

City Council Building
Chattanooga, Tennessee
August 14, 2012
6:00 p.m.

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Murphy, Rico, Robinson and Scott present; Councilman McGary was absent due to personal commitment. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present. Chairman Ladd clarified eight (8) Council members were present for voting tonight.

PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, Councilman Rico gave the invocation for the evening.

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.

ADOPT GATEWAY PLAN

Chairman Ladd acknowledged the presence of Superintendent Cathy Cooke from the Chattanooga National Parks.

Councilwoman Robinson stated we are fortunate to have our Parks Superintendent present who has another meeting with another civic group later. She **made the motion to move Resolution 7(a) forward on the agenda; Councilman Gilbert seconded the motion; the motion carried.**

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**A RESOLUTION TO RECOMMEND ADOPTION OF THE GATEWAY PLAN
FOR MOCCASIN BEND AND STRINGER'S RIDGE**
was adopted.

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 14, SECTION 14-84, RELATIVE TO THE BOARD OF ELECTRICAL
EXAMINERS**
passed first reading.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 10, SECTIONS 10-3(j), RELATIVE TO BUILDING PERMIT AND
OTHER FEES AND TO ADD A NEW SECTION 10-3(u) REGARDING
DESIGN METHODOLOGY FOR RETAINING WALLS AND REINFORCED
SOIL SLOPES**
passed first reading.

AMEND CITY CODE

Councilwoman Scott stated she would not be supporting this tonight as there is no clarity in the two sections of this ordinance and brought part of this up earlier. She stated they contradict one another noting one says the inspector could waive the fees and in another section it actually appeared to say they were responsible.

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 35, SECTIONS 35-44 AND 35-59 RELATIVE TO TEMPORARY
MEDICAL EXCEPTIONS FOR DRIVERS OF VEHICLES FOR HIRE**
passed first reading; **Councilwoman Scott voted "no"**.

REZONING

2012-086: Keith Crisp

Pursuant to notice of public hearing the request of Keith Crisp to rezone property located at 111 West Bell Avenue came on to be heard.

The applicant was not present; there was no opposition.

REZONING (Continued)

Councilman Benson stated the Planning Commission voted to approve it and he was the only one vote against it as it is his thought it encroaches on the neighborhood. He stated it is not in his district and is a "foot in the door" problem out there that we will have to be prepared to go commercial or something close to it throughout that street. He stated a catering service will be run and he was the only one who voted against it, noting that he does not have the answer and maybe Councilwoman Scott does.

Councilwoman Scott distributed a document noting that she would like to bring to the Council's attention that the reason Planning recommended this be denied will be presented by Mr. Haynes; that this is an R-1 property that is surrounded by R-1 and if Mr. Haynes shows a photo it was built many years ago and not what the neighborhood wants to move toward. He stated Mr. Benson is correct that he properly voted against this and noted the minutes originally distributed to Council had an error where it stated "no one was present to object to it" which was not correct and the Regional Planning Agency (RPA) corrected that. She stated the neighborhood association president who was present last week had already had a community meeting about this and noted she received a lot of discontent in the neighborhoods because of it. She stated it was proposed to be a C-2 catering facility and there are issues of dumpsters outside, whether the person was going to live there or not and the structure was built as a three apartment complex. She stated the neighborhood is definitely against it and they have been fighting to try to maintain an R-1 community and have been very open to not completely close the idea of mixed use but are asking that it basically be confined to North Market which comes through their neighborhood; that it is not like they cannot see anything else but they want a line of demarcation that divides the commercial interests from the residential interests. She stated in looking at the map there is a "teeny tiny" C-2 which is a little shop that is microscopic that has been there forever and has been sustained because there are no grocery stores in that area and is just a corner, candy "thing" and has really not been a problem to the neighborhood at all. She stated this is the first step toward what they feel will more than that and she does not support it.

Greg Haynes, Director of Development with the RPA, displayed the zoning map noting the request was for C-2 for the purpose of converting an existing building. The site plan was shown with regard to parking; that the proposal is to use the site as a live/work unit with a catering business on the first floor and residential use on the top floor. He stated the building was constructed in 1920 as multi-family housing and the use has been grandfathered since 1969 which is why the three unit apartment building is in the R-1 zone.

REZONING (Continued)

Mr. Haynes stated Bell Avenue is primarily low density residential with a small mixed use on the south side; that the subject property is surrounded by R-1 zoning, single family residents to the north, south, east and west. He stated there is a nearby commercial property and a neighborhood convenience store located at 100 West Bell Avenue. He stated the North Shore Area Plan recommends this section of Bell Avenue retain its primary character as single family housing and the C-2 convenience zone is intended to promote the develop of business that serves the demands for goods generated by area residents. He stated a catering business may serve the needs of the community at-large but not necessarily to the local residents to the immediate vicinity to this site. He stated while recognizing the unique opportunity for reuse, Staff recommended denial due to conflict with the North Shore Area Plan and has the potential to negatively impact the adjacent single family residences; however, the Planning Commission recommends approval of the C-2 zone subject to use as a catering kitchen on the first floor and living space on the second floor only. He stated there was one person present at the Planning meeting who spoke in opposition to the request. Other views of the property were shown at this time wherein he reiterated the predominance of single family residential homes around the site is the main difference about the Staff and Planning recommendations; that Planning recommends approval but conditioning to this use only.

Councilwoman Berz stated she does not like C-2 as it opens all kinds of doors and asked what else could be there other than R-1 that would accommodate.

Mr. Haynes responded "no"; that if there had been it would have been something they would have looked at and possibly recommended; that the reason why they requested C-2 is they were advised to do that by the inspection department; that when they come to apply RPA wants to make sure they are applying for the correct zone/tool and usually rely on the inspection department since they are the ones who enforce if they are in violation and they said a catering kitchen, a C-2 would be what they would need. He stated the only other tool they could have tried for would have been a C-7 and we told them if C-7 was approved that would involve a more extensive review from the C-7 Design Review Board and they chose to go with C-2.

Councilwoman Scott then made the motion to deny the request; Councilman Benson seconded the motion.

REZONING (Continued)

On motion of Councilwoman Scott, seconded by Councilman Benson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 111 WEST BELL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was denied.

RECOGNITION OF COMMISSIONER TIM BOYD

Chairman Ladd acknowledged the presence of County Commissioner Tim Boyd and welcomed him to the meeting.

REZONING

2012-091: James D. Lee

Pursuant to notice of public hearing the request of James D. Lee to rezone property located at 8244 East Brainerd Road came on to be heard.

A representative for the applicant was present; there was no opposition.

Mr. Haynes stated this request is a bit complex noting that this has been broken up into three areas; that the applicant wants to build the four main buildings shown in Area 3. He stated in Area 1 the wish is to extend the existing C-5 zoning; that the properties fronting East Brainerd Road are to extend the left part to C-2 a little bit and on the other side extend the C-5 in the vertical strip. He stated Area 2 fronts Givens Road and they want RT-Z for that one and in Area 3 they wish to rezone most of the O-1 and the part fronting Grays Drive to C-2. He stated to accomplish the development they are asking for four zones – the RT-Z on the bottom facing Givens Road they want to make it residential, extend and square off the C-5 and C-2 at the top, rezone the area behind that to O-1 and then to the left of that fronting Grays Drive to C-2. A site plan was shown at this time. He stated Planning recommended approval of everything except the area that is striped on the map to C-5 with conditions; that the difference between Planning and Staff's recommendation is to approve everything the way they asked except for the area fronting Grays Drive; that rather than the C-2 requested Staff recommends making that also O-1.

REZONING (Continued)

Mr. Haynes stated the main difference between Staff and Planning's recommendations involves that piece fronting Grays Drive – Planning recommends approval of C-5, Staff recommended O-1. At this time various photos of the area were shown. He stated they do not usually get a request for four or five zones at once, but sometimes it is necessary to accomplish the development and to make sure if there are any zones adjacent to existing residential is the appropriate one. He stated Staff recommended approval with a portion being O-1 rather than C-2 and Planning recommends approval of everything with the C-2 portion being C-5.

Mike Price of MAP Engineers asked Chairman Ladd to ask if there is anyone present in opposition; there was no one. Mr. Price stated there was no one at the Planning Commission in opposition, either; that the only change deviated from the Staff's recommendation has to do with the document he distributed representing the portion on Givens Road. He stated the area that is "hatched" on Grays Drive that is C-2 is the same area he highlighted on the document; that across the street from Grays Drive heading west, everything is C-2 and having the discussion at Planning they felt it appropriate to have a C-5 which is a neighborhood commercial-type use which makes the buildings no larger than 5,000 square feet and his client is agreeable to that. He stated if the Planning recommendation is "good to go" they would certainly be happy to accept it if it is the Council's will.

Councilman Murphy stated both Grays Drive and Givens Road are awfully narrow and are in the curve on East Brainerd; that he knows it is difficult for people to get out of there in the morning and people often do a backward commute and loop over to the signal light at Graysville. He stated this is Mr. Benson's area but it is his thought if it keeps developing this type of density we will have to put more traffic lights up there because he does not know how anyone will ever get anywhere in the morning or evening. He stated that is his only concern and asked how many units are proposed in the zero lot line townhouse zone on Givens.

Mr. Price stated there are only three that are set aside for single family; that the reason for the RTZ there is there has to be a 60 foot frontage for R-1 and they were a little bit shy of that and asked for the RT-Z but with the stipulation it would only be for single family housing which is all that is in the area but (on) narrow lots. He stated with regard to Grays Drive in this area they looked at the road widening plans and what TDOT will be doing at this intersection.

REZONING (Continued)

Mr. Price stated TDOT will be extending three lanes back, which per this site plan is where the entrance is; that the entrance to the C-5 portion "hugs it up closer" to East Brainerd Road to take advantage of where the three lanes will be so they would not end up coming out on a two lane portion further back and create some traffic. He added they did a traffic study which was submitted to Traffic Engineering and they reviewed it and gave findings; that one of the things they pointed out was they are right at the precipice that possibly the entrance they have shown on East Brainerd Road may require a traffic signal which would be their expense if that goes in; that they did have John Van Winkle look at that.

Councilman Murphy stated they will probably wind up with a signal expense because that road was laid out as a country road and it is not much different today.

Councilwoman Berz stated Mr. Price usually comes with great iterations of what this will look like and asked what is going in there.

Mr. Price stated the plan is to put together some dissimilar zones and the idea they have involves plans similar to the Jenkins Road connector north of Standifer Gap where in the front are commercial outparcels which would be the two on East Brainerd Road, the one on Grays Drive and on the back office development that surrounds it for a good mixed use and not too heavily saturated in one particular use over the other. He stated they envision something along the lines of the office buildings seen on Gunbarrel and Shallowford, something that is a mixed use that will blend in with the community to take advantage of the road system and infrastructure out that way.

Councilman Benson stated the road is going to be reconstructed and the State is already buying the property in there to widen all the way to Ooltewah-Ringgold Road. He stated he has not received a call objecting to this at all from anyone and they have called on other requested developments that they either like this or they trust Mr. J. D. Lee who has built a lot out there and done a good job every place. He stated he wanted to make a motion to approve the ordinance as written that will be going with the little C-5 the applicant wants.

Mr. Price stated that is what they asked for, "yes".

Councilman Benson stated there is no objection out there; that Chattanooga Funeral Home is adjacent to it and he has not heard from anyone. He **made the motion to approve; Councilman Gilbert seconded the motion.**

REZONING (Continued)

On motion of Councilman Benson, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8244 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, C-5 NEIGHBORHOOD COMMERCIAL ZONE, O-1 OFFICE ZONE, AND R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

SPECIAL POLICE OFFICER (UNARMED)

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL A. BALLINGER AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

EXPEDITE RULEMAKING

On motion of Councilman Murphy, seconded by Councilman Benson,
A RESOLUTION RECOMMENDING THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES TO EXPEDITE RULEMAKING REGARDING THE USE OF BRIGHT-COLORED FIREARM COMPONENTS
was adopted; Councilwoman Scott voted "no".

CONTRACT

On motion of Councilman Benson, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A CONTRACT WITH THOMAS BROTHERS CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF ADDITIONAL PARKING AT THE SUMMIT OF SOFTBALL COMPLEX AND MAINTENANCE FACILITY ADDITIONS IN THE AMOUNT OF FOUR HUNDRED SIXTY-THREE THOUSAND ONE HUNDRED EIGHTY-FIVE DOLLARS (\$463,185.00)
was adopted; Councilwoman Scott voted "no".

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE BELVOIR NEIGHBORHOOD ASSOCIATION ALLOWING THE ASSOCIATION TO CONSTRUCT A PAVILION ON PREMISES OWNED BY THE CITY AT MAYFAIR AVENUE AND SOUTH SWEETBRIAR WITH TRANSFER OF OWNERSHIP, MAINTENANCE, AND CONTROL OF THE PAVILION TO THE CITY, WITHOUT OTHER MONETARY CONSIDERATIONS

was adopted.

AGREEMENT

Councilwoman Scott stated when tournaments are held will the public be able to attend free of charge or do they charge attendance to get in.

Adm. Zehnder stated some of the national tournaments are the ones sponsored by USTA and other groups and there may be a charge to the participants; that normally there is not a spectator fee; that there is normally a participant fee/registration.

On motion of Councilman Gilbert, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA AND THE MCCALLIE SCHOOL FOR SHARED USE OF THEIR TENNIS FACILITIES BY PARKS AND RECREATION AND THE CHAMPION'S CLUB

was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A LEASE AGREEMENT WITH THE NORTH CHICKAMAUGA CREEK CONSERVANCY FOR THE USE OF OFFICE SPACE AT GREENWAY FARM FOR A TERM BEGINNING SEPTEMBER 1, 2012 AND ENDING AUGUST 30, 2013 AT THE RATE OF ONE HUNDRED DOLLARS (\$100.00) MONTHLY WITH AN OPTIONAL ONE YEAR RENEWAL UNTIL AUGUST, 2014

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. C-11-003-201, ROOF REPLACEMENT CITYWIDE SERVICES PAUL CLARK BUILDING, TO TOTAL BUILDING MAINTENANCE, INC., IN THE AMOUNT OF ONE HUNDRED THIRTY THOUSAND EIGHT HUNDRED AND 40/100 DOLLARS (\$130,800.40), WITH A CONTINGENCY AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00), FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-FIVE THOUSAND EIGHT HUNDRED AND 40/100 DOLLARS (\$145,800.40)

was adopted.

GRANT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A FEDERAL PRESERVATION GRANT FROM THE TENNESSEE HISTORICAL COMMISSION/NATIONAL PARK SERVICE TO UPDATE THE FOUR (4) HISTORIC DISTRICT GUIDELINES RELATIVE TO ST. ELMO, BATTERY PLACE, FERGER PLACE, AND FORTWOOD, IN AN AMOUNT NOT TO EXCEED SIXTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$16,750.00), WITH SIXTY PERCENT (60%) FEDERAL FUNDS AND FORTY PERCENT (40%) CITY IN KIND SERVICES AND FUNDS

was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING PAYMENT TO ENVIROTEST SYSTEMS CORPORATION, FOR A SANITARY SEWER EASEMENT, RELATIVE TO CONTRACT NO. W-10-005, ESIP SANITARY SEWER BASIN IMPROVEMENTS, FOR TRACT NO. 5, PROPERTY LOCATED AT 7460 BONNYSHIRE DRIVE, CHATTANOOGA, TN 37416, TAX MAP NO. 138-001.03, FOR AN AMOUNT NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED FOUR DOLLARS (\$7,504.00)

was adopted.

REIMBURSEMENT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO REIMBURSE THE CITY OF ROSSVILLE FOR OVERCHARGES RELATIVE TO MONTHLY WHEELAGE AND TREATMENT BILLING FOR THE WAHEELA AREA SEWERS FOR A SIX (6) YEAR PERIOD (2004-2010), IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY-SIX AND 48/100 DOLLARS (\$17,856.48)

was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR THOMPSON ENGINEERING, FOR THE CITYWIDE SERVICES TOOL SUPPLY BUILDING, DESIGN OF ROOF REPLACEMENT, FOR AN INCREASED AMOUNT OF THREE THOUSAND FORTY DOLLARS (\$3,040.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS (\$25,985.00)

was adopted.

CHANGE ORDER

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR J.D. HELTON ROOFING COMPANY, INC., RELATIVE TO CONTRACT NO. C-11-002-201, CITYWIDE SERVICES TOOL SUPPLY BUILDING, FOR A DECREASED AMOUNT OF TWO THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$2,840.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-THREE THOUSAND FIVE HUNDRED FORTY-ONE DOLLARS (\$153,541.00), AND TO RELEASE THE REMAINING CONTINGENCY OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH FRED M. NEWTON AND KATHRYN L. NEWTON, RELATIVE TO RESPONSIBILITIES AND COVENANTS PERTAINING TO THE REPAIR OF AN EXISTING WPA DITCH KNOWN AS PROJECT NO. S-09-005-801, 2888 ROSSVILLE BOULEVARD DITCH IMPROVEMENT
was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE SOUTHEAST TENNESSEE DEVELOPMENT DISTRICT FOR TECHNICAL AND PROFESSIONAL ADMINISTRATIVE SERVICES FOR EIGHT (8) CITY PROJECTS FINANCED THROUGH A CLEAN WATER STATE REVOLVING LOAN FUND, FOR A TOTAL PROJECT COST IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)
was adopted.

AMEND RESOLUTION 26612

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION TO AMEND RESOLUTION NO. 26612, PARAGRAPH 13, RELATIVE TO ADMINISTRATIVE REGULATIONS FOR CONDUCT OF EMPLOYEE DISCIPLINARY HEARINGS, TO REFLECT TEN (10) DAYS RATHER THAN FIFTEEN (15) DAYS
was adopted.

LOW INCOME PUBLIC HOUSING PROJECT PLAN

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION APPROVING CHATTANOOGA HOUSING AUTHORITY'S LOW INCOME PUBLIC HOUSING PROJECT PLAN FOR DOGWOOD MANOR APARTMENTS IN SUBSTANTIALLY THE FORM ATTACHED AND EXTENDING THE CITY-HOUSING AUTHORITY CORPORATION AGREEMENT TO INCORPORATE THE DOGWOOD MANOR PROPERTY
was adopted.

**AUTHORIZATION OF ADDITIONAL ESTIMATED
AMOUNT**

Councilmen Benson and Scott made the initial motion to defer this matter which passed with Councilwoman Berz voting “no”; however, it was noted this was not the Resolution intended for deferred; that it is a resolution on next week’s agenda. At this time **the motioner (Benson) withdrew his motion for deferral; however the seconder (Scott) did not.** Chairman Ladd then called for a second to the motion to defer, however there was not one.

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING AN ADDITIONAL ESTIMATED AMOUNT
OF A FOUR MILLION DOLLARS (\$4,000,000.00) EXTENTION TO THE
BLANKET CONTRACT WITH EXCALIBUR INTEGRATED SYSTEMS**
was adopted; **Councilmen Scott and Murphy voted “no”.**

OVERTIME

Overtime for the week ending August 9, 2012 totaled \$36,059.35.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SERVICES DEPARTMENT:

- **ZAINAB ABDULAMEER** – Resignation, Programmer 1, effective August 9, 2012.

CHATTANOOGA POLICE DEPARTMENT:

- **SAMANTHA ODDO** – Hire, Police Records Technician, Range 5, \$23,050.00 annually, effective August 8, 2012.

PARKS AND RECREATION DEPARTMENT:

- **CARL NOLAN** – Termination, Crew Worker 1, effective August 3, 2012.

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **RONNIE HORTON** – Deceased, Plant Operations Supervisor, Waste Resources, effective July 27, 2012.
- **CLAYTON HAYNES** – Resignation, Engineering Coordinator, Engineering, effective August 15, 2012.

CHATTANOOGA FIRE DEPARTMENT:

- **TERRENCE TURNER, CHARLES WALKER** – Promotion, Firefighter Senior, Range F2A, \$36,004.00 annually, effective July 13, 2012.
- **BRADFORD RANSOM** – Military Leave, Firefighter, effective August 6-25, 2012.
- **DAVID BROOKS** – Suspension (10 days without pay), Fire Captain, effective August 6, 7, 10, 15, 17, 2012.

DONATION: SOCIAL JUSTICE AND CULTURAL TOUR

Adm. Crutchfield asked Commissioner Tim Boyd to join her at this time and referenced the Gandhi visit and the Social Justice and Cultural Tour scheduled for September 17-21. She stated Dr. Gandhi will be speaking for the week everywhere from Howard to Baylor Schools, at an art project that will happen with Dalewood School at the Brainer Recreation Center, at an event celebrating the library in District 6 with Councilwoman Berz and so many other wonderful things that will happen that week. She stated her department does so much with so little and sometimes nothing that has to do with her budget for the big things that happen and this is one of them as she had no dollars in her budget to bring Dr. Arun Gandhi, grandson of Mahatma Gandhi, or cover the expenses. She stated were it not for Commissioner Boyd it would have been far more challenging but is proud to say he not only "gets" the arts and community in a huge way, she is honored to partner with him and see the value in having Dr. Gandhi come to share the philosophy of non-violence. She expressed thanks and noted she would like permission to receive the \$13,000 gift from the Commissioner.

Chairman Ladd expressed thanks to Commissioner Boyd for his generosity.

DONATION: SOCIAL JUSTICE AND CULTURAL TOUR
(Continued)

Commissioner Boyd stated it is exciting to be before the Council again and reminded them that two of the Council members and the Mayor are residents of his district and (he) is proud of that; that 45 percent of his constituents are Chattanooga residents! He read into the record a letter he wrote to Ms. Crutchfield in relationship to the Gandhi visit:

Dear Missy: I am pleased to announce I will be donating \$13,000 to the City of Chattanooga Department of Education, Arts and Culture for a joint project, the Social Justice and Cultural Tour featuring Dr. Arun Gandhi. This gift is made from my discretionary fund, a source made available to all Commissioners for Hamilton County. These funds are to be used to pay for an honorarium for Dr. Gandhi and to cover expenses related to his travel. I believe Dr. Gandhi's Social Justice and Cultural Tour is an important event for Hamilton County promoting non-violence solutions to our social issues and contributing to better intercultural understanding among our citizens. I also hope this partnership leads to more socially minded work between our two governing bodies and I sincerely mean that. Sincerely, Commissioner Tim Boyd.

Commissioner Boyd continued by stating he and Carol Berz have worked together a lot noting she has worked tirelessly in changing the whole aspect of what Brainerd is moving toward and saluted her for her work on that. He stated he is truly honored to be asked to be a part of that and wants to continue this relationship and make it stronger from his point of view; that he intends to work closely with the city in every aspect he can to promote cultural change in our most diverse cultural district in the city. He presented the first of three checks coming to the city noting his commitment of \$33,000 of his discretionary funds to this and thanked the Council for the approval of the Belvoir Neighborhood Association Park Pavilion in which he pledged \$20,000 to pay for materials for that which will be turned over the city. He expressed excitement about working with all the citizens of his district and certainly wants to and will include every citizen in his district.

Following applause, Chairman Ladd stated it was refreshing to hear from Commissioner Boyd this evening.

Councilman Gilbert expressed thanks to Commissioner Boyd for working with the city which shows the county and city can work together as a team. He thanked Ms. Crutchfield noting she does work without a budget, does a lot of fantastic things for the city and usually makes money! He stated we need to applaud her also as she is doing a great job!

DONATION: SOCIAL JUSTICE AND CULTURAL TOUR
(Continued)

Councilman Benson thanked Commissioner Boyd noting he has been very giving; that he and Larry Henry are in his district and have a little metro government going on out there! He stated Commissioner Boyd gets discretionary money the Council does not get; that he (Boyd) has helped the city at Heritage Park, the HUB Fest and some other things along with Commissioner Henry. He urged everyone to find out who their Commissioner is and try to get some of the discretionary money from them!

Commissioner Boyd stated he did not mean to set a precedent for other Commissioners.

Chairman Ladd stated Commissioner Boyd has reached over to her many times; that he has innovative ideas and always has something exciting going on whenever she is in conversation with him. She stated he is passionate about some things and have gotten things moving. She assured him he is helping us greatly and noted it is an honor to work with him!

At this point Councilmen Berz and Gilbert made the motion and second to accept the \$13,000.00 check donation; the motion carried.

BOARD RE-APPOINTMENTS

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

CARTER STREET CORPORATION BOARD:

- Re-appointment of ***CURTIS JOHNSON*** and ***DON MERCER*** for four year terms expiring September 9, 2016.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Public Works Department:

PURCHASE (Continued)

ENVIRONMENTAL ENTERPRISES, INC. (Lowest bid)

R61261

Blanket Contract for Household Hazardous Waste Disposal

\$75,000.00 – Annual estimation

SETTLEMENTS

City Attorney McMahan reported damage to two vehicles by city employees noting one is a 2004 Lincoln Navigator with damages totaling \$14,999.73 and the other is a 2007 BMW which was heavily damaged in the amount of \$10,395.85.

Councilwoman Scott inquired as to whether the 2004 Navigator amount includes rental. City Attorney McMahan stated typically if a car is destroyed they do get a rental car for a short period of time on top of that for usually a couple of weeks.

COMMITTEES

Councilman Rico scheduled a meeting of the **Legal, Legislative and Safety Committee for Tuesday, August 21** immediately following the Agenda Session.

Councilman Benson scheduled a meeting of the **Economic Development Committee for Tuesday, August 21** to discuss housing development in the downtown area.

NEXT WEEK'S AGENDA: AUGUST 21, 2012

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

COUNCIL'S RULES OF PROCEDURE

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

SHIRLEY MOON

Shirley Moon of 2107 Bennett Avenue stated elected officials are supposed to support and help citizens; that she was before the Council in June complaining of an overgrowth of bushes and trees at a Section 8 house next to her and someone was supposed to get back with her and was told she needed to write a letter to the homeowner that lives on Signal Mountain. She stated she was told she needed to contact her insurance company but it was useless in contacting them before anything happened; that the Council sits around and makes changes to the city, have codes for this, that and the other, yet they do not have codes for her safety! She stated she lives in a high crime area where there is prostitution, gambling and is a drug infested part of the city; that her house has been broken in twice noting last week another attempt was made and the police came out. She stated she lives in constant fear in that neighborhood and will not open her door. She stated she e-mailed a letter to the Council and her e-mail was blocked and they are not serving her; that they are serving everybody and she pays taxes and asked who she is to give the letter to which includes photos of her home. She stated cannot look out the front or back of her house and cannot afford to keep paying someone to cut down bushes; that if anyone passes down the street they cannot see her house. She stated all the Council members' homes are probably manicured very well; that she pays taxes for the person who lives on Signal Mountain and the lady who lives next door whose child broke into her house. She stated she cannot afford to move and has come to the Council for help and support; that she is a human being and has been living here 40 years and needs help. She asked what she is to do and wants to know how the Council can help her; that she needs help as she is tired of having her alarm go off.

Councilman Murphy stated the last time Ms. Moon was present somebody said she lived in District 9 and clarified that she lives in District 8, Mr. McGary's district. He stated he went by her house and submitted the request about overgrowth on the chain link fences on her property to 311 and will find out what has happened to that inspection request. He stated he remembers Judge Williams while in court who would not let people have things growing up all through their chain link fences as people tried to say it was ornamental growth and he would "cut them off at the ankles" about that. He stated we will try to figure out what has happened and why that overgrowth complaint apparently has not been abated, yet. He stated her Council person is Councilman McGary who is not present tonight and he (Murphy) is happy to help her out because that is what we do for one another on the Council. He stated that is what he offers to her and will figure out what we can figure out about what has happened to the overgrowth complaint he personally submitted.

SHIRLEY MOON (Continued)

Councilwoman Robinson stated that she is certain no one has her e-mails blocked and is not sure why the Council has not received them; that we need to try to figure out why it is not working but it is not because anyone has blocked it as she really does not believe it; that there is a glitch in the equipment, a wrong address or something.

Councilman Rico asked if the house in is Section 8. Ms. Moon responded "yes".

Councilman Rico stated he had the same problem in his district and called HUD because HUD has to make those people keep their properties up. He stated he does not know if the city can make them but HUD can if it is Section 8.

Ms. Moon stated on the front are four trees growing together and she cannot see the house next door.

Chairman Lad stated we have a commitment from Councilman Murphy to look into that and see what has happened with the request he made and follow-up. She thanked Ms. Moon for coming to make the Council aware the problem has not been resolved.

JERRY STEWART

Jerry Stewart stated he lives on the West Side in Councilman McGary's district and noted his main concern is the ball field by the park has been burned; that Councilman McGary came by to see about it and said he would call Larry Zehnder and get back with him but he has not heard from him. He stated he does not know if it has been cleaned or not because they plan to use it; that the pavilion is owned by the city and nothing has been done about it; that they are going to hold Mr. McGary accountable because that is his district and he has not gotten back with him. He asked Mr. Zehnder what he can do about the park or the pavilion by the ball fields.

Chairman Ladd suggested that he and Mr. Zehnder get together to talk once the meeting is adjourned.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, August 21, 2012 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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