

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
MARCH 19, 2013**

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

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

Councilman Rico led the Pledge of Allegiance, followed by invocation.

**MINUTE APPROVAL**

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

**“SOCIAL WORK MONTH”**

Chairman Ladd called on Councilwoman Berz for the Special Recognition of “Social Work Month”. Councilwoman Berz thanked Chairman Ladd, noting that we had made this proclamation a number of times, and recognized her colleagues and students who were present from UTC, stating that she was very proud of them; that she began her Social Work career in policy and had learned a lot and was still growing; that sometime she hoped to see them in a Council position, where they would be in a position to help the City grow and change. She noted that the City funds Social Service agencies; that social policy formulates what law is and includes economics, business and policy, and she honored the students from UTC who were present tonight. She then called on Dr. Radu.

Dr. Radu asked her students to stand up, stating that in Chattanooga we have 300 Social Workers and students; that they are growing and developing and meeting people everywhere; that policy is important. She took this opportunity to thank Councilwoman Scott for the work she had done with her. She stated that this was just the beginning, and she thanked the Council for recognizing their profession.

Chairman Ladd noted that she was very impressed with Dr. Radu’s professionalism and thanked her for her work in the community.

**REZONING**

**2012-012 (Kosygin Lameechee Jones)**

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 PROPERTIES LOCATED AT 8025, 8067, 8109, 8117, AND 8119 OLD CLEVELAND PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND R-5 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2013-001 (City of Chattanooga)**

On motion of Councilman Benson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 5300 BLOCK OF HIGHWAY 58, AND 5136, 5141, AND 5145 TURKEYFOOT TRAIL, ANNEXATION AREA 6A, FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN**

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

**REZONING**

**2013-002 (City of Chattanooga)**

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 PROPERTIES LOCATED IN THE 5400 BLOCK OF HIGHWAY 58 AND 8604 NORTH HICKORY VALLEY ROAD, ANNEXATION AREA 6B, FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN**

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

**REZONING**

**2013-003 (City of Chattanooga)**

On motion of Councilwoman Robinson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 5500 TO 6300 BLOCKS OF HIGHWAY 58, MAHLON DRIVE, HARRISON-OOLTEWAH ROAD, CLARK ROAD, HOLDER ROAD, EASTER DRIVE, TYNER LANE, AND CHURCH ROAD, ANNEXATION AREA 6C, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN**

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

**REZONING**

**2013-004 (City of Chattanooga)**

On motion of Councilwoman Robinson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED ON HUNTER ROAD, I-75, SUE RON LANE, AND OOLTEWAH-HARRISON ROAD, ANNEXATION AREA 8A, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN**

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

**REZONING**

**2013-005 (City of Chattanooga)**

On motion of Councilwoman Robinson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED ON HUNTER ROAD, I-75, SUE RON LANE, AND OOLTEWAH-HARRISON ROAD, ANNEXATION AREA 9B, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN**

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

At this point in the meeting, Councilwoman Berz explained to those in the audience, including the students, that it might seem that the Council is going through these Ordinances rather quickly but that they had been discussed fully for the last two weeks; that we were not just rubber-stamping but that these items had been fully vetted.

**REZONING**

**2013-024 (BYD, LLC/Kevin C. Boehm/GADG Leasing, Ltd.)**

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1616 BROAD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2013-025 (Hefferlin & Kronenberg)**

On motion of Councilman Gilbert, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 625 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2013-027 (Inasmuch, Inc. d/b/a The Samaritan Center)**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 6021 OOLTEWAH GEORGETOWN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**

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

**CLOSE AND ABANDON**

**MR-2009-073 (Reginald Ruff, III and John P. Franklin, Jr.)**

On motion of Councilman Gilbert, seconded by Councilman Rico,

**AN ORDINANCE CLOSING AND ABANDONING OF A PART OF AN UNOPENED ALLEY LOCATED IN THE 2500 BLOCK OF EAST 12<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

**CLOSE AND ABANDON**

**MR-2009-076 (Mike Price)**

On motion of Councilman Rico, seconded by Councilman Murphy,

**AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF A SEWER EASEMENT LOCATED AT 712 AND 716 GENTRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

Councilman Benson referred back to **Ordinance 5(a)** wanting to ask RPA a question as to whether this was the previous site that we had voted on? He confirmed that these were all newly annexed areas and most of these have adopted the zones that the County had. He wanted to know if this was what we had discussed last week concerning a back door. Attorney McMahan confirmed that what Councilman Benson was referring to would go to R-4; that Ordinance 5(a) was not annexation.

**AMEND CITY CODE/  
MOBILE FOOD UNITS**

Councilwoman Berz stated that this had been much discussed earlier; that she was in favor of mobile units and as she understood it, people could drop trailers as long as they picked them up and did not leave them overnight; that there were no special exceptions. Attorney McMahan responded that a trailer should remain attached at all times—that it had been discussed today that under some circumstances they should be able to detach, but the Ordinance does not read that way today. Councilwoman Berz noted that the trailer part then needs more massaging; that we can vote on this today and then start looking at other needs that have been discussed in regards to the “has to stay attached” portion. Attorney McMahan responded that that was correct.

**MOBILE FOOD UNITS (CONT'D)**

Councilman Murphy stated that it was his understanding that we might extend the Special Events' discussion; that as it reads now, this definition does not include vehicles operating under a Special Event Permit.

Adm. Leach stated that it was their hope that we could get this passed tonight and then have further discussion, and he would make his Staff available this week and Attorney McMahan would assign an attorney to work with them on this; that they felt that the PILOT Program was successful—that a trailer attached to a truck was essentially the same thing; however if the trailer was just dropped off, it was problematic to them. He noted that there needed to be very specific stipulations and that the Fire Dept. would be a part of this; that they would like to get this passed tonight or the “sunset” would have to be changed.

**Ms. Doris Shober of 2606 Avalon Place** spoke next. She is the owner of Lupi's Pizza. She shared that she had four stores and another one going up; that she had been in Chattanooga for 17 years; that the Chattanooga Market had been here ten years plus, and they had been able to go there under a tent with a propane oven—that the State Law changed, and they had invested in trailer with a kitchen on wheels for \$30,000—that they pulled the trailer with a truck and each were 20 ft. long. She suggested passing this Ordinance as stated and then re-work the wording for trailers that is not included at the present time; that she would like to work with someone and work on the wording for trailers. She reiterated to let this pass tonight for food trucks.

Chairman Ladd stated that she thought Mr. Leach, also, wanted to work on something that would be palatable.

**Mr. Chris Thomas, Director of the Market,** spoke next. He stated that they worked with Hamilton County on safety and sanitation; that Ms. Shober had stepped up and purchased mobile food units; that all of their vendors had complied and had approval from the Health Department—that they were screened and scrutinized; that Ms. Shober had expanded her restaurant to a market of new customers; that from a safety viewpoint, they prohibited vehicles from being attached. He mentioned \$40 million dollars of economic impact; that nothing was advertised for seven days a week; that theirs was a high quality operation, and this is critical for those who have invested thousands of dollars. He added that the City of Chattanooga had changed their rules concerning trailers four years ago, and they did not know anything about it. He stated that he would like to have this discussed and wanted to make sure their vendors were protected.

Councilman Murphy noted that the Chattanooga Market was considered a Special Event, and they have a Special Event Permit—that trailers being dropped from trucks would not change—that the Head of the Hooch would not change; that we would continue to have dialog.

**MOBILE FOOD UNITS (CONT'D)**

Mr. Thomas responded that they had some obligation—that they wanted to be good neighbors.

Councilman Murphy stated that we would have more dialog; that we did not want this to “sunset”.

Adm. Leach agreed that the Market is a Special Event and not part of this Ordinance.

Councilman Gilbert stated that he would like to “chime” in—that the wording concerning Special Events is wrong. Mr. Thomas agreed, adding that under State Law they were not considered a Special Event but a Permitted Event—that it was all in the language.

Chairman Ladd felt that this was a great conversation and the way things should be working—coming together and meeting in the middle. She thanked everyone for their participation.

On motion of Councilman Rico, seconded by Councilman Murphy,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 20, SECTION 20-146, RELATIVE TO MOBILE FOOD UNITS**

passed first reading.

**AMEND CITY CODE/  
MOBILE UNIT DEFINITIONS**

On motion of Councilman Rico, seconded by Councilman Murphy,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 38, ZONING ORDINANCE, SECTION 38-2, DEFINITIONS, RELATIVE TO MOBILE FOOD UNITS**

passed first reading.

**AMEND CITY CODE/  
TRANS.BD. ADVISORY COMMITTEE**

On motion of Councilman Murphy, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTION 35-17(b), RELATIVE TO THE TRANSPORTATION BOARD ADVISORY COMMITTEE**

passed first reading.

**AMEND CITY CODE/  
ONE-WAY STREETS**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE XIV,  
CHAPTER 24, SECTION 504, SCHEDULE IV, ONE-WAY STREETS**  
passed first reading.

**SP.POLICE OFFICER APPOINTMENT**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ROBIN ROBERSON 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.

**COMM.DEVELOP. BLOCK GRANT  
FUNDS**

On motion of Councilman McGary, seconded by Councilwoman Scott,  
**A RESOLUTION APPROVING THE ACCEPTANCE AND DISTRIBUTION OF FISCAL  
YEAR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME  
INVESTMENT PARTNERSHIP ACT FUNDS FROM THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT (HUD), AND PROGRAM INCOME, ALL  
TOTALING APPROXIMATELY THREE MILLION DOLLARS (\$3,000,000.00),  
PROVIDED THAT IF THERE IS A REDUCTION IN FUNDS DUE TO SEQUESTRATION,  
THESE AMOUNTS WILL BE REDUCED PRO RATA, AS SHOWN MORE FULLY  
HEREINBELOW**  
was adopted.

**OVERTIME**

Overtime for the week ending March 14, 2013, totaled \$3,492.69.



**PERSONNEL**

The following personnel matters were reported for the various departments:

**FINANCE DEPARTMENT:**

- ✓ **TIMOTHY SCOTTON**—Resignation of Accountant 1, effective 1/25/13
- ✓ **CHRISTOPHER STONE**—Hire Grants Analyst, Range 17, \$42,000 annually, effective 3/8/13

**PUBLIC WORKS DEPARTMENT:**

- ✓ **RICHARD LEONARD**—Retirement of Traffic Engineering Tech., effective 3/28/13
- ✓ **RODNEY HILL**—Hire Crew Worker 1, Range 2, \$23,050 annually, effective 3/8/13

**CHATTANOOGA POLICE DEPARTMENT:**

- ✓ **CARLOS WOODRUFF**—Termination of Police Officer, effective 3/14/13

**EMERGENCY PURCHASE**

Adm. Zehnder reported the emergency purchase of HVAC Replacements at Carver and East Chattanooga Recreation Centers from Jake Marshall Service, Inc. in the amount of \$12,049.00. This was duly signed in open meeting.

**DONATIONS**

Adm. Zehnder reported the following two donations:

- ✓ Computers from EPB--\$9,600 in value
- ✓ 5 Digital Scoreboards from Coca-Cola--\$21,000 in value.

**REFUNDS**

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refunds for property tax refunds and Water Quality Fees:

<b>SIGNAL MOUNTAIN CEMENT CO.</b>	<b>\$98,285.44</b>
<b>MIG WIRE &amp; TUBE, LLC</b>	<b>\$94,876.50</b>
<b>PRICE &amp; CAROLYN MCCRAY, DONALD &amp; CHARLOTTE RILEY, WISDOM PROPERTIES, LLC, LINDSAY M. FUSSELL, VISION TIFTONIA LLC, ANGEL D. LIBBEY &amp; SMARTSTYLE</b>	<b>\$63,895.96</b>

**PURCHASES**

On motion of Councilwoman Berz, seconded by Councilman Rico, the following purchases were approved for use by the Police Dept. and Fire Dept.:

**CHATTANOOGA POLICE DEPT.:**

**DISCOUNT MEDIA PRODUCTS (Best and Complete Bid)**  
**Requisition R70403/302420**

Blanket Contract for Evidence Grade Data Storage Supplies

\$51,000 annually (estimated)

**CHATTANOOGA FIRE DEPT.:**

**SANTIAM EMERGENCY (Best and Complete Bid)**  
**Requisition R73002/302546**

Mercedes Fire Hose

\$40,957.79

**BOARD APPOINTMENT**

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

**CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION**

- ✓ Appointment of **MARY K. HIATT** to fill the unexpired term of Mary Eastman, term to expire **May 31, 2015**.

**ATTORNEY MCMAHAN**

On motion of Councilman Murphy, seconded by Councilman Rico, Attorney McMahan was given authority to pay a legal bill of \$14,484.97 to Adam Sowatzka, a partner with Baker, Donelson Law Firm. He was retained as the City's expert on the Clean Water Act lawsuit and Consent Decree and also "DP Marina v. City of Chattanooga" relating to a sewer spill. Mr. Sowatzka has now left the Baker, Donelson Law Firm and re-joined King and Spalding and Attorney McMahan was given authority to continue utilizing his services with respect to the ongoing legal problems that may arise from the Consent Decree and with respect to the DP Marina case.

Councilwoman Scott stated that she would like to have a conversation with the Attorney about the Marina case because that was in her district, and she would like to have more information. Attorney McMahan stated that he would be glad to talk to Councilwoman Scott concerning this.

**COMMITTEES**

Councilman Murphy scheduled a **Legal, Legislative and Safety Committee to immediately follow the Agenda Session on Tuesday, March 26<sup>th</sup>**.

Councilman Gilbert scheduled a **Parks and Recreation Committee meeting for Tuesday, March 26<sup>th</sup> to immediately follow the Legal, Legislative and Safety Committee**.

Councilwoman Berz went over departments that would present at the **Budget and Finance Committee, Educational Session on Tuesday, March 26<sup>th</sup> at 1:00 p.m.** The departments involved will be the Office of Multicultural Affairs, Information Services, Internal Audit, Personnel, Human Services, and Finance.

**NEXT AGENDA**  
**MARCH 26, 2013**

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

DEMETRIUS MENIFEE

**Ms. Demetrius Meniffee of 1120 Greenwood Rd.** addressed the Council. She stated that she was here again concerning the violence in her community, which is the inner-city. She stated that some of the Councilmembers might not be concerned because it was not in their backyard. She stated that it was happening and something needs to be done; that this violence was becoming a culture and no one cares anymore; that now they are shooting police officers and something has to be done—that there is no concern for authority. She talked about the Gang Task Force and wanted to know what options are available for citizens to do—that things are getting worse. She stated that she had two teenage daughters. She mentioned that an African-American boy had been killed—that these are teenagers. She went on to say that she knew there was going to be a transition in the Council, but she asked those that were sitting on the Council now—What they could do? She indicated that these killings were more than just being about the election. She stated that Peter Murphy was their Councilman and that he was an excellent councilman and was moving things forward in District 9; that it was time for a change and if someone took his place that would not continue this forward movement that they would have to put their foot down and ask them to please step aside if they were not going to be accountable and address these concerns—that they wanted to make sure their concerns were addressed.

Councilman Murphy thanked Ms. Meniffee. He stated that regardless of what happens with the run-off, and if people get the chance to vote, adding that to deny this right would be a shame, he would continue with his work. He mentioned two efforts this past weekend. The first was a Safety Walk with the neighborhood, going door to door and meeting people. The next day was spent doing a neighborhood clean-up and picking up refuse and lifting the neighborhood up. He explained that there was nothing magical about sitting up there on the Council; that earlier in the evening it had been alluded to that Councilwoman Scott had spent time working with the Social Workers—that she did not do this as a councilperson but because she cares about this city; that she did not do it for political gains because she was not running again for office; and this work was on his side of town and not hers. He stated that everyone could do something; that the Police and the Gang Task Force can't do it all. He assured Ms. Meniffee that he would continue to do this with the neighborhood because he did hear the gunshots in his backyard, and it was terrifying to all of us; that these folks are over the edge and are now taking shots at police officers, which is something different that we have not been seeing. He noted that the incoming Mayor is having a meeting on March 21<sup>st</sup> at Tennessee Temple. He urged everyone to go and share their concerns.

Chairman Ladd noted that two Gang Force Task members had joined the line to speak. She added that we all do care and this situation is upsetting to everyone; that the Council hears the news and struggles for answers, too; that the Council is joining forces.

**DEMETRIUS MENIFEE (CONT'D)**

Councilwoman Robinson thanked Ms. Meniffee for speaking out; that often people are afraid to speak up—that her speaking up was an act of bravery.

**AUBREY FITCH**

**Aubrey Fitch of 3540 Kirkland Ave., Sandra Bennett of W.36<sup>th</sup> St., and Carla Lesley of W. 36<sup>th</sup> St.** approached the podium.

Mr. Fitch spoke first. He stated that they had quite a few issues in Alton Park and concerning the development there; that they bought into the vision of revitalizing Alton Park; however, things had transpired contrary to their vision—that some of the things had not been accomplished—that there were supposed to be 100 homes, and there were only 44; that there were empty lots; that they had been told that the developer ran out of money, and there were problems with the homes; that he was here today concerning development on empty lots; that apartments were being built without the homeowners being informed; that they were stakeholders and were told that this had to go through the City Council; that they were just now learning about the new development; that Habitat for Humanity was getting ready to build on these same lots, and they didn't know anything about it; that Donna Williams was the Director of Habitat for Humanity, and they just assumed that everyone would be okay with this, but we were talking about the property value of their homes; that concerning their vision of Alton Park, they did not feel the developers, nor the City Officials had been honest and open with them. He asked the Council if they were aware of the Habitat for Humanity project?

Councilman Benson responded that the Council would not be aware unless there was a zoning change—that without a zoning change, it would not be before RPA nor the Council; that R-1 was permissible out there, and they could build single-family homes. He stated that this was news to him.

Councilman Rico also stated that he had heard nothing about this; that a rezoning came for apartments in 2009; that the developer came to him, and he told him he would have to get the permission of the Village. The developer indicated that he had gotten their permission and that notices were put on all doors and that they had a meeting, and no one showed up; that there was a meeting with HUD and the Housing Authority, and there were financial problems and CHA was told to “sell with no strings attached”. He stated that he did not hear about any opposition when this was rezoned in 2009; that HUD sold the property with “no strings attached”.

**AUBREY FITCH (CONT'D)**

Chairman Ladd asked if the best place for these people to go would be CHA? Councilman Murphy responded that they should get with Habitat. Mr. Fitch indicated that he had left a message on their voice mail. Chairman Ladd explained that the Council was just trying to help them get the right connection. She wanted to know how long ago it had been since Mr. Fitch tried to contact Ms. Williams?

Mr. Fitch stated that he had tried today; that they had just learned about this today or over the weekend and had decided to come to the Council. He asked the Council how they would feel if they were the homeowners—that this was not right; that they were taxpayers; that this was just one of several things that was happening in the Village; that the homeowners were disappointed and some have moved, but they wanted to stay, but they wanted to be informed; that they had taken this to CHA, as well; that they had heard that sometimes the Habitat homes do not look like the homes that are already there; that they would be back to meet with Habitat and CHA.

Councilman Gilbert noted that he had a similar situation on Moore Rd., and his gripe was that they needed to build the homes to look like those in the area, and the houses that were currently there.

Councilman Benson added that they were very fortunate that it is Habitat; that Habitat would work with them and follow up and design homes that are compatible with what is there; that this is best all around.

Mr. Fitch responded that they had asked why Donna Williams had not contacted them, and he had been told that she had responded that they were low income and needed to accept whatever is built there.

Councilman Murphy responded that we should not be relating what a third party had stated. He went on to say that he had attended moving-in celebrations for Habitat homes; that the quality is excellent and are usually nicer than any other houses on the block. He mentioned a beautiful bungalow on S. Holly Street, stating that he thought Councilman Gilbert had made the point about the design issue; that Habitat had come a long way, and these people needed to wait and get their phone call returned.

Councilwoman Berz stated that she thought their issues were more than this—that they had been induced to buy homes with the promise that certain things would happen, and these things had not happened; that they had not gotten proper notice. She stated that she was familiar with the inception of the Villages and that low income was “hogwash”; that these people should be treated with the same dignity as all other homeowners and should have been given proper notice; that she congratulated them on taking this risk—that they were first time

**AUBREY FITCH (CONT'D)**

home buyers, and we are all first-time home buyers at one time in our lives; that they were nothing less and were not in a different category from any of the rest of us, irrespective of the value of their homes. She stated that they should make Habitat aware of their concerns; that it was awful to tell them they did not deserve notice, and Habitat might want to “rethink” this. She added that Councilman Murphy was correct—that Habitat had grown a lot and could enhance their neighborhood and should talk to them before they got so upset. She wanted to know from the City Attorney if anybody could just “plop” anything down in R-1 without any knowledge of anyone? She thanked the people for coming.

Councilman McGary also thanked the people for coming. He stated that their first concern seemed to be accurate and timely information—that they be informed. He suggested that they talk to Ms. Williams at Habitat and ask her if Board meetings are public? If so, then they should request an audience at a Board meeting so that they could get more traction—that they needed to go to the place where the “power” is. Secondly, he explained, that unless there is a zoning change, the Council is not informed; that their Councilperson would be the closest to this, but he would not know, as well. He stated that if they wanted timely information, they should attend Board meetings to get more informed.

Councilman Rico added that there is a Habitat house on the west end of the Village—38<sup>th</sup> St.; that Primrose and HUD are the problem—that they changed the rules and HUD said to sell “with no strings attached”.

Mr. Fitch stated that if Councilman Rico knew, would he not have followed through with this with the homeowners? Councilman Rico responded that a lady from the Urban League told him that a question had arisen about him not telling anyone; however she said that the Urban League put notices on doors and not anybody showed up at the meeting; that it went to the Planning Commission, and there was no opposition, and there was no opposition at the Council meeting; that no one was opposed to the rezoning in 2009.

Mr. Fitch responded that residents of Chattanooga don’t realize that there are homes in the Village—that most think it is just apartments and townhouses—that when you use the word “residents”, it refers to all and not all homeowners were notified. Councilman Rico responded that he was told they were notified.

Chairman Ladd stated that one could see that there was a bad lapse in communication; that she would like to see them work this out with Habitat with their concerns, and she wished them luck in going forward.

One of the ladies stated that she would like to address Councilman Rico before this was finished; that he had said he knew nothing about apartments in the back of Alton Park;

**AUBREY FITCH (CONT'D)**

however they had checked into this, and he did sign an official paper, along with Mayor Littlefield; that she did not believe what he was saying because his name was on the paper. Councilman Rico reminded her that that was in 2009. She maintained that this was done “under the table”. Councilman Rico explained again that there was no opposition to the apartments in 2009, when this was brought forward; however they had to drop the project because of finances and last year another company bought it and could start building because it had already been rezoned.

**BOYD PATTERSON**

**Mr. Patterson** addressed the Council, stating that Ms. Menifee’s presence was significant; that real solutions come from neighborhood folks; that he commended Ms. Menifee; that she had daughters, who were afraid; that she had stepped forward and done something—that she came forward. He stated that you just can’t pass a Resolution to make things better—that taking some action is what needs to be done and people coming forward like this. He noted that the violence is random and can’t be controlled, but we need to focus on what we can control and get these programs up; that when people come forward it helps the police and the prosecutors. He mentioned the murder case that fell apart because the witness got “amnesia” when they got to court. He stated that Ms. Menifee exemplifies the answer and the solution; that folks from the affected areas will ultimately deliver Chattanooga by taking action.

**FRED HOUSER**

**Mr. Houser** wanted to reassure Ms. Menifee of where they stood in protecting her neighborhood; that one work of a city agency does not have the total solution to the problem. He mentioned the importance of residents being engaged. He added that they were making vigilant efforts to make themselves available to neighborhood associations and get them more involved in addressing the problem. He stated that this was a long-term problem, and their operation understood that it was going to require a long-term solution to the situation’s effort. He stated that they would continue to work hard, and a lot of work still needs to be done and again applauded the residents today for speaking out on the issue (they heard that these people would be present over facebook). He stated that he wished many more people would speak out.

Chairman Ladd stated that we do appreciate the Gang Task Force; that they take a lot of time, and we are pleased with their work, comparing it to a “steamboat in a bathtub”.



Chairman Ladd ended by saying that the Social Work students could not have picked a better evening to attend a Council meeting; that this had been a good meeting with important topics.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, March 26, 2013, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A full digital audio of this Council meeting of this date is filed in the Clerk of Council's office)**

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