

**CITY COUNCIL
CHATTANOOGA, TENNESSEE
JUNE 28, 2011
6:00 P.M.**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Councilman Murphy led the Pledge of Allegiance, followed by invocation.

MINUTE APPROVAL

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

Chairman Ladd asked that everyone put their cell phones on the silent mode. She also noted that each issue tonight had been thoroughly discussed in committee meetings; that it might sound like we were going through these items rapidly but research had been done.

**SPECIAL PRESENTATION:
PUBLIC WORKS' EMPLOYEES**

Chairman Ladd called on Mayor Littlefield for special recognition of seven Public Works' employees who assisted the Chattanooga Fire Department.

Mayor Littlefield asked Chief Parker and Mr. Leach and Mr. Norris to join him at the podium as he read a letter that he had received a few days ago from Attorney Bryan Hoss. The letter mentioned a fire that erupted on June 14th at an apartment building on E. 5th St. His office was located right next door. A Public Works' crew was working at the street corner and saw the blaze and immediately came running to assist and alerted his staff, who were able to quickly vacate the building. These employees also ran into the burning

SPECIAL PRESENTATION(CONT'D)

apartment building and alerted the residents inside. Mr. Hoss stated that they surely went above and beyond their duty and felt that they should be commended and a copy of his letter placed in their personnel file. He also complimented the Chattanooga Fire Dept. for doing an excellent job and showing courage and professionalism.

Mayor Littlefield read each of the employees' names and presented them with certificates: Bernard Schultz, Cedric Dozier, Albert Lloyd, Rodney Staten, Eddie Proffitt, Bobby Allen, and Ken Muse. The Mayor stated that the work that Public Works' employees do every day is dangerous due to traffic and ditches—that it is a dangerous environment; that this shows the courage of our workers and that also the Fire Department did an excellent job. He had certificates and letters of commendation for their personnel files. He called on Chief Parker.

Chief Parker acknowledged that they did a great job; that Adm. Leach had also noted that the Fire Dept. did a great job, and there were certificates to be handed out. He stated that Public Works does a great job every day and do a lot of work for the City, and he thanked them.

Adm. Leach also acknowledged their hard work, stating that the “guys and gals” all do a great job—that it is not an easy job, and they have to go out in foul weather and put forth a 100% endeavor. He called out each employee's name and presented them with certificates.

Chairman Ladd stated that this was an indication of the good response of our city employees; that city employees help the public in many incidents. She thanked these men for being a shining example.

CLOSE AND ABANDON

MR-2009-058 (Judy Norris)

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF
THE UNOPENED 3500 BLOCK OF OCCONECHEE TRAIL AT 552
INTERMONT ROAD, MORE PARTICULARLY DESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE

Councilwoman Berz stated that budget ordinances could be confusing and wanted to clarify the intent of the next several Ordinances; that the first one that will be read is for interim funds to operate; the next Ordinance passes the budget for the City to do business, and there has been strong scrutiny—that there is \$20 million for agencies and funding will be deliberated; that we should be ready to vote on this portion in two weeks; that the law requires that every agency we fund meet certain requirements and several fine agencies do not have all their information in, and this will be discussed week after next. She commended the Council on doing an excellent job, stating that we would see that the agencies are funded to the best of our ability. She noted that this could all be confusing.

**CHANGES IN BUDGET
APPROPRIATIONS**

On motion of Councilman Rico, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 12410, ENTITLED
“AN ORDINANCE, HEREINAFTER ALSO KNOWN AS ‘THE
FY2010/2011 BUDGET ORDINANCE’, TO PROVIDE REVENUE FOR
THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE
30, 2011, 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
PROVING FOR INTEREST AND PENALTY ON DELINQUENT TAXES
AND PRIVILEGES,” SO AS TO PROVIDE FOR CERTAIN CHANGES
IN APPROPRIATIONS SET OUT IN SECTION 6**
passed second and final reading and was signed in open meeting.

FY 2011-2012 BUDGET

On motion of Councilwoman Scott, seconded by Councilman Rico,
AN ORDINANCE, HEREINAFTER ALSO KNOWN AS “THE FISCAL YEAR 2011-2012 BUDGET ORDINANCE”, TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012; 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; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41, AND 31-43

was substituted. On motion of Councilwoman Scott, seconded by Councilman Rico, the Ordinance passed second and final reading and was signed in open meeting.

Councilman Murphy asked what the effective date would be? Attorney McMahan responded “immediately upon passage”, prompting Councilman Murphy to note that we would not need Ordinance (d). Attorney McMahan then realized that he was wrong—that it was actually two weeks from its passage, making it July 12th.

AMEND INTERIM BUDGET

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND ORDINANCE NO. 12509, ENTITLED “AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2011, PENDING THE ADOPTION OF THE 2011-2012 ANNUAL BUDGET,” SO AS TO PROVIDE FOR PAY INCREASES FOR CERTAIN PERSONNEL AS PROVIDED HEREIN EFFECTIVE JULY 1, 2011

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

ELDER MTN.DEANNEXATION

Chairman Ladd asked if there was anyone in the audience in opposition who wished to speak. No one was present.

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
AN ORDINANCE DEANNEXING CERTAIN PROPERTIES ON ELDER MOUNTAIN AND ELDER MOUNTAIN ROAD WHICH ARE CURRENTLY IN THE CITY OF CHATTANOOGA
passed first reading.

**AMEND CITY CODE
C-7 GUIDELINES,N.SHORE**

Chairman Ladd asked if there was anyone in the audience in opposition who wished to speak; there being none, the meeting proceeded.

On motion of Councilwoman Scott, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-287, DESIGN GUIDELINES WITHIN THE C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE
passed first reading.

CLOSE AND ABANDON

MR-2011-057 (Volkswagen Group of America & Barge Waggoner Sumner & Cannon)

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF SEWER AND EASEMENT LOCATED IN THE 8000 BLOCK OF VOLKSWAGEN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

AGREEMENT/MAYCREATE

Councilman Benson stated that this was a desirable and a good thing, but timing is everything, and during these uncertain times, he just did not think this rose above a desirable; that it was not top priority; that it takes a lot of necessities to keep this City going; that we can survive with this present setup and in the future hope for a better website; that he could not in good conscience vote for this.

Councilman Murphy had some questions for Mark Keil. He asked if some grant funds were being used for this, and he asked him to explain the source and the amount. He also noted that some recognize the need but do not think that this is the right time. He asked if the grant funds would continue to be available and if this could be put off a year? Mr. Keil acknowledged that there was a grant and usually you don't find grants for websites; that it is just \$60,000, but the chances of getting federal money for a webpage again is slim; that we were able to get this \$60,000 through Sustainable Development and the things they will be doing; that the rest will come from the Capital Budget, which we first voted on; that for the next Phase, nothing will come out of the operating budget, but it will be Capital Budget money.

Councilman Murphy asked if there was a deadline for the \$60,000? Mr. Keil acknowledged that there was a deadline, and it was fairly close.

Chairman Ladd noted that several Councilmembers wanted to speak, and she would also allow the public to speak. Councilwoman Scott stated that she would wait until the public had spoken.

Councilwoman Berz stated that she had another question; that she was very much in favor of transparency, and our website is bad! She stated that for three years it had needed to be more available to the public so that they could get better information; that our webpage is terrible! She stated that this change needs to happen. She had a question for either Daisy Madison or Dan Johnson. She stated that a lot of times people think if we don't use this money for a webpage that we can use it for agencies or paving, etc. She stated that she did not think this was quite true; that we have \$128,000 before us now that is appropriated in the Budget. She stated that she would like whomever could explain it best to tell us the way the Budget works.

Ms. Madison explained that part of this cost is covered by a grant; that funds were allocated in the Capital Budget process, and if these dollars are not used for this project, they can be re-allocated; that they are earmarked for capital projects and not to fund agencies; that this is a capital expenditure.

AGREEMENT (CONT'D)

Councilwoman Berz stated that she appreciated this explanation; that this is a very important step that we are taking; that the public is interested in total transparency, and she really welcomed the transparency and this webpage; that the majority in her district was for this; that there were a few people grumbling, but they were the minority.

Councilman Rico stated that Chattanooga is called the “Transformed City” and also called a progressive City; that this is a smart website, and in 2012 we have to be ADA compliant, and we are not there yet; that we need to do this right.

Councilman Gilbert asked to be enlightened about the ADA compliance. Mr. Keil responded that we are in the process of this; that this RFP came back with vendors that could do the best thing for the City and Maycreate was the leading vendor with ADA compliance—whatever that means. Councilman Gilbert asked if we were required in the future to be ADA compliant? Mr. Keil responded that there are ADA requirements for citizens; that he did not know if it was required for the website, but it was desirable. Mr. Brian May added that he did not know if this was a Federal requirement, but they could accomplish it, and it was not that difficult. Mr. Keil added that it was an improvement that they had planned to do with our present website.

Mr. Tom Whisnant of 2021 Ashmore Ave. (Red Bank) stated that he did some website development; that this could be implemented in stages; that ADA compliance was easy and not expensive; that it was not an all or now thing; that we could capture the federal funding that is available and at the same time, do this in stages; that it would take more time, but it could be done within the City’s means at this time.

Mr. Tom Slayton of Soddy Daisy stated that Hamilton County was getting their website done free through UTC.

Councilwoman Scott stated that we were a “gigabyte” city that could be “megabyte”; that this would be a website for more people across the city; that people in the next county or other surrounding cities could use it; that it could reach clear across the United States; that the website is not just for Chattanooga but for many people; that we can’t do business as well with the old site; that this was not about aesthetics but the training of people; that it would be making it more efficient for city departments to individualize their needs and communicate with the public in a better way. She went on to say that it would be an Internet Library for public access where people can view the

AGREEMENT (CONT'D)

minutes of meetings and other documents; that the City Council has access to documents and contracts that the public do not have access to; that we don't have fully functional capability; that the structure of the web enhances what the public can use and view; that it would be wonderful for the public to be able to see what we see; that she knew being able to read contracts and documents had helped her. She stated that we can't have a transparent government with what we have now; that the City is a collection of things; that we have moved forward from the printing press, and we have to be fully transparent in the future.

Councilman Murphy stated that at first, Councilman Benson "had" him—that he was about convinced that this could wait; that part of him was torn; that he believed Mr. Keil about the grant money; that he had talked with knowledgeable friends about the website and data; that if we put it off, it would cost more later; that to spend the whole amount is a lot but no checks were being written for these two amounts; that it will be billed at \$85.00 an hour; that there is an 18.3% discount to do it now; that later it will cost more in real dollars, and we won't have the discount. He stated that he was in sympathy with Councilman Benson—that if we "muddle" through, what will we get? He acknowledged that our present website is not great and is not searchable, mentioning, for instance, that a person would not be able to pull up and see how he had voted on issues; that people should be able to find out the voting record of Councilmen, noting that there were more important uses. He stated that he would support this because of our discussions.

Councilwoman Robinson stated that she had struggled with this all week; that there was "sticker shock", but there had been wonderful discussions. She stated that she and Councilman Benson struggled with this 8-9 years ago, which was a similar conundrum; that it was almost one-fourth of a million trade for a new model.

Councilman Benson stated that he did not feel bad if everyone disagreed with him; however he did not agree with Councilman Murphy that it could cost us more next year—that this was a gamble, mentioning waiting on a television until he got it cheaper. He stated that he just did not feel like he could support this.

Councilman Gilbert stated that he had struggled with the cost, but he had dealt with websites and \$85.00 an hour is not that much; that we needed this technology bad because "you can't find nothing" on what we have now; that he thought we would save money because it could cost more in the future, and he supported this.

AGREEMENT (CONT'D)

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO ENTER INTO AN AGREEMENT WITH MAYCREATE, LLC FOR WEB DESIGN SERVICES TO CREATE A NEW CONTENT MANAGEMENT SYSTEM AND MIGRATION OF ALL APPLICABLE DATA TO A COMPLETELY NEW DATABASE, WITH PHASE I PROJECTED COST OF ONE HUNDRED TWENTY-EIGHT THOUSAND DOLLARS (\$128,000.00) AND PHASE II PROJECTED COST OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) BASED ON EIGHTY-FIVE DOLLARS (\$85.00) PER HOUR, SUBJECT TO APPROPRIATION

was adopted on Roll Call as follows:

COUNCILMAN RICO	“YES”
COUNCILMAN MURPHY	“YES”
COUNCILMAN SCOTT	“YES”
COUNCILMAN ROBINSON	“YES”
COUNCILMAN BENSON	“NO”
COUNCILMAN GILBERT	“YES”
COUNCILWOMAN BERZ	“YES”
CHAIRMAN LADD	“NO”

GRANT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE FIRE HOUSE SUBS PUBLIC SAFETY FOUNDATION IN AN AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR THE PURCHASE OF PATROL RIFLE MOUNTS FOR FIFTY (50) PATROL VEHICLES

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO INCREASE THE AMOUNT OF THE BLANKET CONTRACT WITH CIVIC ENGINEERING & INFORMATION TECHNOLOGIES, INC. BY TWENTY-SIX THOUSAND TWO AND 50/100 DOLLARS (\$26,002.50) FOR ADDITIONAL CITYWORKS SUPPORT SERVICES REQUIRED
was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TALLEY CONSTRUCTION COMPANY, INC., RELATIVE TO CONTRACT NO. E-08-010-201, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENT, IN THE AMOUNT OF ONE MILLION, FOUR HUNDRED NINETY-EIGHT THOUSAND, THREE HUNDRED EIGHTY-TWO AND 67/100 DOLLARS (\$1,498,382.67), PLUS A CONTINGENCY AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION, SIX HUNDRED FORTY-EIGHT THOUSAND, THREE HUNDRED EIGHTY-TWO AND 67/100 DOLLARS (\$1,648,382.67)
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO THE MAINTENANCE OF STATE HIGHWAYS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-NINE THOUSAND ONE HUNDRED SEVENTY-NINE AND 70/100 DOLLARS (\$339,179.70)
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD A CONTRACT TO ARCADIS, INC. TO DEVELOP GREEN INFRASTRUCTURE RUN-OFF REDUCTION STANDARDS IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED FORTY-FIVE THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS (\$1,545,235.00)
was adopted.

CONTRACT

Councilman Murphy explained that we were paying this money in lieu of paying a fine.

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD A CONTRACT TO ARCADIS, INC. TO DEVELOP GREEN INFRASTRUCTURE RETROFIT FOR THE BRAINERD CORRIDOR TO SATISFY TASK 1 OF TDEC ORDER NO. WPC10-0055 IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000.00)
was adopted.

TEMP. ROW USE

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING TOC, LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 432 MARKET STREET FOR THE INSTALLATION OF OUTDOOR SEATING, AS SHOWN IN THE DRAWING, PHOTOGRAPHY, AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. S-10-002-201, CHAPMAN ROAD DRAINAGE IMPROVEMENTS, TO THOMAS BROTHERS, INC. IN THE AMOUNT OF ONE MILLION FOUR HUNDRED TWENTY-ONE THOUSAND FIVE HUNDRED SIXTY-SEVEN AND 60/100 DOLLARS (\$1,421,567.60), PLUS A CONTINGENCY AMOUNT OF ONE HUNDRED FORTY-TWO THOUSAND ONE HUNDRED FIFTY-SIX AND 76/100 DOLLARS (\$142,156.76), FOR AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED SIXTY-THREE THOUSAND SEVEN HUNDRED TWENTY-FOUR AND 36/100 (\$1,563,724.36)

was adopted.

GRANT CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO A GRANT CONTACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEARS 2012 AND 2013 FOR THE UNDERTAKING OF TRANSPORTATION PLANNING AND COORDINATION ACTIVITIES AS ASSIGNED IN THE CHATTANOOGA-HAMILTON COUNTY/NORTH GEORGIA TRANSPORTATION PLANNING ORGANIZATION UNIFIED PLANNING WORK PROGRAM, WITH THE TOTAL CONTRACT NOT TO EXCEED ONE MILLION ONE HUNDRED FIVE THOUSAND NINE HUNDRED FOURTEEN AND 40/100 DOLLARS (\$1,105,914.40)

was adopted.

OVERTIME

Overtime for the week ending June 23, 2011, totaled \$23,796.42.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPARTMENT;

- ✓ **BRANDON JOHNSON**—Termination of Crew Worker 1, effective 6/24/11.

CHATTANOOGA FIRE DEPT.:

- ✓ **STEVEN HARVEY**—Promotion to General Supervisor, Range 18, \$41,572 annually, effective 6/3/11.

PUBLIC WORKS DEPT.:

- ✓ **JEREMY POARCH**—Resignation of Waste Resources Plant Engineer, effective 6/17/11.

FINANCE DEPT.:

- ✓ **SCOTT MATSINGER**—Resignation of Accountant 2, effective 6/24/11.
- ✓ **VIRGINIA HICKS**—Retirement of Tax Specialist, effective 6/30/11.

DONATIONS/PARKS & REC.

Adm. Zehnder reported the following two donations: Books for the Summer Reading Program for various recreation centers from United Way in the amount of \$8,600; Plane tickets for 12 youth/4 adults to Phoenix, Arizona for the RBI Youth Softball Program from Major League Baseball in the amount of \$12,700.

PARKS & REC./ADM. ZEHNDER

Adm. Zehnder reported that yesterday was their final tournament for the RBI Program for ages 5-12. There were 24 teams with 275 inner-city children taking part. One of the highlights was that 70 male volunteers acted as mentors. At this point, Adm. Zehnder read a report from the Sports Dept., stating that he was very encouraged to get this note and that this is just one of the successes that they were accomplishing. He stated that he was proud of his Staff.

PARKS & REC. (CONT'D)

Adm. Zehnder went on to talk about another aspect of his department, which was the Fee Schedule. He stated that on July 1st, they started the City discount at various facilities, including Greenway Farms, Heritage House, Outdoor Chattanooga and the golf courses; that there was a \$2.00 discount for city residents at the golf courses.

Councilman Gilbert thanked Adm. Zehnder for his great vision; that we were blessed to receive the money and for those that team with Chattanooga. He noted that Greta Hayes had pushed for this program and had done a great job. He went on to say that when he was younger that softball was great in this city, and it can bring in more money and make this a better city as a whole. He again thanked Mr. Zehnder for his vision and also thanked the Staff, stating that he appreciated this.

Adm. Zehnder stated that he would bring forth some of the winners and would have more details at his committee meeting.

Councilman Benson thanked Adm. Zehnder for the user fee for using our facilities, noting that the County, as well as the City, pay for Chester Frost Park; that people outside the city are coming in and not paying anything at Heritage Park; that it should make the county people feel better to know that they are paying their fair share; that there had been inequity for a long time, and people don't understand this. He again thanked him for the user fee.

**EDUCATION,ARTS & CULTURE/
ADM. CRUTCHFIELD**

Ms. Crutchfield began by saying that Larry Zehnder was a hard act to follow, but she thought they had done it this time! She went on to mention the Eastgate Grant from the Southeast Tennessee Area Agency on Aging and Disability for the Eastgate Senior Activity Center programming in the amount of \$40,000; that they were being awarded this grant in the amount of \$44,090.

She then gave an update on the Soldiers and Sailors Memorial Auditorium, noting that one year ago they launched a campaign, with the Council's blessing, to revitalize the Soldiers and Sailors Memorial Auditorium and renovate the community theatre space, which has been out of ADA compliance for a number of years; that this week the Chattanooga Music Club will host its annual Patriotic Music Concert, which is free to the public. This will be Thursday, June

ADM. CRUTCHFIELD (CONT'D)

30th at 7:00 p.m., with a special salute to our local veterans and active duty military and just in time for the concert, the National Medal of Honor Museum unveils its first display case and a brand new partnership with Soldiers and Sailors Memorial Auditorium.

Ms. Crutchfield went on to say that also this week, Performance Video Systems installs state-of-the-art projectors and screens which they are donating in-kind to EAC civic facilities, just in time to reveal a promo video they also produced for the Soldiers and Sailors Memorial Auditorium.

She then introduced Jared Stehney of Clearchannel Radio, who is on the Steering Committee. Also present was Joe Brannon, owner of textLIVING.com., who is involved in this effort and has chosen EAC as a community partner in giving back and is committing to donate \$.15 for every person that subscribes to our daily text deal and \$.05 for every subscriber that redeems a deal. She stated that he could introduce his partners.

Ms. Crutchfield asked Mr. Brannon to speak. He thanked Ms. Crutchfield, noting that they met two weeks ago; that he met Jared Stehney and that people would be hearing about EAC on Clearchannel Radio; that he wanted to go into the community to give back and mentioned the \$.15 for every person that subscribes to his daily text deal that will go back to charities. He stated that they would be sending out the text daily; that he was excited about this project and also Clearchannel Radio. He introduced his partners, Aaron Maynard and Lucas Barnett.

Mr. Stehney stated that this was a great opportunity to give back to the community, and they wanted to give as much back as they could.

Councilman Gilbert thanked Ms. Crutchfield for partnering with these people and making more opportunities for the City; that getting the Grant was great, stating that Ms. Crutchfield was making variables happen. He also thanked Clearchannel, stating that he appreciated their help. He admonished Ms. Crutchfield to keep up the good work.

Councilman Murphy thanked Ms. Crutchfield for her report but wanted to know the estimated value of the donated projectors and screens, which he noted the Council was supposed to have. He stated that this was the best way to quantify value; that people were cynical about her department, and we needed to have the dollar value here. Ms. Crutchfield stated that she would get this information to him tomorrow. (Ms. Crutchfield did send an e-mail the next day stating that the in-kind donation was in the amount of \$10,000.00).

HOTEL PERMITS

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

LLBJ-ROSSVILLE LLC dba HAMILTON INN—2717 Rossville Blvd.

LAMAR’S—1020 East MLK Blvd.

MAYOR’S MANSION INN—801 Vine Street.

PURCHASES

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

GENERAL SERVICES DEPT.:

LEE-SMITH INC. (lowest and best bid)
Requisition 40024/301094

Roll Back Wrecker Truck

\$134,782.00

FREIGHTLINER OF CHATTANOOGA (Best bid meeting specs.)
Requisition R41649/301023

Tri-Axle dump Truck

\$156,248.00

PUBLIC WORKS DEPT.:

ACCELA AUTOMATION (Sole Source Purchase)
Requisition 45218

Software Maintenance for Land Development

\$51,899.10

PURCHASES (CONT'D)

INFORMATION SERVICES :

TIME CLOCK PLUS (Sole Source)
Requisition

Blanket Contract for Clocks & Equipment

\$200,000.00

POLICE DEPT.:

E M ENTERPRISES (Best bid meeting specs.)
Requisition 43510/301159

45 Office Chairs

\$19,495.00

EMERGENCY PURCHASE

Mr. Ron Swafford, Administrator of the Dept. of Human Services, reported an emergency purchase for repair of a waterline for the Cedar Hill Head Start Center with Keefe Plumbing in the amount of \$13,261.06, Requisition Number 44932. This was duly signed in public meeting.

Councilwoman Scott asked if there was other damage to the building, and if so, how much would this cost? Mr. Swafford stated that there was no other damage at this time.

BOARD APPOINTMENT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson, the following Board Appointment was approved:

BOARD OF SIGN APPEALS:

- ✓ Appointment of **JACK WORKMAN** for a three-year term, expiring **July 31, 2014**. (District 1 Representative)

ATTORNEY MCMAHAN

Attorney McMahan reported a settlement in the amount of \$95,000 for Erin Phillips, pursuant to authorization granted last week.

He also noted that Gene Toney of the Parks and Recreation Dept. had requested a hearing and that the Clerk of the Council would schedule that hearing, and the date would be made known to the Council.

COUNCILMAN GILBERT

Councilman Gilbert stated that as a matter of record, money will be allocated for the Ford Focuses, and we will take a closer look at this.

REFUNDS

On motion of Councilman Murphy, seconded by Councilwoman Scott, the Administrator of Finance was authorized to issue the following property tax refunds:

APPLE EIGHT HOSPITALITY OWNERSHIP, INC.	\$6,836.08
PAVESTONE COMPANY LP	\$2,649.45

COMMITTEES

Councilman Murphy reported that the Council would be out of session next week.

Councilwoman Berz also acknowledged that we would be out of session next week and scheduled for the following week on **Tuesday, July 12th, a Budget Hearing from 2:00 P.M. to 3:00 P.M.** to make sure that all the requirements have been met for Agencies. She stated that her preference was in the afternoon rather than the morning and made this in the form of a motion, which was seconded by Councilwoman Robinson.

**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 ACCORD

Mr. Phil Accord addressed the Council, stating that he wished to thank Councilman Peter Murphy personally; that at the end of his last presentation, Councilman Murphy had inquired as to the number of trees—that 27 were on the ground, and this concern was brought to the attention of Cliff Hightower of the Chattanooga Times-Freepress, who came out and took photos and got this in the newspaper and within 24 hours, he had up to 42 calls; that on June 11th, eight pick-up trucks arrived, 12 chainsaws, and a bulldozer; that from 6:15 a.m. until 3:30 p.m., brush was hauled, and a serious dent had been made. He noted that Alan Houts provided the dump truck and backhoe and 31 trees were cut and disposed of. He also wanted to thank Mr. Lee Norris, who stated that if they got the debris outside of the fence, that they would pick it up. He stated that all of the debris had been removed, and the City of Chattanooga had disposed of it. He stated that Councilman Murphy made the public aware of this need, and he thanked Mr. Norris and all the volunteers. He stated that he had gotten an estimate, and it would have cost from \$30,000 to \$41,000, and this volunteer work was a considerable savings.

Chairman Ladd stated that it was good to hear some good news!

Councilman Murphy stated jokingly “we can't make this a habit”; that now maybe we needed to get them some sod!

CYNTHIA STANLEY-CASH

Ms. Cash stated that she was a constituent of both Councilman Gilbert and Councilman Murphy and would make her comments real quick; that she wanted to voice her concerns—that she was upset about the Children's Home funds being slashed. She wanted to know what the plans were for District 5 and District 9—she wanted to know the plans for these communities under the leadership of Councilman Gilbert and Councilman Murphy? She stated that there was never any economic development here and nothing had been done in these sections for two years. She wanted to know what was going on and answered her own question “Nothing”! She stated that she did hope they could meet and discuss this.

CYNTHIA CASH (CONT'D)

Councilman Gilbert responded that the major problem was the tunnel, with Ms. Cash responding that “she did not want to hear about the tunnel!” Councilman Gilbert continued, stating that he did not know when it would be finished. He mentioned economic development such as the Fed Ex Building. He stated that more people needed to be encouraged to build here, and there were things that the district could do themselves.

Ms. Cash stated that she was talking about the Wilcox Plaza—that there were a lot of vacant buildings and no new businesses; that maybe they needed Ms. Crutchfield’s partners to come here; that the plazas needed to be built up.

Councilman Murphy noted that he had gotten a lot of grief from Councilwoman Scott about all the money that had been spent in District 9—more than any other district in the City, hands down! He noted that from the Parks and Recreation aspect that four and one-half of the 16 recreation centers were in District 9; 28% in District 9, and this does not include the Riverwalk and the Zoo; that District 9 is the “Park Capital” of the City. He went on to talk about the flood control projects. He stated that his district had challenges, and he was addressing them the best that he could and would continue to do so; that he would recruit those tenants on private property that he could, but he could not make people locate there; that he could not make private owners make additional improvements that were not mandated.

Councilwoman Scott added that every word Councilman Murphy has said is correct; that multi-millions of dollars had been spent in District 9, which she wished she had in District 1.

Ms. Cash wanted to continue speaking, saying that she really meant in the neighborhoods but was told that her time was up.

MAMIE OWENS

Ms. Owens addressed the Council, stating that she lived on Duncan Ave. She stated that she had worked for the Board of Education and was the founder of a volunteer organization. She mentioned two programs that have been previously funded and now the funds are cut. She stated that she was here, also, because of a statement that Councilman Rico had made at a meeting that was held last night. He had said that people don’t understand the complex budget cuts. She questioned cutting funds from the Board of Education and our

MAMIE OWENS (CONT'D)

children; that children need more education. She went on to say that she was a therapeutic foster parent and kept children who had mental issues in her home. She questioned what would happen to these children if programs are cut—that these children really need this, and it will be detrimental to these children if programs are cut—that it would be like killing your horse if you were out in the desert! She reiterated that the children need these programs. She went on to say that our children have nothing to do and because they have nothing to do, they are killing each other. She noted that they can't go to the malls now, and she was seeing this everyday—that we need solutions and not cuts—that the kids are our future.

Councilman Benson responded that he spent 35 years in education; that people don't understand the situation; that the City is paying for schools, which is the responsibility of the County because we are out of the school business. He mentioned that he was unaware of any cuts in pre-school programs; that we are educating children in Soddy Daisy (using federal funds). He wanted to know what cuts Ms. Owens was specifically talking about? She responded "cuts with children". Councilman Benson still tried to explain that we have not cut anything; that she needed to talk with the County Commission. He agreed that money involving children pays dividends, noting that often the parents are not there for them. Ms. Owens asked about mental health funding? Councilman Benson asked if she was talking about Fortwood? He noted that the County cut their share, again telling Ms. Owens that she was talking to the wrong group. She stated that she was also talking about Joe Johnson Mental Health Center, prompting Councilman Benson to say that we did not cut them. He asked Councilwoman Scott to speak to this.

Councilwoman Scott stated that she had not had the chance to review everything in the Budget nor seen Hamilton County's Budget; that as far as she knew, we were the only one providing any funding to local mental health agencies—Joe Johnson and Fortwood; that if this were not the case, she would love to know it. She stated that this conversation was difficult for her to understand; that in response to education, we spend a few million dollars--\$46 million sales tax goes to Hamilton County Education; that the citizens of Chattanooga are paying county taxes that goes to Hamilton County; that in looking at the City, we are doing our fair share for education; that if you add in all the other cities in Hamilton County and Hamilton County government you want find anyone paying bigger. She stated that Councilman Benson was correct; that this matter needs to be addressed to other cities and the County.

MS. THOMAS

Ms. Thomas of 600 McCallie Ave. addressed the Council, stating that she was a Social Worker. She thanked the Councilmembers who came to their meeting yesterday; that we seem to be going back and forth as to who is responsible; that the City made a commitment, and she was asking the Council to continue to make this commitment and to talk to the County; that Chambliss Home and the Mental Health centers are helping children, and she asked the Council to continue their commitment and to try to talk to the County and to negotiate.

Councilwoman Scott responded that she was at their meeting, and it was a good meeting, but she would like to make one correction, and she might need to have Mayor Littlefield's help with this—that the original agreement was not to fund forever and forever; that based on discussions and research that had been done, there was no specific date at the beginning; that from the beginning, we were not sure how the process would work and had studies done to look at how equitable this was.

Mayor Littlefield stated that he was not there when this was done 45 years ago; that things were very different then—the County was rural, and we were urban; the County agreed to take on responsibility if we shared the sales tax, and it became their money; that he talked to Phil Accord about this some years ago and the possibility of putting things back they way they were with the County and City—that the County took opposition and talked of not funding some agencies; that the City was stepping up tonight with \$20 million dollars for agencies; that some agencies would get more from the City than they did last time. He mentioned that Headstart was county-wide, mentioning the Emergency Purchase for Headstart tonight, noting that we went as far as Soddy Daisy. He explained that we had been the economic engine driving this for a long time, and we are unhappy that some agencies are not receiving funding from the County. He added that other communities should be sharing, as well; that the solution is not for us to spend more but for cities such as Red Bank and East Ridge to step up to do this, too.

Ms. Thomas responded that she would encourage everyone to stay with their commitment and not let these agencies be on the chopping block.

PATRICK KELLOGG

Patrick Kellogg of Oak Street next addressed the Council. He first wanted to let the Council know that he was exonerated of all charges against him, even the one that took place at this meeting on April 5th, when he was taken to jail and held for three days—that the charges had been dismissed and his record had been expunged. He stated that he was an official just like the Council, but without a title. He questioned trying to assign blame while kids are dying—that this was unconscionable. He stated that East Chattanooga received an “F” as far as the RBI Baseball League—that they were affiliated with them. He stated that he was invested with kids in a huge way, and we need to look at the broad picture. He went on to say that he was tired of running after public officials—that lawyers like it, but it would bankrupt the City; that he had resigned from his job at Erlanger to serve the people; that he looked like the kids that were killing other kids; that he demanded respect—that the children called him “Captain Cereal” because of his name “Kellogg”. He stated that he was tired and if the Council allowed things like this to go on, this Council would not be retained; that he would also take some money if he pursued this legally. He wished the Council a good night!

CHRIS BROOKS

Mr. Brooks of E. 5th Street addressed the Council. He presented them with a power point presentation that was made at the meeting last night. He stated that he was trying to educate people, mentioning \$7 million dollars that the City had as a result of the expiration of the Sales Tax Agreement. He talked about the discussions as to whose responsibility this is and the Mayor of Chattanooga saying it is not the City’s; that peoples’ lives will be destroyed if these agencies are not funded. He used the analogy of the County being the “lifeguard” and somebody is drowning, and if the lifeguard can’t help, then would not one use every effort to save a drowning person! He stated that if the City did not help, that they were responsible. He urged the City to do the right thing—that Chattanooga has the ability, the means, and the heart to do the right thing.

ADJOURNMENT

Chairman Ladd wished everyone a wonderful 4th of July and adjourned the meeting of the Chattanooga City Council until Tuesday, July 12th at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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