

**City Council Building  
Chattanooga, Tennessee  
May 24, 2011**

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 Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

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

**MINUTE APPROVAL**

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

**AMEND CITY CODE  
EQUINE PERMIT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART  
II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2, 38-42,  
AND 38-568, TO PROVIDE FOR A SPECIAL EXCEPTIONS PERMIT  
FOR EQUINE FOR PERSONAL USE BY THE BOARD OF APPEALS IN  
THE R-1 RESIDENTIAL ZONE**  
passed second and final reading and was signed in open meeting.

Chairman Ladd explained that all the Resolutions that will be read have been discussed at length in committee meetings and have been reviewed carefully, and there has been full discussion.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Murphy,  
A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH TWH ARCHITECTS, INC. TO PERFORM ARCHITECTURAL SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF A NEW EMPLOYEE HEALTH CENTER FOR A TOTAL FEE IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED DOLLARS (\$197,100.00), AND TO AUTHORIZE ADDITIONAL FUNDS FOR SERVICES AS NEEDED AT THE SAME RATE, BUT NOT TO EXCEED AN ADDITIONAL FORTY-FOUR THOUSAND DOLLARS (\$44,000.00)  
was deferred for two weeks.

CONTRACT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,  
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH CONSTRUCTION CONSULTANTS TO CONSTRUCT FIRE STATION #3 ON CUMMINGS HWY, FOR A BASE BID OF ONE MILLION TWO HUNDRED TWENTY-EIGHT THOUSAND NINE HUNDRED DOLLARS (\$1,228,900.00) PLUS A CONTINGENCY OF TEN PERCENT (10%) OR ONE HUNDRED TWENTY-TWO THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$122,890.00), FOR A TOTAL PRICE NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$1,351,790.00)  
was adopted.

TEMP. ROW USE

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
A RESOLUTION AUTHORIZING STUART HEIGHTS NEIGHBORHOOD ASSOCIATION TO USE TEMPORARILY THE RIGHTS-OF-WAY LOCATED AT FOUR SITES FOR THE INSTALLATION OF COMMUNITY MARKERS TO INDICATE THE ASSOCIATION'S BOUNDARIES AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS  
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) RELATIVE TO INVESTING IN THE LOCAL GOVERNMENT INVESTMENT POOL (LGIP) ADMINISTERED BY THE STATE TREASURY DEPARTMENT AND AUTHORIZE DEPOSITS TO THE LGIP ACCOUNT OF TWENTY (20%) PERCENT OF THE ESTIMATED PROJECT COST FOR THE SHALLOWFORD ROAD PROJECT (GUNBARREL ROAD TO JENKINS ROAD) IN AN AMOUNT OF SIX HUNDRED TWENTY THOUSAND DOLLARS (\$620,000.00)**

was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH FRANKLIN ASSOCIATES TO PROVIDE PLANS AND OVERSIGHT FOR ROOFING OF FIRE STATION NO. 21, IN AN AMOUNT NOT TO EXCEED ELEVEN THOUSAND THREE HUNDRED TWENTY-FIVE DOLLARS (\$11,325.00)**

was adopted.

SP.EXCEPTIONS PERMIT

Councilman Murphy thanked everyone for indulging the Council in deferral of this issue. He stated that the deferral did bear fruit and there was a broader understanding, and he was happy to make the motion to approve this. His motion was seconded by Councilman McGary and discussion ensued.

Councilwoman Robinson stated that she could not support this because she did not want to set a precedent; that the applicant was very worthy, and she was happy that she was realizing her dream, but as a matter of principle, she was very reluctant to vote for this.

**SPECIAL PERMIT (CONT'D)**

Councilwoman Berz stated that she was really impressed with the applicant and her project; that she thought a number of people were in the audience who wanted this project. She stated that she really wanted the applicant to be successful, but she, too, had a problem with voting for a Special Exceptions Permit; that it seemed the Council always got in a “mess” with these permits, and she would not vote for it. She did apologize to Ms. Davis, stating that she wanted to preserve the integrity of neighborhoods.

Councilwoman Scott asked for clarification of permits, stating that we could revoke some permits. She asked under what circumstances this Permit could be revoked if there was a problem? She questioned if houses such as this do not go in communities, where would they go? She basically wanted to know where a home such as this could go, asking if since it was a commercial basis if it had to go in a commercial zone? She asked where, legally, such a house could go?

Attorney McMahan stated that this was an institutional use and had to go in a zone where institutional uses were permitted; that there was no revocation process; that night clubs were the only Special Permits with the revocation provision.

Councilwoman Scott asked if this was a deed issue, and Attorney McMahan explained that it was a Permit for a use; that this was different because it was a commercial activity; that if it were non-profit, the State would allow it in this location if there were no more than eight people; that this was basically the same type project, but it was “for profit”.

Councilman Benson stated that this was a “Put it any place it is needed, but not in my neighborhood” situation; that these people had had two weeks to work this out with the neighborhood (that he referred to it as a “Holly Street” Special Exceptions Permit); that the neighborhood supported it fully. He noted that Councilwoman Berz had noticed that a lot of people were in attendance concerning this; that the neighborhood’s support meant a lot to him. He asked if anyone was in opposition?

Chairman Ladd asked for a show of hands of those in opposition, and there was none. She asked for a show of hands of those in support.

Councilman Benson stated that Councilman Murphy had left the impression that everyone was happy, and this should be enough for us to be done with this.

**SPECIAL PERMIT (CONT'D)**

Councilman Murphy stated that this affected his district and also Councilman McGary's district and that he had moved to approve this; that he had group homes in his district; that the disabled have to have a place to live, and we don't want to banish them to commercial corridors; that this was a great neighborhood, and a lot of the public needs to get over their misconceptions; that this was not a bad neighborhood, and he thought we were mixing apples and oranges in relating this to the Holly Street Special Permit, where we allowed a duplex; that this was a home for the aged and mentally handicapped. He stated that he understood the "gut" reaction, but a lot of it was out of ignorance. He thanked the applicant for the tranquility that existed as a result of our deferral. He added that he thought anyone operating such a facility had to have a "calling" for this and a real "heart", and he thanked Ms. Davis.

Councilman McGary stated that he had just a question for historical reference. He wanted to know how this became a Special Exceptions Permit rather than just a Resolution? Attorney McMahan stated that he did not know the answer to this. Councilman McGary felt that it could be a simple Resolution to come before the Council. Attorney McMahan explained that they would have had to seek a zone such as R-4, noting that there were very few areas that allowed this—that it was because of the commercial activity of this endeavor.

Councilman Gilbert stated that Councilman Murphy had said something about the community support; that last time we had opposition, and we moved for deferral so that the issue could be negotiated and now there was NO opposition; that the neighborhood people have to live here, and if they don't have any issue with this, he questioned "why should we?" He reiterated that they have to live here, and there is NO opposition. He noted that there had been testimony from other people that this lady was a good business person.

Councilman Rico stated that he was against this, but not out of ignorance! He stated that this was a small house for eight people, with only two bathrooms; that this is a crowded situation—that this was his only problem.

Councilwoman Scott asked if the Council would feel better if we had a way to withdraw this Permit if problems developed or there were disruptions in the neighborhood; that the ability to do the right thing and be a good neighbor is the best proof; that the neighborhood is Not totally against this; that there is a concern about us granting a Special Permit for one and then being arbitrary about another. She stated that we needed guidelines for what is to be approved, and if we find a person who has been granted a permit is not responsible, they could lose this privilege.

**SPECIAL PERMIT (CONT'D)**

Councilwoman Robinson stated that she would just like to say again; that this, in her mind, was not a “Not in my Backyard” situation at all; that she was aware of group homes in her district that were non-profit; that these applicants are good people and her opposition had nothing to do with who lives in the home; that this is a zoning issue with a fundamental change; that this lady has everything to recommend her, and she is doing a vital service, but she could not vote for this use in an R-1 Zone; that we would be setting a precedent tonight and would be hearing a lot of similar requests; that we had to extend the same courtesy to all, and she did not think there was good enough proof for a fundamental change in the neighborhood.

Councilwoman Berz stated that she agreed with Councilwoman Robinson, questioning denigrating by ignorance or a “not in my neighborhood” mentality or saying we just don’t like certain types of folks. She stated that we have to make policy and many times find ourselves in difficult situations in regards to being arbitrary and capricious; that as a former director of a Mental Health facility, she had a great deal of respect for such endeavors; that in this particular incidence, it is a policy decision that can be far-reaching, and we don’t want to make decisions that will haunt us. She stated that she was not making her decision lightly, and it was not out of ignorance or disrespect.

Councilman McGary stated that he was hearing, in essence that this could be a “slippery slope”, and we could lose our power to say NO—that he could not make “heads or tails” out of all this; that the people had talked through this, and he had been to neighborhood meetings where this had been discussed, and it had been discussed in depth. He questioned how this could be considered a “slippery slope”; that the neighborhood is saying that this is something they want and now the Council has to do something—that the Council needs to take itself out of the equation, and we need to empower these people; that by denying this, we would be taking power away from the neighborhood; that these people had gone to meetings and gotten signatures, and then we are trying to say “no”, we don’t like the Special Permit; that this is a philosophical mindset with the Council, and it is not this woman’s problem—that it is just our philosophical viewpoint. He stated that the Special Exceptions Permit is something that is “on the books” and allowed, and we should honor and empower these people.

Councilman Gilbert agreed that we have a Special Permit process and do have something on the books; that we are “dangling a carrot” and telling this lady to do all these things, but we might say “no”; that if we are going to keep it on the books, we need to listen and make a sound decision.

**SPECIAL PERMIT (CONT'D)**

Councilman Benson stated that he agreed with the two previous speakers (Councilman McGary and Councilman Gilbert). He stated that he and Councilwoman Robinson had voted against the Special Exceptions Permit; that he would be willing to do away with the Special Exceptions Permit, but we do have this on the books, and this lady qualifies, and he would vote for this; however he would be an advocate of doing away with the Special Exceptions Permit.

Councilman Murphy thanked everyone, stating that he would like to clarify for the sake of those who might not understand in the audience; that he was not saying any of those on the podium were ignorant; that he was talking about those trying to prevent it who might be a ¼ of a mile away; that we need broader education so people can understand that these type facilities can exist in neighborhoods. As for Special Exception Permits, he stated that it was his understanding that they exist to protect the integrity of the prevailing zone; that without them, people would request a rezoning to R-4, which would introduce the R-4 Zone into neighborhoods; that the way zoning grows is organically; that if we grant a R-4 zone, and the person next door asks for the same zoning, it would be hard to say no. So, if we do away with the Special Exceptions Permit, we will have a lot of zoning requests, and this really would impact the R-1 Zone. He stated that the Special Exceptions Permit was a beneficial tool and not a hindrance to progress.

On motion of Councilman Murphy, seconded by Councilman McGary,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR  
A HOME FOR MENTALLY HANDICAPPED AND/OR AGED  
PERSONS OPERATED ON A COMMERCIAL BASIS ON PROPERTY  
LOCATED AT 1318 ARLINGTON AVE.**

was adopted on roll call as follows:

<b>COUNCILWOMAN SCOTT</b>	<b>YES</b>
<b>COUNCILWOMAN ROBINSON</b>	<b>NO</b>
<b>COUNCILMAN BENSON</b>	<b>YES</b>
<b>COUNCILMAN GILBERT</b>	<b>YES</b>
<b>COUNCILWOMAN BERZ</b>	<b>NO</b>

SPECIAL PERMIT (CONT'D)

COUNCILMAN RICO	NO
COUNCILMAN MCGARY	YES
COUNCILMAN MURPHY	YES
CHAIRMAN LADD	YES

The Special Exceptions Permit was granted.

GRANT AGREEMENT

Councilwoman Scott stated that she would like it included in the wording that this is a Grant, asking if this was really what it was? Attorney McMahan stated that from his understanding “yes”, it was a Grant. She stated that she would like for this to say Grant because the amount of money is enormous.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR PHASE 1 OF THE INSTALLATION OF ITS EQUIPMENT, RELATIVE TO AGREEMENT NO. 110111, IN AN AMOUNT NOT TO EXCEED THIRTEEN MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS (\$13,650,000.00)**

was adopted.

AGREEMENT

Councilman Gilbert stated that he was having a hard time with spending \$1 million dollars to remove debris; that we had not given raises to our workers in a couple of years, and they want to work overtime and do this work; that they have to pay taxes and water quality fees, and they deserve this.

Councilwoman Scott stated that there was too much debris to just let it stand; that if we had more equipment, letting our people do the work would be a great idea, but this was “bigger” than all of us; that she understood our workers want to work as much as possible, but this might be more than they can stand.



AGREEMENT (CONT'D)

On motion of Councilwoman Scott, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TRUE NORTH EMERGENCY MANAGEMENT, FOR PROFESSIONAL SERVICES FOR THE DEBRIS REMOVAL MANAGEMENT SERVICES, RELATIVE TO CONTRACT NO. C-11-001-401, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND TOLLARS (\$300,000.00)**  
was adopted with Councilman Gilbert voting “no”.

AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BYRD BROTHERS EMERGENCY SERVICES, LLC, FOR THE DEBRIS REMOVAL COLLECTION SERVICES, RELATIVE TO CONTRACT NO. C-11-001-201, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)**  
was adopted, with Councilman Gilbert voting “no”.

OVERTIME

Overtime for the week ending May 19, 2011, totaled \$164,241.11.

PERSONNEL

The following personnel matter was reported for:

**PARKS AND RECREATION DEPARTMENT:**

- ✓ **HARRIS E. TONEY**—Termination of Crew Supervisor 2, effective 5/12/11.

**PARKS AND RECREATION**

Adm. Zehnder reported that the Black Softball League was in town this past weekend with 118 teams; that 112 were from out of town. \$336,000 was spent in two days. The President of the Association, Mr. Clay Dickery, wrote Mr. Zehnder a very nice letter, which he read to the Council. He mentioned needing more fields in Chattanooga, which future plans call for. Mr. Zehnder stated that softball was a major element in our community, and this was super; to get the World Tournament would be fabulous.

Mr. Zehnder also mentioned the “Pitch, Hit and Run” Program for inner city youth. There was an event this past Sunday and three kids were recognized. They will now go on to the National at Turner Field in Atlanta.

Adm. Zehnder reported the following donations:

**JOHN NAEDEL OF THE CHATTANOOGA LOOKOUTS**—Lookout Tickets to RBI in the amount of \$1,500.

**COMM. WARREN MACKEY**—Donation for the RBI Program in the amount Of \$3,500.

**MAJOR LEAGUE BASEBALL**—Donation for the RBI Program in the amount Of \$2,500.

**JA HENRY YMCA**—Used Furniture in the amount of \$3,000.

Councilman Gilbert stated that Adm. Zehnder had good vision last year; that more and more is happening in Parks and Recreation, and Mr. Zehnder is showing the measurements. He mentioned the kid that came before the Council last week, who is making straight “A’s”. He stated that this department was not just “babysitting” but teaching kids, and he thanked Mr. Zehnder.

**PURCHASES**

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

**GENERAL SERVICES DEPARTMENT:**

**LEE SMITH, INC. (Lowest and best bid)**  
**Requisition 37823/301001**

Blanket Contract for Hook Hoist Trucks

\$279,410.00

**PUBLIC WORKS DEPARTMENT:**

**LEE SMITH, INC. (Lowest and best bid)**  
**Requisition 43866**

Service Truck

\$144,362.00

**3M COMPANY (Lowest and Best bid)**  
**Requisition R42485**

Blanket Contract for Sign Sheeting

\$15,000 estimated annually

**PARKS AND RECREATION DEPARTMENT:**

**HOMESTEAD LAWN & TRACTOR CO. (Best bid meeting specs.)**  
**Requisition 42773**

Two Zero Turn Radius Movers

\$19,906.42.

**BOARD APPOINTMENTS**

On motion of Councilwoman Berz, seconded by Councilman Rico, the following two Board appointment and re-appointment were approved:

**CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY:**

- ✓ **THOMAS J. SNOW** for a three year term expiring **May 24, 2014**.

**ENTERPRISE CENTER BOARD:**

- ✓ **PATSY HAZLEWOOD** for a three year term expiring **May 24, 2014**.

**COUNCILMAN BENSON/  
SIGN CONCERN**

Councilman Benson stated that he had formulated a motion to help the Council reverse a situation in East Brainerd with the Billboard Industry; that there were two people present who wished to speak. He asked the Council if they would indulge him at this time and let the people speak now so that we might resolve this situation. **On motion of Councilwoman Robinson, seconded by Councilman Murphy, the Council heard this concern at this time.**

City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

**Mr. John Crawford of 1802 Verona Drive** spoke first. He stated that the reason he was here was because on Jenkins Rd. to Concord there are five signs on the Scenic Corridor that are all owned by one company; that this company had indicated that they had a \$150,000 investment in their sign. He stated that he paid taxes and questioned if these people pay taxes on these signs?

**Dr. Roger Meyer of 2116 Colonial Parkway Drive** spoke next. He stated that when he read that the Council had approved this increase in the size of the sign, he was dismayed. He stated that he thought this decision should be changed. First, he stated, if a mistake was made by a city employee, the Council is going against the rules of the City Code. Secondly, he wanted to look at why this decision was made, questioning why this mistake was made. He stated that he had been a clinical psychologist for many years and had heard three people that were city employees talk about variances that were done against the law. He stated that he was concerned about this. He added that Councilman Benson had told him that the Council makes sure this will not happen again because of our Audit System.

**SIGN CONCERN (CONT'D)**

Lastly, Dr. Meyer stated that the situation in E. Brainerd is horrid; that it is beginning to look like Ringgold Rd., and he did not want this. He asked that the Council look at what we can do to correct this situation.

Chairman Ladd thanked both men for the professional way that they had handled themselves.

Councilwoman Robinson also thanked the speakers; however she stated that she took issue with the second man who spoke; that he had raised the specter of bribery; that from what the Council knew, an honest mistake was made. She stated that she regretted that Dr. Meyer had said this because the Council has no knowledge of wrong doing; that she felt bad for the person who made the mistake.

Councilwoman Scott stated that if Dr. Meyer, or anyone, had knowledge of any type of behavior that is illegal, such as bribery, she would beg them to bring this evidence to our attorney. She stated that we have an Auditor who takes such situations seriously; that he needed to bring some evidence and not just talk in generalities; that investigations had to be based on facts and not allegations.

Councilman Benson stated that he appreciated the Council's concern, and he would keep his remarks brief; that he did not think the Council had full understanding in that we did not seek the first step of judicial support in the support of our Scenic Corridor Ordinance. He stated that this concerned him, and there was a lot of confusion. He stated that he believed what we had done is an act of unequal application of the law to our citizens; that as a Council we have a sworn obligation to uphold the law and to enforce equal protection under the law for all our citizens. He added that this could be in any district tomorrow—that we have to enforce the law equally.

Councilman Benson made the following motion: **To require that the Executive and Judicial Branch of the City of Chattanooga take whatever necessary action, legal or otherwise, to enforce the Scenic Corridor Ordinance equally throughout the City. This was seconded by Councilman Rico.**

Councilman McGary also thanked the two gentlemen. In response to Councilman Benson, he stated that he had given an accurate picture. He stated that it was regrettable that the city employee made this costly mistake—that it put the Council between a “rock and a hard place”; that we could either “settle”,

**SIGN CONCERN (CONT'D)**

since the mistake had been made or take the lawsuit and see what happened. He stated that he had grimaced over the decision last week; however the mistake had been made, and the sign company would lose money. He explained that the Council had examined all the details and unfortunately, since so much money had been spent and then the sign company was told they could not do that---Councilman McGary stated that he understood equal protection for everyone under the law; however since this company had been given the green light, and the mistake was made on our part, we decided against the lawsuit.

Councilwoman Berz stated that she had misunderstood the City Attorney concerning the law. She asked if our Home Rule trumps State Law concerning the Scenic Corridor. Attorney McMahan acknowledged that State Law does allow more power in Chattanooga. Councilwoman Berz questioned if the Council was being asked to do something that is illegal. Attorney McMahan responded “under our Ordinance”, prompting Councilwoman Berz to say “asking us to do something illegal under our Ordinance and then a city employee made a mistake, which was two wrongs—(two wrongs make a right?) She stated the net effect was that the billboard company spent money—that our damages would be limited to what they spent, noting the question might be “Why pay attorney fees”? The answer—“Because of good faith of upholding the law”; that maybe we should go ahead and go to court because our damages would be limited. She questioned if our local law trumps any State law? If it does and the action is illegal, and the other party benefits from the mistake of an employee. She ended by saying that in Chancery Court we would have a good chance of limited damages.

Councilman Gilbert asked if the State law trumps? Attorney McMahan explained that a special exception concerning signs is granted for a Home Rule City; that if a city was not Home Rule, they would not be able to control the signs—that because we are Home Rule, we have the right to regulate.

Councilwoman Scott asked for clarification of Councilman Benson’s motion, wanting to understand if it said “we enforce the law”; that she thought Attorney McMahan indicated that it was a “not quite right” motion.

Attorney McMahan stated that he thought Councilman Benson was asking for a sense of whether the Council felt we have to enforce the law.

**SIGN CONCERN (CONT'D)**

Councilman Benson added that his motion does not take away power of the Chief Executive or the City Attorney—it would just require that they take whatever necessary action, legal or otherwise, to enforce the Scenic Corridor Ordinance equally throughout the City; that if such action had been taken, his community would not have been so upset—if the City had just shown any evidence by going to the lowest court, but as it is, it looks like we just “laid down” and did not get the law enforced equally; that he was asking that we throw this back to the City Attorney and the Mayor to show equal enforcement throughout the city.

Councilman Murphy thanked everyone for coming; that it had really disappointed him that he was not on the prevailing side of the vote; that he fought hard for neighborhoods; that Councilman McGary had already stated what happened, very ably; that there was a difficult choice to be made and five councilmembers chose action that the community did not want; that four wanted to take this to court and five did not agree; that this action had already been entered into by the City and all of this discussion is for naught; that we can't undo this—that there is already a court order, and the city has to adhere; that he regretted this, but “the horse is out of the barn”.

Councilwoman Scott stated that she had a problem—that the motion Councilman Benson made sounded like a shrewd motion—that one would have to be either for or against enforcement of the law! **She stated that she objected to the motion and would move to have this matter tabled. The motion to table was seconded by Councilman McGary.**

Councilman Benson stated that he wanted to try one more time for the City to do what is right—that he agreed with Councilwoman Scott—it was shrewd, but this was the only way to forestall something wrong from happening; that he was against this being tabled.

Councilwoman Robinson noted that she had already taken her oath of office to perform her duties faithfully.

A Roll Call vote was taken on whether to table Councilman Benson's motion, as follows:

<b>COUNCILWOMAN ROBINSON</b>	<b>YES</b>
<b>COUNCILMAN BENSON</b>	<b>NO</b>

SIGN CONCERN (CONT'D)

COUNCILMAN GILBERT	YES
COUNCILWOMAN BERZ	YES
COUNCILMAN RICO	NO
COUNCILMAN MCGARY	YES
COUNCILMAN MURPHY	YES
COUNCILWOMAN SCOTT	YES
CHAIRMAN LADD	YES

The matter was tabled.

COMMITTEES

Councilwoman Scott announced that there would be a **Personnel, Performance and Audit Review Committee** educational session at 2:00 P.M. on Tuesday, May 31, 2011. There will be another **Personnel, Performance and Audit Review Committee** on the same day to immediately follow the Legal and Legislative Committee.

Councilman Murphy reminded everyone of the **Legal and Legislative/Safety Committee on Tuesday, May 31<sup>st</sup>** to immediately follow the Agenda Session.

Councilwoman Berz noted that there would be a **Budget and Finance Committee on Tuesday, May 31<sup>st</sup> at 10:00 a.m.** for budget deliberations. She stated that this was a work session and not a public hearing; that we heard from the agencies over a six week period, and this would be a work session that would be held in the smaller room for difficult decision making. The budget deliberations will continue on **Tuesday, June 7<sup>th</sup> at 1:00 p.m.**



GEORGE CALHOUN (CONT'D)

**Mr. Calhoun addressed the Council, stating that he lived at 3820 Dorris Street.** He stated that he was President of the Alton Park Neighborhood Association and was a SCAN spokesperson. He stated that he appreciated this opportunity and had some positive news—that they had accomplished something in Alton Park in bringing groups under one umbrella—that everyone agreed what their priorities were and how to assess them. He stated that they were present for two reasons: (1) He stated the first was something they had been dealing with for several years—that they took the approach of solutions and one of the main solutions was the budget that they hoped would be considered. (2) He noted that there was a growing problem concerning a facility and grounds for their young folk to be able to practice and to own an area for activities; that they had to go to another neighborhood; that he did not know how to address this and was getting calls from young people all of the time. He went on to say that others in the neighborhood had been dealing with this for some time, and they wanted to get a solution and wanted some consideration. He stated that he was just learning how the system operates. He mentioned some property that might be available behind the Village that they were looking at to turn over to the community. He mentioned another tract of land for a golf course that is behind Franklin Middle School. He stated that they needed something to keep their young folk in the neighborhood.

Councilman Gilbert stated that this was not his area but knew that in this particular area there were no baseball fields. He asked if the nearest one was in St. Elmo? Mr. Calhoun agreed that this was an over-shared area. Councilman Gilbert stated that something the kids could walk to would be a positive thing.

Chairman Ladd stated that she thought we could help them with one thing; that she knew there was a laundry list if money is available; that Tony Sammons was present tonight and could talk to Mr. Calhoun about a Grant that they might qualify for; that Mr. Sammons might be of help to Mr. Calhoun in explaining to him when this all “kicks” off—that there might be some help here. She stated that she thought we had a resource in this room for Mr. Calhoun.

Councilman Murphy stated he was on the other side of town—that many might not know the money the City is already spending in this Community Block Grant area. He stated that this could “stun” Mr. Calhoun—that when HOPE VI was built, there was a lot of revitalization in this area; that it was important for him to know that his project is already taking up one-half million dollars a year, which will continue for 15 years—that this is a large sum of money, and the city was made less flexible because of HOPE VI. He added that that money used to be “real” money in the 1980’s, but it was going down, down. He stated that we

**GEORGE CALHOUN (CONT'D)**

have to go back and shave this by 12% and Mr. Calhoun's part of town will not be "shaved"—that they got to the front of the line a long time ago. He stated that by all means, Mr. Calhoun could share with the Council their budget another time, and we can see what is possible.

Chairman Ladd stated that she would ask the Councilperson who represents this area to get with Mr. Calhoun. Also, it might be a good idea for him to talk to Paul Page concerning city-owned property for consideration. She stated that she applauded what they were doing and everyone pulling together—that this "tickled" her.

Councilwoman Scott offered another option, stating that they had a County Commissioner with discretionary funds.

**DR. ELENORA WOODS**

**Dr. Woods** addressed the Council, stating that she was a local dentist and was representing a group of people that were here today. She asked the people in the audience that she was representing to stand. A large group stood, and Dr. Woods noted that they had benefitted from efforts made. She thanked all of these people for coming. She stated that she was born and raised in Chattanooga; that she came from five generations of welfare mothers. She stated that she had done research from a statistical perspective that showed they had gotten quite a bit of funding, but this funding does not reach Alton Park, Piney Woods and St. Elmo—that they had poverty, educational, and cultural problems that all existed, and this is where the money was needed. She went on to say that she was the new Executive Director and had "chased the money"—that the only improvement was the Village, and she was at the table; that a lot that was supposed to be done had not gotten done, and she asked that councilmembers go out to Alton Park; that she challenged them to drive around and look at the business area—that it was no longer vibrant. She stated that they had no grocery store, and the citizens need a ballpark for their children. She stated that they would be willing to clean up a park. She thanked the Council for considering their budget.

Chairman Ladd recognized the good, positive steps for the neighborhood.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, May 31, 2011 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)**