

**City Council Building  
Chattanooga, Tennessee  
April 5, 2011  
6:00 p.m.**

Vice Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Robinson and Scott present; Chairman Rico joined the meeting later. 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, Councilwoman Berz gave the invocation for the evening.

#### **MINUTE APPROVAL**

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

#### **SPECIAL PRESENTATION: BRAINERD HIGH SCHOOL PEER MENTORING GROUP**

Councilman Russell Gilbert stated during the discussion of the incident in Coolidge Park, Councilwoman Robinson mentioned stakeholders becoming involved and we have stakeholders present tonight who would like to give their view. He stated the Brainerd Peer Mentoring Group under the leadership of Rev. Hampton is present.

**Rev. Hampton** stated this is a program by Goodwill Good Guides of Chattanooga which represents a group of 100 students at Brainerd High School, noting 40 are mentors and 60 are mentees that came up with some resolutions and thoughts they wanted to submit to City Council.

**SPECIAL PRESENTATION: BRAINERD HIGH SCHOOL  
PEER MENTORING GROUP (Continued)**

**Alexis Moore** of 1711 Hughes Drive stated she is Vice President of the BHS Mentor Leadership Program. She thanked the Council for the city ordinance at Coolidge Park and stated this was the first step to ensure the safety of our citizens that wish to enjoy the Park. She stated it is their belief the Council must look at more long term solutions to the gang problems to sustain safety of individuals. She stated the students should be held accountable by enforcing City Code 25-2A which states, *“It is unlawful for any minor under 16 years of age to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, place of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 6:00 a.m. of the following day.”* She stated they are asking for the curfew to be earlier if the violence continues; that she has personally lost loved ones due to the curfew not being enforced. She stated they understand teens like to have fun and party but the safety of the youth should be first.

**Kelly Moore** of 2001 South Appling Street, Apartment 216 asked the Council to hold event planner’s accountable, like Power94, by enforcing City Code 25-47 which states, *“No person shall stage, promote, advertise, hold or rent a facility for any Special Gathering, including any commercial or noncommercial Special Gathering as defined in this chapter, unless a Special Gathering Permit has been first obtained from the City of Chattanooga Business Office for such a gathering.”* She stated there are teen parties on weekends without adequate security plans and licensed security; that there is not enough protection at teen events because most of the security guards are not licensed and bonded. She stated currently there is only one licensed and bonded company which does not have enough staff to oversee any event that may take place. She asked that everyone be required to be searched at all events targeting minors.

**Ebony Green** of 408 Booth Road asked the Council to hold gang members and police officers accountable for enforcing City Code 25-1 which states, *“It shall be unlawful for persons to congregate upon any of the streets or street corners in the city so as to obstruct traffic. The officers of the police department shall disperse all such gatherings on the streets and keep the streets open.”* She stated neighborhoods should be patrolled after curfew and all congregations of minors should be broken up.

**(CHAIRMAN RICO JOINED THE MEETING AT THIS POINT; VICE CHAIRMAN LADD  
HANDED THE GAVEL TO CHAIRMAN RICO TO CONDUCT THE MEETING.)**

**SPECIAL PRESENTATION: BRAINERD HIGH SCHOOL  
PEER MENTORING GROUP (Continued)**

**Cordell Parachuri** of 1907 Vine Street stated he is asking for the revival of an old program where the summer job program was funded for youth as there is going to be an abundance of free time for his peers to be on the streets. He stated they want them to be productive with their free time and if the summer programs are targeted for people that are "on the edge" or might be of the mind to do something wrong those individuals can be targeted and a large chunk of the people that would be on the streets would be off the streets and doing something productive. He stated if funding is a problem he and his fellow peers would be more than ecstatic to raise money and asked the Council to match their money; that if they raise \$10,000 the city would match it with \$10,000 in order to fund the summer program.

**Rodney Cameron** of 2305 Citico Apartment B stated event planners should be asked to provide adequate security; that *"Adequate Security" means providing a written certification from a Tennessee certified security company as to the requisite number of Security; as well as a detailed security plan providing Adequate Security for the Special Gathering.*" He stated everything should be planned before the event.

**Jenell Tung** of 3008 Carousel Road asked the Council to develop a program to retrieve illegal guns anonymously. In speaking on behalf of the School and community she stated they are submitting a new solution to reduce the amount of this type of violence on the streets; that as of now there are no anti-violence or gang violence courses in their school curriculum. She stated they believe with proper enforcement education this Program can serve as a "weapon watch" in violence and gang intervention groups and will initially change mindsets toward guns and violence. She stated she has personally experienced losing friends from gun violence, going to jail and being killed; that it is her belief it only takes one person or one thing to inspire people to stop things like this. She asked that the Council invest and believe in them; that she knows the outlook of the media and how people look at Brainerd will eventually change.

*Councilman Gilbert expressed appreciation to the students and stated the Council has heard the challenge and the students did a great job. He stated Council members heard them and will consider their thoughts.*

## UPDATE ON SALES TAX DISCUSSION

Councilwoman Scott stated that she wanted to give an update on the most recent things that have happened with regard to the sales tax agreement. She stated last Thursday the County Commission had a Resolution they wanted to propose and stated most on the Council received it by e-mail. She stated the Resolution they voted unanimous for was to ***“Express Hamilton County Tennessee’s continued support for the sales tax agreement as entered into among Hamilton County, the City of Chattanooga and various other local municipalities and evidencing Hamilton County’s desire to have the said agreement indefinitely extended”***. She stated she spoke to the Hamilton County Commissioners prior to their vote to try and stress to them some of the concerns that have been voiced about the document; that one of the things that she mentioned was the fact that there are only five cities that participate in the agreement.

Councilwoman Scott stated there apparently is some lack of understanding about the fact that ten municipalities and Hamilton County signed the 2001 agreement; that the Resolution approved by the County Commissioners indicates and states in 2001 the sales tax agreement was amended to include the participation of the cities of Collegedale, Lake Site, Soddy Daisy, East Ridge, Ridgeside and the Town of Walden. She stated the document says although they are witnessing that in their signatories to that document they do not actually participate and there may be some confusion on the part of those that have read the document and voted on this. She stated she attempted to try to explain at the meeting who the actual participants in the agreement were; that there was no revision in thinking even despite that. She stated as far as she knows based on the figures that have been looked at the only five that participate only three met the total obligations by the agreement as previously signed in 1966 and amended in 2001. She stated the other cities as far as she knows either cannot participate or choose not to participate; that this agreement is a document that is limited in scope to only a few cities and we are one of the cities who has done its part for the last 45 years.

Councilwoman Scott stated there really is no equality in a document which puts financial burdens on only some cities but not all cities and on some Hamilton County residents and not all Hamilton County residents. She stated she would like to dispel the myth that is being bandied about the town; that in 2009 the city of Chattanooga supported the agencies within the agreement to the tune of 83% of all the dollars allocated to those agencies. She stated we did that with \$10.6 million dollars of our sales tax that was donated to make that happen; that in addition, around \$4 million dollars of state tax dollars were donated, as well.

## UPDATE ON SALES TAX DISCUSSION (Continued)

Councilwoman Scott stated some of agencies were also supported by Hamilton County tax dollars because city of Chattanooga residents pay Hamilton County taxes and pay 58% of those; that all the agencies were looked at and we have funded them once, twice or even three times and the same taxpayers have been affected. She stated the city of Chattanooga has not threatened to be the demise of any agency but these agencies feel threatened because they have been getting messages but it has not been coming from the city of Chattanooga. She stated the city of Chattanooga has tried to calmly explain the truth and apparently the truth is still not being widely distributed; that there have been self-serving public attempts to humiliate the taxpayers in Chattanooga who have been doing their best to support the non-profit agencies that provide many of the services in our town and the City Council who has done its best every year to make allocations to pay a fair share for our citizens and see we are represented -- those humiliating statements that keep getting made over and over and over are based on false information. She stated what we will have next week is a presentation of more of the details behind what she is explaining and will have a proposal before Council with regard to how we might do funding and some ideas and options that might be discussed and voice feedback. She stated a plan will also be presented for more education to the public and asked that the Council consider between now and next week whether we want to draft a Resolution to either approve, renew, deny or table this matter and there will be a proposal for the Council to look at to help get a starting point.

Councilman Murphy stated he was going to embarrass Councilwoman Scott and noted he was in the County Commission room and was very, very proud of her as she did an excellent job! He stated she did an excellent job in speaking with the Commissioners and "kept her cool" in the face of strong men arguments that were being trotted out! He stated as he stayed through the meeting what really struck him was when one Commissioner said "the City of Chattanooga dumps its entire criminal cases on the Sessions Court" which every Hamilton County resident pays for -- we fund that. He stated it is hard to see how a Hamilton County jurisdiction is dumping anything on the Hamilton County court. He stated what was really ironic is that immediately after Councilwoman Scott spoke Chief Magistrate Larry Ables spoke and somebody brought that up again that the other smaller municipalities do maintain some criminal jurisdiction, what about them. He stated their own Chief Magistrate said he did not think the smaller towns are going to give up that jurisdiction because then they give up the revenue, i.e., we are not dumping anything from the perspective of a lot of these municipalities, we are conferring an additional benefit on the county.

## UPDATE ON SALES TAX DISCUSSION (Continued)

Councilman Murphy stated it was frustrating to sit there and hear things like “sales tax is everybody’s money” and “everybody pays it so therefore it ought to come to the county government” was essentially the argument he heard, which is to say “well, the way that the Legislature has decided it is fair to distribute sales tax money is fair everywhere else in Tennessee except here”. He stated it is those elemental fairness things that people need to “wrap their brains around”; that as a Council person he would enjoy if we could meet our essential responsibilities and some of our nice additional things we do and it would be great if he could with somebody else’s money and that is what this debate is about and what the County Commission is essentially defending – the ability to make the disbursement with money that by State law that the Legislature in its wisdom has determined is the fair way to do it is fairly the city of Chattanooga’s. He stated Councilwoman Scott did an excellent job and he was very proud of her and thanked her for taking the lead with this; that the real discussion that needs to be had is what are the regional responsibilities, the big government responsibility, the government we all pay for, Hamilton County and what are the urban perks as there are urban perks. He stated there may be something the county is paying for now that they should not be and that is the discussion that needs to be had and we need to get past threatening letters that go out scaring folks that all funding will be withdrawn; that if the calculator is taken out and the math is done there is much more money than what we are talking about in “switching kitties” here.

Councilman Benson commended Councilwoman Scott for all the time spent in comprehending this and conceptualizing it; that there is a real problem out there as the citizens of Chattanooga do not understand fully the inequities, the unfairness of this situation. He stated when Mayor Ralph Kelley, County Executive Chester Frost and several others on the Quarterly Court and City Commission formed this agreement 45 years ago it was not so unfair as it is now. He stated the reason was we had not annexed Northgate, Eastgate, did not have Hamilton Place and did not have all these commercial areas in the city; that now it has compounded itself and inequities grew exponentially. He stated people do not understand that city residents pay county taxes; that he pays more county taxes than city (taxes) as taxes are higher than in the city and people do not understand; that some of the county people who fought annexation do not understand how much money they would have had if they let us annex because we take in these territories and we have to pay for the roads, services and they should have some kind for tax rate being collected by the city residents and should have more money as we annex.

## UPDATE ON SALES TAX DISCUSSION (Continued)

Councilman Benson again expressed appreciation for Councilwoman Scott's time as does the rest of the Council; that he is getting dependent on her and expects her to read everything that comes in front of us and capsule it to him!

Councilwoman Scott stated the city of Chattanooga tax payers are very wonderful, giving people and they do not mind paying their fair share, but she has not met that many that want to pay more than their fair share or someone else's fair share or in another city or in another area. She stated that is all we want to make sure we do, meet our responsibilities but we cannot subsidize the entire part of Hamilton County.

## FRANCHISE

Councilwoman Scott explained that her husband serves as a volunteer on the Board at Memorial and will abstain.

On motion of Councilman Murphy, seconded by Councilwoman Robinson,

**AN ORDINANCE GRANTING UNTO MEMORIAL HEALTH CARE SYSTEM A FRANCHISE TO INSTALL AND MAINTAIN PIPING IN A PORTION OF THE 2400 BLOCK OF CITICO AVENUE NEAR ITS INTERSECTION WITH THE 800 BLOCK OF NORTH CHAMBERLAIN AVENUE IN THE CITY OF CHATTANOOGA (CASE NO. MR-2011-018), AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO MEMORIAL HEALTH CARE SYSTEM'S PROPOSED CENTRAL UTILITIES PLANT, SUBJECT TO CERTAIN CONDITIONS**

Passed second and final reading and was signed in open meeting;  
**Councilwoman Scott abstained.**

## AMEND CITY CODE

**Councilmen Robinson and Murphy made the motion and second to approve this Ordinance.**

Councilwoman Scott stated the city's auditor has not given his "blessing" upon this and has responded in a letter that he has problems with this. She stated if we cannot have good internal controls based on recommendations by our internal auditor she does not feel good about approving this before that happens and will not be voting for it.

Councilman Murphy called for the question.

AMEND CITY CODE (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTIONS 26-22, 26-23, 26-24, 26-25, AND 26-134, AND BY ADDING NEW SECTIONS 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 first reading; on roll call vote:

LADD	YES
BENSON	NO
GILBERT	YES
BERZ	YES
MCGARY	YES
MURPHY	YES
SCOTT	NO
ROBINSON	YES
RICO	YES

RETAIN LAW FIRM

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO RETAIN THE LAW FIRM OF GEARHISER, PETERS, CAVETT, ELLIOTT & CANNON, PLLC FOR THE CASE OF *CITY OF CHATTANOOGA, TENNESSEE AND CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION V. HARGREAVES ASSOCIATES, INC. ET AL.***

Was adopted.

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



## AGREEMENT

Councilman Benson stated this afternoon the situation with Engel Stadium and the University of Tennessee at Chattanooga came up and Vice Chancellor Brown is here this evening thinking it was going to come up tonight. He referenced Resolution 7(c) on next week's agenda and stated there were questions about it today and asked it would be within the pleasure of the Council to move the Resolution forward so Dr. Brown does not have to come back next week.

**Councilmen Benson and Murphy made the motion and second to move Resolution (c) on next week's agenda (April 12) forward on the agenda tonight; the motion carried.**

Councilman Benson stated the question this afternoon about where we are in this and inquired as to the situation.

**Dr. Richard Brown** stated the University is moving forward expeditiously to own the Stadium; that there have been numerous bureaucratic issues to deal with over the last couple years but just last week he sent the actual deeds to Knoxville to be processed through the State Building Commission and it is his thought it will take 60-90 days to work through that process. He stated the interim agreement allows them to take management control to begin the process of reducing the liabilities there; that it is their full intent to develop the site again by building an NCAA compliant track and field facility. He stated they have invested two million dollars in intramural development on the site; that there will be a soccer track and track and field facility put in; that they will save the old Stadium, as well, as it is an icon within the city of Chattanooga. He stated they are working with a new foundation, the Engel Foundation, to begin a fundraising effort to really renovate the Stadium consistent with what happened in Birmingham, Alabama and hope to return it to its "old glory" and use it for inner-city baseball and other baseball services through the community and that is clearly their intent.

On motion of Councilman McGary, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN INTERIM MANAGEMENT AGREEMENT BETWEEN THE UNIVERSITY OF TENNESSEE, ON BEHALF OF ITS CHATTANOOGA CAMPUS, AND THE CITY OF CHATTANOOGA ALLOWING THE UNIVERSITY OF TENNESSEE TO USE ENGEL STADIUM BETWEEN NOW AND THE TRANSFER DATE OF THE PROPERTY TO THE UNIVERSITY OF TENNESSEE**

Was adopted.

### AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**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 deferred one week.

### AGREEMENT

On motion of Councilman Murphy, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A LEASE AGREEMENT WITH BALLET TENNESSEE FOR THE GROUND LEVEL WING OF THE JOHN A. PATTEN ARTS CENTER FOR A TERM BEGINNING JANUARY 1, 2011, THROUGH DECEMBER 31, 2011, AT THE RATE OF ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,400.00) PER MONTH INCLUDES UTILITIES AND OTHER CONSIDERATIONS WITH AN OPTION TO NEGOTIATE AN EXTENSION OF THIS LEASE AGREEMENT FOR ONE (1) ADDITIONAL YEAR, COMMENCING JANUARY 1, 2012, AND ENDING DECEMBER 31, 2012**  
Was adopted.

### GRANT

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,  
**A RESOLUTION APPROVING THE ACCEPTANCE OF THE TRANSFER OF THE SHELTER PLUS CARE GRANT BY THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD THE TN144C4J001001 GRANT FROM THE CHATTANOOGA HOUSING AUTHORITY AND AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH THE HOUSING AND URBAN DEVELOPMENT (HUD) FOR USE OF THE FUNDS IN THE AMOUNT OF THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS (\$36,600.00)**  
Was adopted.

**ACCEPT FUNDS**

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT FORTY-SIX THOUSAND DOLLARS (\$46,000.00) FROM SILVERDALE BAPTIST CHURCH FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT 7236 BONNY OAKS DRIVE**  
Was adopted.

**CONTRACT**

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. S-10-004-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR, TO LESLIE ALLEN GREEN IN THE AMOUNT OF FOURTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$14,700.00), WITH A CONTINGENCY AMOUNT OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00), FOR AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND TWO HUNDRED DOLLARS (\$18,200.00)**  
Was adopted.

**CONTRACT**

On motion of Councilman Murphy, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. S-10-005-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR, TO LESLIE ALLEN GREEN IN THE AMOUNT OF TWENTY-SEVEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$27,450.00), WITH A CONTINGENCY AMOUNT OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00), FOR AN AMOUNT NOT TO EXCEED THIRTY THOUSAND NINE HUNDRED FIFTY DOLLARS (\$30,950.00)**  
Was adopted.

**CONTRACT**

On motion of Councilman Gilbert, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. S-10-006-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR, TO LESLIE ALLEN GREEN IN THE AMOUNT OF THIRTEEN THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$13,520.00), WITH A CONTINGENCY AMOUNT OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00), FOR AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND TWENTY DOLLARS (\$17,020.00)**  
Was adopted; Councilwoman Scott voted "no".

**AGREEMENT**

On motion of Councilman Benson, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-10-011-101, EAST BRAINERD ROAD SANITARY SEWER REPLACEMENT AND EXTENSION PROJECT, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-TWO THOUSAND DOLLARS (\$432,000.00)**

Was adopted.

**GRANT**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION APPROVING THE ACCEPTANCE OF THE SHELTER PLUS CARE (SPC) RENEWAL GRANT TN00110C4J001003 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF TWO HUNDRED ONE THOUSAND NINE HUNDRED THIRTY-SIX DOLLARS (\$201,936.00) AND APPROVAL FOR THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT OT ENTER INTO AGREEMENTS WITH THE FOLLOWING ORGANIZATIONS TO PROVIDE RENTAL ASSISTANCE FO RHOMELESS PERSONS WITH DISABILITIES: FORTWOOD CENTER, INC.; CHATTANOOGA CARES; THE AIM CENTER, INC.; AND VOLUNTEER BEHAVIORAL HEALTH SYSTEM D/B/A JOSEPH W. JOHNSON, JR. MENTAL HEALTH CENTER, INC.**

Was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF CHATTANOOGA, INC. FOR THE USE OF THE SOUTH CHATTANOOGA RECREATION CENTER**

Was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE PARTNERSHIP FOR FAMILIES, CHILDREN, AND ADULTS FOR USE OF THE EAST LAKE RECREATION SECONDARY BUILDING LOCATED AT 3701 DODDS AVENUE FOR THE PURPOSE OF OPERATING A COMMUNITY RESOURCE CENTER**

Was adopted.

**OFFER TO PURCHASE**

**MR-2009-173: Hamilton County Real Property c/o Paul Parker**

On motion of Councilwoman Scott, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO AND EXECUTE AN "OFFER TO PURCHASE" RELATIVE TO TRACT 27 OF THE ENTERPRISE SOUTH INDUSTRIAL PARK AND AUTHORIZING THE MAYOR TO EXECUTE A DEED AND OTHER NECESSARY CLOSING DOCUMENTS CONVEYING SAID PROPERTY TO ARCHER DANIELS MIDLAND COMPANY FOR SIX HUNDRED TWENTY-THREE THOUSAND SEVEN HUNDRED DOLLARS (\$623,700.00), MINUS SELLERS' CLOSING COSTS**

Was adopted.

**AGREEMENT**

**Councilmen Murphy and Ladd made the initial motion and second to adopt this Resolution.**

Councilwoman Scott asked for clarification on the motion and more specifics than what we have written in the resolution.

Councilmen Berz stated there was a great deal of discussion on this and the amendment is to execute an agreement relating to external auditors with Henderson Hutcherson and McCullough. She stated she does not know that we have that full bid here and asked Mr. Johnson how he wants to handle the information.

Mr. Johnson stated there was no bid; that it is for professional services and there is not a bid in the price and nothing attached to it; that they did give a firm estimate but it should not be part of the motion. He stated they did submit in their proposal a firm estimate for this and does not remember what the number is.

## AGREEMENT (Continued)

Councilwoman Berz stated according to law a bid cannot be accepted like this on price alone; that price is not to be considered.

Councilwoman Scott stated all she wanted was the name of the organization to be mentioned so that it would appear in our minutes and be obvious.

**Councilwoman Berz confirmed Henderson Hutcherson and McCullough and stated that is the amendment. Councilman Benson seconded the motion.**

Councilman McGary inquired as to the recommendation from the Audit Committee so that it could be included in the minutes, as well, with reference to the firm name.

Councilwoman Berz stated Hazlett Beiter came from the Audit Committee.

Mr. Johnson stated there is a five year term on this and we do have estimates for the five years; that it is fairly common to do that and Mrs. Madison wanted to clarify that.

Councilman McGary stated just for minutes sake can we have the Audit Committee's recommendation as to the firm they recommended.

Councilwoman Berz stated the Audit Committee came forward three-to-one with one vacancy; that they could not vote for Hazlett Beiter.

Councilman Murphy stated there was a point made about businesses that stayed in one place too long and yet it is not quite ready to be moved; that in other words the way he read the recommendation was it ought to stay where it is but only for another year or so and then be moved on because the auditor that we have had has stayed for so long that they are concerned about independence issues.

Councilwoman Berz stated the discussion had to do with the goodness and capacity of both firms; that both did a wonderful job. She stated there was discussion about the contract being renewed perhaps for one year or two because of the Oracle system and getting used to that, which was one of the arguments. She stated the City Finance officer spoke up today and said that she could go with either one of the firms; that time was of the essence and we needed to make a decision. She stated the Audit Committee itself, only for purposes of convenience relative to Oracle, talked about it and there was not a passion for anything in the discussion other than they were both good firms.

### AGREEMENT (Continued)

Councilwoman Berz stated Councilman Murphy is right even if there were a renewal of the contract it would be for a very limited time as stated in today's Committee meeting; that the Chair of the Audit Committee expounded further on that as did Mrs. Madison and Mr. Johnson. She stated that is where it stood for us to vote tonight.

Councilman Murphy asked if we are moving the business after two years or not. Councilman Benson responded "no".

Councilman Murphy asked if it will stay with same firm we have had for years. The response was "no". He stated that was the main question. Councilwoman Berz stated that was why the amendment was made.

Councilman Benson clarified that the amendment is recommending Henderson Hutcherson McCullough. The response was "yes".

**At this point, the vote on the motion and second to amend was taken; the motion carried.**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE  
AN AGREEMENT RELATING TO EXTERNAL AUDIT SERVICES**  
Was adopted.

### OVERTIME

Overtime for the week ending March 24, 2011 totaled \$7,599.48.

### PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES:

- **ANTOINE GILBERT** – Resignation, Delivery Worker Coordinator, effective April 1, 2011.

**PERSONNEL (Continued)**

CHATTANOOGA POLICE DEPARTMENT:

- **JEFFREY GAINES** – Military Leave, Sergeant, effective March 30 – December 19, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **BRADY BRANDON** – Termination, Firefighter Senior, effective March 28, 2011.

**REFUND**

On motion of Councilman McGary, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refund of water quality fees and/or property taxes:

**CYCLEMAN NABIL MD** -- \$1,285.05

**PURCHASES**

On motion of councilwoman Berz, seconded by Councilman McGary, the following purchases were approved for use by the various departments:

GENERAL SERVICES:

**MOTOROLA SOLUTIONS (Sole source)**

**R41052**

Purchase Agreement for Motorola Radio Training per TCA 6-56-304.2

\$22,050.00

**RIVER CITY INC., FINISH LINE CAR WASH, EASTGATE CAR WASH, INC. (Lowest and best bids)**

**R40329/300930**

Three (3) Blanket Contracts for Vehicle Cleaning Services

Per Unit Price



### **MARLER-TEMPLETON ISSUE**

Councilman McGary stated he is still receiving contact in regard to the Marler and Templeton situation and asked the City Attorney to update him as to what is going on with it.

City Attorney McMahan stated he has no further information on that and has not seen anything on it in over a month now.

Councilmen McGary stated as far as the City Attorney knows is there any movement or is anything happening. City Attorney McMahan stated the last he heard the Internal Auditor was looking into a matter that was not previously investigated but has no idea what happened to that investigation.

Councilman McGary clarified the Internal Auditor as Stan Sewell; City Attorney McMahan responded "yes".

Councilman Gilbert stated he has received telephone calls also and asked if persons have been hired in reference to the scales or are we in the process of doing that.

Admin. Leach stated that will be put in the budget and they have gone through that process; that they have other ideas about using technology rather than persons. He stated Lee Norris has been handling that and will have to defer to him; that he will relay the question and will send an e-mail tomorrow.

Councilman Gilbert asked if we are going to get a lease to balance out the money as far as the cost to the city with the Ray Marler issue; that instead of hiring employees he can lease it for about the same amount of money. He asked if we have an agreement on that.

Admin. Leach stated he is not privy to that and is not sure and asked that Councilman Gilbert send an e-mail in reference to that specific question and he will look into it.

### **OUTDOOR CHATTANOOGA/OUT VENTURE**

Councilwoman Scott inquired about the latest information that can be provided on the Outdoor Chattanooga/Out Venture investigation. City Attorney McMahan stated they have not sent him that investigation for follow-up yet.

**OUTDOOR CHATTANOOGA/OUT VENTURE**  
**(Continued)**

Councilwoman Scott asked for clarification as to who he received the information from. City Attorney McMahan stated he has not received it from anybody.

Councilwoman Scott asked if the Internal Auditor has not sent the information to him. City Attorney McMahan responded "not to his recollection and if he has he has not read it."

Councilwoman Scott stated she would look for it and send it to him. City Attorney McMahan stated he will be happy to look into it further but have not at this time.

Chairman Rico stated he does not think Stan is through with it; that he talked with him the other day . . .

Councilwoman Scott stated the Council received an audit some time ago.

City Attorney McMahan stated there might have been a draft and does not know what the status of that is; that he knows they frequently do drafts before they do finals. He asked Randy Burns if he knows how that is going.

Dan Johnson stated Mr. Sewell did finish one and sent it out to everybody several months ago; that he is looking at another item that has not been completed yet and whether it comes out into a report or not, he does not know, yet. He stated Councilwoman Scott is correct that the initial audit was completed and mailed to everyone.

Councilwomen Scott stated it is her understanding when money is missing we need some follow upon that.

City Attorney McMahan stated if there is confirmed evidence of money missing they will bring a recommendation to take legal on it once it has been reviewed to see if there is substantial evidence to support an action. He stated it may be that he "dropped the ball" on this but personally is not aware of that and it would have come to him. He stated he does not know why he would not have seen it or addressed it but will do so immediately.

## DISTRICT 9 MEETING

Councilman Murphy stated there will be a District 9-wide meeting on Wednesday, April 13 at 5:30 p.m. at Carver Center focusing on community empowerment. He stated there will actually be sessions for people on how to use a lot of the readily available tools to research information about their neighborhoods and to interact with the city.

## COMMITTEES

Councilwoman Scott stated we will have a presentation on the sales tax in the **Budget and Finance Committee meeting next week in the 10 a.m. – 12 pm.** time frame.

Councilman Murphy stated the **Legal and Legislative Committee will meet next Tuesday, April 12,** to discuss matters within the Committee's jurisdiction. He stated he does not think there will be anything ready by way of curfew adjustment.

Councilwoman Ladd stated the **Public Works Committee will meet on Tuesday, April 12 immediately following the Agenda Session.**

Councilwoman Berz stated the **Budget, Finance and Personnel Committee will meet on Thursday, April 7 from 6 – 8 p.m.** for the last evening of budget presentations from agencies, **as well as Tuesday, April 12 from 10 – noon** to hear budget presentations from agencies as there are two more agencies; that following will be an educational session by Councilwoman Scott. She stated the Council will make decision as to how to deal with any remaining agency presentations that may be there resulting of some misinformation.

## SGT. TIM CHAPIN

Councilman Benson stated as Chair of the Safety Committee it is his thought he should bring the sad announcement everyone had to hear this weekend on Saturday, April 2 around noon. He stated we lost a very brave and respected policeman in the line of duty, Sgt. Tim Chapin; that we will work out plans later to honor him, however in the meantime between 12 and 3 p.m. on Wednesday at Abba's House on Hixson Pike his family will receive friends and from 5 pm. – 8 p.m. on tomorrow also. He stated the funeral will be held Thursday at 1 p.m. at Abba's House with burial at Hamilton Memorial Gardens.

**COUNCIL ELECTIONS: CHAIRMAN AND VICE  
CHAIRMAN**

Councilman Gilbert stated he notices the Council will be voting on the Chair and Vice Chair and asked who is in the running.

Councilwoman Ladd stated that she was thinking there would be an opportunity to discuss this and was going to send an e-mail. She stated she is running for Chairman and will not talk with Council members individually as it is her thought it puts them on the spot; that she will ask for their support and the matter can voted up or down.

Councilman McGary expressed that he has an interest in running for Vice Chair and it would be his thought we would have a public hearing for the reason to state publicly why they wish to run; that he does not wish to have private conversations but have them all publicly and hopefully there will be an opportunity to do that.

Councilman Benson stated he will also be running for Vice Chair.

Councilman Murphy stated that he now knows what will be discussed in next week's Legal and Legislative Committee meeting!

**NEXT WEEK'S AGENDA**

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

**ADJOURNMENT**

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, April 12, 2011 at 6:00 p.m.

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CHAIRMAN

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CLERK OF COUNCIL

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