

City Council Building  
Chattanooga, Tennessee  
August 21, 2012  
6:00 p.m.

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

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

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

#### **MINUTE APPROVAL**

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

#### **AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 14, SECTION 14-84, RELATIVE TO THE BOARD OF ELECTRICAL  
EXAMINERS**  
passed second and final reading and was signed in open meeting.

#### **AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**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 second and final reading and was signed in open meeting.

**AMEND CITY CODE**

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 second and final reading and was signed in open meeting;  
Councilwoman Scott voted "no".

**REZONING**

**2012-091: James D. Lee**

The applicant was not present; there was no opposition.

On motion of Councilman Benson, seconded by Councilman Rico,  
**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 second and final reading and was signed in open meeting.

**AMEND CITY CODE**

Councilman McGary stated in light of the Committee meeting this afternoon the Fortwood Neighborhood Association has requested this item be deferred one week to meet with CARTA, the Traffic Engineer and concerned individuals of the community concerning this matter. He stated since the neighborhood put forth this Ordinance, as a courtesy to them we should defer for one week.

Chairman Ladd recognized there are persons interested in the issue and asked that they come back next week if it is deferred.

On motion of councilman McGary, seconded by Councilwoman Scott,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 24, SECTION 24-507, SCHEDULE VII, RESTRICTED ON-STREET  
PARKING AREA**  
was deferred one week.

## AMEND CHARTER

Councilwoman Scott reiterated for those in audience who were not present earlier for the discussion that the reason she is proposing this is in reference to the elections in March and April, April being the initial election for the traditional election for City Council people and April being a run-off election for those if a majority is not received. She stated the suggestion was to move that election to August and November which would decrease the amount of time we have signs up all over the city for elections, put them all at one time and it would allow us to join those other eight cities that already have theirs at the same time but at different sites. She stated it would allow us to have one time when essentially voters – assuming presidential elections occur one time -- would have to go to the voting booth, have the election and be done with it from November through the spring. She stated because it would be at a time when all of the early voting stations would be open anyway there would be more cities voting and the cost of that would be shared among those that were having their elections; that there is only one other city, Collegedale, that has an election when we have it in March and April; that all the rest of them have it in August and November. She stated because people generally are very engaged in elections for presidents, usually more attention is paid to that and the thought was it would increase an interest in getting all that taken care of at one time. She stated that is why it has been proposed.

Councilman Murphy stated when this came up the discussion was all about turnout in municipal elections being about 18 percent and the argument was that turnout would be higher by moving it to August and the reality is we looked at the numbers and that is not true. He stated the turnout is the same for city precincts whether municipal or an August election. He stated this was discussed at length in Committee today and since it does not change turnout at all it tends to run the risk of taking non-partisan city offices and mixing them up with a lot of partisan offices and it is his thought if we do that it is not going to be a helpful or healthful thing for our democracy in the city. He stated Mr. Gilbert previously ran on a November ballot and he would tell us, and did earlier today, that people do not notice you at all and are not focusing on local races and issues when they are rolled up into the bigger elections. He stated democracy suffers as a result and that is the reason why it is a very, very small savings Mrs. Scott is advocating for and that is once every four years and if it is spread out over the term of office it is really an inconsequential differential in the scheme of things. He stated our action to go paperless will save a lot more money than moving the date of election ever would and for that reason and a lot of others he plans to vote against moving the date of election and thinks he will carry that day on that side of the vote.

## AMEND CHARTER (Continued)

Councilwoman Berz stated we had a very, very thorough discussion on this at 3 p.m.; that the bottom line is she has a great deal of respect for her constituents; that city issues are unique, that Councilman Murphy's comments about mixing partisan and non-partisan matters carries a lot of weight and for all the other reasons her fine colleagues talked about earlier she is going to vote against it.

Councilman McGary stated to Councilman Murphy's point a counter argument was raised, if turnout is the same why not save tax payer dollars by holding the election in August; that "yes" there is a worthwhile point worthy of consideration to the idea that the city elections will be last on the ballot; however, the recent Auditor referendum was also last on the ballot and still there was a high number of people that voted for it. He stated let's be perfectly honest, people vote for the races they want to vote for and the matter of whether they are actually on the ballot is inconsequential, to use Councilman Murphy's term, depending upon the candidate they want to see in office. He stated the partisan issue is something he has been weighing since it was discussed this afternoon and is not quite sure how he would substantiate the comment only to say when an individual picks up a ballot and sees Republican or Democrat on it for a partisan race and when they see a City Council ballot and see a name without a party let's not deceive ourselves thinking they are not aware what that person 's party is as they do know what the party is generally speaking and most people will weigh that very heavily, not to say it would affect their vote but it is factored in. He stated although this is not a partisan race he is not so sure how much partisanship plays in the actual decision one way or the other; that the argument falls down on what saves tax payer dollars, particularly if turnout is virtually the same.

Councilman Benson stated the partisan atmosphere is poisonous and that is what is happening right now in the national elections and others. He stated he likes the focus we have with the City Council running separately on local city issues that will come before and affect the citizens that are voting for us as they are focused in on the city and partisanship is completely out of the picture. He stated people stand on the issues and judge the value of a person; that a person can speak to the issues and not be drowned out by Congressional races and all the other races that occur -- state, national and county. He stated he likes it when the City Council runs separately from the County Commissioners because we need to work together with them and this separates two situations and lets citizens be able to focus in on each properly. He stated he could not vote for this at all.

Councilman Rico called for the question.

AMEND CHARTER (Continued)

On motion of Councilwoman Scott, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE DATES OF ELECTION FOR MAYOR AND CITY COUNCIL MEMBERS AND THE TERM FOR THE FIRST MAYOR AND CITY COUNCIL MEMBERS ELECTED FOLLOWING THE CHANGE IN ELECTION DATES**

failed on roll call vote:

|          |     |
|----------|-----|
| MURPHY   | NO  |
| SCOTT    | YES |
| ROBINSON | NO  |
| BENSON   | NO  |
| GILBERT  | NO  |
| BERZ     | NO  |
| RICO     | NO  |
| MCGARY   | YES |
| LADD     | NO  |

CLOSE AND ABANDON

**MR-2012-111: Walnut Commons**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE CLOSING AND ABANDONING A GENERAL SLOPE EASEMENT CONTAINING TWO HUNDRED THIRTY-ONE (231) SQUARE FEET, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT CONTAINING FOUR HUNDRED FORTY-NINE (449) SQUARE FEET, MORE OR LESS, MORE PARTICULARLY DESCRIBED HEREIN**

passed first reading.

### BLANKET CONTRACT

Councilwoman Scott stated earlier today Mr. McMahan said he had gotten another copy of the contract and wanted to mention on the previous contract with MAC Communications that several lines in the contract did not refer to the City of Chattanooga but to FTD Florist which may have been the standard contract with us not listed in it. She stated for the sake of getting it right it is her hope it would be changed; that there is a picture of the fleet footed FTD person on the front that might need to be our seal or something.

On motion of Councilman McGary, seconded by Councilwoman Rico,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICE TO EXECUTE A BLANKET CONTRACT FOR A TELEPHONE SYSTEM FROM MAC SOURCE COMMUNICATIONS TO COMPLETE THE PHONE SYSTEM FOR THE CITY OF CHATTANOOGA, FOR AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000.00)**  
was deferred two weeks.

### PERMANENT PAPER RECORDS

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION ALLOWING PERMANENT PAPER RECORDS TO BE MAINTAINED BY PHOTOGRAPHIC OR ELECTRONIC MEANS**  
was adopted.

### PAYMENT AUTHORIZATION

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING PAYMENT TO WOODLAND PARK BAPTIST CHURCH FOR A SANITARY SEWER EASEMENT, RELATIVE TO CONTRACT NO. W-10-005, ESIP SANITARY SEWER BASIN IMPROVEMENTS, FOR TRACT NO. 1, PROPERTY LOCATED AT 6735 STANDIFER GAP ROAD, CHATTANOOGA, TN 37421, TAX MAP NO. 138-E-A-001.01, FOR AN AMOUNT NOT TO EXCEED NINE HUNDRED NINE AND NO/10 DOLLARS (\$909.00)**  
was adopted.

**PAYMENT AUTHORIZATION**

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING PAYMENT TO WOODLAND PARK BAPTIST CHURCH FOR A SANITARY SEWER EASEMENT, RELATIVE TO CONTRACT NO. W-10-005, ESIP SANITARY SEWER BASIN IMPROVEMENTS, FOR TRACT NO. 2, PROPERTY LOCATED AT 6735 STANDIFER GAP ROAD, CHATTANOOGA, TN 37421, TAX MAP NO. 138-E-A-001.01, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND FOUR HUNDRED TWENTY-NINE AND NO/DOLLARS (\$2,429.00)**

was adopted.

**TEMPORARY USE**

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING PAYMENT TO WOODLAND PARK BAPTIST CHURCH FOR A SANITARY SEWER EASEMENT, RELATIVE TO CONTRACT NO. W-10-005, ESIP SANITARY SEWER BASIN IMPROVEMENTS, FOR TRACT NO. 3, PROPERTY LOCATED AT 6735 SANDIFER GAP ROAD, CHATTANOOGA, TN 37421, TAX MAP NO. 138-E-A-001.01, FOR AN AMOUNT NOT TO EXCEED SIXTEEN THOUSAND TWO AND 00/DOLLARS (\$16,002.00)**

was adopted.

**TEMPORARY USE**

Councilman McGary thanked Mr. Cummings and stated it is good to see the development taking place so far and the addition of the supermarket in the downtown area. He wished him God speed in his work!

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING ENZO'S SOUTHSIDE MARKET C/O ERIC CUMMINGS TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY ALONG THE WEST RIGHT-OF-WAY LINE OF STREET BEGINNING AT WEST MAIN STREET TO ITS INTERSECTION AT 16<sup>TH</sup> STREET FOR THE INSTALLATION OF A RETAINING WALL AND FOR THE INSTALLATION OF A CANOPY ALONG A PORTION OF 100 WEST MAIN STREET, AS SHOWN IN THE DRAWING AND MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING MIKE AND TAYLOR MONEN C/O BLYTHE BAILEY TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 850 MARKET STREET FOR THE INSTALLATION OF PLANTERS BELOW THE EXISTING WINDOWS OF THE BUSINESS AND SMALL STOOP FOR ACCESS TO THE BUSINESS ALONG PORTION OF SAID RIGHT-OF-WAY, AS SHOWN IN THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING JAMES BARRETT C/O BLYTHE BAILEY TO USE TEMPROARILY THE RIGHT-OF-WAY LOCATED AT 100 TREMONT STREET TO INSTALL A CANOPY, AS SHOWN IN THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

DOWNTOWN HOUSING/PILOT

On motion of Councilwoman Scott, seconded to Councilman Rico,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE GRANTING OF INCENTIVES TO DEVELOP HOUSING IN DOWNTOWN CHATTANOOGA; TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE; TO ADOPT A PROGRAM FOR DOWNTOWN HOUSING DEVELOPMENT; TO AUTHORIZE THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO AGREEMENTS FOR PAYMENTS IN LIEU OF AD VALOREM TAXES MEETING THE CRITERIA OF SAID PROGRAM AND TO PROVIDE FOR A TERMINATION OF THIS INCENTIVE PROGRAM IN TEN (10) YEARS**  
was deferred two weeks.

## CONTRACT

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE WITH JR REALTY, LLC, FOR THE PURCHASE OF 55,729 SQUARE FEET OF REAL ESTATE THAT IS A PORTION OF TAX MAP NUMBER 101-010, LOCATED AT 6406 HIXSON PIKE, WITH PROPERTY TO BE USED FOR THE CONSTRUCTION OF A NEW FIRE STATION FOR THE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$175,000.00)**  
was adopted.

## AGREEMENT

On motion of councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE CHATTANOOGA RUGBY CLUB, INC. TO LEASE A PORTION OF MONTAGUE PARK FROM THE CITY OF CHATTANOOGA TO CONSTRUCT A BUILDING THAT SHALL BE OPEN TO THE PUBLIC AND SHALL BE KNOWN AS THE MONTAGUE PARK FIELDHOUSE**  
was adopted.

## PUD

### **2010-012: Fishers Landing (Formerly known as Mackey Glen)**

Councilman Benson stated this was approved a year or two ago when Don Walker owned this property and assured the Council a lot of conditions were placed on it at the time; that the community supports it and spoke in favor of extending this special exception to this new developer.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION TO EXTEND THE SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT (FORMERLY KNOWN AS MACKEY GLEN) NOW REFERRED TO AS FISHERS LANDING PLANNED UNIT DEVELOPMENT, AND REFERENCED IN CITY COUNCIL RESOLUTION NO. 26403, ON TRATS OF LAND LOCATED AT 1091 MACKEY AVENUE**  
was adopted.

## OVERTIME

Overtime for the week ending August 9, 2012 totaled \$4,737.44.

## PERSONNEL

The following personnel matters were reported for the various departments:

### NEIGHBORHOOD SERVICES DEPARTMENT:

- **LAUREN LOWERY** – Hire, Project Specialist, Range 14, \$34,201.00 annually, effective August 10, 2012.

### CHATTANOOGA POLICE DEPARTMENT:

- **DERRICK CHOICE, WILMA DUNN, CHAD MILLER, GREG SMITH** – Hire, School Patrol Officer, \$15.08 hourly, effective August 8, 2012.

### CHATTANOOGA FIRE DEPARTMENT:

- **CHRIS ARENDALE, D. ANDRE DEAN, JOHN LONG, STEPHEN ROSE, TRACY SMITH** – Promotion, Fire Captain, Range F4A, \$49,132.00 annually, effective July 13, 2012.
- **CHRIS BLAZEK, JERRY A. COPENY, JOHN CRAW, MATT MCELHANEY, JONATHAN HIGGINS** – Promotion, Fire Lieutenant, Range F3A, \$43,358.00 annually, effective July 13, 2012.

## EMERGENCY PURCHASE

The emergency replacement of Storm Drain Pipe for the Public Works Department to Brown Brothers, Inc. on R64432 in the amount of \$10,077.00 was duly reported and signed in open meeting.

## PURCHASE

On motion of Councilman Rico, seconded by Councilman McGary, the following purchase was approved for use for Information Services:

**CDW-G (Lowest and best bid)**  
**R58839/302019**

**PURCHASE (Continued)**

Purchase of Network Access control and Maintenance

\$45,600.00

**BOARD RE-APPOINTMENTS**

Councilmen Rico and Benson made the motion to approve the Board re-appointments, however prior to voting, Councilwoman Scott made the motion to vote on the names separately with Councilman McGary seconding the motion. On roll call vote on the motion to vote separately:

|          |     |
|----------|-----|
| SCOTT    | YES |
| ROBINSON | NO  |
| BENSON   | NO  |
| GILBERT  | NO  |
| BERZ     | NO  |
| RICO     | NO  |
| MCGARY   | YES |
| MURPHY   | NO  |
| LADD     | NO  |

The motion failed: Two (2) "yes"; seven (7) "no".

On motion of Councilman Rico, seconded by Councilman Benson, the following Board re-appointments were approved; **Councilwoman Scott voted "no"**:

**STORM WATER REGULATIONS BOARD:**

- Re-appointment of **DONALD WALLIS** as the At-Large Representative for a four year term expiring July 28, 2016.

### BOARD RE-APPOINTMENTS (Continued)

- Re-appointment of ***DOUGLASS STEIN*** as the Contractors' representative for a four year term expiring July 28, 2016.
- Re-appointment of ***KEN DEFOOR*** as the Developers' representative for a four year term expiring July 28, 2016.
- Re-appointment of ***JAMES MOEGLING*** as the Neighborhoods representative for a four year term expiring March 30, 2014.

### CITY CHARTER AND TENNESSEE CODE ANNOTATED

Councilman McGary stated he attended the Election Commission Board meeting this past Wednesday and it was brought to his attention there were citizens seeking to produce an initiative which is different from a referendum or recall. He stated in that presentation there were letters, one from our city attorney and another from Kera Harr who is over the Division of Elections, Tennessee Department of State; that in both letters there were concerns about our *Charter*, whether our *City Charter* is inconsistent with TCA 2-5-161. He stated the citizens appealed to the Election Commission and the Election Commission turned to him since was the sole Council person in the meeting and said the Council needs to "fix it"; so here we are again in regard to what our *Charter* says versus what the actual Tennessee Code states. He stated he has the actual paper work which he gave to City Attorney McMahan as well as the initiative and question and asked if the matter can be discussed in Legal and Legislative at a future point.

Councilman Murphy stated if the City Attorney agrees with that opinion then the answer is "yes" reminding Councilman McGary that the time to bring up things for a committee agenda is not at the evening meeting unless it is an emergency that came up between committee and now. He stated we have an agenda session every Tuesday afternoon and that is the time if something should be brought to the Council agenda is the much more appropriate time to discuss it. He stated in short, pending the opinion from the City Attorney, "sure".

Councilman Benson stated it was his thought it took two Council persons to bring something up and inquired as to what this involves.

**CITY CHARTER AND TENNESSEE CODE ANNOTATED**  
**(Continued)**

Councilmen McGary stated the West Side Community Association brought forth "A Right to Live in this City" initiative which stated they would like the city to consider establishing low-to-moderate income quotas for certain numbers of developments that take place downtown. He stated according to the City's *Charter*, citizens have the right to put forth an initiative that has no Council jurisdiction, does not require the Council to issue authority one way or the other; however there is some concern as to where our *City Charter* is in conflict with TCA. He stated in order for the citizens of our community to know actions they should take if they want to issue forth an initiative we need to hash through what is actually binding here – the state or our Charter. He stated we are back in the same place as to issuing some sort of . . . if it is messy we need to clean it up and make sure our citizens know what action they need to take if they decide to put forth an initiative.

Chairman Ladd stated our City Attorney will look at that and let Mr. Murphy know and we will handle this if we need to have a discussion in Legal and Legislative.

Councilman McGary stated depending upon the outcome of the conversation Mr. Walden, Chair of the Election Commission, should be notified as they are waiting on our decision.

**COMMITTEES**

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, August 28** immediately following the Agenda Session.

Councilman Benson stated that the Economic Development Committee met today and it was decided Mrs. White would come back in two weeks and make a report as to the response to our concerns.

City Attorney McMahan stated he did speak with Mrs. White and Mr. Smith after the meeting and suggested we set up a meeting with Mrs. Madison and members of administration to go over the response and come back in two weeks.

**NEXT WEEK'S AGENDA: AUGUST 28, 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** stated she was present last Tuesday about overgrowth of a neighbor's Section 8 house noting that she received a notice informing her that her property at 2107 Bennett has been found to be in violation of the City Code; that overgrowth has caused unsafe and unhealthy conditions and is deemed a nuisance. She stated this is not at her house, it is at the Section 8 house and was told she would have ten days to clean it up; that she started before the trees started blooming in January calling 311 and came here to speak to the Council in June, was here last week and again today and has been given ten days to clean up somebody else's mess. She stated she is a single woman, unemployed due to termination from the city and does not know what is going on. She asked the Council what they expect out of her, what is she supposed to be doing, what is she not doing and what is it about her that has to have all the "nicks and knacks" on her! She asked that somebody tell her.

Chairman Ladd asked Ms. Moon to meet with Mrs. Johnson following the meeting; that the letter may have come from her department as it did not come from the Council and does not know the specifics as to why the letter was issued.

### KARL EPPERSON

**Karl Epperson** of 1201 Boynton Drive commended Councilmen Scott and McGary on their stand on changing the election; that the low voter turnout is beneficial to some of the Council members and they know that; that if the majority of the voters on the West Side and Park City cast their votes a candidate is virtually undefeatable. He stated as to changing the vote when President Obama has television presence, programs are interrupted and reporters say "what I think he meant to say was ..." noting he heard that in Legal and Legislative today because they wanted to change what the people have already voted on – a referendum, let's tweak it in regard to the Auditor. He stated he knows what he voted on and does no need to be told "we made a mistake"; that mistakes are made.

**KARL EPPERSON (Continued)**

Mr. Epperson stated as to low voter turnout Councilman Murphy stated Mulberry Mountain or other communities had higher voter turnout than we do and asked if it has been considered the reason is they believe they are being heard by the people that serve them. He stated if we have more people at one place to vote on everything in front of them, not counting the people that were not here that did not hear this constituent . . . a lot of people were not present earlier when a lot of the Council members in this constituent's opinion were "crying in their handkerchiefs" about how much more this would cost in billboards, not what it costs the tax payer but what it costs them to run ads and billboards and asked "what are you doing"!

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, August 28, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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