

**City Council Building
Chattanooga, Tennessee
October 26, 2010
6:00 p.m.**

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

INVOCATION/PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, City Attorney McMahan gave the invocation for the evening.

MINUTE APPROVAL

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

AMEND BUDGET ORDINANCE

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND ORDINANCE NO. 12421, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2010/2011 AND TO AMEND THE FISCAL YEAR 2010/2011 BUDGET ORDINANCE NO. 12410." SO AS TO PROVIDE FOR CERTAIN CHANGES IN REVENUES AND APPROPRIATIONS IN SECTION 1 FOR THE PURCHASE OF 34.8 ACRES OF VAAP PROPERTY, IMPROVEMENTS TO SUMMIT LANDFILL GAS GENERATION FACILITY AND INCREASE IN APPROPRIATION TO THE C-HC BICENTENNIAL PUBLIC LIBRARY AND TO PROVIDE FOR CERTAIN CHANGES IN REVENUES AND APPROPRIATIONS IN SECTION 2 AND TO PROVIDE FOR CERTAIN CHANGES IN REVENUES AND APPROPRIATIONS IN SECTION 3

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

CLOSE AND ABANDON

MR-2010-061: Dale Ann Wells/Betts Engineering/Dixie Industries

The applicant was present; there was no opposition in attendance.

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING THE 1900 BLOCK OF
ALLIN STREET RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

CLOSE AND ABANDON

MR-2010-094: Charter Real Estate

On motion of Councilman Benson, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
600 BLOCK OF HALL ROAD AND AN ADJACENT ALLEY, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
Was deferred 45 days (December 14).

CLOSE AND ABANDON

MR-2010-100: Highland Park Commons

The applicant was present; there was no opposition.

Yvonne McLin of 2101 Kirby Avenue inquired as to the conditions for this ordinance. City Attorney McMahan read the conditions listed in the ordinance. Ms. McLin stated she was present representing her mother who owns 2015 Kirby adjacent to this abandonment; that she has a recommendation that she received from the city engineer's office and it does not read the same way and asked if that was her ignorance of were both alleys being abandoned.

Admin. Leach came forward at this time and showed the map to Ms. McLin and explained the request. Once the matter was explained, Ms. McLin acknowledged agreement as long as they have the easement to that alley, again stating what was read was different from what was given to her by the city engineer's office.

CLOSE AND ABANDON (Continued)

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING ALLEYS LOCATED IN
THE 200 BLOCK OF KIRBY AVENUE ADJOINING TAX MAP NOS. 146N-
M-001 THROUGH 145N-M-006 AND 146N-M-025 THROUGH 146N-M-
034, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

Passed first reading.

CLOSE AND ABANDON

MR-2010-124: David Harper

There was no opposition in attendance.

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF 1400
CEMETERY AVENUE BETWEEN CENTRAL AVENUE AND EAST MAIN
STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

Passed first reading.

ADVERTISE ANNEXATION PUBLIC HEARING

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE
COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON NOVEMBER 16,
2010, THE ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE
PRESENT CORPORATE LIMITS OF SAID CITY, BEING THE NORTHERN
MOST PART OF TAX PARCEL NO. 153-007 LOCATED ALONG WEST HILLS
DRIVE NEAR CUMMINGS HIGHWAY IN HAMILTON COUNTY,
TENNESSEE, OWNED BY OBAR INVESTMNETS, LLC, BEING MORE FULLY
DESCRIBED HEREIN**

Was adopted.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING MARY ANN RENNICK TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 0 HICKORY LANE A/K/A/ 2826 HAYWOOD AVENUE TO ACCESS THE PROPERTY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

AGREEMENTS

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO AGREEMENTS WITH PM ENVIRONMENTAL, S&ME, AND TERRACON TO CONDUCT NECESSARY ASSESSMENTS AND DEVELOP PLANS FOR THE REQUIREMENTS OF THE EPA GRANT FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$215,000.00)

Was tabled one week.

GRANT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT AN ENHANCEMENT GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR FISCAL YEAR 2011 TRANSPORTATION ENHANCEMENT PROGRAM FOR SIDEWALK AND BICYCLE FACILITY IMPROVEMENTS ON MANUFACTURERS ROAD AND HAMM ROAD FROM U. S. HIGHWAY 27 TO MOCCASIN BEND VISITOR CENTER, IN AN AMOUNT TO BE DETERMINED, WITH EIGHTY PERCENT (80%) BEING THE TDOT SHARE AND TWENTY PERCENT (20%) BEING REQUIRED FROM THE CITY AS LOCAL MATCHING FUNDS

Was adopted.

GRANT

On motion of councilwoman Ladd, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT AN ENHANCEMENT GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR FISCAL YEAR 2011 TRANSPORTATION ENHANCEMENT PROGRAM FOR SIDEWALK AND BICYCLE FACILITY IMPROVEMENTS ON HIGHWAY 58 (BOTH SIDES) FROM WEBB ROAD AND HAL DRIVE TO MURRAY HILLS DRIVE (PHASE 2), IN AN AMOUNT TO BE DETERMINED, WITH EIGHTY PERCENT (80%) BEING THE TDOT SHARE AND TWENTY PERCENT (20%) BEING REQUIRED FROM THE CITY AS LOCAL MATCHING FUNDS

Was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT AN ENHANCEMENT GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR FISCAL YEAR 2011 TRANSPORTATION ENHANCEMENT PROGRAM FOR STREETScape IMPROVEMENTS ON BRAINERD ROAD FROM THE BRAINERD LEVEE WEST TO EASTGATE LOOP AND ON EASTGATE LOOP FROM BRAINERD ROAD TO UPTAIN ROAD, IN AN AMOUNT TO BE DETERMINED, WITH EIGHTY PERCENT (80%) BEING THE TDOT SHARE AND TWENTY PERCENT (20%) BEING REQUIRED FROM THE CITY AS LOCAL MATCHING FUNDS

Was adopted.

SPECIAL POLICEMAN (UNARMED)

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOEL RAWLSTON AS SPECIAL POLICE OFFICER (UNARMED) FOR ANIMAL CARE TRUST D/B/A/ MCKAMEY ANIMAL CARE AND ADOPTION CENTER, INC., TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

ITS INCIDENT MANAGEMENT DEMONSTRATION PROJECT

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND IF SELECTED, ACCEPT THE FUNDS FOR IMPLEMENTATION OF THE ARTERIAL SYSTEM EQUIPMENT UPGRADES FOR THE REGIONAL ITS SYSTEM AND THE ITS INCIDENT MANAGEMENT DEMONSTRATION PROJECT, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED THIRTEEN MILLION TWO HUNDRED THIRTY THOUSAND DOLLARS (\$13,230,000.00)

Was adopted.

OVERTIME

Overtime for the week ending October 21, 2010 totaled \$51,258.99.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **JEREMY KAYLOR** – Promotion, Crew Supervisor 2, Range 12, \$35,000.00 annually, effective October 22, 2010.
- **ARISTOTLE HUFFMAN** – Promotion, Recreation Specialist, Range 9, \$26,798.00 annually, effective October 22, 2010.
- **SHNEKA WHALEY, SHANIKA FREEMAN, DON JENKINS, DENISHA LEFTWICH** – Hire, Recreation Specialist, Range 9, \$26,798.00 annually, effective October 22, 2010.

PUBLIC WORKS DEPARTMENT:

- **JAMES S. CORRELL** – Family Medical Leave, Crew Worker 1, City Wide Services, effective October 12, 2010 – January 3, 2011.

PERSONNEL (Continued)

- **WARREN MINES** – Family Medical Leave, Crew Worker 1, City Wide Services, effective October 4, 2010.
- **WILLIAM M. JONES** – Leave of Absence without pay, Equipment Operator 4, City Wide Services, effective October 11 – December 3, 2010.
- **DAVID R. BOND** – Transfer/Promotion, Crew Worker 3, City Wide Services, Range 7, \$24,306.00 annually, effective September 27, 2010.
- **JACOB MCCRARY, ADAM UPHAM** – Hire, Plant Operator 1, Waste Resources, Range 9, \$26,798.00 annually, effective September 24, 2010.
- **ELIZABETH A. MCCOLLEY** – Promotion, Crew Worker 2, Waste Resources, Range 4, \$22,050.00 annually, effective October 12, 2010.

PERSONNEL:

- **TONIA EWING** – Transfer/Promotion, Personnel Technician, Range 11, \$30,000.00 annually, effective November 5, 2010.
- **TOMMIE MUNN** – Promotion, Personnel Technician, Range 11, \$29,544.00 annually, effective October 22, 2010.

EMERGENCY PURCHASE

The emergency purchase to repair the columns at the entrance of Glendon Place Neighborhood for the Public Works Department on R35822 to Adams Masonry, Inc. in the amount of \$13,750.00 was duly reported and signed in open meeting.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Murphy, the following hotel permits were approved:

LAQUINTA INN #931 – 707 Shallowford Road, Chattanooga, TN

HOTEL PERMITS (Continued)**COURTYARD BY MARRIOTT** – 2210 Bams Drive, Chattanooga, TN**QUALITY INN** – 4833 Hixson Pike, Hixson, TN**REFUNDS**

(Admin. Madison informed the Council that the Personnel Department did not have any department matters for the evening and made the Council aware that Ms. Kelley's absence was due to a family emergency in Nashville.)

On motion of Councilwoman Berz, seconded by Councilwoman Ladd, the Administrator of Finance was authorized to issue the follow refunds of water quality fees and property taxes, respectively:

DARBU LLC -- \$2,768.70**MILLER & MARTIN** – \$1,185.00**PURCHASES**

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

CHATTANOOGA POLICE DEPARTMENT:**APPLIED CONCEPT, INC. (Single source)****R34353**

Purchase of Stalker II Moving Radar per TCA 6-56-304.2

\$21,600.00

CHATTANOOGA FIRE DEPARTMENT:**MOTOROLA, INC. (Single source)****R35320**

Purchase of Fire Station Alerting System per TCA 6-56-304.6

\$497,420.00

PURCHASES (Continued)**INFORMATION SERVICES:****DLT SOLUTIONS (Single source)**
R33809

Blanket Contract for Software Licenses per TCA 6-56-304.6

\$33,467.57

(At this point Chairman Rico gave the gavel to Vice Chairman Ladd to conduct the meeting so he could speak on an issue)

RECONSIDER REZONING

Councilman Benson stated a couple weeks ago the Council voted on an issue and he voted on the prevailing side; that since then information has come to him that there were some misrepresentation of facts by the opposition and he voted with the opposition based on what he thought were valid facts and has found they are not. He asked the City Attorney if it is possible to correct an injustice, noting that he helped make it based on wrong information

City Attorney McMahan stated he did not recall the name of the rezoning case; that it was a 6-3 vote to deny the rezoning on property split by the Tennessee-Georgia line. Councilman Rico stated the matter involved the Page family's rezoning request.

City Attorney McMahan stated since there was opposition, if the Council does move to reconsider that matter there will be the need to reset a public hearing and notify them so they can come in and be heard again if the Council elects to reconsider that matter.

Councilman Benson stated it is in Councilman Rico's district and would defer to him; that he does not want to "mess into his business" on this but does want information as he feels he might have voted on erroneous facts.

RECONSIDER REZONING

Councilman Rico expressed that Councilman Benson is right; that people who were in opposition who spoke did not live in that area; that they lived across town! He stated it is his belief there was misleading information as the lady opposed to it lives two blocks from the area complaining of noise and the noise will be there whether it is rezoned or not. He stated it was unclear that the noise factor was in Georgia; that the Mayor of Rossville has indicated they really need the recycling (center) over there which is why they are rezoning it where the noise is. He stated the property will help her (Mrs. Page) have parking for maintenance vehicles and has nothing to do with the noise. He expressed appreciation if the Council would reconsider it and have her come back and explain; that she did not know how to go about it and has hired an attorney to take it to Chancery Court; that rather than her going to Chancery Court it can be resolved here.

Vice Chairman Ladd asked Councilman Benson to make the request in the form of a motion.

Councilman Benson made the motion to reconsider for public announcement of the rezoning request at the earliest possible legal time; Councilwoman Robinson seconded the motion; the motion carried with Councilwoman Scott voting “no”.

City Attorney McMahan stated a letter would be sent with the matter coming back in two weeks (November 9) which would be adequate time for the opposition.

Councilwoman Berz stated because there was confusion she would really like accurate information not hearsay and asked that the City Attorney take care of that. She stated she wants to hear about the opposition and hear from the people, but would really like to know where the offending land is located in Georgia, not just hearsay that it is. City Attorney McMahan stated he would get with the Planning Commission for another presentation to be made if it pleases the Council two weeks from tonight.

Councilman Murphy stated that he happened to be at Planning on another matter when the matter was originally taken up and did witness it. He stated it was crystal clear at the Planning Commission that the noise generators were in Georgia which we have no power to do anything about; that he was voting in the minority on both and **wanted to clarify for the record that Mr. Benson meant to reconsider actually two separate zoning requests and asked if both are to come back;** that he voted against it both times.

RECONSIDER REZONING (Continued)

Councilman Murphy stated there is not just one we have two; Councilman Benson nodded “yes”. In reference to the people against, he (Murphy) stated he could not perceive how their cause would be moved forward at all by our denying it; that he is happy we are coming back to it.

COMMITTEES

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, November 2** to discuss ethics reform, Title 1, Chapter 2 of the City's *Charter* and other ordinances and resolutions within the Committee's jurisdiction. He stated from his perception there is some unfinished business from this week; that there was a recommendation from the City Attorney that perhaps that will not take very long; that the thing to do is to try to get a State Legislative change to the City Court jurisdiction over fines and penalties.

Councilwoman Robinson stated she neglected to report on behalf of the Housing Committee there was a Community Impact bus tour of the North Holly Street neighborhood where twelve homes are under construction; that a number of sponsoring organizations and their leadership were there including Beverly Johnson. She stated thanks were extended again and again from the builders, residents and other partners for the Neighborhood Stabilization Program funding that enabled that to be one of the interlocking pieces of the puzzle that made that whole project work. She expressed thanks to Mrs. Johnson and the Neighborhood Services program once again for sticking with that and making sure that worked out so that this neighborhood is succeeding.

Councilwoman Berz stated today the Council's Audit Committee presented a report to Council relative to the BE Communications and there was no discussion about the report because Council members did not have the opportunity to review the report. She stated so there is public closure or further action or whatever the Council wants to do should be done in public. She stated the **Budget, Finance and Personnel Committee will meet briefly on Tuesday, November 2** at which time she will ask the Council if they want any follow-up reports or actions.

NEXT WEEK'S AGENDA: NOVEMBER 2, 2010

Vice Chairman Ladd stated next week's agenda was discussed earlier during the agenda session.

COUNCIL RULES OF PROCEDURE

Vice Chairman Ladd asked that City Attorney McMahan read the Rules of Procedure with respect to recognition of members of the public on non-agenda items. City Attorney McMahan read the following:

“The following procedural rules relative to recognizing members of the public who wish to address the Council on a matter not on the regular meeting agenda shall apply: 1) Each speaker wishing to address the Council shall be recognized only at the microphone provided for that purpose. 2) The speaker may address the Council only upon matters within the legislative and quasi-judicial authority of the Council. 3) Each speaker shall limit his or her remarks to three (3) minutes, unless permission for additional time is provided. 4) The speaker shall not be permitted to use any vulgar or obscene language. 5) The use of the floor by persons addressing the Council shall not be used to personally attack or personally denigrate others. 6) The Chair is prohibited from recognizing any person, neighborhood association or organization to speak to the City Council during the “non-agenda matters” portion of the agenda more than twice in any thirty (30) day period.”

TORNADO WATCH

At this time Chief Parker came forward to inform the Council that a tornado alert has been issued until 7 p.m. tonight, noting that a storm is coming through Jasper; that he received a call and a text message with reference to this. Councilman Benson stated an alert is not as bad as a warning. Chief Parker clarified that it is a warning!

ANGELINE HURT

Angeline Hurt stated she was present to talk about the reorganization of the Francis Wyatt Recreation Center personnel. She stated Tracy, the Center’s Director, has established a relationship with the community surrounding the Center and if she is removed the community will lose trust with the department of parks and recreation and who is replaced there. She stated Tracy is an asset to the Center and there seems to be no reason for her removal; that she goes above and beyond her description by providing food and programs to our seniors, the disabled community, adults and children at her own expense.

ANGELINA HURT (Continued)

Ms. Hurt stated Tracy takes care of the grounds of the Center and the surrounding areas and has proven that she cares by working beyond her paid hours. She stated she has also gone door-to-door talking with seniors and others in the community without internet access checking in on them and inviting them to programs at the Center. She stated someone besides the department of parks and recreation needs to investigate what is going on and not take the department heads at their word; that even if this crisis gets worked out, she asked if this will keep happening every four-to-five months as she wants to know where her tax dollars are going.

Vice Chairman Ladd thanked Ms. Hurt for her input.

Councilwoman Robinson stated she “spoke” with the head of parks and recreation this morning in a text message and it was noted that the Center is not going to be closed. She stated there may be some personnel changes due to the budget and the fact that we cannot run it exactly the same way we used to; that it will remain open and the programs will be preserved.

Councilwoman Scott added that it is her understanding this is not a reorganization that is pointed at their neighborhood, but it is also one that will possibly affect other neighborhoods. She stated if there is a need to talk directly to those individuals she is sure they will be happy to do a little more explanation about that. She asked if the Council has received any information about this.

Councilman Gilbert stated that most of the centers will have a move; that only two did not because they will have retirees and will have to move anyway. He stated all the centers will have a move; that several communities have issues with the move, but the City Council has no jurisdiction as to how the administration does their business; that if it is something illegal or immoral is something the Council would get involved with, however if it is a decision that is made for the betterment of everyone they do not. He stated the Council wants all the centers to have the same things with new programs and look at education, robotics and programs for seniors – all would be on the same level. He stated that is one of the reasons why this whole Council fought hard to increase the financials for parks and recreation so we can have opportunities for our youth and seniors.

JEANNINE DOWELL

Jeannine Dowell of 316 Delmont Street stated that she is Secretary for the North Shore Neighborhood Improvement Association, noting that a great many of them were present four months ago about the closing of the Wyatt Center; that there would have been more present today but the parks and recreation department just made this decision final on yesterday to be acted upon this Friday. She stated that concerns them a great deal because they do not understand why the moves are being made as there does not seem to be any positive reasons for them to be changing these people. She noted that Jerome Martin has been at the Shepherd Center for 18 years and has done an incredible job in that community and formed an inner-city cub scout troop, as one example; that it was planned for them to come to the Wyatt Center and build birdhouses because one of the Wyatt Center's projects was saving the Sylvan Bird Sanctuary they have all been working on. She stated he is being moved and it does not make sense to her; that if there is a person from parks and recreation working at a center and doing a great job and has a bond with the community as Tracy does, why disrupt that as it takes a lot of time, effort, patience and getting to know the people in the community to be effective and offer the community what they need. She stated if there are individuals in that position already who knows their community why switch them around. She stated one of the reasons she was told was because of race and she has a problem with that; that there are two white women working at the Wyatt Center and there needs to be a white and a black which is the most absurd thing she has heard in her life! She asked if there has to be a black and white at every one and inquired whether other nationalities have to be represented also! She stated it does not matter if they are black or white; that what she cares about is what the individuals do and not what color they are or anything else! She stated she cannot believe this is an issue based on two white people working there; that that is the only reason they have been given and it does not make any sense to her!

Councilman Murphy thanked them for coming to address this; that the Council is actually powerless to do anything at all. Ms. Dowell interrupted and asked who does. Councilman Murphy responded "the Mayor's Office"; that what needs to be understood is this Council has the authority to set the budget and we could cut the parks and recreation budget but that would not achieve what they want; that it would achieve layoffs and closing of the Frances Wyatt Center. He stated the Council could increase the funding and analogized the matter by stating the police department routinely moves an officer between assignments and sectors and the public works department does not keep garbage truck drivers on the same route for 18 years. Ms. Dowell interrupted again and stated that is different.

JEANNINE DOWELL (Continued)

Councilman Murphy stated that his point to Ms. Dowell is if the Council tried to intercede down this road just because it is parks and recreation, every garbage truck driver who likes to drive in Hixson as opposed to driving in Stuart Heights would complain to us when they get assigned somewhere; that this is not a "road" the Council can go down or empowered to do that and it is probably not a "road" the Council should go down. He suggested that they please contact the Mayor's office directly as he is the one who is in charge of all 2500 city employees; that the only four city employees who work for this Council are an Auditor, two Clerks and a Secretary and they work for everyone of the Council members. He again expressed thanks to them for coming because they brought some attention to this issue.

Councilman Gilbert stated there have been a lot of rumors and that is what they are, rumors, about the moves, clarifying that it is not a racial thing. He stated things have been said about it being racial and one center not doing what it is supposed to; that there have been a lot of rumors and that is all it is – rumors! He stated Mr. Zehnder and Ms. Greta Hayes are not present to defend this as they had to attend a seminar; that they would be more than happy to answer questions like this because the decision they are trying to make is to make the centers better not worse.

ANTOINETTE PEREIRA

Antoinette Pereira of 512 Oliver Street stated she is President of the North Shore Neighborhood Improvement Association. She stated the three of them found out about this an hour-and-a-half about ago which is why there are not more people present to address the issue of whose part it is to investigate this as she is willing to go to the Mayor, but noted she does not know what the reason is as it is her thought there might some irregularities, things that are not legal and would like for someone to look into it outside of the parks and recreation department. She stated she is not sure they can be trusted as she does not know and would like to find out. She stated it is not just about Tracy as she is the one they know personally; that the whole department is moving around and to them it does not make much sense. She listed things that would be cancelled by Tracy's moving of the things she had set up which include the children's Christmas camp, the family festival scheduled for November 6, the Shepherd Recreation Center cub scout event, the visual arts journaling, senior bingo, the "chew and chat" senior lunch (which Tracy provides), senior quilters, art enablers, kids "open door art", master yoga, "de-stress for the holidays" for the month of November, "express and progress" art program for the disabled.

ANTOINETTE PEREIRA (Continued)

Ms. Pereira stated it was suggested to Kelly, the recreational person there, that fewer programs are needed and more drop-ins; that drop-ins are good but the programs are very important. She stated she would hate for someone so involved in the community to be moved out; that if the Center is not looked after eventually they will try to close it because the building is deteriorating; that it is perfectly repairable now and will not be much longer and is concerned there will not be a watch on that, as well.

Councilwoman Berz stated some of the Council members were very instrumental in the residents keeping the Center and she was trying to understand why all the programs would go away because of the change of staff. Ms. Pereira responded "because Tracy was the one who had set it up and the one who was supposed to collect the donations".

Councilwoman Berz asked if it is their thought another staff person could not continue that. Ms. Pereira responded "yes"; that they do not have another staff person in place, yet. She stated apparently the money allocated for parks and recreation was used to hire 14 more people but they have not been assigned.

Councilwoman Berz stated it was actually 15 persons and some were part-time jobs and the whole idea was to give the centers more programs. She stated she hates for programs to be "married" to people because we want to expand people; that she would hate for anyone to think because there is a change in leadership in certain areas the programs would go away and would hate for that to happen and does not know that would be true. Ms. Pereira stated she was told they (programs) would be cancelled.

Vice Chairman Ladd stated she is hearing a lot "I was told" and "I heard" and asked that Councilman Gilbert, as Chairman of the Parks and Recreation Committee, to meet with them and give them follow-up information. She asked that the right information be given out to assure everything we know that is a correct fact be given. She expressed thanks to them for coming down. Ms. Pereira stated that would be most appropriate and thanked Council members for keeping the Center open.

KIM BATTLE

Kim Battle, Manager with the department of parks and recreation, stated they understand how employees develop great relationships with the kids at the center, with their parents and the community groups that support them.

KIM BATTLE (Continued)

Ms. Battle stated they would like for the public to know they have been given an opportunity they have not had in 15 years to hire 14-15 people; that there are 16 total facilities they have had to look at making adjustments and moves to try to put all the people in specific places. She stated they do not want anyone to think that programs that may have happened at Wyatt or any place would go away; that sometimes they have to make decisions that are not always popular with everyone, however on the management and administrative side sometimes decisions have to be made but everyone will not always be happy. She stated they could be cutting jobs but they are able to add people, unlike other parks and recreation departments throughout the county hiring is a rarity right now; that they are trying to shift some people around, not any one particular reason. She stated as Councilman Gilbert stated there are unfortunate untruths out there because people do not want to be moved, but no one has lost a job or losing pay, they are just having to relocate to another facility within the city and they know these people can do the same great gifts to all those kids, seniors, people with disabilities the same way they did at the facility they were previously assigned. She encouraged everyone to speak to Mr. Zehnder or the Mayor's office as they are here to help. She expressed her wish everyone would not take this so negatively.

Vice Chairman Ladd thanked Ms. Battle for her time and the job she does; that the Council certainly understands about making tough decisions and cannot make everyone happy.

JERRY MARSHALL

Jerry Marshall, a 28 year parks and recreation employee, stated everybody understands that the management team made the decision for the betterment of the entire community; that they want to enhance programs and do not want to be known as having recreations centers that just do basketball, as they want to look at education. He stated when they brought on the new people they looked at their background and the qualifications they would "bring to the table" and there are good, full-time people coming on board. He stated when he started with the department he started out as part-time and moved his way "up the ladder", noting it was hard but what we have to understand now is we have a great opportunity because we have more people than we have ever had before. He stated when he was at Alton Park Recreation Center he started a baseball program and two years later he was moved and the baseball program stayed there.

JERRY MARSHALL (Continued)

Mr. Marshall stated the person who took his place stayed with that and where he was moved he started a baseball program and that is how we have to look at this as they are here for the entire community and not just segregate ourselves to just one as we have to spread the programs around for all our young people and seniors and that is the attitude of the management team. He stated they spent days, weeks and months going over this, moving this and that, trying to make everything fit in the way it would be best for the community not for the management team. He stated the management team did a good job, were patient and does not think anyone on the team did anything to hurt anybody as there was no race involved in this; it was just what was needed to do to serve the community.

SCOTT McCOLPIN

Scott McColpin of 1421 Stratman Circle distributed copies of the City Code and stated he is a resident of District 4 and has lived at the address since January of 1990 and is also the State Legislative Director of Concerned Motorcyclists of Tennessee, American Bikers Active Toward Education or CMT A-BATE. He stated CMT A-BATE is a statewide non-profit organization that was formed to preserve freedom and safety for all Tennesseans who enjoy motorcycles. He stated as provided to him from John Van Winkle, he called the Council's attention to Section 24-318 of the Code and read the last sentence: *"At each space so marked off it shall be unlawful to park any vehicle in such a way that the vehicle shall not be entirely within the limits of the space so designated"*. He stated according to this Code section only one vehicle (motorcycle) is allowed to park in a given metered parking space. He stated he would like the City Council to amend this Section of the Code to allow for multiple motorcycles to park legally in a given metered parking space; that at the time this law was written it was his belief motorcycles were not taken into consideration. He stated if the City Council were to make this change in the law what would be the revenue impact to the city; that the police department would not have to add any additional personnel resulting in no increase in costs to the city. He stated with reference to decreased revenue for not issuing parking, it is his thought revenue from parking citations would not significantly decrease; that he has been told by the police department no citations are currently being issued for multiple motorcycles parking in a single space. He stated the police department is currently being forced to use discriminatory factors in regard to the current law and asked the Council to make an amendment to an existing law to provide for citizens who choose to ride a motorcycle.

SCOTT McCOLPIN (Continued)

Mr. McColpin stated if ten percent of Hamilton County's registered motorcycles were to come into town that would amount to approximately 1004 additional parking spaces. He stated the state of Tennessee has over 319,000 motorcycle driver licenses currently issued and most motorcycle riders ride with at least two bikes in a group and Chattanooga could be viewed as a motorcycle friendly city with a simple change to an already existing law by allowing more tourism dollars to come into Chattanooga. He requested that the Council change this antiquated law to allow for more than one motorcycle to park legally in a given parking spot.

Councilman Benson stated when Mr. McColpin first brought this to him he did not give a lot of attention to it but since then he has; that we need parking spaces downtown badly and right now only one motorcycle can be placed in a space no matter how much money is placed in the meter. He stated Mr. McColpin assured him two motorcycles would not be any danger to the adjacent automobiles and even four if it is parallel parking. He stated we really have a shortage downtown for people to park and if we could move two or three motorcycles into one place it will be the same amount of money for the city anyway whether cars or motorcycles are in it. He stated it is an antiquated law and suggested the matter be discussed in Legal and Legislative Committee. He stated times have changed.

Councilman Murphy asked if anyone is getting a ticket if more than one motorcycle is parked in a metered spot. Mr. McColpin stated it is his understanding the police department is not issuing citations for that at this time.

Councilman Murphy asked Captain Snyder if three motorcycles were parked in a metered spot would they all get an overtime parking ticket. Captain Snyder stated they have no mandate not to issue a citation in that situation; that she cannot tell the Council how many citations, if any, have been written for multiple vehicles.

Councilwoman Scott stated that her question was the same as Councilman Murphy's; that she wondered how that would be worked out; that it sounds like a great idea to put in as many as might safely be possible, but was not sure about the citation for the overtime parking ticket and legally how that would work.

SCOTT McCOLPIN (Continued)

Councilman Benson stated if we have something on the books we are not enforcing it equitably and we have to change that so it can be enforced. He stated he does not know how it can be enforced and asked if three tickets are given if three motorcycles are in one spot or one ticket and then which motorcycle is decided to put it on! He stated we have to look at this.

Vice Chairman Ladd stated Mr. McColpin has given the Council great thought on this and an opportunity for dialogue.

HORACE BESTER

Horace Bester with Cradle to Crayons Day Care referenced the Fire Department noting that the Day Care was issued a citation for their smoke detector going off. He stated he went to court and was fined \$144 and does not think it is fair at all! He stated he does not think it fair because he is not complaining about no one else; however the high rises and different places go off five-to-six times a week and asked if they get citations, too.

Vice Chairman Ladd asked that Mr. Best have a discussion with Chief Parker who could answer some of his questions.

ADJOURNMENT

Vice Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, November 2, 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)**