

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JUNE 1, 2010**

Chairman Rico called the meeting of the Chattanooga City Council to order with Councilmen Benson, Gilbert, Ladd, McGary, Murphy and Scott present. Councilwoman Berz was absent due to illness and Councilwoman Robinson was out of the country. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Chairman Rico, followed by invocation given by Attorney McMahan.

MINUTE APPROVAL

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

**SPECIAL RECOGNITION:
CHATTANOOGA SCHOOL
FOR THE LIBERAL ARTS**

Councilman Benson stated that this school was in Councilwoman Berz' district and has been recognized by the National Magnet School Association. The principal, Ms. Krystal Scarbrough, was present tonight. The Chattanooga School for Liberal Arts has been given a great accolade nationally; that it is the top school of this class in America. Councilman Benson stated that he was once a principal but not as pretty as Ms. Scarbrough. He read the following commendation:

WHEREAS, the Chattanooga School for the Liberal Arts (CSLA) has received the DKH Consulting Services Award as the top elementary magnet school in the United States; and

WHEREAS, CSLA also has been recognized as a magnet school of excellence for a commitment to high academic standards, curriculum

SPECIAL RECOGNITION
(CONT'D)

innovation, successful desegregation/diversity efforts, specialized teaching staffs, and parent and community involvement, and receiving a \$2,500 grant; and

WHEREAS, these rewards are the result in years of hard work by CSLA staff, students, parents, and the community.

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, *that the staff, students, and parents of Chattanooga School for the Liberal Arts are hereby commended for CSLA being named as the top elementary magnet school in the United States and a magnet school of excellence.*

ADOPTED: *May 25, 2010*

Ms. Scarbrough responded, thanking the Council on behalf of the faculty and staff for their support and recognition. She stated that they were a very unique school that represented every district in the county; that they were a culturally diverse school that mirrored demographics of the City and County; that they set high standards and their scores were tops in the State. She stated that they had a great passion for the kids.

AMEND ZONING ORD.
LIFTING CONDITIONS

2010-036 (Thomas Palmer)

Chairman Rico asked if Mr. Van Winkle was present. Mr. Norris related that both of these Ordinances have Parking Plans that have been approved by Mr. Van Winkle.

AMEND ZONING ORD.
(CONT'D)

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT
THE CONDITIONS IMPOSED IN ORDINANCE NO. 11974
(CASE No. 2007-058) ON TRACTS OF LAND LOCATED AT
1601, 1607, AND 1613 ROSSVILLE AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP AND DRAWING ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2010-051 (John S. Wise)

Councilman Murphy stated that he had a map on this rezoning if anyone
wanted to look at it.

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 203 EAST MAIN
STREET, MORE PARTICULARLY DESCRIBED HEREIN FROM
M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE
'SPECIAL GATHERINGS'

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
CHAPTER 25, BY ADDING A NEW ARTICLE II TITLED
"SPECIAL GATHERING PERMIT", SECTIONS 25-40 THROUGH
25-47, RELATIVE TO PERMITS ON SPECIAL GATHERINGS**
passed first reading.

TEMP. ROW USE

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZNG JOHN SWEET ON BEHALF OF
SWEET BUILDING SHELL RENOVATION TO USE
TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 215 EAST
MAIN STREET FOR THE PLACEMENT OF A CANOPY OVER A
PORTION OF THE RIGHT-OF-WAY, AS SHOWN ON THE
DRAWING ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

ECON.RECOVERY ZONE

On motion of Councilwoman Ladd, seconded by Councilman McGary,
**A RESOLUTION DESIGNATING AN EXPANDED ECONOMIC
RECOVERY ZONE WHICH SHALL INCLUDE AREAS AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE**
was adopted.

SPEC. EXCEPT. PERMIT

On motion of Councilman McGary, seconded by Councilman Benson,
**A RESOLUTION TO EXTEND FOR ONE YEAR THE SPECIAL
EXCEPTIONS PERMIT FOR A PLANNED UNIT
DEVELOPMENT KNOWN AS THE COVENANT PLANNED
UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN
THE 1600 BLOCK OF EUCALYPTUS DRIVE**
was deferred for two weeks.

**SUMMITT LANDFILL
GRANT**

Councilwoman Scott stated that this was the first time she had seen this document.

Beth Jones of Southeast Development District was present and explained that this was unique funding that had just been made available through

GRANT (CONT'D)

the State of Tennessee; that there was a very short window, and they had to have this in by Friday, and it required the Mayor's signature. She apologized for the short notice, stating that this came up quickly. Matching funds will go to the end user, which could fully pay for improvements the City would have to make.

Councilwoman Scott responded that this sounded wonderful, but we had gone through a disaster concerning something similar, and if not for this, she probably would not be asking these questions. She stated that she had difficulty voting on something that she had not read and which had not been discussed; that this was a quick thing, and the Council had met earlier today and had seen nothing on this. She stated that she would like more information and have the time to ask questions.

Mr. Stewart explained that they had been working with Volkswagen and would be receiving money from the gas we sell for them plus putting this in good shape if we proceed; that we will be spending this money on the front end, and the match will come from post-closure funding and potentially we may not have to pay anything.

Ms. Jones added that this is just at the application stage and something would have to come back to the Council before funds are appropriated.

Councilman Benson stated that he did not recall discussing this in detail; that if the Grant is accepted, we could still turn it down. He asked if there was a rush for tonight?

Ms. Jones stated that it was a U.S. EDA Application that had to be received in Atlanta by Friday for us to be recognized.

On motion of Councilwoman Ladd, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
ALL DOCUMENTS NECESSARY RELATIVE TO MAKING
APPLICATION TO THE U.S. ECONOMIC DEVELOPMENT
ADMINISTRATION FOR A GRANT IN THE AMOUNT OF
EIGHT HUNDRED TWO THOUSAND DOLLARS (\$802,000.00)
FOR LANDFILL GAS COLLECTION AND GENERATION
IMPROVEMENTS AT THE SUMMIT LANDFILL**
was adopted, with Councilwoman Scott abstaining.

OVERTIME

Overtime for the week ending May 27, 2010 totaled \$7,891.55.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **SABRINA SHARP**—Hire as Police Service Technician, \$22,050.00 annually effective 5/21/10.

PUBLIC WORKS DEPARTMENT:

- **RONNIE BURT**—FMLA for Crew Supervisor 3, effective 4/28—6/17/10
- **JOSH NUNLEY**—Hire as GIS Technician, R/13, \$35,744.90 annually, effective 5/21/10.

PURCHASES

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

GENERAL SERVICES DEPARTMENT:

LEE-SMITH, INC. (Ratify Purchase)
R28467 & R28609

Vehicle Parts

\$35,995.99

PURCHASES (CONT'D)

FIRE DEPARTMENT:

**MOTOROLA, INC. OF KNOXVILLE, TN (Single Source Purchase:
R28499**

Five (5) Motorola Radios & Accessories

\$18,175.75

PARKS AND RECREATION:

**DICKENS SUPPLY & JOHN DEERE LANDSCAPE (Lowest & Best Meeting
Specs.)
R24979**

Blanket Contract for Grass Seed & Fertilizer

\$15,000.00 annually, estimated

HEARING:MICHAEL DOUGLAS

Attorney McMahan reported that a hearing had been set for Michael Douglas on Monday, June 7th. A letter has been received from his attorney, Leonard M. Caputo, stating that this matter will try to be resolved after it reaches Criminal Court, and he is asking for a delay of this hearing. Attorney McMahan stated that he would advise of a later date.

COMMITTEES

Councilman Murphy reminded Council of the **Legal and Legislative Committee**, that will be held next **Tuesday, June 8th immediately following the Education, Arts and Culture Committee meeting**. The topic of discussion will be the **Taxi Industry Reform and Ordinances/Resolutions** within the Committee's jurisdiction.

COMMITTEES(CONT'D)

Councilman McGary scheduled a meeting of the **Education, Arts and Culture Committee on Tuesday, June 8th immediately following the Public Works Committee**, to discuss reviving the mission of the Soldiers and Sailors Memorial Auditorium.

Councilwoman Ladd reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, June 8th to immediately follow the Agenda Session.**

In the absence of Councilwoman Berz, Chairman Rico announced the meeting of the **Budget, Finance and Personnel Committee on June 8th at 2:00 p.m.** for a continuation of discussion on Agency Budget Requests.

AGENDA: JUNE 8, 2010

Chairman Rico asked if there were any questions concerning next week's agenda, which was discussed earlier during the agenda session.

As there was a capacity crowd gathered, Chairman Rico welcomed the guests to this meeting, stating that the Council would respect them and expected respect in return. He stated that he would allow five people to talk concerning the Budget.

CAROL GADDY

Carol Gaddy of 2605 East 45th St. was the first speaker. She spoke very loudly, asking Chairman Rico if she was speaking loudly enough! She stated that the people were taxed enough already. She held up a sign in regards to Resolution 25721. She thanked Councilwoman Scott for looking after the people, particularly in regards to questions concerning the Grant on tonight's agenda. She stated that Grants are destroying this City, and we don't have to do this game; that we need to keep our money in the local community. She stated that she had proof today with two documents; that she had asked Beverly Johnson for a document, which she did not receive. She stated that she had previously worked in marketing and would give each Councilperson two sheets that would let them know that the Real Estate Industry was saying what the City is doing is against the law; that there was never any legal document sent to her. In reference to Resolution 25721, she stated that this Grant was garbage.

CAROL GADDY (CONT'D)

Ms. Gaddy went on to tell about a lady who had lost her house because of a high water bill; that things were going on behind their backs, and the City was coming in and foreclosing on property; that everyone she talked to could not believe that the City was involved in something this illegal and stealing private property.. She stated that the copies she was handing out were made at her own expense; that Councilwoman Berz had asked for proof that the City was doing something illegal.

ERIC SMITH

Eric Smith stated that he was a member of the Tea Party and was opposed to all new taxes; that he believed that the City had taken enough of their money; that when they spent dollars, it created jobs in the community; that the City was taking their hard earned money and creating fewer jobs.

DARREL SILVEY

Darrel Silvey of 703 Battery Place spoke next. He stated that he owned a business at 901 E. 11th St.—Silvey Metal Works. He stated that the City should run the government like he runs his business; that we are in a recession, and he was cutting back on his employees; that he was cutting wages and hours and now the City was asking him to pay more taxes; that it was baloney that taxes had not been raised since 2001! He reiterated that he was having to cut back and could not give his employees a 4% raise; that the City represented them—the poor working folks, and if the Council voted to go along with this tax increase, they were not representing the people.

WALLER REECE

Waller Reece stated that he was representing the Tennessee Brokers in the Chattanooga area; that the average price of a new home for first time homeowners was \$125,000 to \$150,000, which would result in a tax increase of \$500 to \$600 a year; that these people were right at the line, and he did not want people not to be able to purchase a home; that people with rental property had to increase rent for those already

WALLER REECE (CONT'D)

struggling. Mr. Reece stated that he thought he was speaking for other investors when he said they don't want to have to increase rents. He stated that in speaking for the Tennessee Brokers, all investors were opposed to a 33% increase in taxes; that we should be cutting taxes.

STAN CARNAHAN

Mr. Carnahan stated that he lived in Councilman Murphy's district; that people were not opposed to taxes, but the main thing was that they lived on a fixed income; that when they had to replace their siding or new windows, one had to wait until they paid other things down and cut wasteful spending such as going out to eat and having several cell phones; that taxes had to be raised to give city workers a raise, and they deserved it, but there is a process; that the city employees would have to use their raise to pay their higher taxes; that the City should live within a budget like everyone else has to do.

BILL REASONER

Mr. Reasoner stated that he lived in the County and was leading the fight on annexation; that they had previously said that the City did not have the money and annexing them was not the way to go; that they did not get the right to vote on annexation; that if the City raises taxes on the city folks, that the taxes would be double for county folks and will be twice as hard to pay. He stated that they were in Court fighting this annexation; that if the City cannot afford services now, where did they propose to get the money for the County folks; that they all knew the City did not have the money in the first place. He stated that he questioned the Council's judgment; that this would bankrupt our children; that the Council needs to respond to the people and not their colleagues; that they never allowed people to vote on annexation and people would not be allowed to vote on these taxes either; that he knew the Council was honorable, but he questioned who they represented. He ended by saying he would support them in their efforts.

LANA SUTTON

Lana Sutton of 7203 Sylvia Trail spoke next. She stated that she was speaking as a homeowner; that she had been taken to Court by the City three times concerning her lawn, and this had cost the City tax dollars; that the Ordinance was vague and discriminating and according to this Ordinance, everyone would be illegal; that the City was trying to enforce a commercial standard on residents and vegetable and flower gardens; that the role of City Inspectors is not aesthetics; that Beverly Johnson's Lawn Ordinance allows the City to force certain landscaping or force her into Court; that she had already been in Court three times; that this Ordinance is being used regularly to threaten property rights; that people are being forced to destroy their gardens, and the Ordinance is being used as a harassment tool; that this is a bad arrangement; if people do not meet certain standards, overzealous inspectors allowed them to be preyed upon. She stated that she had been told that the City may no longer try to re-write this Ordinance; that it was being shoved down her throat and would be enforced again; that the City continued to harass people with this and the people were in an unprotected state; that these city inspectors should never have been promoted to art critics.

SHIRLEY DEAKINS

Ms. Shirley Deakins spoke next, stating that she worked five days a week in order to keep her house, which should have been declared historic; that she agreed that Neighborhood Services was taking peoples' property.

MAURICE LEWIS

Maurice Lewis stated that he lived on Keystone Circle and had previously lived in Boston, Massachusetts where he worked as a reporter, anchor person and talk show host for 30 years; that he was very appreciative of this City because of their efforts of many races working together; that he had thought that Andrae McGary was the "best and the brightest", but his actions and words had proven that he was not. He stated that Councilman McGary takes taxpayers' money which he does not earn; that he is a no-show at meetings where decisions are made, and he is elsewhere drawing a second salary and asking for special treatment.

MAURICE LEWIS (CONT'D)

Mr. Lewis went on to say that for four hours a day five times a week, Councilman McGary has an unfair advantage and a deep conflict of interest; that most egregious was his racial use of the “N” word; that there is no correct way where the use of this inflammatory word can be perceived; that it is despicably backward for Black people to use this word and White people have been fired for using it. He went on to say that Mr. McGary shows a lack of respect for the taxpayers and that his character should be scrutinized by an ethics committee; that it is the taxpayers who pay his salary.

SHARON PEAKER

Sharon Peaker spoke next, stating that she had not intended to speak but was speaking because of the behavior of Chairman Rico concerning the lady over running her speaking time. She stated that she was a two year resident of the City and had moved here from New York, where she had to pay higher taxes. She stated that she had raked her leaves as far as aesthetics go and her leaves had remained on Wisteria Drive for two months, and the City had not picked them up, stating that this “showed our tax dollars at work”! She went on to say that she was a former school teacher in New York; that the students she taught were predominantly Black, and they were taught not to use the “N” word. She mentioned a population of 28,000 in New York, and they had town meetings in a school auditorium; that they were not censored to letting only five speak nor were they censored to only three minutes. She stated that the people present had every right to speak as much as they wished to; that the Council worked for them. She stated that she was very offended when Chairman Rico said stick to three minutes and five only could speak—oh No—that was not right! She continued, stating that some of their town meetings went late into the night, and that they had to work overtime for their money; that everyone should be able to exercise their right for freedom of speech.

Chairman Rico responded that we do have rules and people should obey the rules or not come to the meetings; that there was no sense in being redundant; that he felt the pain of the people.

LARRY GROHN

Mr. Grohn was the last speaker. He stated that he lived in Councilman Benson's district; that he had grown up in San Antonio, Texas and had gone to school with 206 students and only ten of them were White; that he was the only non-Black baseball player; that he knew about discrimination because of color; that one should no more use the "N" word than "Honkey"; that he used to be called "Cotton Top"; that he had listened to Councilman McGary and had seen him and had been very pleased, but an error in judgment had been made; that Councilman McGary should be at meetings of the City Council.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, June 8, 2010 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)**