

City Council Building
Chattanooga, Tennessee
April 12, 2011
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

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

MINUTE APPROVAL

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

ELECTION OF COUNCIL CHAIRMAN

Chairman Rico declared the floor open for nominations for the office of Chairman of the Council.

Councilman Benson nominated Councilwoman Ladd for Chairman of the Council; Councilwoman Scott seconded the nomination; the motion carried.

Upon election Chairman-Elect Ladd expressed her thanks.

ELECTION OF COUNCIL VICE CHAIRMAN

Chairman Ladd declared the floor open for nominations for the office of Vice Chairman of the Council.

ELECTION OF COUNCIL VICE CHAIRMAN
(Continued)

Councilwoman Robinson stated it is with a great deal of gratitude to place into nomination the name of Jack Benson. She stated the two of them have served on the Council since 2001 and are the longest serving; that in the eleven years she has worked with him it has been an amazing thing to watch how he has been here from the beginning all day long every day; that sometimes on a Thursday afternoon he might play a little bit of golf, but for the most time he is here all over the place and cannot stand to be called "spry" but we affectionately refer to him because he runs from meeting-to-meeting to represent the city at luncheons and other occasions when dignitaries gather and lead our city and is part of the decision making process. She stated it is out of a show of appreciation and a debt of gratitude to him as one of our civic leaders to place his name in nomination for Vice Chairman of the Chattanooga City Council; **Councilman Rico seconded the nomination.**

Councilman Rico moved that the nominations cease on the one said name; Councilman Murphy seconded the motion.

Councilman McGary expressed appreciation to the outgoing Chairman for his comments this afternoon who indicated there were comments he (McGary) had made on the radio station that were deemed offensive. He publicly apologized for any statements made personally and to any other person on the City Council who deemed his comments offensive. He stated it is his intent and his hope that all comments made will be only a reflection of his beliefs and not in any way a reflection of his understanding or love for any on the Council; that he has utmost respect for them and appreciates serving with them and looks forward to continuing to do so on this Council.

At this time the vote was taken on the nomination for Councilman Benson as Vice Chair; the motion carried.

SPECIAL PRESENTATION: DELEGATION FROM
NIZHINII, TAGIL, RUSSIA

Councilwoman Berz stated we have a very distinguished delegation from our Sister City, Nizhnii Tagil, Russia, all of whom are very bright and accomplished women. She stated all of them are very highly educated and many of them are Deans of their own universities. She introduced Georgia Eastman of the Sister City Association to present the guests.

**SPECIAL PRESENTATION: DELEGATION FROM
NIZHINII, TAGIL, RUSSIA (Continued)**

Georgia Eastman stated five delegates are present from two universities in Nizhnii Tagil, one of our five Sister Cities; that Tagil is the name of the river and the river runs through the city like the Tennessee River does here. She stated the contact started because of how things were on air pollution and it continued as Chattanooga conquered that problem and has been able to help Nizhnii Tagil. She stated our sixth delegate is our facilitator and an interpreter who lives in Marietta who came up for this week of translating. She introduced **Felix Kerner**, interpreter for the delegation.

As the guests came forward, Mr. Kerner translated their comments thusly as they introduced themselves by first name only:

Yelena stated she is a faculty member of the School of Fine Arts and Graphics of the Nizhnii Tagil Social Academy. She stated she teaches special subjects and is also Deputy Dean in Methodology; that she is an artist and does graphic design. She stated she is a member of the Artist's Union of Russia.

Alina stated she works in the Open World Program, an exchange program between the United States and Russia which facilitates professional exchanges between the two countries. She stated this time higher education is the topic and the Sister City Association of Chattanooga is hosting this exchange this time.

Irina stated she works in the Social Academy and is Deputy Dean of the Academics issues of the School of Foreign Languages. She stated she teaches English Language and Philosophy and also has a PhD in Philosophical Sciences.

Mariya stated she works in Ural State Federal University and is a Dean of the School of Metallurgical Processes and also has a PhD in Technical Sciences.

Larisa stated she represents Ural State Federal University and has a PhD in Economical Science and is a Professor of Russian Academy of Natural Sciences. She stated she is interested in the current economic problems and ways to solve them because they are somewhat similar to the problems her city is experiencing.

Yelena stated she works in the Ural State Federal University and chairs the Department of Foreign Languages, has a scientific degree and teaches English, as well. She stated that she is a translator and concluded her comments by speaking in English and saying "from Russia with love"!

**SPECIAL PRESENTATION: DELEGATION FROM
NIZHINII, TAGIL, RUSSIA (Continued)**

Ms. Eastman expressed thanks to the Council for receiving the guests with such joy and happiness. She stated they are being shown Chattanooga from morning to night and do not let them rest very much! She expressed that they are enjoying their stay and like shopping!

Councilwoman Scott expressed "thank you" in Russian!

Chairman Ladd thanked them for coming and allowing the Council to be a part of their day today.

SPECIAL PRESENTATION: PROCLAMATION

Dan Johnson asked the representatives from McKamey to come forward, after which time he read the Proclamation in its entirety which has been spread upon the minutes:

Whereas: The National Animal Control Association has designated the second week of April each year as Animal Services Officer Appreciation Week and

Whereas: The Mayor of the City of Chattanooga takes this time to recognize, thank, and commend the city's Animal Services Officers for the dedicated service they provide to our citizens, various public safety and public service agencies in Chattanooga, and

Whereas: The Mayor of the City of Chattanooga would like to express appreciation for the outstanding service provided by the McKamey Animal Services Officers on a daily basis to the citizens of the City of Chattanooga and to the various public safety, public service agencies, and departments, and

Whereas: The City of Chattanooga recognizes the McKamey Animal Services Officers for their dedication and many long hours of service, and for fulfilling the Animal Services Officers' commitment of providing the highest and most efficient level of customer service, and

Whereas: The Mayor of the City of Chattanooga wishes to commend each and every McKamey Animal Services Officer for their service which is in keeping with the distinguished tradition of the Animal Services Profession, and

SPECIAL PRESENTATION: PROCLAMATION
(Continued)

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga,
do hereby proclaim

the week of April 10 – 16, 2011, as

**Animal Services Officer
Appreciation Week**

In Witness Whereof, I have hereunto set my hand and caused the

Seal of the City of Chattanooga to be affixed this the

12th day of April, 2011

RON LITTLEFIELD, Mayor

SALES TAX AGREEMENT

Councilwoman Robinson made the motion to move Resolution 7(i) forward on the agenda, noting that she would have to leave the meeting early and would like to vote; Councilman Rico seconded by motion; the motion carried.

Chairman Ladd clarified that the items being discussed tonight have been discussed at length noting that a lot of time was spent discussing this issue and a lot of meetings have taken place. She stated Councilwoman Scott has represented us with discussions with the county and there has been a lot of outreach effort and effort to see what we can do in the best interest of this city. She stated a lot of different thoughts and meetings have taken place.

Councilwoman Murphy repeated what he stated in Committee for the public's benefit because he knows there is much distress about what might or might not happen with the Health Department. He stated it is important for people to realize that just as how long a prison sentence comes with a state crime is a state legislative obligation; that it would not be appropriate to complain to a city official about how long an armed robbery sentence is.

SALES TAX AGREEMENT (Continued)

Councilman Murphy stated the responsibility for the Health Department and county hospital lie entirely with the county; that we hope and pray they make wise decisions for our community, but in no way can those governmental responsibilities become those of the city of Chattanooga's, just as we cannot change the sentences for armed robbery or other such offenses that we might wish to.

Councilwoman Scott added just because the city of Chattanooga elects not to fund, match or share in the funding of the Health Department, every property owner in the city of Chattanooga is supporting the Health Department through their county tax dollars. She stated 58 percent of the tax dollars that go to the county are from taxation in the city of Chattanooga; that it is her thought it is fair to say Chattanooga residents are paying their fair share!

On motion of Councilman Rico, seconded by Councilman Benson,
A RESOLUTION DECLARING THAT THE CITY OF CHATTANOOGA WILL NOT RENEW THE 1966 SALES TAX AGREEMENT

Was adopted.

AMEND CITY CODE

Councilmen Scott and Robinson made the motion and second to substitute the amendments to this Ordinance; the motion carried.

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTIONS 26-22, 26-23, 26-24, 26-25, 26-134, AND BY ADDING NEW SECTIONS 26-26-26-, 26-27, 26-28, 26-29, 26-30, 26-31, 26-32, 26-33, AND 26-34, ESTABLISHING THE EVENT FEES FOR USAGE OF VARIOUS CHATTANOOGA PARKS AND RECREATION FACILITIES

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

AMEND ZONING ORDINANCE

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY AMENDING ARTICLE VIII, SECTION 38-568(4) TO CLARIFY USE OF CREMATION/CREMATORY IN THE M-1 MANUFACTURING ZONE; AND FUNERAL HOMES, MORTUARIES, AND UNDERTAKING ESTABLISHMENTS IN THE R-4 SPECIAL ZONE

Passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE VIII BY REPEALING OR DELETING SECTION 38-563(5) REGARDING APPEALS OF THE DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT REVIEW COMMITTEE

Passed first reading.

REZONING

2011-024: Miriam J. Herstik/Peggy Holder

Pursuant to notice of public hearing, the request of Miriam J. Herstik/Peggy Holder to rezone property located at 4200 Randolph Circle came on to be heard.

On motion of councilman McGary, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4200 RANDOLPH CIRCLE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO A-1 URBAN AGRICULTURAL ZONE, SUBJECT TO CERTAIN CONDITIONS

Passed first reading.

REZONING

2011-029: Travis Hulsey

Pursuant to notice of public hearing, the request of Travis Hulsey to rezone property located at 6101 Mountain View Road came on to be heard.

On motion of Councilman Rico, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6101 MOUNTAIN VIEW ROAD, MORE PARTICULARLY DESCRIBED HERIEN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

Passed first reading.

(Councilwoman Robinson excused herself from the meeting at this point.)

REZONING

2011-031: City of Chattanooga/RPA

Pursuant to notice of public hearing the request of City of Chattanooga/RPA to rezone property located in annexed area 3A of Ordinance no. 12308 came on to be heard.

On motion of Councilwoman Scott, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN ANNEXED AREA 3A OF ORDINANCE NO. 12308, FROM TEMPORARY R-2 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO PERMANENT R-2 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE

Passed first reading.

REZONING

2011-032: City of Chattanooga/RPA

On motion of Councilwoman Scott, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN ANNEXED AREA 3C OF ORDINANCE NO. 12311, FROM TEMPORARY R-2 RESIDENTIAL ZONE TO PERMANENT R-1 RESIDENTIAL ZONE

Passed first reading.

REZONING

2011-037: Carylon Killebrew/CFS Properties

Pursuant to notice of public hearing the request of Carylon Killebrew to rezone property located at 1416 Williams Street came on to be heard.

REZONING (Continued)

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 1416 WILLIAMS STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

REZONING

2011-044: Darren W. Kennedy, Attorney/ Hubert Properties

Pursuant to notice of public hearing, the request of Darren W. Kenney, Attorney/Hubert Properties to rezone property located at 3883 Wilcox Boulevard came on to be heard.

On motion of Councilman Gilbert, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 3883 WILCOX BOULEVARD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE**

Passed first reading.

LEASE AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Benson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A TWO-
YEAR LEASE AGREEMENT WITH DARDE LONG FOR THE USE OF THE
BARN ON THE BROWN ACRES GOLF COURSE PROPERTY WITH A
RENTAL RATE OF TWO HUNDRED DOLLARS (\$200.00) PER MONTH**

Was adopted.

AMEND RESOLUTION

Councilwoman Scott stated that she thinks she knows the answer to this and asked if this is part of the federal funds. Mr. Johnson responded "yes".

Councilman Benson called for the question.

AMEND RESOLUTION (Continued)

On motion of Councilman Murphy, seconded by Councilman Benson,
A RESOLUTION AMENDING RESOLUTION NO. 26141 RELATING TO THE AGREEMENT WITH BRIGHTBRIDGE FOR THE ADMINISTRATION OF THE BROWNFIELD GRANTS AT OHLS AVENUE AND THE ANCHOR GLASS OFFICE BUILDING SITES TO REDISTRIBUTE THE AUTHORIZED FUNDS FOR A COMBINED TOTAL AMOUNT OF TWENTY-FIVE THOUSAND THREE HUNDRED DOLLARS (\$25,300.00)

Was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH OOLTEWAH NURSERY TO INSTALL AN IRRIGATION SYSTEM AT WARNER PARK IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND SEVEN HUNDRED FIFTY-NINE DOLLARS (\$17,759.00)

Was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING RITA'S TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 100 MARKET STREET FOR THE INSTALLATION OF A SIGN AND CANOPY ALONG A PORTION OF THE RIGHT-OF-WAY, AS SHOWN IN THE DRAWINGS 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 Murphy,
A RESOLUTION AUTHORIZING GRAPHIC WORKS, LLC TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 429 BROAD STREET FOR THE INSTALLATION OF A SIGN ALONG A PORTION OF THE RIGHT-OF-WAY, AS SHOWN IN THE DRAWINGS 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 Murphy,
A RESOLUTION AUTHORIZING JAMES C. BERRY TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 605 CHESTNUT STREET FOR THE INSTALLATION OF A PARAPET CAP ATOP THE LIBERTY TOWER THAT WILL PROJECT INTO THE RIGHT-OF-WAY, AS SHOWN IN THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH H&H BROWN FOR LIQUID OXYGEN PROVIDED TO THE MOCCASIN BEND WASTEWATER TREATMENT PLANT BETWEEN APRIL 3, 2009 AND APRIL 17, 2009 RELATIVE TO CONTRACT NO. W-07-003 (28J1) IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS (\$80,000.00)

Was adopted; Councilwoman Scott voted "no".

AMEND RESOLUTION

2011-045: Fort Town, LLC/Dale Darby

On motion of councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION TO AMEND RESOLUTION NO. 26062 RELATIVE TO AMBERBROOK GARDENS PLANNED UNIT DEVELOPMENT (CASE NO. 2005-077) ON PROPERTIES LOCATED AT 5506, 5542, 5556, 5594, AND 5598 CASSANDRA SMITH ROAD BY LIFTING CONDITION NO. 1 AND AMENDING CONDITION NO. 2

Was adopted.

WAVER OF LANDFILL DISPOSAL FEES

Councilman Murphy stated he knows the next two weekends he will be doing cleanups and will be adding to this and should recuse himself but will not! He stated this is really a good thing to do in our city; that we need to do more of it and partner with citizens when they clean up neighborhoods as it is the only way it gets done and is a good thing!

WAIVER OF LANDFILL DISPOSAL FEES (Continued)

On motion of Councilman Murphy, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL DISPOSAL
FEES ASSOCIATED WITH THE GREAT AMERICAN CLEAN-UP IN AN
AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS
(\$1,500.00)**

Was adopted.

OVERTIME

Overtime for the week ending April 7, 2007 totaled \$44,776.23.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **JAMES TIMOTHY CHAPIN** – Deceased, Police Sergeant, effective April 2, 2011.

PUBLIC WORKS DEPARTMENT:

- **JOHN ALLEN WELTON** – Retirement, Combination Inspector, Land Development Office, effective April 15, 2011.

INFORMATION SYSTEMS:

- **DAN JUSTIS** – Hire, Telecommunications Coordinator, Range 17, \$50,000.00 annually, effective April 11, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **DENNIS SCHIAVON, SR.** – Retirement, General Supervisor, effective March 31, 2011.

EMERGENCY PURCHASE

The emergency purchase of Traffic Control Services for the Public Works Department from T R Moore & Associates, Inc. in the amount of \$3,442.75 on R41450 was duly reported and signed in open meeting.

HOTEL PERMITS

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

TIFTONIA TN LODGING LLC d/b/a/ COUNTRY INN & SUITES – Chattanooga, TN

FAIRFIELD INN & SUITES – Chattanooga, TN

REJECT BIDS

On motion of Councilman Rico, seconded by Councilman Murphy, all bids on R39133 for the Chattanooga Fire Department for the construction of Fire Hall No. 3 were duly rejected. Purchasing will obtain new drawings and specifications to rebid this project.

PURCHASES

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

CHATTANOOGA FIRE DEPARTMENT:

NAFECO (Best bid)

R35897/300783

Purchase of Blanket Contract to Purchase Fire Fighters Protective Clothing

\$230,305.00 – annual estimation

PURCHASES (Continued)

GENERAL SERVICES:

MOTOROLA (Single source)

R41643

Blanket Contract for Motorola Technical Support Service & On-Site Infrastructure Response per TCA 6-56-304.2

\$20,165.00 – annual estimation

PUBLIC WORKS:

SEALMASTER OF CHATTANOOGA (Best and lowest bid)

R39687

Blanket Contract to Purchase Pothole Patch Materials

\$10,000.00 – annual estimation

MB COMPANIES (Best bid)

R39929

Purchase of Paint Striping Truck

\$172,557.00

EMERGENCY PURCHASE

The emergency purchase to initiate emergency services from CSS International Inc. in the amount of \$20,915.39 for the Information Services Division of the Mayor's Office on R40600 was duly reported and signed in open meeting.

PERSONNEL APPEAL: BRADY BRANDON

City Attorney McMahan stated that an appeal of a dismissal from a Fire Department individual by the name of Brady Brandon has been received; that this will be the first case of the first dismissal hearing under our new procedures which will go to the Tennessee Secretary of State, Office of the Administrative

PERSONNEL APPEAL: BRADY BRANDON
(Continued)

Law Judge who will appoint an Administrative Law Judge to hear this case. He asked Patrick Bobo to get with the Clerk of Council to call the Secretary of State to get this matter scheduled.

PUBLIC MEETING, APRIL 18, 2011

Councilwoman Scott announced a public meeting called "Sales Tax 101", an explanation of what has been happening and the law and things of that nature; that it will be held in the Assembly Room on April 18 at 6:00 p.m. and the public is invited. She stated the meeting will last about an hour.

Councilwoman Berz asked who the "we" is that will be having the discussion. Councilwoman Scott stated what she would be presenting is essentially what she presented to Council.

Councilwoman Berz asked if Council members are to be on the dais. Councilwoman Scott stated Council members are invited to attend and it does not really matter with regard to seating whether on the dais or in the audience.

Councilwoman Berz stated an education session is very important and this is a matter of process from here on out; that as a matter of courtesy whenever we set something that includes us that we can help by also sending out information to our districts that we at least have a "heads up ahead" of time. She stated she wished Councilwoman Scott well with the education session.

DISTRICT 9 COMMUNITY MEETING

Councilman Murphy stated there will be a meeting at the Carver Recreation Center for District 9; that it will be a District 9 Empowerment meeting to teach folks how to use some of the publicly available information technology out there and accessible through the computers and internet service in our recreation centers and public libraries if not at home to instruct folks how to find who owns property that may be in their neighborhood using GIS. He stated it is scheduled to be held on tomorrow at Carver and the public is welcome.

DISTRICTS 5 AND 6 MEETING

Councilwoman Berz stated this Thursday at Shepherd Recreation Center, Districts 5 and 6 are having their regular meeting with the police; that they are starting a special series of programs to educate neighborhoods on how to take back their neighborhood. She stated it is a really exciting series that is being planned and all are welcome on tomorrow at Shepherd Recreation Center at 6:30 p.m. She commended the police department for doing a fabulous job in helping to pull this together, as well as Georgia Eastman; that for the past three years they have been having community meetings with the police not to whine or talk about problems but to educate themselves. She commended Captain Dunn and other personnel and again extended welcome to all.

SPRING OPEN HOUSE

Chairman Ladd stated there will be a spring open house at North River Civic Center in Hixson that is free of charge; that there will be hotdogs for purchase, free entertainment, a car show and inside will be a concert by Dalton Roberts from 5:00 – 8:30 p.m. this Friday evening. She expressed hope firefighters and police in the area will come by and visit with them.

COMMITTEES

In the absence of Councilwoman Robinson, Councilwoman Scott stated the **Health, Human Services and Housing Opportunities Committee would meet on Tuesday, April 19** immediately following Legal and Legislative to discuss needed maintenance repairs to Dogwood Manor.

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, April 19** to discuss matters within the Committee's jurisdiction.

Councilwoman Berz stated as requested the **Budget, Finance and Personnel Committee will meet immediately following the Health, Human Services and Housing Committee on Tuesday, April 19**; that the only business will be the last request from Joe Johnson Mental Health Center.

NEXT WEEK'S AGENDA

Chairman Ladd stated that the agenda for next week was discussed previously during today's Agenda session.

**RULES OF PROCEDURE FOR ADDRESSING THE
COUNCIL**

At this time City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

PHIL GRUBB

Phil Grubb, President of the International Brotherhood of Police Officers representing Chattanooga Police Officers. He stated he was present to stand united with and pledge full support to the men and women of Chattanooga public works and the Chattanooga firefighters and deferred his time to Jonathan Lehman from the Fire Department.

STEPHEN WEST

Stephen West was present representing SCIU, Service Employees International Union. He stated he was standing with the International Brotherhood of Police and Chattanooga Firefighters and would defer his minutes to Mr. Lehman.

JONATHAN LEHMAN

Jonathan Lehman stated he has been asked to briefly address the Council on behalf of many of Chattanooga's unionized workers; that some of these include the Service Employees International Union, the International Brotherhood of Police Officers, the International Association of Firefighters and the Chattanooga Area Labor Council which includes many local unions from postal workers to teachers, machinists to pipe-fitters. He stated he is currently working as a firefighter for the city of Chattanooga and has done so for the past eight years. He stated he is married and has two children, ages four and seven; that his wife stays home to raise their children and when he is not at the fire station he works another job so she has that ability; that he mentions this not to seek pity but to illustrate the norm and to put a face and a name to their situation. He stated he was present to ask the Council to allow them to take part in continuous dialogue with the massive, unionized work force that is the very foundation of this city; that at this time they are typically subject to whatever decisions the Council makes without voice or argument.

JONATHAN LEHMAN (Continued)

Mr. Lehman stated while an employee may work twenty-five or thirty years in a career the more rapid rotation of elected officials often makes drastic decisions that unjustly alter their lives without consent or counsel; that they are not irrational, are not ignorant and are not greedy. He stated they are highly trained, dedicated, passionate individuals who pledged a lifetime of service to this city; that their careers began with a pact and for some an oath, and subsists through trust and cannot provide the service that is expected without that trust. He stated it is a trust that allows each of them to leave their families and serve the city, a trust that compels them to be courageous when the situation is harrowing and a trust that allows them to be excellent at all times when it is far easier to be lazy.

Mr. Lehman continued by asking the Council to reinstate their health insurance benefits after the age of sixty-five which was taken away at minimal savings to the city. He stated their permanent and total disability benefits that were abolished in 2009 are essential in rare cases and vital to the longevity of those so impacted. He stated it is their hope that the ten percent rule and the nuances that surround it be changed so that employees are not wrongfully terminated; that employees who work over forty hours a week must be eligible for overtime wages for hours worked. He stated it is absolutely imperative that they are able to maintain their pension benefits that are at the core of their relationship to the city. He stated although they all came to Chattanooga for many reasons they are united as one in their desire to deliver the highest level of service to its citizens; that their expectation is simply that they can trust in the officials of this city to honor the salary, benefits and retirement that they were promised when they were hired.

PATRICK KELLOGG

Patrick Kellogg of 2510 Oak Street stated his newly acquired kids call him Uncle Cornflake and was designated by the residents of East Chattanooga to help lead in creating an environment where kids feel safe to play, where people who wanted to work could and where it was again cool to be called intelligent, smart and maybe even a nerd. He stated never could he have imagined how hard it would be to convince a 10 year old that "Erkle" was the guy to be and never would have thought he would have been jailed twice, robbed, cursed at, living without lights, hungry, near homeless and ridiculed just for wanting to make sure a child was able to live long enough to accept Jesus Christ as their personal Savior.

PATRICK KELLOGG (Continued)

Mr. Kellogg referenced consoling cousins of a family who lost a loved one last week and announced this Saturday, April 16, from 10 a.m. – 8 p.m. there will be a block party at the East Chattanooga Recreation Center on Dodson and invited the Council to come out and see what love really is; that there will be a disc jockey and food and noted Chattanooga police will provide security. He gave his number as 423-362-0534 and stated he is on Facebook for more information if needed.

CYNTHIA STANLEY-CASH

Cynthia Stanley-Cash, President of the North Brainerd Neighborhood Association, stated that she missed the vote on the Wilcox zoning on page two of tonight's agenda and asked whether it was voted C-5 or C-2. The response was C-5. She asked for clarification regarding the clean up amount of \$1,500 and asked if any district can have that.

Councilman Murphy stated it is a waiver of landfill fees; that the landfill would technically be having to bill for those wastes in the landfill as a result of the neighborhood cleanups and this simply says there will not be a charge to the participating neighborhoods for the tipping for that; that it is a small thing the City can do to support our neighborhoods in cleaning themselves up.

She inquired as to the rules of procedure that were read as far as people speaking and the reference to neighborhood groups and personal issues once a month and asked if the rules are new.

City Attorney McMahan stated they are long standing rules of the City Council; that neighborhood associations are one of the listings in the Resolution.

Ms. Stanley-Cash stated if it is something personal she can speak twice. City Attorney McMahan responded "yes, subject to the Chair's discretion" as to her intention.

Chairman Ladd stated there will be a thirty-day wait in between before being allowed to approach on a personal matter or any subject.

Ms. Stanley Cash asked if she could come to the Committee meetings more than once. Chairman Ladd responded "absolutely".

EXPRESSION OF THANKS

Councilman Gilbert thanked the firefighters who came out regarding their concerns, noting they are off duty and indicated that he heard their concerns and hoped things could be worked out. He expressed appreciation for all the work they do!

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, April 19, 2011 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)**