilman Benson stated he would go to CBL but cannot make them do anything!

**REZONING (Continued)**

Councilman Gilbert inquired as to the age of the houses/condos on Magnolia. Mr. Price stated they were built about five-to-six years ago.

Councilman Gilbert stated the potential area is for commercial surrounding the area noting the store and other businesses in the area. Councilman Benson stated Cannondale is residential.

Mr. Price stated everything on the east side of Joiner Road is going to remain residential which is similar to Gunbarrel Road north of Shallowford as everything west will at some point in the future be office.

Chairman Ladd expressed agreement that the Wilkins are wonderful corporate citizens and have built a great business.

Ms. Wilkins stated all the City Council people are amazing, but noted she would call on some people who said they would help her with CBL and Associations; that she will be contacting Jack Benson!

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1735 JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading as amended.

**REZONING**

**2012-102: ARS Ventures, LLC**

Pursuant to notice of public hearing the request of ARS Ventures, LLC to rezone property located in the 400 blocks of both North Market Street and Hamilton Avenue and 17 East Manning Street came on to be heard.

The applicant was present; there was no opposition.

**REZONING (Continued)**

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 400 BLOCKS OF BOTH NORTH MARKET STREET AND HAMILTON AVENUE AND 17 EAST MANNING STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENAIL ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, AND M-1 MANUFACTURING ZONE TO C-7 NORTH SHORE COMMERCIAL MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**Flagship Group, Inc./Gordy Germany**

Pursuant to notice of public hearing the request of Flagship Group, Inc./Gordy Germany to rezone property located at 2910 East 49<sup>th</sup> Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2910 EAST 49<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**SPECIAL POLICEMAN (UNARMED)**

On motion of Councilmen Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZNG THE APPOINTMENT OF ROGER SCOTT 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.

**SPECIAL POLICEMAN (UNARMED)**

On motion of Councilman Murphy, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF DALLAS RUCKER 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.

COUNCILMAN RICO EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.

**SPECIAL POLICEMAN (UNARMED)**

On motion of Councilman Murphy, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF PERRY MAYO 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.

**GRANT AGREEMENT**

On motion of Councilman Murphy, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH THE MAYOR OF HAMILTON COUNTY AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR TWO MILLION EIGHT HUNDRED EIGHTY THOUSAND DOLLARS (\$2,880,000.00) FOR ADDITIONAL SUPPORT FOR THE DOWNTOWN RIVERWALK. THE CITY OF CHATTANOOGA AND HAMILTON COUNTY WILL EQUALLY DIVIDE THE REQUIRED 80/20 MATCH OF FIVE HUNDRED SEVENTY SIX THOUSAND DOLLARS (\$576,000.00)**  
was adopted.

**AGREEMENT**

On motion of Councilman Murphy, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ADVANCED ENERGY ENGINEERING AND DESIGN, INC. (AEED) FOR PROFESSIONAL ENGINEERING SERVICES FOR MOCCASIN BEND**

**AGREEMENT (Continued)**

**WASTEWATER TREATMENT PLANT STRATEGIC ENERGY MANAGEMENT PROGRAM IMPLEMENTATION, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)**

was adopted.

**AGREEMENT**

**Councilwoman Scott made the motion to defer the matter one week; the motion failed for lack of a second.**

City Attorney McMahan stated he spoke with Mr. Zehnder and there was a clause in the contract that says the engineer would limit their liability to the amount of the contract and we will require them to give us a certificate of liability for their showing they do have adequate public and professional liability insurance.

Councilman Benson asked if the City Attorney feels that really insulates us. City Attorney McMahan responded "yes" to have them have the insurance; that an engineer can make a mess out of something and four years "down the pike" their liability is totally gone and left on us.

Councilman Benson stated we learned that from what happened on the waterfront.

City Attorney McMahan stated it does not totally insulate us. Councilman Benson asked City Attorney McMahan if he recommends approval. City Attorney McMahan responded "yes".

On motion of Councilman Murphy, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH MARCH ADAMS & ASSOCIATES FOR ENGINEERING SERVICES IN THE AMOUNT OF THREE THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$3,560.00) AND A CONTINGENCY AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00), FOR AN AMOUNT NOT TO EXCEED FOUR THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$4,560.00)**

was adopted.

### FREE WOOD CHIPS

On motion of Councilman Murphy, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING FREE WOOD CHIPS TO ALL CITY AND  
NON-CITY RESIDENTS, CONTRACTORS, AND PERSONS-FOR-HIRE AT  
THE WOOD RECYCLING CENTER FOR A PERIOD OF NINETY (90) DAYS**  
was adopted.

### OVERTIME

Overtime for the week ending September 6, 2012 totaled \$26,665.19.

### PERSONNEL

The following personnel matters were reported for the various departments:

#### CHATTANOOGA HUMAN SERVICES:

- **CAROLYN HAWTHORN** – Retirement, Teacher, Head Start, effective August 31, 2012.

#### CHATTANOOGA POLICE DEPARTMENT:

- **NANCY CARPENTER** – Promotion, School Patrol Officer Supervisor, Range 9, \$35,732.00 annually, effective August 24, 2012.
- **DAVID CAMPBELL** – Suspension (3 days without pay), Police Officer 1, effective September 5-7, 2012.
- **J. CHADWICK SULLIVAN** – Suspension (28 days without pay), Police Sergeant, effective September 6 – October 3, 2012.

#### CHATTANOOGA FIRE DEPARTMENT:

- **JONATHAN CAMPBELL, RONNIE GOSS, CHAD MCBRYAR, DANIEL PETERSON, ERIC RODDY** – Promotion Firefighter Senior



**PERSONNEL (Continued)**

- **GREGORY TATE** – Hire, Building Maintenance Mechanic 1, Range 9, \$27,601.94, effective August 24, 2012.

**DONATION**

Admin. Zehnder reported the contribution from Friends of East Brainerd in the amount of \$2,000 to make improvements at Heritage Park in East Brainerd and a large donation of time, material and effort provided to the renovation of the DuPont ball fields that are part of the Investa Project that are leased fields the city has operated for 25-30 years noting UTC contributed \$35,000 toward the project, the Hixson Kiwanis Club contributed \$5,435, private donations totaling \$2,200, the Air National Guard Reserve Unit moved some of the light poles in the amount of \$5,000 of effort. He stated this is a very sizeable donation and expressed appreciation for what has happened to improve the ball field.

Councilman Benson inquired as to the \$2,000 for Heritage Park, noting it was for benches. Admin. Zehnder stated this is another donation; that the \$2,000 for benches was a previous donation reported a month ago.

Councilman Benson stated "Bark in the Park" is to raise money and asked if this is more money for the dog park. Admin. Zehnder responded "yes".

**DONATION**

Mr. Johnson reported two \$500 checks from County Commissioners Beck and Mackey for the "Be the Change" event.

**REFUND**

On motion of Councilman Murphy, seconded by Councilman Gilbert, the Administrator of Finance was authorized to issue the following refund due to overpayment of retiree health insurance premiums:

<b>RAYMOND H. BROWN</b>	\$8,411.51
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**PURCHASES**

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

CHATTANOOGA POLICE DEPARTMENT:

**DTC COMUNICATIONS (Only bid)**  
**R63317/302155**

Purchase of Beowulf Yellow Kit

\$24,421.00

PUBLIC WORKS:

**BRADLEY TANK AND PIPE, LLC (Lowest bid)**  
**R63649**

Blanket Contract for Redi-Rock Concrete Blocks

\$26,000.00 – Annual estimation

**LIQUOR LICENSE FOR KEVIN RICHARD**

The applicant was present; there was no opposition in attendance.

Councilwoman Scott stated she wanted to clarify in terms of vetting of a site for liquor licenses; that by law we do not issue them as they are issued by the State. She stated she understands the state law says if the city where the liquor license is being requested objects there is additional review by the state; that she wants to make sure as she does not understand the process. She stated when an individual applies for a beer license they go through a process; that questions are asked and zoning is looked at, as well as the distance requirements and asked if the same process excluding the body of the beer board as far as zoning. She asked if someone is doing that because if they are not to make sure that most of the places that sell liquor also sell beer and that would proceed and all those checks and balances would be taken care of before we did getting here. She asked if that is happening.

## LIQUOR LICENSE FOR KEVIN RICHARD (Continued)

Mr. Haynes stated there is not one person or group that does all those things; that it cannot be within 500 feet of a school, church or similar institution; that the case here is there was a question of whether this address was within 500 feet of McCallie School's uses. He stated RPA's role was to create a map measuring 500 feet from 1315 Dodds Avenue, which they did. He stated a staff person was sent to take pictures; that the staff person was allowed to go in to the McCallie property building and found on the first floor is a virtual golf range, on the second floor is a new dry wall window and light fixtures, as well as a heating and air unit to be installed noting that the floor is to be used as a gun range for air rifles as the shooting club team will be using this facility to practice for competition against other schools. He stated they have installed a new alarm system and a new façade on the front of the building; that the property at McCallie School at 1430 Dodds is within the 500 feet.

Councilman Murphy stated when this came up the first time he remembers the McCallie folks were there and there was a big issue traffic engineering had with the parking situation and asked if the traffic engineer's opinion has changed.

Admin. Leach stated he checked with the traffic engineer today and noted the original notes he had indicate this does not meet traffic requirements as they need a 24 foot wide drive to the parking area to the rear; that they now have four parking spaces that back out onto Dodds Avenue and seven spaces are needed. He stated it appears that the standard has not been met at this point in time.

Councilman Murphy stated McCallie raised the issue that they were still under construction and asked if McCallie has finished construction and apparently using the building for extracurricular activities based on the permits.

Admin. Leach the ordinance was specifically property line-to-property line and was never designed to tell whether or not it is used for academic or recreation purposes; that the intent was never to make it clarified to that point. He stated if it is a property owned and utilized by the school in his opinion it falls within the standards of being an academic learning center.

Councilman Benson stated school is more than cognitive academics sometimes; that it is PE, rifle, whatever; that he remembers this very well and the Council stopped it because it was closer than 500 feet to the school and they were complaining.

## LIQUOR LICENSE FOR KEVIN RICHARD (Continued)

Councilman Benson stated it was his thought the matter was delayed to see if they were actually going to use that for part of their curriculum; that this is part of their curriculum and does not meet the 500 feet standard. He stated there was a question of parking spaces. He asked why this is before the Council if it is less than 500 feet; that it does not seem it should get this far!

Admin. Leach stated he could only answer from his background; that they wrote a report from Planning stipulating what the issues were, then to the Treasurer's office for release back to the Council for action. He stated there is a process they go through; that if it did not meet the standard it "went away".

City Attorney McMahan stated normally if the application meets all the standards it comes forward with a recommendation for approval and Mrs. Madison distributes it, the Council signs the document and it goes forward; that the situation here tonight is it comes with a recommendation to disapprove and Mr. Richard wanted to bring it forward and try to convince the Council to approve the permit for him and he (McMahan) suggested at some point he be allowed to speak.

**Kevin Richard** of 1307 King Arthur Road stated as far as the parking is concerned when he first came before the Council he was to get the parking approved and get the plans drawn which he did; that traffic engineering approved the parking and he resubmitted his paper work to come before the Council. He stated as far as McCallie using the building they have been working in it and did not know they had equipment in it; that as far as he knows he was told to go ahead and get the parking approved, which he did; that parking will be in the rear and he is widening his entranceway for an entrance and exit which would be wide enough for two cars. He stated he is before the Council to have the license approved; that he and his wife have been in the area 24 years and started out with a childcare center; that the childcare industry has slowed down tremendously and are just "breaking even" paying the mortgage on the building and a couple workers and keeping it supplied. He stated they keep the property up, the grass cut and paper picked up. He stated he does not know why it is a problem; that he understands McCallie is having a problem with it as they own the building; that there was no problem in the beginning when they knew he was going to open a liquor store.

Councilwoman Scott asked if he has been issued a beer license. Mr. Richard responded "no".

## LIQUOR LICENSE FOR KEVIN RICHARD (Continued)

At this time Councilwoman Scott made the motion to deny; Councilman Benson seconded the motion; the motion carried.

## COMMITTEES

Councilwoman Robinson stated there was a Housing Committee meeting this afternoon and a report was received from Neighborhood Services about the expenditure of funds received in the past year; that Admin. Johnson shared an annual report on work they have been doing. She stated at the conclusion remarks were delivered by a group from the Westside and Rev. Griffith spoke to the Council about their ongoing concerns about housing and how we will grow as a city in the future with our homeless population and people with lower income and the needs that we will need to deal with as we move forward.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, September 18** immediately following the Agenda Session.

Councilman Gilbert scheduled a **joint meeting of the Parks and Recreation Committee with Legal and Legislative for Tuesday, September 18.**

Councilman Benson scheduled a meeting of the **Economic Development Committee for Tuesday, September 18** to continue discussion regarding downtown housing development.

## NEXT WEEK'S AGENDA: SEPTEMBER 18, 2012

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

## ] KARL EPPERSON

Karl Epperson approached the lectern in an effort to address the Council; however Chairman Ladd informed him he was within the 30 day time period and has addressed the Council twice within that period of time.

## TERESA ST. CLAIR

**Teresa St. Clair** of 1817 East 28<sup>th</sup> Street expressed great concern about East Lake Courts and stated she lives just a few blocks from the Courts and is familiar with what goes on there. She stated she was fortunate enough to be present for the 2 p.m. meeting and the report from Beverly Johnson and the wonderful things they have accomplished; that she did not hear anything about the Courts and thought she needed to talk about it. She stated the East Lake Courts is a very dangerous place; that police officers will not go alone and have two officers at a time. She repeated a statement by Councilman Murphy who told her "that is the only housing development in this city he would not go in to". Councilman Murphy quickly corrected her by completing the last word of the statement – "alone". She gave a summary of the shooting crimes that have taken place at the courts in the last eleven months noting there is a lot going on with drugs, prostitution and shootings: October 29, 2011 three people shot; December 20, 2011 Franklin Jones was shot who later died from his injuries; May 28, 2012 James Cunningham and Karina Jones were shot; April 24, 2012 eighteen year old Gary Wilkinson was shot; July 30, 2012 Thomas Armstrong was shot; August 18, 2012 two teens standing on the sidewalk were shot by an unknown person; and most recently and tragically this past Saturday a 21 year old mother, Kenyeta Tramble was shot and died. She stated she does not know what the solution is but wanted to raise awareness of the situation and talk to the Council about what it is like for her to live near the East Lake Courts. She stated when she goes to bed at night she has her gun on the bedside table, during the day it is on the coffee table and will not open her door to anybody; that there are a lot of gang members walking the streets again noting she was present to raise awareness. She asked if the Council has any suggestion of what to do about this.

Chairman Ladd stated Ms. St. Clair has done an excellent job of raising awareness and was impressed with her presentation; that there are officers in the room and suggested she and her Council person get with the officer and look at a program that might work better in her area.

Ms. St. Clair stated her hope is they will be demolished and nicer housing developed; that that would be a good solution because the Courts are over 50 years old and really crowded.

Chairman Ladd stated the property is owned by the Chattanooga Housing Authority and this will be information they need to have also so they can look at it.

**TERESA ST. CLAIR (Continued)**

Councilman Murphy stated some people had a reaction when demolition was mentioned as we have lots of people afraid another large housing was going to be demolished and he has told them they are far ahead of themselves in their concern. He stated the Housing Authority has been going in a different direction; that officers in the room can attest the new developments and new model are more like a traditional community and neighborhood; that when we get into the large projects the odds of people not having any idea who some people are and who belongs and does not belong becomes unmanageable and a source of problems. He stated we have a Crime Suppression Officer present tonight and is certain will speak with Ms. St. Clair briefly afterward; that a lot of their routine is spent driving from housing project to housing project, unless something else happens to divert the attention. He stated they do not have the problem at the smaller ones; that moving in a direction with public housing that is continuing the road that has been gone down is what we need to do as a community and is being found all across the nation. He stated it cannot happen overnight because there are not unlimited resources and people eligible to live in public housing very much need a place to live and it is unfortunate it is that way. He stated he does not represent Ms. St. Clair or that part of town and the two representatives who represent her in the area immediately adjacent had to leave early tonight but know they share her concerns and are not ignorant to them at all; that it is a good discussion about that particular problem.

Ms. St. Clair stated that was her goal was to have a discussion, make plans and try to make it better.

Councilwoman Scott thanked Ms. St. Clair for coming and giving her perspective on this; that the Council hates to hear about situations like this, obviously, but it is really good to hear specifically what residents are going through.

**CORBETT SWOPE**

**Corbett Swope** of 8825 Quail Run Drive stated he is a pastor in Brainerd and was working with the Urban Outreach Conference this past weekend helping churches activate a program to resolve gang violence; that his church is very interested in doing an after school program and facilitating mentoring for the Brainerd area for at-risk youth.

**CORBETT SWOPE (Continued)**

Mr. Swope stated he is very interested in the gang issue and problem but has a "bone of contention" with regard to our Season of Peace coming up; that as a church they stand against racism and violence and do not think this Council may be aware of the fact that the Anti-Defamation League has labeled Dr. Arun Gandhi as an Anti-Semite by his comments made in the *Washington Post* where he blamed Israel and specifically the Jews for the violence that is escalating in the world and it is shocking one would make such statement and more shocking that would slip under the radar without being aware of it. He stated he wanted to make the Council aware of it this evening that he is labeled among many Jews and the Anti-Defamation League as an Anti-Semite and his message is actually one of racial divide and not harmony and the caste system in India is not what we want here. He stated he stands in opposition to that and want to work against gang violence, draw churches together but not under just any banner; that he wanted to present that opposition to the Council tonight. He stated they want to work together and it is not easy to bring an issue like this to the forefront, but they wants to work with people to bring peace and unity, not at the expense of castigating a race of people and blaming them for violence. He stated they oppose it, he stands with the Jewish community and the Christian Church in Chattanooga still stands with the Jewish community against anyone who raises their voice to castigate, not only a nation but also a people group.

Councilman Gilbert inquired as to Mr. Swope's Church. Mr. Swope responded it is the Cross of Culture in Brainerd.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, September 18, 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)**