

**City Council Building  
Chattanooga, Tennessee  
September 4, 2012  
6:00 p.m.**

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

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

Councilwoman Scott led everyone in attendance in the Pledge of Allegiance.

### **MINUTE APPROVAL**

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

### **AMEND CITY CODE**

**Attorney Richard Wagner**, Secretary of the Kappa Sigma Housing Corporation at 927 Vine Street, stated he wanted to address the Council regarding the parking situation on East Vine Street toward Central Avenue; that the demographics include the Fortwood Apartment building with their own parking, an apartment complex whose residents park on Fortwood Place and the Masonic Temple's parking is on Central Avenue with no houses or entrance except to the Temple. He stated on the other side is the Kappa Sigma Fraternity House and below it is Orange Grove Center and the residents who do not drive; that below that are three houses that have their own driveways. He stated there are 17 Board members at the Kappa Sigma House which is owned by the Chattanooga Kappa Sigma Housing Corporation; that they own the house and maintain it. He stated the 17 Board members come every month for purposes of maintaining and paying for the house with over a \$600,000 investment; that it was new as of 1991 and purchased in 1963 and has been in Fortwood for 60 years next year.

## AMEND CITY CODE (Continued)

Atty. Wagner stated they have approximately 60 members that are students that use the house; that if the restrictions are put in place it is almost a taking of their permitted use of the property. He stated it is not a problem right now if the parking to satisfy the 800 and upper 900 block of Vine Street is to have that restriction go no further than 927 and leave it as is to Central Avenue, that way they would still have parking; that as a Board member and owner he could not go there and park and that is a problem. He asked the Council to table the vote until they can come up with a solution.

Councilman McGary asked if the Fraternity is part of the Fortwood Neighborhood Association to which Atty. Wagner responded "yes"; that they are not pushing their side of it and did not get a notice from the Association until accidentally finding out about it immediately prior to the last vote.

Councilman McGary stated it is his understanding as a member of the Fortwood Association they would be entitled to a certain number of parking decals currently. Atty. Wagner responded that he did not know; that currently the restriction does not come all the way to the Fraternity House so they do not need the parking permit.

Councilman McGary stated as a member of the Fortwood Associating they are entitled to certain benefits and parking is one of them; that they get a decal for joining the Association.

Atty. Wagner responded that it is his thought Councilman McGary is correct and erroneously thought the Councilman was a member of the Association to which Councilman McGary corrected him by stating he does not live in Fortwood.

Councilman McGary stated he is trying to ascertain what privileges they have as a member and currently Atty. Wagner indicated 60 students use the facility, 12 are residents; that half of them have vehicles. Atty. Wagner stated he does not know how many have vehicles; that he is certain some do.

Councilman McGary asked where they currently park. Atty. Wagner stated they current park in front of the House or down on the south side by the Masonic Temple.

Councilman McGary asked if they would then be parking in front of their neighbors' house. Atty. Wagner responded "no"; that they do not allow them to park in front of neighbors' houses.

### AMEND CITY CODE (Continued)

Councilman McGary asked if there is room for vehicles in front of the building. Atty. Wagner stated he does not know how many spaces there are; that they tried to have them park where they do not block anybody's driveway or obstruct anyone else, but cannot tell what the rest of UTC is doing.

Councilman McGary stated he asked because it is his understanding if there is a multi-unit dwelling it is their responsibility to provide parking for the residents and it is not the city's or Neighborhood Association's responsibility. He stated the ordinance in question is designed to address on street parking and limit the number of people that park on the street on Fortwood Place, Vine and elsewhere; that the 800 and 900 blocks will be included and particularly it is designed to limit students that park there day in-and-day out. He stated he understands how this would create a wrinkle in the current practice and procedures but does not understand how that wrinkle mitigates against what the ordinance is designed to do which is to limit on street parking or limit on street parking for those that are not Fortwood residents.

Atty. Wagner stated that is why they are asking the Council table this until they can come up with a solution and asked if placards would be handed to Board members; that they do not want their use restricted.

Councilman McGary stated the questions he asked were because it is his understanding that every resident of the Fortwood neighborhood has to be a vis-à-vis traffic engineer and apply for a decal as a resident; that if they are a member of the organization he advised them to understand fully what privileges they are entitled to which would help them going forward knowing where the students can and cannot park. He stated he is partial toward individuals who reside there having a parking space, however multi-unit residences create another issue altogether; that if Atty. Wagner is a member of the organization he would think some of the issues raised would be covered by their membership.

Atty. Wagner stated he could not answer that if they are going to be able to have parking for all the members outside or just the 12 people that live there.

Councilman McGary stated to be clear he is referring only to the residents that live there. Atty. Wagner stated that does not solve their problem.

## AMEND CITY CODE (Continued)

Councilman McGary stated he understands and is not suggesting it would be a solution they would be amenable to; that it appears residents of Fortwood who live there have a right to park as they are residents; that it is a shared, limited space and how best to share that space and prevent individuals that are abusing that space is what the ordinance is designed to do; that he personally does not see a reason to defer it.

Councilman Murphy asked Mr. Van Winkle to explain the placard purchase and the guest placards and how it might apply to this situation as it might bring some clarity to Mr. Wagner and the Council.

John Van Winkle stated residents of Fortwood have the option of buying a sticker if they show evidence they are residing there; that they can buy a parking permit from us which is how they make that determination.

Councilman Murphy asked with the sticker are they provided with anything for household guests who visit. Mr. Van Winkle stated if they have a need hang tag passes can be issued for their guests. Councilman Murphy asked if there has been a practice for each one purchased they can get one or two guest tags. Mr. Van Winkle responded "as requested".

Councilmen Murphy stated it seems they would be looking at 12 permanent stickers for the residents and an additional two each, up to three dozen permitted parking spots; that it will not cover every member and related when he was in college he used to walk a lot further than the length of UTC's campus to get to all kinds of things; that this will probably be okay and noted there is a \$25 per year cost associated with the permit sticker.

**Ken Harpe** of Eight Silver Bow Lane, Signal Mountain stated he wants to focus on the Kappa Sigma Fraternity but asked the Council to keep in mind there are several other institutions involved who have the same problems they do; that this is why they are asking the Council to defer to work out a solution. He stated there is a major fraternity on Oak Street, a sorority on Fortwood Place, businesses, and other charitable organizations affected by this. He stated they are not the problem as the UTC students in general are the problem and they try to police their people as carefully as possible. He stated last week there was laughter when he mentioned the words "stabilizing factor"; that Mr. Wagner is a 35 year Board member and Alumni Advisor for 35 years; that he (Harpe) is a 40 year Board member; that they have nurtured and developed young men to become responsible adults, community leaders and voters.

## AMEND CITY CODE (Continued)

Mr. Harpe named several Kappa Sigma members who are stalwarts within the community who are judges, ministers, attorneys, bankers, corporate executives and doctors. He respectfully urged the Council to vote against this change until a viable solution could be found.

Councilman Murphy state one thing that occurs to him with regard to this whole discussion is the issue of cost for the parking permits as it seems like a lot of cost for people who are already paying full voting taxes noting this is a unique situation. He questioned whether the cost of printing stickers and window hangers is reflected in the \$25 as it probably is much less than that and is not clear why we would be charging more than it costs to produce the permit. He stated the point is for all residents to have reasonable access to their dwelling or business and recommended someone take a look at why it is a sticker and cardboard placard costs \$25 as it seems a bit out of line and a bit much.

Councilman McGary stated there is no intent to demean the contributions of Kappa Sigma and encouraged them not to view the outcome of the vote as an attack; that we are talking prime real estate and there have been individuals who have abused that right to park. He stated there are neighbors, single family residents, fraternities, sororities and businesses there, however the Council has been tasked to term the best use of the on street parking in a reasonable and fair way so everyone has an opportunity to park; that he does not see this as a prohibitive measure as there is an opportunity through traffic engineering to secured parking passes so residents who actually live there can park and encouraged them to make use of that.

**Janice Heath** of 928 Oak Street spoke in support and noted as she came in a resident indicated he could not park near his home, parked in a way that was illegal and a police officer came right away; that it is a problem and noted Fortwood neighborhood representatives have met on several occasions in the past two years with University representatives from the office of the Dean of Students and with leadership from Greek organizations, noting Messrs. Wagner and Harpe were at one of the events. She stated the meetings were to encourage positive communication and relationships between Fortwood residents and fraternities and sororities; that the office of the Dean of Students is very aware of the impact of the significant rising Greek membership on parking issues in Fortwood and have assured the residents the fraternities and sororities would be encouraged to hold their large meetings on campus in rooms provided free of charge by the University. She stated to her knowledge some of the fraternities and sororities are doing so and encouraged students to walk or bike rather than drive short distances.

## AMEND CITY CODE (Continued)

Ms. Heath noted Mr. Harpe referenced other organizations and businesses and a petition was done throughout the neighborhood and many organizations and businesses were in favor of this proposal because they have clients who come who cannot find parking and would rather be issued temporary parking placards to hang in the window of a client than to have any parking in front of their business. She noted seven properties in Fortwood sold as single family residents within the past year ; that five sold to families with small children; that restricting nonresident parking and preserving available residential will protect the safety of the residents and value of their property.

**Cynthia Rice** of 822 Vine Street expressed agreement with Councilman McGary's comments regarding multi-use dwellings providing parking for their residents and noted the original ordinance references a fee of \$6 for parking permits to residents and (she) does not know of any amendment to that. She stated the 12 residents of the fraternity would take up the side of the 900 block; that four of the Fraternity's residents signed the petition and several businesses on the 800 block all voted for this as they have no opportunity for their clients to park on the street. She added during her college years she walked further than Engle Stadium to her sorority and stated it is \$108 per year to park in general parking at Engle Stadium a few blocks away.

Councilman Benson stated he does not know the purpose or anything that will be solved by delaying a decision on this and noted to Messrs. Wagner and Harpe that he is a Lambda Chi and the Lambda Chi Alumni has the same problem and does not know the answer. He stated he likes what has been said as he attended three different universities and had to walk long distances; that he does not think meeting at the school will work because as a fraternity person they know it is a different atmosphere in a room at school. He stated the bicycles and walking will work but noted they need to see Chuck Cantrell at the University to see if they can demand more shuttles going up and down Oak and Vine; that eventually there will be as much activity at Engle Stadium if he understands the plans as they are on the central campus. He stated he fails to see after all the study holding it up any more will be worthwhile and would rather listen to everything, make a decision tonight and move on.

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 24, SECTION 24-507, SECHEDULE VII, RESTRICTED ON-STREET  
PARKING AREA**

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

**AMEND CHARTER**

**Councilwoman Scott made the motion to defer the matter two weeks; Councilwoman Berz seconded the motion.**

Councilman Murphy stated voting for deferral is the same as “killing” this so that the problem cannot be fixed until March because it would make it way too late to get on the ballot for November.

**Jim Faulkner** of Mountain Creek Road stated this issue regarding the initiative referendum is taking it from 4500 signatures to 15,000 and (he) does not think it is good to take a step for democracy backward and push it away so people cannot have a vote on it. He stated making recall more difficult and initiative referendums are not good things for our public nor our city; that it is totally unnecessary because the Appeal Court’s ruling on it right now and if they rule we have a valid *City Charter* then we have a valid *Charter* and no need for change; that if they rule otherwise then the questions becomes whether we want to make it more difficult for people to bring something up for the people to vote on at a standard election time. He stated he does not think the Council really wants to do that; that five people can now put something on a ballot, and it takes 4500 signatures of citizens of Chattanooga and making it more difficult would not be good. He stated there would also be an additional law that would have to be tested in court just as the present 318 is being tested along with 1124 and 1125 in response to 2-5-151, the State law.

On motion of Councilwoman Scott, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY’S CHARTER RELATING TO CITIZEN INITIATIVES**

was deferred two weeks; on roll call vote:

<b>BERZ</b>	<b>YES</b>
<b>RICO</b>	<b>YES</b>
<b>MCGARY</b>	<b>NO</b>
<b>MURPHY</b>	<b>NO</b>
<b>SCOTT</b>	<b>YES</b>

AMEND CHARTER (Continued)

ROBINSON	YES
BENSON	YES
GILBERT	NO
LADD	YES

AMEND CITY CODE

On motion of councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 11, SECTIONS 11-377 AND 11-381, RELATIVE TO SIDEWALK  
VENDORS AND VENDING ON PUBLIC PARK PROPERTY**  
passed first reading.

ACCEPT BID

On motion of Councilman McGary, seconded by Councilman Scott,  
**A RESOLUTION ACCEPTING THE BID OF MAC SOURCE  
COMMUNICATIONS 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 deferred two weeks; Councilmen Rico and Murphy voted 'no'.

ANNEXATION PUBLIC HEARING

**Councilman Benson and Murphy made the motion and second to adopt this  
Resolution.**

Councilwoman Scott stated the Council has very little information on this topic as they have not received good information as to the pros and cons of this, the cost and so forth; that it is her thought it should be researched and fully understood before we start having hearings on this. She argued this is not the time to vote to approve this.

## ANNEXATION PUBLIC HEARING (Continued)

Councilman Murphy stated a portion of the building is already in the city of Chattanooga and fire calls placed to that address will have to be answered by the city of Chattanooga regardless what part of the building is on fire, as well as police calls. He stated this is to clarify the situation for our buildings and codes people so they can apply uniform standards over the entire building; that he does not think this is any far reaching, broad conspiracy and is an issue that needs to be resolved by bringing the entire building into the city of Chattanooga. He stated if they petition to go the other way we would probably consider that but, but obviously they want the city's services, police and fire departments, building and codes people, and our zoning folks; that it is the logical vote.

Councilman Benson stated this is in his district and is very familiar with it; that several years ago there were problems there with a portion in the city already and there was all kinds of city/county things. He stated this brings it in so we will know what is in the city; it is a good investment and anything that calls for any temporary services or any other things in the startup is going to be brought in many times over in revenue. He stated this is a commercial piece of property and expressed hope all on the Council have seen it; that it is clearly something that is a good deal for this city!

Councilwoman Scott stated the TIF we heard was a good deal for the city and that remains to be seen! She stated it is a little bit irresponsible to vote for something when we do not have all of the information for costs and every other thing that goes with it; therefore, it is her thought this should be deferred.

Councilwoman Berz called for the question.

On motion of Councilman Benson, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 9, 2012, THE ANNEXATION OF AN AREA REFERRED TO AS CAMBRIDGE SQUARE, TAX MAP PARCEL NO. 132A-A-026, IN HAMILTON COUNTY, TENNESSEE, AS DESCRIBED HEREIN BELOW AND AS SHOWN ON THE ATTACHED MAP, CONTIGUOUS TO THE CITY LIMITS OF CHATTANOOGA**

was adopted; Councilwoman Scott voted "no".

**TEMPORARY USE**

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING HICKORY TRACE NEIGHBORHOOD ASSOCIATION C/O MARY ELLEN JACKSON TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG THE 1500 BLOCK OF HICKORY VALLEY ROAD TO INSTALL A COMMUNITY MARKER, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING NUTZO SMOOTHIES C/O JASON GREER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 138 MARKET STREET TO INSTALL AN AWNING, AS SHOWN ON THE MAP AND PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMPORARY USE**

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING MEO MIO'S SEAFOOD & CAJUN C/O JOHN BOYD TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG THE 4100 BLOCK OF CUMMINGS HIGHWAY FOR MAINTENANCE OF EXISTING LANDSCAPE, POND, AND BLOCK WALLS, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AMEND RESOLUTION NO. 26616**

On motion of Councilman Benson, seconded by Councilman Murphy,  
**A RESOLUTION TO AMEND RESOLUTION NO. 26616 ENCAPTIONED AND SET FORTH HEREIN, SO AS TO AUTHORIZE TENDER INTO THE CIRCUIT COURT IN THE AMOUNT OF FIFTY-EIGHT THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS (\$58,795.00) FOR TRACT NO. 4, TAX MAP NO. 140-A-A-010; TRACT NO. 12, TAX MAP NO. 1310-B-014; TRACT NO. 13, TAX MAP NO. 1310-B-015; AND TRACT NO. 17, TAX MAP NO. 1310-B-017**  
was adopted.

CONTRACT

On motion of councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. S-12-009-201 TO CHASE PLUMBING AND MECHANICAL, INC., CARTER STREET REGULATOR SEVENTY-TWO INCH (72") OVERFLOW CULVERT DEBRIS REMOVAL AND DISPOSAL, INSPECTION, AND MEASUREMENT CONTRACT, IN THE AMOUNT OF ONE HUNDRED SIXTY-EIGHT THOUSAND THREE HUNDRED TWENTY DOLLARS (\$168,320.00), WITH A CONTINGENCY AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00), FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-EIGHT THOUSAND THREE HUDNRED TWENTY DOLLARS (\$188,320.00)**

was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-11-015-201 TO TALLEY CONSTRUCTION COMPANY ACCEPTING THE ALTERNATIVE BID FOR TRADITIONAL REPAVING FOR THE 2011 HOT-IN-PLACE RECYCLING CONTRACT, IN THE AMOUNT OF SIX HUNDRED TWENTY-FIVE THOUSAND FIVE HUNDRED FOUR AND 80/100 DOLLARS (\$625,504.80), WITH A CONTINGENCY AMOUNT OF SIXTY-TWO THOUSAND FOUR HUDNRED NINETY-FIVE AND 20/100 DOLLARS (\$62,495.20), FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTY-EIGHT THOUSAND DOLLARS (\$688,000.00)**

was adopted.

CONTRACT

On motion of Councilman Benson, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-11-010-201 TO TALLEY CONSTRUCTION COMPANY, GUNBARREL ROAD AT HAMILTON PLACE ENTRANCE INTERSECTION IMPROVEMENTS, FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY THOUSAND SIX HUNDRED FIFTY-ONE AND 56/100 (\$360,651.56)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE ELECTRIC POWER BOARD TO RELOCATE EXISTING FACILITIES WITHIN AN EPB EASEMENT FOR THE 2888 ROSSVILLE BOULEVARD DRAINAGE PROJECT, CONTRACT NO. S-09-005-802, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND FOUR HUNDRED SIXTY AND 45/100 DOLLARS (\$2,560.45)**

was adopted.

**GRANT**

On motion of councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION GRANT FOR THE PURCHASE OF USED OIL COLLECTION EQUIPMENT FOR FISCAL YEAR 2013, IN THE AMOUNT OF TWENTY-THREE THOUSAND DOLLARS (\$23,000.00)**

was adopted.

**CHANGE RIGHT-OF-WAY NAME**

**2012-PW-014: City of Chattanooga c/o Bill Payne, City Engineer**

No one was present to speak for or against this request.

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 2200 THROUGH 2499 BLOCK OF BRAGG STREET TO 2200 THROUGH 2499 BLOCK OF INFANTRY ROAD DUE TO DUPLICATE STREET NAME AND BROKEN STREET SEGMENT, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

was adopted.

**CHANGE RIGHT-OF-WAY NAME**

**2012-PW-015: City of Chattanooga c/o Bill Payne, City Engineer**

No one was present to speak for or against this request.

**CHANGE RIGHT-OF-WAY NAME (Continued)**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1600 THROUGH 1799 BLOCK OF CARR STREET TO 1600 THROUGH 1799 BLOCK OF UNDERWOOD STREET DUE TO DUPLICATE STREET NAME AND BROKEN STREET SEGMENT, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
was adopted.

**CHANGE RIGHT-OF-WAY NAME**

**2012-PW-016: City of Chattanooga c/o Bill Payne, City Engineer**

No one was present to speak for or against this request.

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1900 THROUGH 1999 BLOCK OF CARR STREET TO 1900 THROUGH 19999 BLOCK OF EMERSON DRIVE DUE TO DUPLICATE STREET NAME AND BROKEN STREET SEGMENT, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
was adopted.

**CHANGE RIGHT-OF-WAY NAME**

**2012-PW-017: City of Chattanooga c/o Bill Payne, City Engineer**

No one was present to speak for or against this request.

On motion of Councilwoman Robinson, seconded by Councilman McGary,  
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR A PORTION OF THE 1300 BLOCK OF COMET TRAIL – AN “UNNAMED CULDESAC” TO THE 1300 BLOCK OF MILKY WAY DUE TO DUPLICATE STREET NAME AND BROKEN STREET SEGMENT, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
was adopted.

**CHANGE RIGHT-OF-WAY NAME**

**2012-pw-018: City of Chattanooga c/o Bill Payne, City Engineer**

No one was present to speak for or against this request.

**CHANGE RIGHT-OF-WAY NAME (Continued)**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 2901 THROUGH 2998 BLOCK OF YOUNG ROAD TO 2901 THROUGH 2998 BLOCK OF FORGOTTEN TRAIL DUE TO DUPLICATE STREET NAME, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
was adopted.

**OVERTIME**

Overtime for the week ending August 30, 2012 totaled \$3,016.55.

**PERSONNEL**

The following personnel matter was reported for the Parks and Recreation Department:

- **KYLE KENNEDY** – Termination, Crew Worker 1, effective August 22, 2012.

**PURCHASES**

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchases were approved for use by the various departments:

INFORMATION SERVICES:

**DLT SOLUTIONS (Single source)**  
**R64853**

Oracle Software Update Renewal per TCA 6-56-304.2

\$12,540.21

PERSONNEL:

**LOWE'S (Lower bid meeting specifications)**  
**R63304**

**PURCHASES (Continued)**

Purchase of Appliances for the New Employee Wellness Center

\$14,906.37

REGIONAL PLANNING AGENCY:

**GRABER MANUFACTURING, INC. (Lowest bid)**

**R64463**

Purchase of Bicycle Parking and Public Maintenance Racks

\$17,079.80

GENERAL SERVICES:

**COS BUSINESS PRODUCTS (Best complete bid)**

**R60097/302003**

Blanket Contract for City Wide Toner and Ink Cartridges

\$150,000.00 – Annual estimation

**BOARD APPOINTMENTS/RE-APPOINTMENTS**

On motion of Councilman Rico, seconded by Councilman Murphy, the following Board appointments/re-appointments were approved:

**HISTORIC ZONING COMMISSION:**

- Appointment of *WILLIAM SHEALY* for a five year term expiring July 9, 2017.
- Re-appointment of *JO BETH KAVANAGH* for a five year term expiring June 25, 2017.

**BOARD APPOINTMENTS/RE-APPOINTMENTS**  
**(Continued)**

**OFFICE OF MULTICULTURAL AFFAIRS ADVISORY BOARD:**

- Appointment of **KAREN CLAYPOOL** for a three year term representing District 1 expiring June 30, 2015.
- Re-appointment of **OLGA DE KLEIN** for a three year term representing District 9 expiring June 30, 2015.

**SINCERE THANKS!**

Councilwoman Scott recognized the City Attorney's office and Information Services for what has been a terrific job of getting the Council agenda and the packet up on the website so citizens are aware of what the ordinances and resolutions say and the backup documentation. She stated in navigating the website the site can be accessed by clicking on ***Department, City Council, Agendas/Minutes Packet, Agendas 2012 and finally Agenda packet (by date)***. She stated this way the public sees the information when the Council sees it; that she knows it was a lot of work but thinks it is a great thing for residents and other people who are trying to follow what the Council is doing. She expressed appreciation for the great job that has been done in making that happen.

City Attorney McMahan stated he takes no credit for this and gave all the credit to **Maria Sirchia** of his office. He stated as Hurricane Isaac came through this week it reminded him that Maria came to his office because of Katrina and lost her home in Chalmette, Louisiana.

**COMMITTEES**

Councilwoman Robinson announced a meeting of the **Housing and Neighborhood Services Committee in an informational session on Tuesday, September 11 at 2 p.m.** in the Conference Room for an update on the Neighborhood Stabilization Program. She stated Beverly Johnson will give the update and we will have a discussion after that on housing.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, September 11** immediately following the Agenda Session.

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

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

### LEROY GRIFFITH

**Leroy Griffith** of 1115 Grove Street stated he thought he heard confusion relative to the history regarding the initiative, noting Karl Epperson did an excellent job last week of "boiling" the history down. He asked to meet with the Housing Committee at its next meeting to present in clear form how things are and how they went from coming with a petition to an initiative; that he tried to get a hearing with the Appellate Court and will give a breakdown on the significant parts of the brief so the Council will know exactly what it is that the initiative is. He stated the initiative is not just about one-for-one, it is about the construction of any multi unit housing within the urban overlay, any multi unit development of ten or more units. He stated if it is public housing that is torn down, one-for-one replacement of low income which does not mean many units could not be put in for non-low income people. He stated he heard everyone talking about how important mixed housing is and they studied what is going on in other cities; that if it is housing that has been public housing in the past that has been torn down, they are asking for replacement of three units for low income of every ten units that is constructed. He stated if it is any multi unit housing with new development they are asking for one unit of low income for low income lease even if it is a condominium for sale, but one that would be overseen by the Housing Authority that would manage the project and that is what the initiative is. He stated the question has been asked who this has come from noting that it came from a unanimous vote of the Westside Community Association; that if anyone has an objection they re-discuss until there is a consensus and if they cannot they vote. He stated they had a consensus and majority vote to back up the consensus.

Councilwoman Robinson stated she wanted to let everyone know what to expect to hear from Beverly Johnson next week; that in a previous review of her report there are literally dozens of craftsman style cottage homes that have been added to our inventory of housing for people who need help finding clean, decent, affordable housing. She stated they are not big public housing projects as they are really very pretty houses that the city has had a part in constructing; that Chattanooga Housing Authority has been a partner, CNE has been a great facilitator as well as Habitat for Humanity.

## LEROY GRIFFITH

Councilwoman Robinson stated she looked at page-after-page of the beautiful homes that have been made available and it is not that we are tearing down all our public housing and not doing anything to replace it. She stated several months ago many went to see Fairmount when it opened on the north shore and they are the nicest condominiums/apartments imaginable and the people moving there are so excited and happy as they are on the bus line, a grocery store is nearby and another one is coming. She stated we are moving ahead, not stalled out and not caught in some bind where we cannot help the people who need it; that we can but will be doing it in a differ way and in a few different places. She asked Councilman Murphy to say a few sentences about the public housing he mentioned to her earlier in the day.

## **COUNCILMAN MCGARY EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.**

Councilman Murphy in his district an old line housing project was taken down and replaced with what is now Maple Hills which are beautiful townhouses that he would have no problem living there at all if he were eligible. He stated it is a beautiful situation with a lovely common green, an efficient use of our land resources and a really wonderful direction the Housing Authority appears to be going in. He stated to his knowledge there is nothing planned for the Westside, no money to do anything for the Housing Authority and no project on anybody's drawing board. He expressed appreciation for the advocacy of the community and understands why it came about, but to his knowledge there is nothing afoot. He stated in touring some of the locations like Fairmount and Maple Hills they might wish there were!

Councilman Benson addressed Rev. Griffith and stated if the Council passes the initiative as it relates to housing that it is going to be any more than "smoke and mirrors" because it is outside of the city's authority. He stated this is the Housing Authority's domain not the city of Chattanooga.

Mr. Griffith stated he did not make himself clear as the initiative deals with all land within the urban overlay that runs from North Chattanooga to Lookout Mountain, from Missionary Ridge to the River. He stated it is not just the Housing Authority; however, in his limited experience is that even federal land is subject to zoning.

### LEROY GRIFFITH (Continued)

Councilman Benson stated there are a lot of cases in the Court that you cannot use zoning for certain levels of housing; that he read it last week and the courts are saying zoning cannot be used as a leverage for motivating higher income developers, lower or vice versa.

Mr. Griffith stated they are going to have hundreds of cities within the United States whose zoning ordinances will be void.

Councilwoman Berz stated these are people who are very sincere about their predicament, however, she picked up on something Councilman Benson said, "... we do not have the power, this is Housing Authority ...". She stated an authority is an independent entity and we could say whatever we want, the Housing Authority is a totally different entity and if we could try that one more time next week that would be helpful.

Councilman Rico stated we should be discussing this next week in Committee.

Councilwoman Scott stated what she is hearing is, for housing whether funded by CHA or whatever, Rev. Griffith is also proposing this for privately funded housing noting the city has actually done a lot of things to try and promote affordable housing and Councilwoman Robinson gave an example of that; that when she thinks of things the Council has approved it includes millions of dollars to be able to facilitate housing and not just housing for rental but housing for ownership with the caveats that it needs to be low income housing. She stated there is a desire to not just have one level of income in housing, there is a multi strategy for facilitating housing in the downtown area; that if a developer is told to do one out of ten of these and provide housing for a development and not be able to bring in a return commensurate with what the expenditures are, the initiative sounds like it is saying if they cannot do that they cannot do any and she wondered if we are de-incentivizing some housing, but are we not by default by adopting that de-incentivizing anything other than that.

Mr. Griffith stated he does not think so as it has not shown that way in other places in the country; that he listens to conservative arguments and they say all business needs to know is what is expected of them and we can get the job done.

Discussion continued with Chairman Ladd interrupting by expressing agreement with Councilman Rico that the matter has been moved to committee where there will be a full discussion.

### LEROY GRIFFITH (Continued)

Councilwoman Robinson asked for points and counter points on the issue for the Committee meeting noting the timer would be used as there will be a 20 minute report from Beverly Johnson and maybe about 35 minutes after that; that we need to move fast, carefully and correctly.

Chairman Ladd encouraged Rev. Griffith to use this week to meet with Council persons individually and fully go into what it is he is suggesting for the discussion next week; that a phone call would be fine, as well.

### PATRICK KELLOGG

**Patrick Kellogg** of 2510 Oak Street expressed thanks for the documents that have been made public for consumption to have the ability to make an intelligent decision; that the basis of his complaint against the city was simply that – to have the information to make an intelligent decision from the public. He stated his presence today is in high anticipation of the gang assessment that he is awaiting, specifically the robust ideas that will come from the assessment in addressing the root causes of the crime situation; that it is his belief it is lack of God in the neighborhood, lack of structure and the tangible things we can touch – after school programs, job training, job placement. He stated one of the situations he wanted to bring up today was the sale of the Housing Authority's interest in Harriet Tubman which may supersede the Council's jurisdiction; that Avondale is coded manufacturing in that area. He stated we will have to do something very robust in order to address the need of 1100 individuals classified as gang members; that under education, lack of job training and placement really needs to be looked at and suggested a solution of having the city take over some type of interest such as eminent domain; that the CFR Federal Register allows that to be an option, and then allow individuals who are considered at risk to assist in either the demolition and repurposing of that area. He stated we are talking about a lot of acres and when we look at the environment many classified as gang members reside in that area; that we need to have solutions and the people have been waiting. He stated unfortunately we do not have the opportunity to have a seat at the table on a high level.

Councilman Murphy expressed appreciation for Mr. Kellogg's message noting the Tubman site is not quite vacated yet as there are still a few residents as of his last report; that it is actually in Mr. McGary's district.

### PATRICK KELLOGG (Continued)

Councilman Murphy stated he is very familiar with the site because his district comes close to the Tubman site but does not include Hardy Elementary and then over to Tubman. He stated the Tubman site up against the rail yard is currently zoned residential; however, it does immediately adjoin manufacturing zoned property and from a zoning perspective it would not be too much of a leap to change the Tubman property to manufacturing. He stated the site adjoins the largest portion of the rail road in the city and is not really some place a lot of people will be clamoring to live because those trains couple and decouple all night long and it is extremely loud. He stated it would be an excellent place to have a new manufacturing or other economic generators that would generate jobs, not just for the whole community but for East Chattanooga. He stated to the extent we could help the Housing Authority take down the site there would have to be demolitions and he is excited about the possibilities and has already been talking to relevant people both at the Housing Authority, our Chamber of Commerce and within city government about moving forward and making that happen. He stated there is also the county owned Garber School property and additionally the city owns every parcel of property on the other side of Southern Street; that there is really a tremendous amount of public domain that exists and the best use of that property is going to be for jobs for people in East Chattanooga and the city as a whole.

Mr. Kellogg expressed thanks for clarity on the issue as it relates to zoning; that he is not completely sold using the entire space for manufacturing but it would help the public good to be able to have the makeup of the work force to look like the residents who stayed there; that there are a lot of programs that can be taken advantage of as a city to make that happen. He stated with the sale of the property being overseen by Kirkland Company all of the information is not filed under a confidentiality clause which is unfortunate because it is a public property and there should be some type of input as it relates to the divesting of the property. He questioned why there is transparency on one end and the other end completely closed.

Councilman Murphy stated that the Housing Authority has a contract with that real estate agent; that he talked with someone who went to it and was told to look up what the details are; that before entering a person has to swear they are serious about buying and have the ability to buy however they were not willing to lie to get access to the information!

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, September 11, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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