

**CITY COUNCIL BUILDING
CHATTANOOGA, TN
JUNE 22, 2010**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Gilbert, followed by invocation given by Attorney McMahan.

MINUTE APPROVAL

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

MARSHALL FELLOWS

Councilman McGary introduced Eleanor Cooper, who was to present the Marshall Fellows. He noted that these were special guests from around the world and that Ms. Cooper would tell us more.

Ms. Cooper thanked the Council for letting them come, stating that there were five Marshall Fellows present—that this represented a positive relationship between Europe and the United States; that they were from different countries, and she would let each of them introduce themselves; that they had been here five days and were staying with local families and learning about our city.

The first speaker was **Jan Marusinec from Slovakia**. He expressed his appreciation for letting them stay in Chattanooga, noting that he had been visiting with the family of Councilman McGary. He stated that he was able to be present for the earlier budget discussion and was pleased to see the number of people in attendance. He stated that his native Slovakia was also in a recession with revenue shortfalls; that it was a difficult situation requiring severe cuts in their budget, adding that Chattanooga's shortfall was not so severe. He wished the Council a nice discussion tonight and again noted the fact that so many were in attendance.

MARSHALL FELLOWS
(CONT'D)

Patricia Gabaldon of Madrid, Spain stated that she was an Economics Professor and was glad to be here.

Hannelore Acarnulesei of Romania stated that she was a journalist and founder and editor of the best rated regional newspaper. She thanked the Council for welcoming them and the City for hosting them, stating that Chattanooga was a nice town with many nice people.

Lenka Houskova is currently head of the department for external relations in the Regional Authority of South Bohemia, Czech Republic.

Emrush Ujkani is from Kosovo, which he stated was the youngest country in the world. He teaches an introduction to law at the University for Business and Technology of Prishtina. He stated that he had really enjoyed his stay and wished the Council good luck in all of this.

Councilman McGary noted that these people had been visiting since Saturday and would leave tomorrow morning.

Chairman Rico expressed appreciation for them being here tonight.

OLYMPIC DAY

Chairman Rico turned this portion of the meeting over to Adm. Zehnder and Elaine Adams. Adm. Zehnder explained that part of their mission was the Therapeutic Division of Parks and Recreation and that Ms. Adams had a special announcement and invitation.

Mr. Adams stated that Chattanooga was proclaiming **An Olympic Day** along with thousands around the world; that we were honored that Chattanooga was a part of this. She mentioned an event with Kidz Camp yesterday where they played baseball and softball, and they were present tonight with a Proclamation from the Mayor, along with representatives from the Scenic City Cycling Group. She stated that they would be leaving here for Outdoor Chattanooga to further confirm Olympic values; they would then be taking a bike ride through Renaissance Park.

At this point, Adm. Zehnder read the Mayor's Proclamation.

Before beginning the readings of the Agenda, Chairman Rico explained that all of these Resolutions and Ordinances had been thoroughly discussed in committee and there had been much deliberation.

REZONING

2010-015 (City of Chattanooga)

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 1165
FAIRMOUNT AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-T/Z
RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE,
SUBJECT TO CERTAIN CONDITIONS**
was deferred.

Councilwoman Scott explained that this deferral would be until the completion of the Chattanooga Housing Authority location on Fairmount Ave.; that Mr. Gary Hilbert would bring this back to the Council's attention and would be in touch with the City Attorney's office as to when to place this on the agenda.

REZONING

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 1109 FAIRVIEW
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
was deferred for one week.

AMEND BUDGET ORD.

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND ORDINANCE NO. 12288,
ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN
AS 'THE FY2009/2010 BUDGET ORDINANCE, TO PROVIDE
REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2009,
AND ENDING JUNE 30, 2010, AND APPROPRIATING SAME
TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL
GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL
TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES
AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID,
WHEN THEY SHALL BECOME DELINQUENT; AND
PROVIDING FOR INTEREST AND PENALTY ON
DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE
FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN
SECTION 6**

passed first reading.

TEMP. ROW USAGE

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING DREW LANCASTER TO USE
TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 4529
BALCOMB STREET TO SUBDIVIDE PARCEL NO. 167G-M-013
FOR FOUR (4) HOUSES, AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

CONTRACT

On motion of Councilman Murphy, seconded by Councilwoman Berz,
A RESOLUTION AMENDING THE CONTRACT AMOUNT AUTHORIZED FOR A COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA, INC. FOR THE PURCHASE OF EQUIPMENT, SOFTWARE, AND SERVICES RELATIVE TO THE CITY'S REGIONAL PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM FROM THE AMOUNT OF THIRTEEN MILLION NINE HUNDRED THIRTY-THREE THOUSAND DOLLARS (\$13,933,000.00) THAT WAS APPROVED IN RESOLUTION NO. 25630 AS ADOPTED ON AUGUST 26, 2008, TO THE CORRECTED CONTRACT AMOUNT OF THIRTEEN MILLION NINE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED SEVENTY-NINE DOLLARS (\$13,933,379.00)

was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH NUSTATS,LLC FOR CONDUCTING A HOUSEHOLD TRAVEL SURVEY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY EIGHT THOUSAND DOLLARS (\$268,000.00)

was adopted.

CNE ALLOCATION
WEATHERIZATION

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ALLOCATE FOUR HUNDRED SIXTY-FOUR THOUSAND AND ONE HUNDRED TEN DOLLARS (\$464,110.00) OF CDBG-R PROGRAM FUNDS TO CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC. FOR THE PURPOSE OF WEATHERIZING THE HOMES OF ELIGIBLE LOW TO MODERATE INCOME RESIDENTS AND AUTHORIZING AN AGREEMENT WITH THE ORGANIZATION FOR THE SAME

was adopted.

TEMP. ROW USE

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING WAYNE SIEBOLD TO USE
TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1701
KIRBY AVENUE FOR PLACEMENT OF A RETAINING WALL
AND FOOTER, AS SHOWN ON THE ATTACHED DRAWING,
SUBJECT TO CERTAIN CONDITIONS**
was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN
AGREEMENT WITH VOLKERT, INC. FOR PROFESSIONAL
SERVICES RELATED TO THE CHATTANOOGA REGIONAL
ITS SYSTEM DESIGN, RELATIVE TO CONTRACT NO. T-10-
001-101, IN AN AMOUNT NOT TO EXCEED TWO MILLION
FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00)**
was adopted with Councilwoman Scott voting no.

OVERTIME

Overtime for the week ending June 17, 2010 totaled \$\$49,003.85.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SERVICES DEPT. (IS):

- ✓ **MICHAEL MCGRATH**—Termination of IT Technician, effective 6/10/10.

PERSONNEL (CONT'D)

PUBLIC WORKS DEPARTMENT:

- **JESSE PENDERGRAPH**—Three days suspension without pay for Equipment Operator 5, effective 6/7—9, 2010.
- **BRANDON COLLIER**—Promotion to Plant Operator 2, Range 11, \$29,544.00 annually, effective 6/4/10.
- **BRIAN GILLIAM**—Voluntary Demotion to Plant Operator I, Range 9, \$30,008.97 annually, effective 6/18/10.

CHATTANOOGA FIRE DEPARTMENT:

- **EUGENE MORRIS**—Retirement of Firefighter, effective 6/3/10.

HOTEL PERMITS

On motion of Councilwoman Berz, seconded by Councilwoman Ladd, the following Hotel Permits were approved:

ALPINE LODGE MOTEL—4328 Cummings Highway, Chatt., TN.

AMERICA'S BEST INN—7717 Lee Highway, Chatt., TN.

DAY'S INN/AIRPORT—7725 Lee Highway, Chatt., TN.

MICROTEL INN—7014 McCutcheon Rd., Chatt. TN.

REFUNDS

On motion of Councilman McGary, seconded by Councilwoman Ladd, the City Finance Officer was authorized to make the following Property Tax Refunds:

TIFTONIA TN LODGING, LLC--\$4,752.94.

REFUNDS (CONT'D)

HIXSON TN. LODGING, INC.--\$3,852.66.

BRIGHT PAR 3 ASSOCIATES, LP--\$14,738.55.

CHATTANOOGA TN LODGING, LLC--\$5,792.62

PURCHASES

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

CHATTANOOGA POLICE DEPT.:

GT DISTRIBUTORS (Lowest and best bid);
Requisition 27770/B0006544

34 Ballistic Plates

\$18,491.63

GT DISTRIBUTORS (Lowest and best bid);
Requisition 28024/B0006550

Blanket Contract for Ballistic Body Armor

\$60,047.00 approximately

GENERAL SERVICES DEPT.:

CHATTANOOGA OFFICE SUPPLY (Lowest and best bid);
Requisition R27116

Blanket Contract for Office Supplies

\$170,000.00 approximately

PURCHASES (CONT'D)

HUMAN SERVICES DEPT.:

CBS BUILDING MANAGEMENT (Lowest and best bid):
Requisition R28521

Janitorial Services for Head Start Program

\$84,180.00

CHIEF RAWLSTON

Councilman McGary asked that Police Chief Rawlston approach the podium. He asked Chief Rawlston to make a few statements relative to the new policy we will be enforcing in regards to the situation of the young man who was trying to reach the hospital with his wife in an emergency situation. He asked to be given a clue as to the process and when it will be completed.

Chief Rawlston responded that matters involving police policy do not have to come before the Council, with Attorney McMahan confirming that this is true in regards to the Police Manual.

Chief Rawlston did relate that the review of this incident is ongoing with the involvement of Mr. Wright, the officer, and independent witnesses. He went on to say that he had spoken with Mr. Wright today and would speak to him again tomorrow; that the discussions had been amicable, and they were moving forward.

Councilman McGary asked about the part of the Police Manual in regards to policy changes? Chief Rawlston stated that he did not know if the policy will be changed.

COMMITTEES

Councilwoman Berz announced that there would be a Budget Work Session to be held tomorrow at 9:00 a.m. until 12:00 noon. Another Session will be held on Friday, June 25th at 9:00 a.m. until noon. **A Budget, Finance and Personnel Committee meeting is also scheduled for Tuesday, June 29th at 1:00 p.m.** Councilwoman Berz stated that we hoped to get the Budget ready for first reading next Tuesday and then will begin on the Capital Budget. These sessions will be held in the Council Committee Room and are open to the public.

Councilman Murphy announced that there would be a **Legal and Legislative Committee meeting on June 29th immediately following the Economic Development Committee.**

Councilwoman Scott scheduled a meeting of the **Economic Development Committee on Tuesday June 29th to immediately follow the Agenda Session.** The topic of discussion will be an amendment to Gestamp Chattanooga LLC PILOT and LTJ/Steel Warehouse PILOT expansion/new machinery.

NEXT WEEK'S AGENDA

Chairman Rico stated the agenda for next week was discussed earlier today during the Agenda Session.

DARRELL SILVEY

Mr. Darrell Silvey of 703 Battery Place spoke to the Council. He stated that he had a business at 901 E. 11th St. He thanked Councilwoman Scott for what she had said earlier today that “the little man is hurting in Chattanooga”. He stated that you could say that taxes have not been raised since 2001, but the cost of his properties had risen; that he had 15 parcels that he owned, and they had been raised over a period of four years; that he had renovated a home in St. Elmo and four months later got a tax increase in the form of the appraisal. He asked that the Council not talk out of two sides of their mouth; that the little man’s property had been increased way above its worth, and this is a tax. He stated that the Tea Party believed that Councilwoman Scott was right in asking for a zero increase by cutting down like those in business had to.

LINDA NEWELL

Ms. Linda Newell approached the podium to speak. It was noted that she had already spoken her allotted time and could not speak again for 30 days.

CHRIS BROOKS

Mr. Chris Brooks of 1009 Brynewood Terrace was the next speaker. He stated that he was here today with the Chattanooga Organized for Action group and was speaking on behalf of the many Chattanoogaans who cannot afford this property tax increase; that everyone is spread too thin in this recession; that they wondered if the 33% property tax increase will come with a 33% increase in available jobs or social services—that they thought not! He questioned if the property tax increase would trickle down into increased savings for consumers—that they thought not! He asked if city government would spend this money responsibly and transparently—that they thought not! He stated that he believed that city workers recognize that going without a raise during a recession might be necessary; that the taxes they would pay on their properties would negate any meaningful rise in their salaries. He went on to say that the City Council wants everyone to believe that our elected officials will spend their money wisely, but according to news accounts, the city collected about \$100 million dollars in stormwater control fees over the past 15 years and failed miserably to adequately staff, fund, monitor and enforce water quality regulations to prevent illegal runoff. He questioned how they could afford to trust City Hall with their hard-earned money when it has exhibited nothing but contempt for laws and needs. He went on to say that the State of Tennessee was rated the most corrupt state in the country and our local government facilitated the rise of Billy Long and has earned the distinction of having one of the highest rates of police brutality in the country; that the City has embarked on unnecessary annexation; that Chattanooga is becoming known as the “Little Chicago” and Ron Littlefield is our “Al Capone”. He stated that we have a gang problem and high crime rate because our government is a lawbreaker, which breeds contempt for law. He stated that they did not trust City Hall; that citizens are speaking up and exhibiting the exact kind of leadership that is lacking in City Hall, and they hoped the City Council has the courage to follow their example; that we should start with cutting the Mayor’s six figure salary and working from the top down.

JANICE BROWN

Ms. Janice Brown stated that she lived in Hixson. She was also a member of Chattanooga Organized for Action. She spoke to the issue of flood control, stating that according to the opinion of EPA, Chattanooga was not performing well. She also mentioned that the Mayor had used stormwater funding for other things than the stated purposes; that the Attorney General was going to look into this mis-spending. She stated that the City must prove that they can improve the stormwater situation long-term.

PERRIN LANCE

Mr. Lance stated that he lived in Ringgold, Georgia. Chairman Rico questioned whether he should be allowed to speak, and Mr. Lance responded that he had talked with Councilman McGary, and he told him he could speak. He was also speaking on behalf of Chattanooga Organized for Action. He stated that no one trusted the Chattanooga Police Dept. He stated that he had a list of bodies with him—that there were 59 of them that were dead over a three decade span and all of them died in police custody under suspicious circumstances. He went on to say that there was a UN complaint against this city; that there is a petition to the UN Human Rights Council filed on behalf of Maxine Cousin, who lost her father while he was in police custody under suspicious circumstances and that this petition seeks to re-open all cases of suspected police brutality in Chattanooga, Tennessee. He stated that now the Mayor wants a 33% property tax increase, but the citizens could not agree to this if their tax money was going toward the funding of such an aggressive institution as the Chattanooga Police Dept.—that if we can't trust them, why should we fund them even more? He questioned if people could trust their lives with the Chattanooga Police Department—that it must be proved first because so far there were some major blemishes on the record.

MICHAEL SPOLETO

Mr. Spoleto stated that his family had a business on Hixson Pike that had been in Chattanooga for 103 years, and they had been taxed every year; that now the City is asking for a 33% tax increase; that the owners would have to pass it down; that he wanted his parents to be able to retire; that with these high taxes, they could not afford to stay in business, and he hoped the Council would reconsider because this would hurt a lot of small businesses if this is recommended. He also asked for the personalty taxes on machines to be cancelled.

DAVID SHINN

David Shinn of Clearpoint Drive in Hixson spoke next. He stated that he lived and worked in the Chattanooga City Limits; that he had a friend who had a relative who was planning to move to Chattanooga but was now reconsidering due to this possible tax hike. He stated that obviously this person could not be present tonight to voice her concerns but that her voice would be heard when she purchases a home outside our city; that we need to show our citizens and perspective citizens that they can afford to live here.

MR. McGAHEE

Mr. McGahee appeared before the Council stating that his son, Nicholas McGahee, had been arrested and beat up by the Police; that he suffered from being bipolar and a warrant was taken out and Officer Daves beat his son up and tased him; that his son was on the news. Mr. McGahee stated that he, himself, was 50 years old and that this “stuff” has to stop; that the Police Dept. was sending out young men to do “a real man’s job”. He stated that he “came up” with Councilman Rico; that he did not know what was going on. He urged that “we check ourselves before we wreck ourselves”. He stated that at one time the Police Dept. wanted him to become a policeman, and he wanted to be one, but there was no way he would want to be one now; that there was too much crooked stuff going on; that it hurt him for kids to get beat up, and he had to stand by and could do nothing about it; that his son was beaten up by this policeman in front of his wife (Nicholas’ mother), and he had to watch, and it was hard to hold himself back. Mr. McGahee stated that he could have been a professional football player. He went on to say that his son had scars, and this “pissed” him off; that the City needed to get some veterans on the force and watch themselves and check themselves; that kids are scared; that when he was younger he wanted to be a policeman or fireman and was now 50 years old and had changed his mind, and this hurt him.

MONTY BELL

Mr. Monty Bell stated that he was a **homeless journalist**; that there was no responsibility on this Council, and it saddened him. He mentioned a letter he had received from Mr. Griscom of the Times-Free Press. He went on to say that upon further review, he talked to Mr. Mapp, who informed him that he had talked to Valerie Armstrong of the NAACP. He stated that Councilman McGary and Councilman Gilbert had partnered in a Study, but he had yet to receive a copy of the Study. He talked about “Judge Shopping”, stating that it would reach the Supreme Court level; that he had been in contact with Councilwoman Berz and Councilman McGary while he was incarcerated but both had ignored his letter; that Mr. Griscom had allowed an article to be written about “Judge Shopping”—that even Mr. Summers, a respected attorney, could not figure this out. He asked that members of the Council please provide him with a copy of the Study.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, June 29, 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)**

