

**JOINT HOUSING AND NEIGHBORHOOD SERVICES/LEGAL, LEGISLATIVE & SAFETY
COMMITTEES
November 8, 2011
3:35 P.M.**

A joint meeting of the Housing and Neighborhood Services/Legal, Legislative & Safety Committees was called to order by Chairman Murphy with Councilpersons Ladd, Berz, Benson, Scott, Rico, Robinson, Gilbert and McGary present. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Dickie Hutsell, Chief Parker, Larry Zehnder, Richard Beeland, Ron Swafford, John Bridger, Danny Thornton, and Dale Mabee.

On motion of Councilman Rico, seconded by Councilwoman Ladd, the minutes of the previous meeting were approved as published.

CHANGING HOUSING NEEDS

Chairman Murphy stated that Councilwoman Robinson was co-chairing this meeting; that John Bridger would go over the methodology of City Housing Needs & Smart Growth Principles.

Chairman Robinson stated that while Mr. Bridger was passing a handout to everyone (a part of this minute material) she would say that he would be discussing the scope of work; that we welcomed Dale Mabee also. Chairman Murphy thanked her for her courtesies.

Mr. Bridger stated that this was the second session concerning exploring housing needs and relocation; that the first phase was assessment of existing conditions, trends and obstacles to City Wide Housing development and a shift to more high density. The second area is Blighted/Vacant Housing in neighborhoods. He noted that what he handed out was a rough draft of the scope of work, and he had divided this into the two sections; that it is important to note that before we arrive at solutions we have to know the problem; that they would be testing assumptions and getting down to understanding the demographic changes; that this will also be looked at from a real estate perspective; that we need to get the best from everyone as to how things are changing. He stated that he did have information on the "Blighted", and we would start here.

He stated that after they go through the process, they would come back to this body and report to the Council the trends and opportunities and limitations in looking at housing needs. He talked about Smart Growth Principles, stating they would share with the Council what they saw as the current situation. They hoped that this would take place at the end of December or the first of January.

Mr. Bridger directed attention to Page 3 of the handout, stating that they would address and identify the solutions going over (1) How do the local planning and zoning policies/ordinances align with SMART growth principles? (2) How does the local development review system align with SMART growth principles? and (3) How does the local builder, realtor, finance system align with SMART growth principles?

Page 4 dealt with Infill Housing Phase 1 Outputs and Blighted/Vacant Housing Phase 1 Outputs, noting identification of the top ten potential solutions/strategies to align public policy and private practice. He noted that this could be long-term and was their Action Plan to address issues.

Chairman Robinson thanked Mr. Bridger for this update, stating that it would be helpful in several areas in dealing with the local housing market and changes. She noted that Betsy McCright with CHA was here; that CHA plays a leading role; that under Phase I is the challenge and objectives showing the scope of work in specific areas such as transportation and public housing. She asked Ms. McCright to look at better utilization of our infrastructure.

Ms. McCright spoke in terms of trends, mentioning the number of people living in poverty; those that had lost homes and lost jobs; that they were grappling with aging large sites such as Harriett Tubman—that they did not have the money to fix it and were hoping to hear from HUD in November. She noted that HUD funding had decreased, and they no longer had a pot of money—that money had stopped. She talked about mixed financial deals, stating that when they tear down a property, they get a flow of money—that they were having to be more creative. She went on to say that they needed smaller buildings—75 units was the tipping point and smaller parcels of land. She spoke of trying to build an upward mobility program to help people become self-sufficient, such as Fairmont; that more and more families need housing, and there is an overwhelming waiting list, mentioning College Hill.

Councilman McGary confirmed that Harriett Tubman was the pressing need. He asked what the next big need was? Ms. McCright responded that the Harriett Tubman people will have to be moved; that the next positive move is Emma Wheeler Homes, which they were trying to preserve. She also mentioned College Hill Courts and the East Lake Courts. She noted that Harriett Tubman has not been touched.

Chairman Murphy asked if this included 265 families and was told “yes”.

Councilman McGary inquired as to who is actually organizing the work—Neighborhood Services? He stated that he gathered the need is for professional services and wanted to know to what degree this will be an open process?

Mr. Bridger responded that they had to get the facts about development and would make a report; that they had to figure out what is meaningful for the public; that it needs to be some kind of Report that the public could digest. Councilman McGary noted that Phase I would take place in November and December and Phase II in January and February. He asked if there would be more than one meeting? Mr. Bridger responded that at a minimum he would think meetings would be monthly to clarify the scope of work. Councilman McGary asked if there would be minutes of the meetings? Mr. Bridger responded that there could be. Councilman McGary stated that he felt the meetings should be documented with a paper trail.

Mr. Mabee added that this would be fact finding and then they would open it up; that before the Plan is implemented, they would certainly have public input.

Councilman Gilbert inquired if there were any rulings that made people be responsible for property; that one of the concerns he heard when talking about closing of projects was the concern that people had lived in projects for years and when they move into a house, things come up which they don't know anything about such as keeping the grass cut and painting their house. He asked if there was a plan to train individuals to be good neighbors and if they were not good neighbors, a plan to put them out?

Ms. McCright responded that first there is a Homeowners Program with extensive training with CNE to offer a counselor or staff to navigate the new homeowner issue; that as far as renters, there would be a lease between the occupant and landlord; that landlords can evict mentioning CHA's "Family Obligations"—that if someone is causing problems in a neighborhood, CHA can terminate this persons from their program.

Councilman Gilbert stated that often landlords would not care if they were getting paid, and they did not live in the neighborhood. Ms. McCright responded that if any neighborhood called CHA and let them know, they would send someone out to investigate, and the person would have a right to a hearing; that if a tenant was Section A, the neighborhood could call CHA, and they would get on the case. Councilman Gilbert suggested that CHA get with Neighborhood Services and let them know the rules.

Councilwoman Berz stated that Councilman Gilbert made a good suggestion; that neighborhood associations should get a copy of Section A rules—that some people do not know these rules exist; that a list of rules need to be sent out for public record.

Ms. McCright stated that they could prepare a one page document; that they often go to neighborhood association meetings. Councilwoman Berz suggested that when they attend meetings that they bring these rules. She went on to say that what Mr. Bridger had done was fabulous; that he and Mr. Mabee had done a great job. She asked if the Research Model was drawn up yet?

Mr. Bridger responded “no”. Councilwoman Berz reiterated that this is good; that a Research Model is all for public input. She asked if they expected to have a section at the end saying “recommendations to follow”; that public input is great, but it should be based on recommendations. Mr. Bridger responded that there could be a public meeting with their initial findings. Councilwoman Berz suggested saying “given these findings, these are our recommendations, and we would like your input”. She reiterated that public input should be based on recommendations. Mr. Bridger stated that this would be parallel to the Regional Growth Plan.

Councilman Benson thanked Ms. McCright and CHA for working together with CNE in tandem, stating that they were doing a better job integrating into the community; that Ms. McCright had come to his help on two occasions—one at a district meeting and then at Concord. He stated that he hated to bother her all the time, noting that Section A could be moved into all districts. Ms. McCright agreed that there was a housing choice; that with a voucher, they could move to any community. Councilman Benson stated that we should prepare communities to accept them and to be sure this does not take away from adjacent property owners; that we need education to help these people. He asked Ms. McCright if there was someone the Council could call. She mentioned their e-mail address.

Mr. Bridger stated that he thought the consensus was to proceed ahead, and he would do this; that he would be getting with Beverly Johnson about the Blighted Housing piece. Chairwoman Robinson thanked Mr. Bridger, stating she liked the approach here; that we were getting a jump start to February of 2012—that there was a one to three years and longer horizon. She stated that she wanted everyone to be on the same screen; that along with this project and discussion, she would like to hearken back to the Hamilton Place Land Use Plan; that all the Council have Land Use Plans and her point was that these plans be a part of what we are doing now; that we do have Land Use Plans, which should come under review; that she was a little hesitant to put this out because she did not want to over burden Planning. Mr. Bridger responded that the Planning Policy is the Land Use Plan. Councilwoman Robinson stated that Beverly Johnson should be aware of what we are doing; that she would have her here the next time this is discussed.

Councilman McGary agreed that early on there is little need for citizen input; that his idea was a need for citizen oversight, and we should do so in the interest of the City; that early on there should be transparency so that we can move together. Mr. Bridger assured Councilman McGary that he would have someone keep the minutes of the meetings.

Councilwoman Scott stated that one of the things she would suggest in regards to public input would be what we are doing as an initiative to neighborhood associations and the general public for sessions to educate; that she thought such meetings would be well attended and this would be welcomed; that she would like to throw this out as a suggestion and that we provide Subway sandwiches and drinks at the get-togethers. Councilman McGary responded “amen” and asked her if she would vote the dollars for these sandwiches?

Councilman McGary went on to say that under Section A (Harriett Tubman), these citizens would be moving to other parts of the city; that it would be mixed-income, which he preferred—dispersing low income people into other parts of the city; that middle income on to lower income makes for a better context and lower income people are not boxed into one part of the city. He stated that this does not happen overnight and in order to insure a smooth transition, he would volunteer, himself, to work with neighborhood associations to teach people be good neighbors and to meet any problems head on—that very often there are stereotypes, and it needs to be a true community working as one.

Chairman Murphy stated that Mr. Bridger could march forward and thanked him.

REDISTRICTING

Chairman Murphy asked for public input up front, stating that he would also ask for public input at the back of this session.

Councilman McGary stated that before Chairman Murphy proceeded, that he knew he had met with Joe Rowe, and he wanted to know what happened.

Chairman Murphy showed his appreciation to Councilman McGary for bringing this up, stating that he and Councilman Benson had met with Joe Rowe in capacity with his membership in the NAACP; that Mr. Rowe's stand was that the Council should look at the voting age population, taking 65% to form a majority. 60% number of a new district would be 11,178; that we needed to take the numbers and they would tell us the majority-minority district we needed to draw; that 11,178 is 60% of a new district; that the total city population of African-Americans that are 18 years and over is 43,000 and even the 60% number would not get into this four times; that Mr. Rowe understood the reality of the situation. He noted four districts tallies 6600 people; what we are left with is a smaller number than 43,000 that are 18 years or older. He talked about trends to look at and talk about; that one of them that had been highlighted was Harriett Tubman, which would be shut down, involving 265 families which are strongly African-American; that 265 families would represent more than one voter per household; that one eligible voter per household was 1.4% of the ideal district; that an excess of 2% of the Black population will be relocated in a random move. He stated that this was significant to keep in mind.

Chairman Murphy stated that he and Mr. Burns were wondering in regards to District 8 and given the trends, what they could do, mentioning numbers conflicting and gerrymandering, stating that this city would be better served to draw another district into that status, and he thought it would be District 7, leaving District 8 with a White minority and no majority of a predominant race. He noted that this was all hypothetical and called on Mr. Burns.

Mr. Burns stated that this was all still a work in progress, but we were getting close; that right now District 6 is too large and District 9 is small but things will work out; that District 4 is a little larger, and we are within the standard deviation here. He went on to say that looking at District 6, it grew a bit but the growth was insignificant and included Volkswagen and Enterprise South, which was in District 4 and could still be; however District 4 would get very few people this way. He stated that the primary change for District 6 is all the way to the ridge, some will now be in District 9; that one way District 4 would give up population would be to split a precinct. He noted that Districts 1, 2 and 3 stayed the same. District 5 is 76%; District 9 is 64%; District 8 is 55% and District 7 is 51%.

Councilman McGary stated that he appreciated all the work that Mr. Burns had done; that District 9 was too small and asked what he was going to do to remedy that? Mr. Burns responded that he would look at the precincts where we traded and look at the population in the area and see what is the best fit. Councilman McGary asked if this would be excruciating, and Mr. Burns said “no”.

Councilman Gilbert stated in looking at the map, what had been changed? Mr. Burns responded in Councilman Gilbert’s district, he was trying to remember what was added; that Eastdale was added to his district—that it came out of District 9—Eastdale 1 and 2 along Tunnel Blvd and an area of Ridgeside between Shallowford Rd. and Wilcox.

Councilman Benson stated that the way this was done made Summit look like an island; that all between Summit will be annexed and asked how the district would hold up with new annexation. He wanted to know if this would give him too much? Mr. Burns asked Attorney McMahan if this would not involve the next Census? Attorney McMahan stated that this could be considered a trend. Mr. Burns noted that it was not a “given”; however Attorney McMahan felt that it was a “given”. Councilman Benson asked if he would still have Concord? Mr. Burns stated Concord 1 and 2; that Concord 1 is a possibility; that this may could be split by the Election Commission. Councilman Benson stated that it was fine with him the way they had it.

Councilman Rico asked if Councilpersons could “pick and choose”? Councilman Gilbert stated that councilpersons could have an opinion, prompting Councilman Rico to ask why we are even discussing this.

Chairman Murphy stated that when we come up with a map, we have to get five votes; that he would prefer all nine votes; that it makes sense to put some communities together and councilpersons could speak up about their neighborhood; that he knew everyone wanted to hold on to the people that elected them. He asked Mr. Burns if he could print individual district maps and distribute them to councilmembers; that in relation to Districts 7 and 8, it is a work in progress; that this is a significant process.

Councilman McGary stated that in taking up the issue of District 7 and 8, District 7 could be a swing district; that it was more objective to come closer to the actual population numbers and would be a lot easier from his perspective.

Chairman Murphy stated that he did not disagree; that we could achieve a better population balance between District 9 and District 6.

Councilwoman Berz stated that Mr. Burns had done a good job; that it looks cleaner than before, and it does not look like gerrymandering; that she was afraid of balancing precise numbers; that we need to meet with the spirit of the law. She thanked Mr. Burns for a great job.

Councilwoman Scott asked Attorney McMahan if there were any round figures as to the population as of December? He responded that he could not answer that now. She stated that she thought we definitely needed to know these numbers. Attorney McMahan noted that Summit and Ooltewah are the only areas involved. She wanted to know how many of the districts that were annexed are in the balance lawsuit-wise? Attorney McMahan responded that lawsuit-wise it is the Hixson District—the Ramsgate area; that annexation was not a certainty, and we could not include this one. She stated that this was the area where there is the most growth; we also should consider that it might be annexed. Attorney McMahan stated that we could get it within a plus or minus.

Chairman Murphy stated this would be based on the Census as it exists as of December 31st of this year; that there was not a tremendous cushion; that we can't have the ideal based on population that is not in the City yet.

At this point, Chairman Murphy invited public input, stating that people could call the office or e-mail.

Councilman Rico wanted to know when the public will get “wind” of where the districts will change? He felt the public should know the changes made.

Chairman Murphy stated that we would try to nail down a consensus in the next week or the week after and then we could publicize; that we had to vote before the end of the year, and he would like this process to be over before Thanksgiving.

Councilman Rico stated that this was not a problem, but he would like to let the people in his district see how it would change.

Councilman McGary stated that he could help out in this regard; that we have a website and webpage; that we could put up the map on the website.

Chairman Murphy asked if it were the consensus that the map should be put up, noting that this is still a work in progress.

Councilwoman Ladd noted that Chairman Murphy had met with Mr. Rowe and asked if the feedback met with his approval? Chairman Murphy responded that it was a very positive meeting—that he would not want to put words in Mr. Rowe’s mouth; that the majority of Black citizens of voting age live in census blocks not acceptable for voting strength; that we have to achieve the reality of the map and times are changing. He thanked Mr. Burns for the work in progress.

OCCUPY CHATTANOOGA MOVEMENT

Councilman McGary brought up the topic of the Occupy Chattanooga Movement and the possibility of their being allowed to camp in a park. He stated that he had met with the Occupiers, and the meeting went well; that there was a lot of emotion on both sides; that the Occupiers wished to continue the conversation concerning the 2007 Ordinance passed by the Council with a concern of the “spirit of the law” versus “letter of the law”. He noted that a couple of them would like to address the Council at this time and asked them to come forward.

Chairman Murphy reminded Councilman McGary that this was his job; that he would allow the folks to be fully heard but would set a time limit of ten minutes total time for both the speakers and the Council’s discussion; that there would be no filibustering.

Patricia Bazemore of 5003 4th Ave. addressed the Council. She stated that they wanted to create a dialog to work with the Council—that they respected the process; that at the heart of the movement is the constitutional right for Americans to be able to peaceably assemble to petition their government for a redress of grievances through their first amendment right to free speech; that they supported the rights of others to express their freedom of speech, as well; that they understood the curfew was in place for a special reason, as the Council was responsible to the public; that they were not part of a gang but were responsible and passionate people who appreciated the democratic process; that they cared deeply and would appreciate a continued dialog; that the people deserve this; that they were asking for a public place to occupy that does not intrude on the rights of others, and they had found two public spaces that would allow them the opportunity to express their rights while respecting the rights of those that chose not to participate in this movement. The first of the two spaces is located in Coolidge Park, directly underneath the walking bridge. This space is well lit and does not obstruct any of the main recreation areas in Coolidge Park. The second space is in Miller Park, extending from the eastern most sidewalk, to the eastern edge of the western most sidewalk in the interior of the park. This is a flat and grassy area, and it would not infringe on others’ rights to utilize this public park.

Ms. Bazemore continued, stating that they policed themselves seriously; that they had adopted a code of conduct and procedures on how to handle those that do not follow this code of conduct; that they were very organized. She noted that the Chattanooga Police had been very helpful to them and that they were very mindful of obeying the law. She emphasized that this was not a fight with the City Council and had the support of Master Gardeners who would aid them in any landscape recovery that will be necessary as a result of their occupation; that they had their own trash collection system in place and did not want to damage the community; that they were trying to be responsible and were asking the Council to work with them; that they needed a small space to occupy. She reiterated that she knew why the curfew was in place but they were not a gang and were non-violent.

Chairman Murphy stated that he kept hearing that this was a First Amendment Constitutional Right, and it is; however the Council is not allowed to discriminate between groups. Ms. Bazemore indicated that she understood this. Chairman Murphy explained that if the KKK wanted to camp here, we would have to allow them the same privilege and the cost of police protection would seriously drain the City. Ms. Bazemore responded that they would like to work with the Council for a dialog. Chairman Murphy went on to say that folks agree with this group; that the problem becomes the purpose of parks for recreation—that we could not allow this—that it was not the right thing nor the right place. He mentioned Neo-Nazis and asked where we were supposed to draw the line; that we could never allow this. Ms. Bazemore responded “where you draw the line” is a good question; that the City had allowed sleepovers; that they were going through the process and asking permission to have a dialog and would like the Council to put this on their agenda to be voted on two weeks from now and to also ask the Council to take the time to get familiar with this movement and understand why they were so determined to be involved in it. She added that this has been allowed to happen all over the country.

Councilwoman Scott asked for a time frame with a date. Ms. Bazemore responded “immediately and indefinitely”. Councilwoman Scott questioned “indefinitely”. Ms. Bazemore responded that this is happening all over the world and will continue until grievances are met. Councilwoman Scott asked if indefinitely meant a week or years—if they wanted to occupy a specific part of a park indefinitely with no end in sight? Ms. Bazemore responded that they would respect the space of other people. Councilwoman Scott noted that this seemed to be a plan forever and ever. Ms. Bazemore reiterated that it was until grievances are addressed—that the more support they received, the shorter amount of time it would be.

Councilman Benson stated that he supported what they were trying to do—that it was “money power” versus “people power”; that capitalism is the best form of government with regulations; that this is a slippery slope, and he could not go with this; that too many people would want the same privilege, mentioning a religious group who wanted to feed the poor in Miller Park, where they had visibility, and we had to turn them down. He stated that we had a curfew for real sound reasons; that he could not vote for this but was for the cause.

Chairman Murphy stated that the Council wanted this dialog and addressing the Council at this time was the right time; that the Council would visit with them more; that the Council was not against them.

This meeting adjourned at 5:00 P.M.