

**City Council Building
Chattanooga, Tennessee
June 15, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy and Scott; Councilwoman Robinson was absent due to personal commitment. 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, City Attorney McMahan gave invocation.

MINUTE APPROVAL

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

PRESENTATION OF "TOGETHER WE CAN" SCHOLARSHIP RECIPIENTS

Peter Cooper of the Chattanooga Community Foundation stated that he was pleased to present to the Council some of the students who are this year's "Together We Can" scholarship recipients. He stated some of the students are not present because they are either working or at college orientation. At this point he introduced Rebecca Smith, Director of Scholarships.

Rebecca Smith welcomed the parents and guardians of the students and thanked them for being present. She stated they have been great in supporting the students throughout the many years, noting that this year's recipients are very innovative, go-getters and ask good questions! She thanked Council members for supporting the program and expressed appreciation for all they do.

PRESENTATION OF "TOGETHER WE CAN"
SCHOLARSHIP RECIPIENTS (Continued)

At this time each of the students introduced themselves, indicating their college choice: Garrison Baker, Brandon Banks, DeNiqua Banks, Jordan Bentley, Ariel Borgne', Michael Bradley, Tiffany Bulloch, Karen Collier, Johnathan Craft, Lorri Cross, Takema Darby, Kamerian Davis, Karencia Davis, China Dean, Demetria Edwards, Lascottsha Ervin, DeMarcus Finnell, James Freeman, Raven Garrett, Requel Gilmore, TraShaunda Green, Jerlisa Harris, Alexander Hoover, Erresha Jackson, Jarryd Jackson, Marcus Kitchens, India Knowles, Briana Lee, Shannetra McCutcheon, Shareka Moon, Neal Patel, Darniqua Shibley, Victoria Sorey, Donesha Tramble, Briana Williams, Cheniqua Williams, Alexis Woodard, Briana Shoulders, Kelli Smith, DeColvin Poole and Lindsay Barnes.

SPECIAL RECOGNITION OF JULIE AND SHANNON
BROWN (DONATION OF \$1,800)

Admin. Larry Zehnder congratulated the scholarship students and stated that he wanted to recognize community partners at this time, Shannon and Julie Brown of Brown and Company, as well as Matt Eischeid, representing Zaxby's restaurant locally. He stated recently the franchisees assisted the Black Softball Circuit Tournament that brought in over 106 teams that contributed over \$990,000 to the local economy. He stated these people were so impressed with Chattanooga that they are coming back again and will bring the World Tournament next year; that one of the reasons is because of what businesses here locally have done to make their stay so good! He stated the Zaxby's restaurants' donation for this one tournament helped to provide over \$1,800 worth of foodstuffs and hospitality issues and provided \$600 in coupons to the teams. He stated they represent over five Zaxby's restaurants and employ over 180 people. He stated this is the kind of organization that makes it possible for us to provide such a great hospitality to the people who come to Chattanooga. He again thanked Shannon Brown and Brown and Company doing business as the area's Zaxby's restaurant.

Shannon Brown expressed thanks for the opportunity; that it was great to work with Greta and could not think of a better group of people to work with. He stated he was happy to be present before Councilman Benson and be part of the community!

**SPECIAL RECOGNITION OF JULIE AND SHANNON
BROWN (Continued)**

Councilman Benson complimented Mr. Brown's business, Zaxby's, which has been very gracious to the community. He stated they are good corporate citizens and glad they are in Chattanooga. He expressed appreciation for them and what they have done for the city.

Councilman Gilbert also expressed thanks on behalf of Councilmen Berz and McGary. He stated they are so grateful for "breaking bread" with them that day; that he has had many comments as to how wonderful Chattanooga is and it is because they provided an opportunity for people to have food, again expressing his profound appreciation.

As a token of appreciation, Admin. Zehnder asked Greta Hayes, the Department's new Recreation Director, to assist in presenting framed certificates of recognition for what they have meant to the community and the city's softball program.

AMEND ZONING ORDINANCE

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, REGULATING INOPERABLE
VEHICLES WITHIN ARTICLE II, DEFINITIONS AND ARTICLE IV, GENERAL
REGULATIONS**

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

CLOSE AND ABANDON

MR-2009-141: City of Chattanooga c/o Dan Thornton

On motion of councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING A STREET LOCATED ON
A PORTION OF THE 1700 BLOCK OF EAST 17TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2010-015: City of Chattanooga

Chairman Rico stated it is his understanding this matter has been requested to be deferred.

Councilwoman Scott stated she is not aware why this has been requested for deferral.

Richard Beeland explained that they are working with the Chattanooga Housing Authority on some issues on the property moving from R-3 to R-TZ and once that is worked out it will move forward to second reading.

Chairman Rico inquired as to how long the deferral should be for. Mr. Beeland responded "one week", at which time they will have some answers.

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

was deferred one week.

REZONING

2010-060: Arvin H. Reingold, Attorney

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

passed first reading.

GRANT

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., IN A TOTAL AMOUNT OF TWO HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY-TWO DOLLARS (\$228,752.00), OF WHICH SEVENTY-FOUR THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS (\$74,825.00), WILL GO TO THE HAMILTON COUNTY SHERIFF'S DEPARTMENT AND ONE HUNDRED FIFTY-THREE THOUSAND NINE HUNDRED TWENTY-SEVEN DOLLARS (\$153,927.00) OF WHICH WILL GO TO THE CHATTANOOGA POLICE DEPARTMENT, WITH NO LOCAL MATCHING FUNDS REQUIRED, FOR THE PURPOSES SPECIFIED HEREIN, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN CITY AND HAMILTON COUNTY FOR THE SHARING OF SAID FUNDS AS SPECIFIED ABOVE

was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-08-010-201, AIRPORT ROAD PUMP STATION AND FORCE MAIN, TO MAYSE CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF ONE MILLION ONE HUNDRED SEVENTY-SIX THOUSAND EIGHT HUNDRED THIRTY-SEVEN AND 50/100 (\$1,175,837.50) WITH A CONTINGENCY AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED SEVENTY-SIX THOUSAND EIGHT HUNDRED THIRTY-SEVEN AND 50/100 (\$1,276,837.50)

was adopted.

CONTRACT

On motion of Councilwoman Scott, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH JDH TO REMOVE AND REPLACE THE ROOF AT FIRE STATION NO. 13 TO ALLOW FOR A TEN (10%) PERCENT CONTINGENCY FOR A TOTAL PRICE NOT TO EXCEED FORTY-SIX THOUSAND FOUR HUNDRED FIFTY-SIX AND 30/100 DOLLARS (\$46,456.30)

was adopted.

AGREEMENT

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

was deferred one week.

FUNDRAISING CAMPAIGN

Councilmen McGary and Gilbert made the motion and second to approve this Resolution.

Councilwoman Scott made the motion to defer this matter until we have a business plan for the Memorial Auditorium so that we can be assured any funds raised will have a good basis and foundation for going forward. She stated we need a business plan for the use and management of these facilities. **Councilman Murphy seconded the motion to defer the matter.**

Councilman McGary stated it is his understanding the purpose of these funds are totally for the purpose of renovating the said building; that the actual question as to it's day-to-day operation of the general budget is a separate issue entirely and can and should be taken up at a separate point.

FUNDRAISING CAMPAIGN (Continued)

Councilwoman Scott stated her concern is that we are raising money and it is not that we raising money it is that we do not have a firm foundation for the operation and it is her thought it is an injustice to those people that could be working to raise money if we are not certain about the direction of where the Auditorium is going and how it will be managed going forward. She stated the Music Club has made a substantial donation of money for an organ that they have raised money for and now they have a vested interest in that facility. She stated additional money will be more vested interest and we want to make sure that we have a firm foundation in which to allow these things to go forward; that if we do not have a business plan we are getting off on the wrong "foot". She stated she is fine for the raising of money but want to make sure that it is going to be something that can be sustained long term and that is her only concern – sustaining it long term which is a business issue.

Councilman Benson stated he has a little problem about not approving this this time; that they answer to a Board of Directors at the Memorial Auditorium and it is very active; that he would not want them to think we are breaking faith with their decision on this because they have been a very active Board. He stated he does not want to "throw cold water" on their enthusiasm to try to earn the money rather than using tax payers money; that in the past we have had to put a lot of city tax money into it and now they want to do it on their own and he does not want to slow them down.

Councilman Gilbert stated the Memorial Auditorium is a landmark and a lot of things we do in the city do not generate funds within the city; that this is something that has been here, something that the soldiers admire and it is his thought we will be able to generate funds. He stated he knows there was concern about the future of what possibly might not happen; that this is a monument and something we need to keep in Chattanooga for the solders themselves.

Councilman Murphy stated even monuments require maintenance, indicating his understanding of the need for fundraising. He stated it is his belief Councilwoman Scott raises a good and valid point; that nothing she has said by his seconding the motion should be interpreted as anything less than support for the success of that facility, and that is where we are focusing, the success of the facility and we would like to see a better defined plan for that success.

FUNDRAISING CAMPAIGN (Continued)

Councilman Murphy stated before we embark upon solicitation of the general public to invest in the facility, they would have an easier time raising money if they had a cogent, coherent business plan that showed how it would be a success. He stated it is unfortunate that this is the only thing we dedicated in this city to our veterans. He stated we do have the National Military Cemetery and the National Military Reservation devoted to the Civil War; that perhaps we should select one of our parks and devote it to our veterans also. He stated it is important to understand that he does not interpret Councilwoman Scott's motion nor his second as trying to "throw cold water" on any of this or impede the progress and restoration; that it is really just to make sure there is a cogent, coherent business-based plan to make it a success and that is all they ask.

In response to Councilmen Scott and Murphy, Councilman McGary stated this fundraising effort is at no burden to the tax payers and is a completely voluntary fundraising effort. He stated should individuals in the public desire to give to it will be totally according to their volition; that this is an attempt to increase the worth of the building and is very much a capital improvement that will go toward bricks and mortar. He stated it is a win-win for us, number one, and is not a burden to the tax payers, number two; that should at any future point the Tivoli/Memorial Auditorium not prove successful in a business sense, we actually have increased the value of that property. He stated it is his hope and understanding that these businesses are operating according to ChattResults, which is a measurement tool, not particularly what Councilwoman Scott is asking for in regard to a business plan; that he knows there is an effort being made, as there has been for some time, to assure these businesses are being run in a very fiscally responsible way. He stated he does not see how we lose as a city by increasing the value of either of the buildings, particularly the Memorial Auditorium.

At this time the vote was taken on the motion to defer by Councilmen Scott and Murphy; the motion failed.

The vote was then taken on the original motion to approve by Councilmen McGary and Gilbert.

FUNDRAISING CAMPAIGN (Continued)

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO BE ALLOWED TO MOVE FORWARD WITH THE FUNDRAISING CAMPAIGN TO RENOVATE THE COMMUNITY THEATRE LOCATED ON THE THIRD FLOOR OF THE SOLIDERS AND SAILORS MEMORIAL AUDITORIUM
 was adopted; Councilmen Murphy and Scott voted "no".

GRANT

Councilwoman Scott made the motion to defer this matter until the Council looks further at the budget they were struggling over all day today; **the motion failed for lack of a second.**

Councilman Murphy stated this is a competitive grant that has been described to us; that we need to go ahead and make this 15% matching commitment should the grant be obtained.

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE MAYOR TO JOIN WITH THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA, THE HAMILTON COUNTY DEPARTMENT OF EDUCATION, AND OTHER AREA AGENCIES AND NON-PROFITS TO APPLY FOR A PROMISE NEIGHBORHOODS PLANNING GRANT FROM THE UNITED STATES DEPARTMENT OF EDUCATION IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), AND TO PROVIDE SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) IN REQUIRED MATCHING FUNDS OVER A TWO-YEAR PERIOD
 was adopted; Councilwoman Scott voted "no".

SPECIAL EXCEPTIONS PERMIT

2007-212: The Covenant

On motion of Councilman Gilbert, seconded by Councilman Benson,
A RESOLUTION TO EXTEND FOR ONE YEAR THE SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN THE 1600 BLOCK OF EUCALYPTUS DRIVE
 was deferred three weeks (July 6).

OVERTIME

Overtime for the week ending June 10, 2010 totaled \$17,924.70.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **RANDALL E. WORLEY** – Family Medical Leave, Crew Supervisor 1, effective May 28, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **PAMELA TALLEY-HICKMAN** – Return to Duty from Family Medical Leave – Police Service Technician, effective June 8, 2010.

PUBLIC WORKS DEPARTMENT:

- **MAURICE FITTEN** – Suspension (2 days without pay), Crew Supervisor 1, City Wide Services, effective June 7-8, 2010.
- **JESSE THORNTON** – Suspension (30 days without pay), Equipment Operator 4, City Wide Services, effective May 21 – July 2, 2010.
- **ALLEN JOHNSON** – Retirement, Equipment Operator 4, City Wide Services, effective May 27, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **EDGAR B. MONTGOMERY, III** – Retirement, Fire Lieutenant, effective June 7, 2010.

PERSONNEL (Continued)**INFORMATION SERVICES:**

- **MICHAEL MCGRATH** – Suspension (3 days without pay), IT Technician, effective June 7-9, 2010.

LIQUOR LICENSE

Admin. Daisy Madison presented the application from Christopher A. Robertson for a new liquor license in the name of Bonny Oaks Liquor and Wine LLC located at 4915 Bonny Oaks Drive. She stated background checks have been conducted and there are no issues and noted five Council member signatures are required.

Councilman Gilbert stated that he spoke with one of the Association Presidents in Lake Hills. He stated a survey was taken with some indicating they had problems with this, however, the majority of them indicated they did not.

BOARD APPOINTMENTS

On motion of Councilwoman Berz, seconded by Councilman McGary, the following Board appointments were approved:

INDUSTRIAL DEVELOPMENT BOARD:

- Appointment of **HENRY "SKIP" IRELAND, III** for a six year term expiring June 15, 2016.

BOARD OF SIGN APPEALS:

- Appointment of **ALEXIA PHINIZEY** for a three year term representing District 5 expiring July 31, 2013.

PURCHASES

The following purchases were approved for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

NAFECO (Lower and better bid)
R28607/B0006551

Blanket Contract for ISG Thermal Imaging Cameras

\$79,850.00 - Approximately annually

G & C Supply (Lowest and best bid)
R28604/B0006552

Blanket Contract for MSA Firehawk Assembly

\$383,398.00 – Approximately annually

GENERAL SERVICES:

LEE-SMITH, INC.
R29194, R29448

Ratify the Purchase of Vehicle Parts (Amount in excess of the \$10,000 limit over a twelve month extended period; commodity was sent out for bid and is currently out for re-bid. In the absence of a vehicle parts blanket contract approval is requested to make payment.)

\$20,508.23

CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY:

INTEGRATED TECHNOLOGY GROUP (ITG) (Lowest and best bid)
R27119/B0006546

RFID Tags & Tagging Equipment

\$77,619.00

PURCHASES (Continued)

CHATTANOOGA HUMAN SERVICES:

ACTION ALARMS OF CHATTANOOGA, INC. (Best bid)
R0127205

Provide and Install Closed Circuit Television Equipment

\$10,528.00

COMMITTEES

Councilman Murphy stated the **Legal and Legislative Committee would meet next Tuesday, June 22**, if necessary to take up matters under the jurisdiction of the Committee.

Councilwoman Ladd announced a meeting of the **Public Works Committee for Tuesday, June 22, immediately following the Agenda session.**

Councilwoman Berz stated she was pleased to report the **Budget, Finance and Personnel Committee** met today from 1 p.m. – 3 p.m., took a break for the Agenda session and reconvened until 4:45 p.m. She stated there was a lot of deliberation and good decision making relative to the budget; that the Committee **will meet again on Tuesday, June 22 beginning at 1 p.m., break for the Agenda Session and Public Works Committee and if there is available time will meet until 5 p.m.** She stated **the Committee will also meet on Wednesday, June 23 from 9 a.m. – 12 Noon and on Friday, June 25 from 9 a.m. – 12 Noon.** She stated the meetings are open and invited the public to attend and take notes clarifying that the meetings are not public hearings.

NEXT WEEK'S AGENDA

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

W. D. NEWELL

J. D. Newell of 2300 Janeview Drive addressed the Council regarding parking and recreation items, especially in reference to DuPont Park. He stated although this was a donated property no upkeep is being done; that the power lines from one building over to where the cook shed is does not work and no money is being spent. He stated port-o-lets do not mean restrooms; that they are temporary and have been up there for years. He stated they also would like to have more parking area to park cars; that they have to leave the road open for trucks coming back and forth to collect for the landfill stuff. He stated it is called a dog park where dogs are walked; that when people go over to have a picnic, the waste from the dogs are gathered but the container they put it in is a minimal distance from the picnic area and when the wind blows the wrong way it is not a very pleasant odor! He stated he would like to see some money spent up there; that it is so bad the employees went to Soddy Daisy to have the picnic instead of the DuPont facility.

Councilman Benson asked for clarification of the Park. Mr. Newell responded it is located in the area next to McKamey Animal Center.

Councilman Benson stated Mr. Newell lives off Shallowford. Mr. Newell stated he does not have anything to do with Shallowford Road; that he gave his name and address!

Councilwoman Ladd stated she wanted to clarify the matter as she could see the confused looks on her associates' faces as Mr. Newell began discussing the DuPont Park. She stated it is her thought it is used for a soccer field where most of the parking is; that Mr. Zehnder could probably shed some light on how that was set up. She stated that she knows that property was given to the city a number of years ago by the DuPont plant and it is her thought it was privately built by some business folks out that way.

Admin. Zehnder stated it was built by the city; that the property was provided to the city for a recreational park. He stated in his budgets of 2007, 2008, 2009 and 2010 he has asked for assistance in building the rest of the park out and so far they have not been able to do that due to there being no money in the capital budget. He stated the project of the soccer fields was done by a private company but done by the city; that the city contributed money toward it.

W. D. NEWELL (Continued)

Admin. Zehnder stated the soccer complex is being run by a private non-profit organization without any assistance or maintenance from the city, no programming from the city – it is all done by private non-profit. He stated they would like to do something more with DuPont Park so it can be used on a regular basis but it is not in the condition to be maintained properly.

MARK WEST

Mark West of 2315 Heavenly View Drive stated he owns property in Chattanooga and was present to express comments concerning the proposed tax increase. He stated we have talked about the problem being the budget is not currently funded and yet the reality is in 2010 the budget was currently funded; that the struggle is not with the current budget, the struggle is with increased expenditures. He stated there is really only one problem if one takes the position it is wise to increase spending in a period of declining employment, wages and personal budgetary tightening. He stated if one takes this position he or she must be out of touch with reality and his or her constituents; that he would contend that person lives in a vacuum. He asked how many persons present can personally attest to an increase in their person income of 33 percent, or how many could attest to a 20, 10 or five percent increase. He stated now and perhaps more importantly how many today would stand to say they have willingly chosen to increase their personal expenditures by 33 percent or 10 or five percent. He asked how many have seen individual line items in their budgets increase as a result of matters beyond their control without the ability to demand an increase in wages from employers or customers.

Chairman Rico stated that he did; that he is “with him”.

Mr. West stated his point is he did not see Chairman Rico stand and say he received an increase of five – 20 percent in his income. Chairman Rico immediately responded he did not want to brag!

Mr. West stated Chairman Rico was doing so much better than the rest of us. He stated last year when the cost of gasoline shot up exponentially all of us paid it but did not run to our employer or customers saying my cost of gasoline went up; that we sucked it up and found another line item to reduce costs to cover that cost.

MARK WEST (Continued)

Mr. West stated Americans looked at their personal expenditures and reduced line items in their budget to cover the cost of the fuel increase; that this is the real world! He stated it is what every Council member, every taxpayer and every American must do in the real world; that it is what he would petition Council members to consider – approach this budget the way every business, every taxpayer and many other municipalities are and keep the current year budget, do not increase it.

Councilwoman Berz asked Mr. West where Heavenly View Drive is located. Mr. West responded “in Ooltewah” explaining that he owns property in Chattanooga.

Councilwoman Berz clarified that he does not live in the city; that he owns property in the city but does not live in the city.

JIM FAULKNER

Jim Faulkner of Mountain Creek Road spoke next and stated that he has lived in Chattanooga all his life. He stated that we are in a great recession; that some say it is a bigger recession than any other, some say it is a terrible recession and we are not sure when we will come out of this recession. He stated normally in times of economic travail and situations like this the government actually comes up with a tax decrease; that he knows it is a bad thing that the Council does not want to hear right now; that he knows deep within his heart most on the Council would like to cut taxes, however it is definitely to cut the budget which is prepared by the Mayor, unfortunately. He stated Councilwoman Robinson is not present who said something about wanting to cut the budget, noting that he will not say what she said since she is not here; that he knows she would like to cut it because she said it would take a “chainsaw to cut it” and it was the responsibility of the Council to do that. He stated unfortunately the Council is in the situation where someone has to cut it and it falls upon their shoulders. He stated in 1962 the country was in a great recession and John Kennedy had a tax cut which brought the country out of the recession; that in the 80’s Reagan did the same thing, as well as Clinton and Bush.

JIM FAULKNER (Continued)

Mr. Faulkner stated there comes a time when you have to own up to a situation and actually resolve it; that he hopes and prays we do not go into a deeper recession; that he deeply hopes and prays Volkswagen succeeds. He stated he knows as the Council knows there is a "mothball plant" by Toyota in North Mississippi and it is his thought we have to support where we are with the Volkswagen situation and hope they succeed, but we have to prepare our city budget in a conservative way so as to not force small businesses out of this city. He stated many businesses have testified they have to leave and he knows the Council does not want that; that they have heard people say they do not want to be annexed; that annexation drives the budget and the tax increases. He stated there are many ways out of this – stop the annexations and cut the budget where they can. He stated he knows the Council is in a hard situation, prays for them daily and wish he and others could do more to help. He expressed hope the Council would rely more on the people coming to these meetings asking to have input.

TONY CUBIC

Tony Cubic of 870 Rocky Top stated in regard to the proposed property tax he reminded everyone the property tax not only affects property owners of Chattanooga it affects all that interface with the City. He stated this means renters will be affected when the landlords raise the rent to cover the tax, consumers will be affected when businesses raise the cost of their goods and services to cover the tax, and workers of businesses will be laid off to cover the tax when businesses cannot raise the cost of their goods and services. He stated consumers are not only people who live in the area but are also those who vacation or visit Chattanooga. He stated when taxes are said to target a certain group, they never do; that they touch the rich, poor and everyone in between; that he and others are present to protest the 33 percent tax increase because they want to see a "slash" in the waste of the budget. He stated the formula for this has already been developed; that you do not increase taxes to raise revenue; that you cut waste to reduce taxes to raise revenue. He stated they would like to know why the Mayor and City Council do not get this! He referenced his sign that says they are the taxpayers and are here to help; that if the Council cannot find the waste in the budget they can help find it!

MIKE SEINER

Mike Seiner of Glendon Drive spoke and stated that he lives in Councilwoman Berz' district. He stated he is not interested in how they are going to vote on the taxes or even how they are leaning on the taxes; that he is really interested in one thing and one thing only – that is whether they believe the majority of their constituents are interested in paying higher taxes. He stated his second question is whether they are committed to vote with the majority of their constituents; that he is not a member of any group, just worried about his taxes. He stated that he wondered if the Council is committed to voting with the majority of their constituents.

Councilman Benson very quickly responded to Mr. Seiner by stating Council members cannot answer it with a “yes or no”; that Thomas Jefferson stated “Democracy would not work unless the populace is enlightened”. He stated he is committed to vote for the majority of the enlightened citizens that see the whole issue out there, the pros and the cons. He guaranteed Mr. Seiner no one on the Council wants to raise a single penny of tax! He also guaranteed that everyone on the Council has enough courage to raise what is absolutely necessary to keep this city afloat; that they cannot let this city go down; that Mr. Seiner will go (down) with it as well as everyone. He stated we are staring out with a zero budget; that the Mayor has handed a tax increase to us of about 33 percent and we are working from a zero budget and working hard. He stated Council members feel just the way Mr. Seiner feels; that he (Benson) cannot raise his hand to say he would vote for the majority, which is the way Nazi Germany was taken over by Hitler.

Mr. Seiner expressed appreciation for Councilman Benson's response; that he respects him and is a fantastic individual. He stated in a Democracy the majority does rule and asked that he (Benson) talk with his constituents and vote with the majority.

LINDA NEWELL

Linda Newell of 2300 Janeview Drive stated she has been retired twelve years. She stated we do not need this much of a tax increase and she has not had an increase since she retired; that every time taxes are raised it comes out of her pay check to someone making \$70,000 - \$100,000 more money in their pocket and taking it out of hers.

LINDA NEWELL (Continued)

Mrs. Newell stated one job that could be cut is the one that is supposed to take care of the traffic tickets; that they are not doing their job and that is one job that can be eliminated. She stated she does not know what the pay is but it is one job that can be eliminated. She stated the Council should think of the people who are on fixed income, especially the seniors; that they do not have anything unless they go back to work somewhere and she does not want to go back to work somewhere! She stated the Mayor said in one of their meetings that the trash pickup would pick up trash and brush on streets when they had a call; that if one neighbor called and three or more on the street needed picking up they would pick it up and that is not being done. She stated the trash truck comes three or four times to pick up trash instead of picking it up the whole time; that that could be money saved right there.

Councilman Gilbert stated in reference to the \$70,000 - \$100,000 mark Mrs. Newell "preached on", the majority of employees in the city make between \$20,000 and below that mark, so that is incorrect when it comes to \$70,000 to \$80,000 to \$100,000 as that is administration and not the workers who are doing the work.

JEROME BURCH

Jerome Burch stated he is a retiree from the city after 39 years of service, lives in District 8 at 1807 Rubio and noted that he had his house built prior to retiring. He stated there is an eyesore at 800 Dodson Avenue where Ebony Dry Cleaners used to be. He stated the reason he is present is because he was told the matter would be on the agenda tonight; that he has been trying to get the building to put a meat market in that area as there is nothing in that area to accommodate people that live in District 8. He stated he wants to try to get a meat market in that building and would fix it up; that the furniture needs to be removed wherein he told Jack he would deliver the furniture where ever it is to be delivered! He stated he has been trying since September to get the building as it is an eyesore there on Dodson Avenue. He stated he did not come to prolong the meeting or give the Council a hard time about it; that it would be more tax money if he could open that place up and it would help; that he is a tax payer at 1807 Rubio in District 8.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, June 22, 2010 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE
S FILED WITH MINUTE MATERIAL OF THIS DATE)**