

City Council Building
Chattanooga, Tennessee
September 18, 2012
6:00 p.m.

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

PLEDGE OF ALLEGIANCE

Chairman Ladd led everyone in attendance in the Pledge of Allegiance.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: RECOGNITION OF DR. ROGER BROWN

Richard Beeland asked Dr. Roger Brown to join him at the lectern and stated Mayor Littlefield is in Washington and could not be present, noting he is honored to be able to do it. At this point he read a proclamation recognizing Dr. Brown which has been spread upon the minutes:

PROCLAMATION

Whereas: The City of Chattanooga wishes to honor those distinguished individuals who have dedicated their talents to serving their community by leading our region in attaining success and acclaim, and

Whereas: The City of Chattanooga wishes to honor Chancellor Roger G. Brown, Chancellor of the University of Tennessee at Chattanooga, for his

SPECIAL PRESENTATION: RECOGNITION OF DR.
ROGER BROWN (Continued)

distinguished seven year tenure of committed service and exemplary leadership to both the UTC campus and the Chattanooga community, and

Whereas: Chancellor Brown has presided over unprecedented increases in enrollment, growth in campus facilities, advancements in faculty and staff grant funding, successes in private fund raising, and achievements by students and alumni across all academic disciplines and athletic fields of competition, and

Whereas: Chancellor Brown has devoted his considerable talent for inclusiveness to strengthen the ties between the University and the City of Chattanooga, including the Downtown, by promoting the proximity of shared resources, fostering a town and gown alliance that enhances revitalization of neighborhoods, businesses and public spaces utilized by both the City and the University, and

Whereas: Chancellor Roger Brown has sincerely and personally nurtured partnerships with numerous civic and cultural organizations by sharing the University's resources in support of the arts, music, literature, recreation, and enrichment programs for students and the public

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby wish to honor Dr. Brown and thank him for his selfless devotion to our entire community and commend him for his years of service by proclaiming September 18, 2012, in honor of

Chancellor Roger G. Brown

In Witness Whereof, I have hereunto set my hand and caused the

**SPECIAL PRESENTATION: RECOGNITION OF DR.
ROGER BROWN (Continued)**

Seal of the City of Chattanooga to be affixed this the

18th day of September, 2012

Ron Littlefield, Mayor

Dr. Brown stated he was deeply honored by the Mayor's proclamation and expressed how much he has enjoyed working with all on the Council as community partners. He expressed thanks to them for the service they give to this city and wished them the very best.

Councilman Benson stated Dr. Brown has been a real asset to this city and cannot tell him how much he is respected in what he has done. He stated a lady from Rutherford County called him today and told him her grandchild is going to UTC and he asked why she was sending him here as a Freshman as opposed to Austin Peay and other schools in Nashville and Murfreesboro that are closer. He stated she informed her UTC is where it is happening! He stated that is what is going on as all he (Brown) is attracting with the programs and curriculum is good and we do not want him to retire, but will let him retire for about four months and when they get through with the interim he should come back and take over! Dr. Brown expressed thanks.

Councilmen McGary stated Dr. Brown is a great man who has performed a great service to the community and truly thinks great things are ahead of him and not behind him.

**SPECIAL PRESENTATION: DR. ARUN GANDHI –
"UNBROKEN: A SEASON FOR NONVIOLENCE"**

Missy Crutchfield stated it is an honor to bring someone who has become her hero and his grandfather is one of the greatest heroes and inspirations she has had in her life and since seeing the Richard Attenborough movie in the eighties in New York City her life began to change and realized we can individually change the world and ourselves. She stated it was an honor to partner with the Gang Task Force for the youth driven event and to see so many present; that she heard the Council was going to wear the "Be the Change" t-shirts. She stated there was a huge sign at The Howard School today and a huge response when Dr. Gandhi walked in. She stated Dr. Gandhi's speech was amazing, as well as the students. She acknowledged the principal Paul Smith as amazing leader and noted tomorrow they would be at The Baylor School and the two schools will continue to work together.

SPECIAL PRESENTATION: DR. ARUN GANDHI –
“UNBROKEN: A SEASON FOR NONVIOLENCE”
(Continued)

Admin. Crutchfield stated when she picked up Dr. Gandhi from the airport after flying from Tokyo for 38 hours he told her he was tired but happy to be here in Chattanooga. She stated this is the most visits he has ever made in any city and probably the most days he has ever stayed in any city because he believes in the dream that we can create and build here in Chattanooga and in this city stepping up in this Season of Non-Violence. She expressed thanks to everyone, noting that the funding has come from County Commissioner Tim Boyd, and acknowledged all the sponsors for the event, including The DoubleTree, Councilman Rico of Rico Monuments for the bench placed in the Community Garden on the west side which reads, “In the Garden of Good and Evil, Choose Good”, as well as Councilwoman Berz, among others. She acknowledged persons within her department for their assistance and asked everyone who was present on behalf of Dr. Gandhi’s visit to stand for recognition. At this point she read a proclamation which has been spread upon the minutes:

PROCLAMATION

Whereas: Mohandas K. Gandhi left a legacy of nonviolence in India that inspired civil rights leaders around the world and in Chattanooga, Tennessee, as seen during the American Civil Rights Movement, particularly when students from Howard School led the sit-in movement here; and

Whereas: This week the City of Chattanooga Department of Education, Arts & Culture along with the greater Chattanooga region welcomes Mohandas K. Gandhi’s grandson, Dr. Arun Gandhi, September 17-21, 2012, for “*Gandhi Visits Chattanooga—A City Moving Toward a Season for Nonviolence;*” and

Whereas: During his weeklong visit to Chattanooga, Dr. Arun Gandhi will share his grandfather’s message of nonviolence with schools, social service providers, and community-wide events, as our city takes action steps educating and empowering our youth to

SPECIAL PRESENTATION: DR. ARUN GANDHI –
“UNBROKEN: A SEASON FOR NONVIOLENCE”
(CONTINUED)

be part of the solution in addressing social issues like bullying and gang violence;
and

Whereas: The City of Chattanooga presents on this day, September
18, 2012, a city-wide commitment to a “*Season for Nonviolence*”- a season that
never ends

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim
September 18, 2012, in honor of

A Season for Nonviolence

In Witness Whereof,

I have hereunto set my hand and caused
the Seal of the City of Chattanooga to be affixed this
the 18th, day of September, 2012.

Ron Littlefield, Mayor

Dr. Arun Gandhi stated this is a great day of honor for him and does not know that he really deserves it as his grandfather did all the hard work and he is the one who gets all the honors for it! He stated he would do his best to live up to it and his philosophy and expressed thanks for the honor, especially becoming partners in the Season for Nonviolence, a season he started in 1998 to commemorate his grandfather’s 50th Memorial Anniversary. He stated he was sitting in his home in Memphis, Tennessee wondering how to do this meaningfully and it occurred the same year as Dr. Martin Luther King’s 30th Memorial Anniversary and thought that it was a wonderful thing and decided to link the two memorial anniversaries and call that 64 day period a Season for Nonviolence.

SPECIAL PRESENTATION: DR. ARUN GANDHI –
“UNBROKEN: A SEASON FOR NONVIOLENCE”
(CONTINUED)

Dr. Gandhi stated he thought it would be a one year affair, celebrating the 50 and 30th anniversaries and it would be all over; that the first function was at the United Nations and was amazed nearly 5,000 people turned out for it and at the end of the function all of them unanimously got up and said this is not going to end; that the season is going to be an ongoing thing. He stated he is amazed more today that we have more than 200 communities in the United States and a few around the world partnering in the Season for Nonviolence and doing whatever little they can to take us a few steps closer to the dream Dr. King and his grandfather shared. He stated the dream is of creating communities of peace and harmony everywhere in the world and he is really happy Chattanooga has joined and we are going to do wonderful things. He stated he and Ms. Crutchfield have been talking about great things for Chattanooga and expressed hope the dreams will materialize; that one of the things they want to do here is establish a Gandhi Global Center for Nonviolence and she is going to be the “backbone” of that center and he will help make it possible. He stated he hopes the community will welcome the idea and partner in making this dream come true; that maybe Chattanooga can become the first city not only in the nation but in the world to promote peace, nonviolence and harmony. He stated these big dreams are there and invited everyone to participate in making the dream come true. He stated he will treasure this honor for the rest of his life.

Admin. Crutchfield stated being the “backbone” of this vision is more like doing the grunt work; that she will be coming to the Council and the community to try to build the vision and build a reality and expressed her thought we could have a center for nonviolence here.

Chairman Ladd stated this is a wonderful idea and one she would like to see come to fruition. She thanked Dr. Gandhi for the time he has taken with our young people and leaders and talking the message we need to continue this dialogue everyday here in Chattanooga. At this time she recognized Commissioner Tim Boyd and asked him to say a few words as he was a contributor to this visit of quite a sum of money to enable this to come to total fruition in having Dr. Gandhi here this week.

Commissioner Tim Boyd stated it has been an honor to have Dr. Gandhi visit Chattanooga and present his idea of a global center for nonviolence here in Chattanooga and to be a part of something like that is quite historical.

SPECIAL PRESENTATION: DR. ARUN GANDHI –
“UNBROKEN: A SEASON FOR NONVIOLENCE”
(CONTINUED)

Commissioner Boyd stated in a telephone conversation with Missy last week they talked about the t-shirt that Councilman Gilbert is wearing tonight and how they were going to put “Season of Nonviolence” on it and mentioned to her what season means is a temporary part of your life and it ends. He stated our seasons of the year start and stop and he mentioned to Missy this is a season we do not want to end -- the season that never ends. He expressed appreciation for her taking note of that and placing it on the t-shirt for our community to recognize this will not be and cannot be a season that ends. He referenced some of the naysayers about studying the Gang Task Force and recognized Boyd Patterson and Fred Houser for their work as they have a vision for this city of nonviolence and we must recognize what they are battling is not a temporary fight. He stated people that fight in the gutters and on the streets and hurt our people are working 24/7 and we as elected officials have a moral obligation to our community to take note and determine how we can have a sustainable fight against the forces of evil in our community. He expressed hope his fellow County Commissioners will align with County Council members and work toward this goal because it is so important to our future. He stated he is happy to have Dr. Gandhi here and thrilled to be a part of it and glad to see it come to fruition. He concluded his comments by thanking Dr. Gandhi, Ms. Crutchfield and the Council.

Chairman Ladd thanked Commissioner Boyd for his generous contribution.

AMEND CITY CODE

On motion of Councilwoman Scott, seconded by Councilman Rico,
**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE
IV, CHAPTER 2, SECTION 517, DEPOSIT OF CHECKS RECEIVED;
DISHONORED CHECKS**
passed second and final reading and was signed in open meeting.

REZONING

2012-096: Twin Brook Investments

REZONING (Continued)

On motion of Councilman Rico, seconded by Councilman Benson,
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 second and final reading and was signed in open meeting.

REZONING

2012-097: MAP ENGINEERS C/O Mike Price/Wilkins Partners

Councilman Benson clarified the approval is to accept the Staff's recommendation as amended to exclude any entrance on Joiner Road.

Councilman Gilbert stated he understands what has been voted on and expressed hope when the area is further developed for commercial that the matter would be revisited with reference to installing the gate for security for that business.

On motion of Councilman Benson, seconded by Councilman Murphy,
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 second and final reading and was signed in open meeting; **Councilman McGary voted "no"**.

REZONING

2012-102: ARS Ventures, LLC

Councilwoman Scott made the motion to amend the request subject to approval of the Fire Marshall's hydrant placement; Councilman Rico seconded the motion; the motion carried.

REZONING (Continued)

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 IN THE 400 BLOCKS OF BOTH NORTH MARKET STREET AND HAMILTON AVENUE, AND 17 EAST MANNING STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, AN DM-1 MANUFACTURING ZONE TO C-7 NORTHSORE COMMERCIAL MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2012-104: Flagship Group, Inc./Gordy Germany

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 2910 EAST 49TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT OT CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Scott, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 10, ARTICLE II, SECTIONS 10-10 THROUGH 10-30, RELATIVE TO HISTORIC ZONING
was deferred two weeks (October 2, 2012).

FRANCHISE

On motion of Councilman Murphy, seconded by Councilman Gilbert,
AN ORDINANCE GRANTING UNTO TENNESSEE TEMPLE UNIVERSITY C/O STEVEN ECHOLS A FRANCHISE FOR THE CONSTRUCTION OF ENTRY FEATURES ALONG THE 600-900 BLOCKS OF SOUTH ORCHARD KNOB AVENUE, (CASE NO. 2012-114), AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

MR-2012-103: Tennessee Temple University c/o Dennis Clark

On motion of Councilman Murphy, seconded by Councilman Gilbert,
**AN ORDINANCE CLOSING AND ABANDONING THE 1800-1900
BLOCKS OF VANCE AVENUE, EXCLUDING THE 600-900 BLOCKS OF
SOUTH ORCHARD KNOB AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

APPROVAL OF LEASE

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE APPROVING A LEASE TO CHATTANOOGA GOODWILL
INDUSTRIES, INC., A NONPROFIT CORPORATION, FOR A PORTION OF
PROPERTY LOCATED AT 1815 EAST MAIN STREET FOR A FIVE (5) YEAR
TERM WITH LESSEE RESPONSIBLE FOR UTILITIES AND COMPLIANCE WITH
ANNUAL REPORTING AND APPROPRIATION REQUIREMENTS UNDER
FEDERAL, STATE AND LOCAL LAW, AT A VALUE OF TWENTY-FIVE
THOUSAND DOLLARS (\$25,000.00) PER YEAR**
was approved.

ACCEPT BID

On motion of Councilman Murphy, seconded by Councilwoman Scott,
**A RESOLUTION ACCEPTING THE BID OF MAC SOURCE
COMMUNICATIONS FOR A BLANKET CONTRACT TO COMPLETE THE
PHONE SYSTEM FOR THE CITY OF CHATTANOOGA FOR AN AMOUNT
NOT TO EXCEED ONE MILLION THREE HUNDRED SIXTY-SEVEN
THOUSAND THREE HUNDRED SEVENTY-EIGHT AND 78/100
(\$1,367,378.78) AND FURTHER AUTHORIZING THE PURCHASE FOR TWO
(2) ADDITIONAL YEARS OF MAINTENANCE AND SUPPORT UPGRADES
FOR ONE HUNDRED SEVENTY-ONE THOUSAND NINE HUNDRED FORTY-
EIGHT DOLLARS (\$171,948.00) PER YEAR**
was adopted.

INJURY-ON-DUTY HEARINGS REGULATIONS

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION ADOPTING ADMINISTRATIVE REGULATIONS FOR CONDUCT OF INJURY-ON-DUTY HEARINGS PURSUANT TO SECTION 8.5 OF THE CITY CHARTER OF THE CITY OF CHATTANOOGA
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH FRIENDS OF THE FESTIVAL FOR MANAGEMENT OF THE 21ST CENTURY WATERFRONT, IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00)
was adopted.

APPLY/ACCEPT STATE INDUSTRIAL ACCESS FUNDING

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND ACCEPT STATE INDUSTRIAL ACCESS (SIA) FUNDING RELATIVE TO THE VOLKSWAGEN DRIVE INTERSECTION IMPROVEMENTS, OPTIONS 3 AND 5, OF THE TDOT ENTERPRISE SOUTH TRAFFIC IMPROVEMENT STUDY, AND AUTHORIZING MATCHING FUNDS FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000.00)
was adopted.

TEMPORARY USE

On motion of Councilman Gilbert, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING LAMAR MCDANIEL TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 4200 BLOCK OF BONNY OAKS DRIVE AND THE ORIGINAL YOUNGSTOWN ROAD RIGHT-OF-WAY TO RESTORE ACCESS TO THE LANDLOCKED PROPERTY, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, CITY OF ROSSVILLE, AND UTILITY PLANNING NETWORK FOR PROFESSIONAL SERVICES RELATIVE TO THIRD PARTY BILLING VENDOR CONVERSION, TRANSITION, AND IMPLEMENTATION, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$174,000.00)

was adopted.

BOARD REAPPOINTMENTS

On motion of Councilwoman Berz, seconded by Councilman Rico,

A RESOLUTION REAPPOINTING WILLIAM G. BULLS, III, AS CHAIRMAN, STEFANIE D. CROWE AS SECRETARY, AND GREGG GENTRY FOR SIX (6) YEAR TERMS AS BOARD MEMBERS OF THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD UP TO MAY 15, 2018

was adopted.

CONTRACT

Councilwoman Scott shared with the audience although it may be called the Main Terrain Art Park, actually it is a cleverly disguised stormwater collection system underground; so it will be pretty on the top but has a function on the bottom, as well.

Councilman Murphy quickly made the "shush" sound noting Councilwoman Scott was letting the secret out!

On motion of Councilman McGary, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. R-11-001-201, TO YERBEY CONCRETE CONSTRUCTION, MAIN TERRAIN ART PARK, IN THE AMOUNT OF NINE HUNDRED SEVENTY-NINE THOUSAND ONE HUNDRED TWENTY-FIVE AND 75/100 DOLLARS (\$979,125.75), WITH A CONTINGENCY AMOUNT OF TWENTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400.00), FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWO THOUSAND FIVE HUNDRED TWENTY-FIVE AND 75/100 DOLLARS (\$1,002,525.75)

was adopted.

CHANGE ORDER

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A CHANGE ORDER FOR A CONTRACT WITH CHAZLER, INC. TO ALLOW VCT TILE TO BE INSTALLED FOR THE SECOND FLOOR BUILD-OUT LOCATED AT 3410 AMNICOLA HIGHWAY, FOR AN INCREASE OF TWO THOUSAND ONE HUNDRED FIFTY-EIGHT DOLLARS (\$2,158.00) TO CONTRACT AMOUNT OF SEVENTY-TWO THOUSAND ONE HUNDRED DOLLARS (\$72,100.00), FOR A TOTAL CONTRACT AMOUNT OF SEVENTY-FOUR THOUSAND TWO HUNDRED FIFTY-EIGHT DOLLARS (\$74,258.00)
was adopted.

OVERTIME

Overtime for the week ending September 13, 2012 totaled \$8,121.81.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **BENJAMIN EUDY** – Termination, Recreation Specialist, effective September 11, 2012.

CHATTANOOGA POLICE DEPARTMENT:

- **LINDA HENDERSON, DEBORAHE KELLY** – Hire, School Patrol Officer, \$15.08 hourly rate, effective September 7, 2012.

PUBLIC WORKS DEPARTMENT:

- **JOYCE HAGUE** – Return to Duty from FMLA, Permit Clerk, Land Development, Range 6, \$24,558.77 annually, effective September 4, 2012.
- **DAVID KROPFF** – Promotion, Traffic Electronic Supervisor, Traffic Engineering, Range 19, \$53,789.65 annually, effective August 24, 2012.

PERSONNEL (Continued)

- **GABRIEL SEWELL** – Hire, Crew Worker 2, Waste Resources, Range 4, \$23,050.00 annually, effective September 10, 2012.
- **RANDOLPH HARRIS** – Lateral Transfer, Equipment Operator 4, Waste Resources, Range 10, \$28,981.11 annually, effective September 7, 2012.
- **ERIC LEFFEW** – Termination, Crew Supervisor 3, Waste Resources, effective September 11, 2012.
- **JASON YAKIMOWICH** – Family Medical Leave, Assistant City Traffic Engineer, Traffic Engineering, effective August 23 - November 15, 2012.

FINANCE DEPARTMENT:

- **DEBORAH SHROPSHIRE-HARKNESS** – Suspension (1 day without pay), Court Operations Assistant, City Court, effective September 14, 2012.

DONATION

Admin. Swafford duly reported the donation of \$1,274.66 to Social Services of the Human Services Department from the Electric Power Board by way of United Way to assist clients with utility bills. He stated another donation was received from Wal-Mart, Applebee's, United Way and PlayCore for the child care and back-to-school program with an estimated value of \$11,925.00, of which the bulk was from PlayCore for playground equipment including installment. He stated Play Core representatives worked all weekend and installed the equipment.

Councilman Benson stated PlayCore made a big donation to the Heritage Dog Park.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Chattanooga Police Department:

VANCE OUTDOORS (Lowest bid)

R64214/302180

PURCHASE (Continued)

Purchase of Simunition FX Training Cartridges

\$20,362.00

APPEAL TO SIXTH CIRCUIT COURT

City Attorney McMahan reported the intention to appeal to the Sixth Circuit Court of Appeals Judge Collier's decision in former Officer Hoback's case.

TIME CHANGE: COUNCIL MEETING, OCTOBER 2, 2012 T 5:00 P.M.

Councilman Rico stated October 2 is "National Night Out" and asked what the Council plans to do, whether a short agenda, no agenda or no meeting; that all neighborhood associations will participate and he has six-or-seven to attend, himself. He stated it will be hard to have a meeting and try to make all of them as Council members are expected to attend.

Councilman Murphy asked if there is a way to get staff to bring things forward or things that can wait and have it as a fairly short, perhaps no content agenda.

Councilwoman Berz stated there is a way to do both – have a brief meeting and start earlier at 5 p.m. or as soon as committees are over, or as early as 4:30 p.m.

Chairman Ladd stated that sounds like a good combination and the departments can be asked to not bring too much for that week; that the City Attorney can watch to see what the agenda looks like and perhaps start earlier.

Councilman Rico asked if there is adequate time to advertise it.

City Attorney McMahan stated there is time to advertise; that the Council meeting can begin following Committees at 5 p.m. on October 2.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, September 25** immediately following the Agenda Session.

COMMITTEES (Continued)

Councilman Benson scheduled a meeting of the **Economic Development Committee for Tuesday, September 25** following Public Works.

NEXT WEEK'S AGENDA: September 25, 2012

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

MATLA GRISSON

Matla Grisson of 1322 Grove Street in College Hill Courts read from a prepared statement as the representative of the Westside community Association which has been spread upon the minutes. She stated last week members of her organization had a brief moment to speak to the Housing Committee regarding their Affordable Housing Ordinance. She expressed thanks for the Council giving them that brief moment to discuss their solutions to the city's housing crises, however, they felt given the urgency of the city's housing situation and the nature of their legislation, they would like an opportunity to speak to the Housing Committee at a great length of time to more fully educate the Council on the strength of inclusive zoning policies. She stated they feel inclusive zoning offers a real opportunity to provide low income Chattanoogaans a home in their own city; that it is the kind of legislation they are proposing that has been successful all throughout cities and states in America. She stated they have secured the aid of Courtney Knapp, a Cornell Ph.D. candidate in Urban Design to help craft the research of the legislation; that they feel it deserves a longer hearing. She stated the Westside Community Association asks that the Council schedule a full public hearing on the Affordable Housing Ordinance within the next couple weeks and requested at least 45 minutes duration for the session.

Councilwoman Scott stated Ms. Grisson mentioned inclusive zoning had been done in other places for the request the Westside Initiative is wanting; that she asked last week for some contact for that and was sent one city but that city had enacted the ordinance, it had gone into effect but there was not anyone who has actually gone through and worked under that. She wondered if Ms. Grisson would be able to provide the council with a list of other places where that has successfully been done so the Council can make contact.

Ms. Grisson stated they have a lot of statistics and facts that they could make available.

MATLA GRISSON (Continued)

Councilman McGary stated he drafted an e-mail and dispensed it to all Council members citing an article that comes from Wikipedia where 200 communities are listed that have some form of inclusive zoning permit; that they have some forms or combinations of both from an incentive standpoint and even a mandate. He stated there is some combination of the two; that not all communities have a mandate, some have incentives or a combination of the two. He stated he found in his research that one of the communities passed an inclusive zoning ordinance in 1974, so we are not talking about some that is just a couple years old or even ten years old; that there are successful examples; that not everything works in every place as different communities have done different things and can resubmit the e-mail. He reported to the Council he had a conversation with Kim White on Monday in lieu of the conversation that was had concerning bringing in RiverCity and their PILOT program and reported there are conversations taking place as it is a subject that is very timely and has a lot of "moving pieces". He stated one of the outcomes of the conversation is there needs to be a wider conversation involving the Department of Neighborhood Services, CNE, Chattanooga Housing Authority, RiverCity – a large conversation where everybody is able to come together in a public meeting, which is something Mrs. White and he both firmly agreed would push forward. He stated whether this is a conversation that will be held in 30 days perhaps might not be as realistic but is certainly a worthwhile goal that will be pushed forward and enable everyone who has a vested interest in this subject to chime in and come with a solution that will benefit everyone. He stated he will keep the Council updated.

Chairman Ladd stated she also had a meeting with Kim White and expressed the same interest that we have all stakeholders involved in the discussion and dialogue so we can share everything we have to put on the table; that it is her thought we will be able to do something soon. She asked Ms. Grisson to leave her contact information in an effort to get in touch with her.

Councilwoman Scott addressed Councilman McGary and asked when he was looking through the cities that had made those changes were they primarily in permanent housing or limited to rental.

Councilman McGary stated they range all across the board as some communities have inclusive zoning that encompasses condominiums, apartments, any private development and there is a certain percentage of that private development as some are on a one percent or as much as 10 percent.

MATLA GRISSON (Continued)

Councilman McGary stated with any new project there would be a certain project that would have to be allocated to middle and low income housing based on the Federal Poverty Index. He stated some communities offer incentives, density requirements that build up to so many units in an area and as an incentive to help them meet this mandate they are allowed to build more units than what the zoning would require so they can make up for what they would lose by having the other moderate-to-low income requirements. He stated there are different programs across the board but the basic idea is there; that a certain portion of any new development has to be allocated to moderate and low income housing.

GLORIA GRIFFITH

Gloria Griffith of 1115 Grove Street also read from a prepared statement noting that she wanted to go on record and reminded the Council that in December, 2010 nearly two years ago, the people of the Westside marched from the Renaissance Presbyterian Church to Buehler Brothers store to urge the city and Chattanooga's business community to help them get someone to open a store to replace the Dollar General Store that left them without a neighborhood grocery and they did nothing. She stated this spring Mr. Sal Mohammed announced that he would be opening a store in the space that Dollar General occupied and after a licensed electrical contractor completed his work, it took six months for the city's inspectors to arrive on sight and approve the facility. She stated several people in the community have reported to her that city policemen have told Mr. Mohammed that the Westside is a very dangerous place and that he should not expect his business to thrive; that it has been reported to her by Westside residents that after a similar visit, the police left and within a few minutes four men, who said they were gang members from another area of the city, told Mr. Mohammed that he should not plan to be in business for any length of time. She stated they feel Mr. Mohammed is a person who actually really wants work within their community and has thought about moving there. She stated the city Fire Marshalls determined that an overhead sprinkler system was required before the store could open and the people on the Westside commented that Dollar General, which is owned by the multi-billionaire Koch brother, was not required to install such sprinklers. She stated Mr. Mohammed has tried everything; that the Fire Marshalls have yet to inspect the place and approve it; that six Fire Marshalls came at one time and did not tell him they were coming, they just came.

GLORIA GRIFFITH (Continued)

Councilman McGary stated he participated in the march two years ago to raise awareness of the food desert that exists in the Westside and is sensitive to their plight; that he is also aware there was some concern about the number of fire inspectors and other individuals that have been to the store as had been reported. He stated he knows there was an e-mail chain started wherein Chief Parker reported.

Chief Parker stated they scheduled the meetings with the owner and there were two occasions he did not appear and was notified both times to appear; that he actually sets up the time and date he wants them to come to them, they were there twice and he did not show up either time. He stated they did meet on the 14th and sent an e-mail after Rev. Griffith came up; that it was not confrontational but had questions about the fire inspectors. He stated there were five people there, two were the Fire Inspectors and three were representatives from the sprinkler company; that the building was already sprinklered and they had to move one over the cooling unit in the back with a sprinkler head in case the motor caught fire. He stated a strobe horn was installed; that the things the owner needs to do for the Fire Department is minor and needs to put up a couple exit signs; that the fire extinguishers have been installed and the electrical is completed and stated in a note he received prior to the meeting. He stated as far as he is concerned he has minor things but has not shown up and has stood them up twice on two occasions.

Councilman McGary asked for clarity from Chief Parker's perspective the city has done nothing to obstruct this particular project.

Chief Parker stated that is correct that no one from his office has been contacted to slow anything down; that the owner has not appeared for two of the meetings when it could have been done two meetings ago and the store could have been done as far as inspections, but the owner did not show up. He the owner of the building showed but not the person who wants to puts the building in there as he leases it.

Councilman McGary stated the owner never gave reason why he did not show up. Chief Parker stated to the best of his knowledge he has not shown up for anything.

Admin. Leach reported as part of the inspection process a person does have to request final inspections; that he checked with staff this morning and the electrical has all been finalized; that the applicant has not requested final plumbing or commercial alteration permits.

GLORIA GRIFFITH (Continued)

Admin. Leach stated there are certain things we expect the applicant to do and one of them is to notify us when he needs the finals. He stated we have done that portion that we can do.

Councilman McGary asked from Mr. Leach's perspective his department has done nothing to obstruct this project going forward. Admin. Leach responded "no".

Councilman Murphy stated he wanted to make it clear, noting he does not want to speak for Chief Dunn and no one would disagree with him, that it is not the policy or position of the leadership of the Chattanooga Police Department to discourage an appropriate commercial enterprise in any part of this city, in fact he knows the Chief and Lieutenants that met with folks trying to work on revitalization on Glass Street in East Chattanooga and there has been absolutely no effort to discourage people from doing that or from opening businesses there. He stated he wanted to be very clear because he thinks there could have been a misconception left from Mrs. Griffith's remarks, asking if it is someone's allegation after police officers talked to the gentleman about the neighborhood that police officers threatened him or four people unidentified threatened him.

Mrs. Griffith stated the police officer made a threat and the four people told him he would not last; that after the police left they (the four) arrived and does not know why they arrived after him and they were not even from the neighborhood. She said they said they were a gang and they were in our area and told him not to open up the store and if he did he would not last and that was the statement. She stated the person there with him at the time overheard that.

Councilman Murphy stated he is trying to make sure as it got muddier there than not clear. Mrs. Griffith stated she did not mean for it to get muddy. She stated it sounded to her and the person who was there who witnessed it that the man was being threatened by the police and by the gangs, and that is all she is saying.

Councilman Murphy advised if he has been threatened by the police please have him report that to Internal Affairs, although he would be stunned if that is what happened.

Ms. Griffith told him to do that and whether Councilman Murphy is stunned or not that is what was said.

GLORIA GRIFFITH (Continued)

Councilman Rico stated he is sure there is a language barrier as he has been by there and talked to the gentleman and is sure, because he is not from here, may have a little trouble understanding; that sometimes it is a cultural thing about not keeping appointments; that the gentleman seems nice but does not think he speaks English very well.

(A copy of Mrs. Griffith's complete statement is filed with minute material of this date.)

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, September 25, 2012 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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