

**City Council Building
Chattanooga, Tennessee
September 25, 2012**

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

The Pledge of Allegiance was led by Councilman Benson.

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.

TN TEMPLE FRANCHISE

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

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

CLOSE AND ABANDON

2012-103 (Tennessee Temple University)

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

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

GOODWILL LEASE

On motion of Councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE APPROVING A LEASE TO CHATTANOOGA
GOODWILL INDUSTRIES, INC., A NONPROFIT CORPORATION,
FOR A PORTION OF PROPERTY LOCATED AT 1815 E. MAIN
STREET FOR A FIVE (5) YEAR TERM AT A NOMINAL
CONSIDERATION OF ONE DOLLAR (\$1.00) PER YEAR WITH
LESSEE RESPONSIBLE FOR UTILITIES AND COMPLIANCE WITH
ANNUAL REPORTING AND APPROPRIATION REQUIREMENTS
UNDER FEDERAL, STATE AND LOCAL LAW, AT A MARKET VALUE
OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) PER YEAR**
passed second and final reading and was signed in open meeting.

SIGN PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 3, SECTIONS 3-7 AND 3-8, RELATIVE TO SIGN
PERMITS**
passed first reading.

**AMEND CITY CODE:
ANIMALS AND FOWL**

On motion of Councilwoman Scott, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 7, RELATIVE TO ANIMALS AND FOWL**
was amended. On motion of Councilman Benson, seconded by Councilman
Murphy, the Ordinance passed first reading.

Councilman Benson asked Attorney McMahan to give a review of this Ordinance.

Attorney McMahan stated that in general there were a lot of provisions about dogs and cats; that McKamey is the agency for stray animals and licenses all dogs and cats; there is a section about cruelty to animals and information about trafficking and inoculations; also, information concerning license fees for multiple pets, and a provision concerning rabies. There is one new section pertaining to allowing pet dogs in the outside dining areas of restaurants. He again stated that there were many provisions about cruelty and neglect, such as

ANIMALS AND FOWLS (CONT'D)

not tethering a dog on a chain and transporting animals in a humane manner. There is a section dealing with animals that create a nuisance, such as barking dogs. Attorney McMahan went on to explain a new Board to establish permits and also the handling of dangerous dogs and potentially dangerous dogs through City Court. There is a portion about impoundments and a section on exotic animals not being allowed in the city and a section on trafficking.

Councilman Benson asked how the Board would be constituted. Attorney McMahan explained that each councilperson shall select someone within the City, and there will be staggered terms.

**CHATTANOOGA PARKING
AUTHORITY (AMEND DATE)**

Councilwoman Scott stated that as some may remember, she was the lone vote on this in the first place and since the transfer to CARTA some of the duties have been transferred to a subsequent vendor; that she had reviewed the work and wondered about the idea involving ticketing and those individuals being ambassadors of the city—that maybe they actually could be ambassadors; that the last thing is from the perspective of moving the date and allowing transitions at a later point. She stated that the last amendment does consider more than just the date; that it actually goes over a lot of specific things such as the cost of tickets and penalties. She noted that there was a very short window written on the page requesting that fees be between \$35 and \$50, and then there would be the court costs on top of the fee, and the ticket could easily be over \$100. She stated that she was not against ticketing if it were appropriate; that individuals running this program would be ambassadors for the city and should be for the good—that this program does not allow an appropriate amount of time, which could result in the ambassadors being a big minus in feelings around the city. She stated that she did not plan to support this amendment.

On motion of Councilman Murphy, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND ORDINANCE NO. 12626
ENCAPTIONED, "AN ORDINANCE TO AMEND CHATTANOOGA
CITY CODE, PART II, ARTICLE X, CHAPTER 24, STOPPING,
STANDING AND PARKING, SO AS TO CREATE THE
CHATTANOOGA PARKING AUTHORITY AND DELEGATE CERTAIN
DUTIES TO THE CHATTANOOGA AREA REGIONAL**

CHATTANOOGA PARKING
AUTHORITY (CONT'D)

TRANSPORTATION AUTHORITY (CARTA) AND TO MAKE CERTAIN OTHER AMENDMENTS AS SET FORTH HEREIN, AND TO MAKE CERTAIN FURTHER REVISIONS TO ARTICLE XIV, CHAPTER 24, SCHEDULE V, AS SET FORTH HEREIN." SO AS TO DELAY THE OPERATIVE DATE OF DIVISION 4 TO OCTOBER 21, 2012 AND FURTHER AMEND CITY CODE SECTIONS 24-286, 24-302, AND 24-326

passed first reading with Councilwoman Scott voting "no".

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION TO AMEND RESOLUTION NO. 27001 SO AS TO AMEND THE AGREEMENT WITH TERRACON TO COMPLETE THE NECESSARY ASSESSMENTS FOR THE REQUIREMENTS OF THE EPA BROWNFIELD GRANT IN ORDER TO INCREASE THE AMOUNT BY NO MORE THAN ONE THOUSAND DOLLARS (\$1,000.00), FOR A TOTAL PROJECT COST IN THE AMOUNT OF TWO HUNDRED TWENTY ONE THOUSAND SIX HUNDRED DOLLARS (\$221,600.00)

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING JAROSLAV TYMAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG A PORTION OF WOOLSON ROAD AND LLOYD STREET FOR ACCESS TO PRIVATE PROPERTY, LOT 1 AND LOT 577, JEFF DAVIS ADDITION TO MISSION RIDGE, PLAT BOOK 9, PAGE 36, ROHC, TAX MAP NOS 137H-J-007 AND 137H-J-013, AS SHOWN ON THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was amended. On motion of Councilman McGary, seconded by Councilman Rico, the Resolution was adopted.

AGREEMENT (CONT'D):

Attorney McMahan explained the amendment. Mr. Payne had drafted a condition that stated that the temporary user shall not install a gate or other mechanism to restrict access to other private properties along Woodson Rd. or Lloyd Street without approval of the City Engineer. If a gate should be approved, the temporary user shall provide access to other private property owners along Woodson Road and Lloyd Street by means of a key.

SUMMIT AREA PLANNING

On motion of Councilwoman Berz, seconded by Councilman Benson,
**A RESOLUTION AUTHORIZING THE CHATTANOOGA HAMILTON
COUNTY REGIONAL PLANNING AGENCY TO UNDERTAKE A
LAND USE PLANNING PROCESS FOR THE SUMMIT AREA**
was adopted.

BOARD APPOINTMENT

On motion of Councilman Murphy, seconded by Councilman Rico,
**A RESOLUTION APPOINTING STEPHEN D. FAIRLEY TO THE
HEALTH, EDUCATIONAL, AND HOUSING FACILITY BOARD TO
FILL AN UNEXPIRED TERM TO MAY 15, 2014**
was adopted.

Councilman McGary thanked Mr. Fairley for agreeing to serve.

OVERTIME

Overtime for the week ending September 20, 2012, totaled \$53,088.53.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (CONT'D):

CHATTANOOGA POLICE DEPARTMENT:

- ✓ **WILLIAM CAMPBELL**—Military Leave—420 days for Police Officer, effective 10/5/12.

PUBLIC WORKS DEPARTMENT:

- ✓ **ROBERT HASKINS**—Termination of Crew Worker 1, effective 9/14/12.
- ✓ **AARON MCCRARY**—Termination of Crew Worker 1, effective 9/14/12.
- ✓ **WARREN MINES**—Termination of Crew Worker 1, effective 8/24/12.
- ✓ **KENNETH MUSE**—Suspension of one day without pay for Equipment Operator 5, effective 9/17/12.
- ✓ **ERIC COX**—Suspension of four days without pay for Crew Supervisor 1, effective 9/5—9/10/12.
- ✓ **JAMES CARTER**—Resignation of Chief Plant Operator, effective 9/19/12.

PARKS & REC. EMPLOYEES &
VOLUNTEERS

Adm. Zehnder took this opportunity to call **Mr. Craig Downs** forward. He stated that Mr. Downs was a volunteer with the Friends of East Brainerd Organization; that in the past week there had been a meeting of the Tennessee Parks and Recreation in Knoxville, Tennessee, and Mr. Downs, who has been a volunteer for several years with Friends of East Brainerd and involved with Bark in the Park and Hubfest, had received the highest award in the State of Tennessee for Community Service. He stated that he would like for Mr. Downs to talk about Bark in the Park.

Mr. Downs thanked the Council for giving him this opportunity; that in 2008 he saw where a group was starting a Dog Park at Heritage Park and in 2010, the Park was up and running; that they raised funds for fencing, and this was one of the best and safest parks in town. Handicapped paving and paths have been installed; that they were doing great things, and there would be a good fun day

PARKS AND RECREATION
EMPLOYEES & VOLUNTEERS
(CONT'D):

on October 13th when Bark in the Park will be held. This is on a Saturday, and there will be all kinds of dogs featured, among those will be dogs that work for people. There will be a big adoption fair and a lot of things going on with good music. They would be taking up dog food donations and plastic garbage bags, and he encouraged everyone to come.

Councilman Benson asked him to introduce others who are with Friends of East Brainerd. He introduced **Annie McQuire**, who works with Hubfest and the donation of five benches to Heritage Park, along with working with Boy Scout Troop 69, who donated a flagpole. He also introduced **Jennifer Doeblner**, who is a part of Friends of East Brainerd and does their graphic design work. Mr. Downs stated that he appreciated both of them.

Chairman Ladd noted that Councilman Benson brags about this Park and the volunteers on a regular basis!

Adm. Zehnder went on to talk about other awards. One of the awards was presented to **Marcus Thomas**, who works with Students Taking Initiative in Fighting Gangs. Mr. Thomas thanked everyone for giving them the opportunity to do this work. Councilman Gilbert added that Marcus was a modest fellow, who had given the opportunity for young people to perform who had never been in front of an audience. He also mentioned a poem delivered by a young lady that he felt needed to be read to the entire Council—that it was about bullying, and Councilman Gilbert stated that he was really inspired by it.

The next award was presented to **Richard West** for his Program of Excellence for Hershey Track and Field. Adm. Zehnder stated that Mr. West did a great job. Mr. West added that they had two national qualifiers out of the 50 States.

The next award was for 21st Century Marketing and went to **Brian Smith**, who Adm. Zehnder stated was a relatively new employee—that he received the State's highest award for marketing.

Mr. Smith stated that he appreciated them choosing him—a weather guy who was just showcasing what these guys do.

**PARKS AND RECREATION
EMPLOYEES (CONT'D):**

Councilman Murphy asked if he did the Twitter Account? He responded "yes". Councilman Murphy noted that he got a reminder and also a weather forecast for the day! Mr. Smith responded that meteorology was in his blood. Adm. Zehnder noted that Mr. Smith started our Volunteer Program and was very instrumental in it—that he actually had two recognitions.

The last award mentioned that was given to Chattanooga was the Hixson Community Center. Mr. Zehnder stated that this was a very monumental effort and that the Council was to be recognized for this.

Chairman Ladd stated that Hixson was proud of their Center and that it had tremendous promise; that the residents will enjoy it.

Adm. Zehnder mentioned a number of senior citizens, stating that over 20 came from Hixson, and they participated in the Senior State Olympic Games. He stated that they were pleased to work with these dedicated people and next year hoped to get seven awards rather than six.

Chairman Ladd thanked Adm. Zehnder's Staff, noting that they spent countless hours and worked until everything was done and the facility was locked up; that they do this on a consistent basis, and she was hearing nothing but good things, and they were getting great results.

PURCHASES

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchases were approved for use by the Public Works Dept. and General Services:

PUBLIC WORKS DEPARTMENT:

ELECTRIC MOTOR SALES (Best Bid Meeting Specs.)
Requisition #64273/302172

Two ABB Flow Meters

\$21,948.28

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PURCHASES (CONT'D)

POTTER & PARSONS, INC. (Lowest and Best Bid Meeting Specs)
Requisition #64283/B302170

Various Moyno Pump Parts

\$11,316.00

GENERAL SERVICES DEPT.

MOTOROLA (State of TN. Contract)
Requisition #65008

Blanket Contract for Mobile Communications Services/TVRCS

\$25,000 approximately annually

Councilman Benson asked about requesting 5 bids and 6 being returned. Mr. Johnson explained that this is advertised and more replies are received than we send out.

DR. GHANDI'S VISIT

Councilman Gilbert noted that we had a successful week with Adm. Crutchfield and Dr. Gandhi; that everything went well, and we learned a lot about their culture. He reiterated that it went really, really well.

NEXT WEEK'S MEETING

Chairman Ladd announced that next week's meeting will be held at 5:00 P.M. rather than 6:00 P.M.

COMMITTEES

Councilman Murphy reminded everyone of the **Legal and Legislative and Safety Committee** scheduled for **Tuesday, October 2nd to immediately follow the Agenda Meeting.**

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COMMITTEES (CONT'D)

Councilman Gilbert scheduled a brief **Education, Arts and Culture Committee meeting on Tuesday, October 9th** to immediately follow the Agenda Session.

Councilman Benson announced that the **Economic Development Committee meeting** would be delayed until the middle of October.

NATIONAL NIGHT OUT

Councilman McGary asked if there was a list of all the neighborhoods that would be participating in National Night Out? Chairman Ladd responded that this comes from the Police Dept., and we would check into it.

NEXT WEEK'S AGENDA: OCTOBER 2, 2012

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

PAUL ROLAND

Mr. Paul Roland of 4605 Bonnieway Drive addressed the Council. He stated that their neighborhood adjoins the levee; that Boyd-Buchanan School is part of the neighborhood. He thanked the Council for the opportunity to speak and stated that he was proud to say he lived in Chattanooga and had raised his children here. He stated that he was representing all of the neighborhood and had a petition signed by one person in every household on Bonnieway Drive; also people affiliated with Boyd-Buchanan School. He expressed concerns of property immediately across the levee from his neighborhood and property which is 50 yards away from the school, where over 350 young children play outside every school day. He stated that they were concerned about any type of pollution, and the neighborhood and officers of the school had asked him to express these concerns to the Council. He noted that this was in Councilman Gilbert's district and that he had been very responsive and helpful to him and immediately told him how to approach this. He asked for any suggestions as to how they should approach this issue.

PAUL ROLAND (CONT'D)

Councilman Benson asked if this was property owned by Mr. Davis. Mr. Roland responded that that was his understanding. Councilman Benson explained that it won't be developed until he changes the zone; that if it were zoned commercial, it would have to be built up to code; that other than that, there was not much else the Council could do. Mr. Roland stated that it was zoned M-2. Councilman Benson explained that it would be difficult for the Council to say that he could not build. Mr. Roland responded that he was picturing the children on the playground.

Councilman Gilbert added that Mr. Hutsell stated that they would make sure there is a buffer, and the lighting had already been changed so that nothing would be directed to the neighborhood. He stated that we would make sure that Mr. Hutsell and his group follow all the guidelines.

Chairman Ladd noted that Mr. Roland's councilman would stay on top of this.

JOE CLARK

Mr. Joe Clark of 95 Boyington Drive addressed the Council. He stated that he had been in business in Chattanooga for 45 years and was representing the Westside Community; that he was Vice-President of the Westside Community Association, and this was his first time to speak before the Council. He stated that he would be reading a proposal that was being handed out. He stated that this was a report on Affordable Housing, which has been compiled by the Westside Community Association, Chattanooga Organized for Action, and Housing and Urban Planner, Courtney Knapp. He stated that this report (a part of the minute material) clearly demonstrates the need for the Affordable Housing Ordinance, currently scheduled to be heard by the full Council on October 9th; that they used data and statistics compiled from the US Census Bureau and other sources to demonstrate the lack of affordable housing in our city and to show just how deeply many people are economically burdened because of the affordable housing shortage. He went on to say that 1 in 2 households in Chattanooga's urban core live in unaffordable housing and are burdened by housing costs; that more than a quarter of all renters are severely burdened, paying more than 50% of their total income on housing costs; that almost half of all mortgage-holding homeowners living in the urban core live in unaffordable housing relative to their incomes. He went on to say that the next part of their report showed exactly what the Affordable Housing Ordinance is, what it does, and how legislation like it has been successfully used in over 200

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JOE CLARK (CONT'D)

US cities to address the lack of affordable housing; that an e-mail was sent to the Council today of similar laws passed in other cities. He stated that they highly suggested that the Council read this report to get a good overall view of how deep the crisis for affordable housing is in our city—and how much worse it stands to become with the expected displacement of hundreds of poor and working class Chattanooga residents from College Hill and East Lake Courts; that they hoped that the Council would reach out and discuss their thoughts and concerns because they believed Chattanooga has an opportunity to join with hundreds of cities all over the US and dramatically increase our supply of affordable housing in the urban core by passing this progressive legislation that was written by the people themselves. He thanked the Council for their time and consideration.

KARL EPPERSON

Karl Epperson stated that he resided at 1201 Boyington Drive; that he had hoped to speak earlier on this issue, but the Council seemed to have had enough of his “mouth”. He stated that he received \$767.00 a month in Social Security and went over his monthly and periodic expenses, which are made a part of this minute material. His monthly expenses amounted to \$469.00. His periodic expenses amounted to \$182.00. This left him with \$116.00. Miscellaneous unexpected expenses amounted to \$150.00, which left him with a deficit of \$34.00. He noted that average affordable housing is between \$750 and \$2,000 a month, and he asked the Council “How he could afford this?” He stated that he thought the Council could see why he was aggravated. He stated that he had lived in public housing for 15 years and 8 years where he is now, and he could not move because he did not have a voucher but had brick and mortar; that Betsy McCright of CHA had said she would look into this; that if the director can’t tell him anything “why was she the director?” He urged to get someone who knows what is going on.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, October 2, 2012 at 5:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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