

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

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

### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Scott gave the invocation for the evening.

### **MINUTE APPROVAL**

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

### **RECOGNITION OF GOVERNMENT OFFICIALS**

Chairman Ladd recognized the presence of County Commissioner Joe Graham, former Councilmen Yusuf Hakeem and John Taylor, and former City Commissioner John Franklin, Sr. and welcomed them to the meeting.

### **DEANNEXATION**

**Councilmen Scott and Benson made the motion and second to approve this ordinance.**

**Susan Rich** of 1036 Cumberland Road on Elder Mountain stated that the Mayor was nice enough to accommodate us at her office with several residents to discuss this issue about Elder Mountain; that the fire and police chiefs were there and they truly appreciated that. She stated at the time she presented to the group a survey that Dave Hopkins had drawn; that her husband (who as not her husband at the time) built their house which showed the Marion and Hamilton County lines going through their home. She stated her husband moved the house based on the first drawing to make sure that the master bedroom was within Hamilton County and the City of Chattanooga.

### DEANNEXATION (Continued)

Mrs. Rich stated her husband rearranged the configuration of the home to do that and the house was intentionally built where it is and they intentionally want to be citizens of the city and intentionally want to pay taxes to the city and does not imagine the Council has many citizens to say that to them, but they do. She stated the Mayor stated that we do not go based on what a surveyor says but on what the GIS system says and had Phil Noblett show her the map. She stated after seeing the map she was "dead in the water" because it was going to show somehow that Dave Hopkins was wrong and her house was not really in the city and that Councilwoman Scott had been right all along there are no improvements there, although she still disagreed about that. She stated the GIS map does show the GIS line going through their home and taking in their master bedroom; that for the record she would like to correct that as their home is within the GIS system and their master bedroom is a part and almost all of the pool and pool house. She stated the city's line is not at the first crest edge of the Bluff as the city's line is at the eastern most highest crest of Elder Mountain; that she is standing before the Council against her own best interest telling the Council that because that means the Council will say if the line ends at the Bluff -- which is where the current line is on the tax map -- it really needs to be farther up and Mrs. Rich needs to be paying more taxes. She stated she is a fool and is telling the Council that that is where the line is supposed to be and also telling the Council she is happy to pay more taxes and does not want to be deannexed.

**Carol Klemisch** of 1132 Cumberland Road stated that she pays taxes on her home on Elder Mountain since the day she purchased it close to 30 years ago. She stated what set this whole thing off and where the confusion is, is that the Burkes asked to be deannexed – and does not know if deannex is the word they should have used. She stated one Council approved letting the Holmbergs vote in the city of Chattanooga even though their home was in Marion County and extended citizenship rights to them. She stated when Mr. Burke bought the home he did not feel he should pay property taxes on Marion County property to the city of Chattanooga and that is what the man was trying to get rid of and had no intention of setting off this "let's deannex Elder Mountain". She stated all he wanted was not to pay on Marion County property and that is not what we are talking about; that we are talking about homes that have been in the city of Chattanooga along the Brow since the whole place was built. She stated there is one road coming up and going down through the city of Chattanooga and they have no other way; that TVA is also on that road and has access to it which is government property. She stated TVA was also under the impression that was their access, the closest way to get to the reservoir.

### DEANNEXATION (Continued)

Ms. Klemisch stated none of the residents she has talked to that are affected that are on the Brow have objected to paying city taxes on the land that is in the city of Chattanooga; that currently they are not asking for the city's services as the city does not send garbage service or the others as they have not asked for it and they still paid the taxes. She stated she does not understand what the problem is; that the other thing she has a question about is so many people are fighting to keep citizens in their territory, why are they being picked out to be deannexed when they do not want to be.

Mayor Littlefield stated this has been painful for him because he knows both parties and certainly we do not like to deannex people once they are in the city, but how to serve and whether to serve and when to serve Elder Mountain has been a perennial problem since the subdivision was built many years ago. He stated coincidentally and, interestingly, he was a Marion County planner when the subdivision was built and talked with the old former recently deceased Judge Hughes about services for Elder Mountain and he said eventually the city of Chattanooga will annex the whole thing, provide services, and the county will still get its taxes and that seemed like a reasonable solution to him and very remarkably forward thinking for a rural county judge as Marion County was much more rural back in the early 70's when all this started. He stated recently when this issue came up we did have a meeting in Mrs. Rich's office and we engaged a number of people and discussed those recent occasions when confusion arose about who was to provide services, particularly emergency services, the ones we worry about – fire, police and ambulance – and there was an occasion that was noted and described in great detail when there was confusion about who was actually responsible. He stated the emergency, which was a medical emergency, actually occurred in Marion County and after this he arranged with the Marion County officials to have a meeting with all the people and try to talk about some kind of mutually responsible, beneficial way to provide the necessary level of services under contract. He stated he engaged one of the residents he has known for many years, Harvey Cameron, and we arranged a meeting of citizens up there to talk about it; that time went by and he did not get any call about the meeting and finally the Marion County Mayor, John Graham, called and said he had the meeting and we were not invited. He stated people there under no circumstances wanted any responsible services from the city of Chattanooga and that is where it stands.

### DEANNEXATION (Continued)

Mayor Littlefield stated we really do not have a choice in this matter; that we have to solve this problem and have to answer this question and the only way we can answer the question is to come down to a line that is defensible, which is the base of the Mountain, otherwise we have a long run, limited resources to provide the limited services requested by properties that pay at least in some of the circumstances. He stated if they are only paying taxes on the bedroom it is not a about the amount of dollars it is about responsibility and we cannot comfortably provide a level of service required for that Mountain and he worries about it. He stated he has told folks one of these days a tragedy will occur and settle this problem and guesses it will take that; that for tonight he cannot see any other action other than to deannex back down to the bottom of the Mountain and let Hamilton County take over responsibility for maintaining the road as there has been come question about whether or not they will do that, and let Marion County and the private providers that provide contract services take over responsibility for everything else. He stated we still have questions to resolve which he is talking with fire and police chief and 911 officials about regarding when someone calls, who answers. He stated if there is a call from the Marion County side they answer in Kimble or Jasper and if a call is made from a cell phone it is answered at our 911 and things get confusing; but we will work that out, but first we have to have a defensible line.

Councilman Benson stated the Mayor has a lot of compassion in this as we all do and this is another very sad example of why we need metropolitan government and we need what Nashville has, an urban and rural service area, and there are different taxations probably in a metropolitan government. He stated right now if we do deannex, Hamilton County has responsibility to serve and there is no question about it; that he is really sad about this but did second the motion to deannex because we cannot provide the level of services to them that we would love to do under these circumstances. He stated the Mayor said everything about how we tried to work this out for a long time but they are definitely in the county and he will vote to deannex.

Councilwoman Robinson stated there are several issues here that go beyond the question of garbage service and whether or not people opt to be annexed or remain in the city or be deannexed. She stated specifically, we have a TVA facility part of the way up that road and she would think that this is something that bears a second look with all of the restrictions with Homeland Security and the sensitivity of that facility which is the pumping station there from TVA; that we need to be quite certain before we move and expressed hope we could put this on some kind of deferral until we have these answers which is a very important consideration.

### DEANNEXATION (Continued)

**Councilwoman Robinson** stated another consideration in her mind is the precedence that has been set over a period for several decades that property owners have relied upon the city limit running through the master bedroom and she is familiar with this because there are properties on Lookout Mountain that have the same situation. She stated properties on one side of the line are in the state of Tennessee and properties on the other side of the line are in the state of Georgia, so it is not just a county question there but a state question. She stated she does not think these citizens should be held to our decision here just at the city level as this may be greater than that; that it may not be just the city. She stated as Councilman Benson alluded and we have heard it before and the Mayor made an effort in this regard that we try to come to some understanding that makes sense with Marion County and take the things off the table that do not matter as nobody is interested in garbage service; that it is her thought t two things may be worth discussion and worth a delay until we are quite certain we are doing the right thing because these are homeowners whose life savings in many cases are tied up in homes they own. She stated two questions that come to mind are let's come to an understanding about emergency services and that may be something that all three -- the city, Marion and Hamilton Counties -- should all sit down together and have a clearer understanding about so that not only we and those governments know what to expect but the citizens that live on Elder Mountain would know, and the other is to be certain that the TVA facility up there is serviced. She stated when we just deannex and we say we are no longer responsible for this road which is about half way up the mountain, she does think we have handed it off properly if that is to be the will of this Council; that she does not think we have a real good strong connection on the other side and that would be with Hamilton County and everyone agreeing this would be the best thing, and for that reason she would like to defer this as it is too sensitive for us to make a decision tonight. She **made the motion to defer to try to get Marion County, Hamilton County and the city of Chattanooga, all three together and that is going to take some time and does not know how long as it is too important to vote tonight and would like to vote to defer; Councilwoman Berz seconded the motion.**

Councilwoman Scott stated we have not provided a number of services to these residents; that it is a good distance from any of the other residential neighborhoods we service. She stated the access up there is not ideal for the kinds of services that the city of Chattanooga normally provides to most residents; that TVA has a number of different facilities all over Tennessee and she feels quite certain that Hamilton County and the Sheriff's department can provide whatever they might need as they do in other areas that have such facilities.

### DEANNEXATION (Continued)

Councilwoman Scott stated this is an area where people have basically, in many cases, built houses with bedrooms in little tiny portions of the a city in order to take advantage -- and does not say that is what any of the people have done -- but can say she has had others tell her they specifically built their houses with a bedroom in a location such as this to be able to escape city taxes and pay taxes at a lower rate in another county. She stated if we cannot provide the services we should be providing and to leave the area where the fire hall is or where the police are normally patrolling or where the garbage trucks normally are, to go to an area which is difficult to serve and to have all the other issues that have to be dealt with and it is not just fire service. She stated she has had many conversations with people who live in this area and when talking with them about fire service she was told point blank they do not want it; that they have their own, they have a fire truck up on this mountain, have a volunteer fire group; that this effort in this area takes away from the resources of the core part of the city of Chattanooga. She stated if we are looking at the greater good of keeping the resources closer to the majority of the people that need them, vote to deannex this area.

Councilmen McGary stated from what he has heard it seems the issue revolves around a question of who is responsible for emergency services; that he tends to operate toward the simplest solution. He stated it seems deannexing this property is a very simple solution because Marion County would be responsible and Hamilton County would be responsible for the road clears up the issue of responsibility immediately. He stated Councilwoman Scott has made an excellent case regarding access and distance concerns and considerations that need to be factored in and that one of the issues that is very important to him. He stated the other comes from the testimony given earlier tonight and he is a little amiss that residents want to be paying city taxes but they do not want city services; however, the conversation tonight has been around who is responsible. He stated he is a little lost as to what ultimately is the gain for those residents if they are paying for services but they don't want them, what is the gain. He stated to the consideration for Councilwoman Robinson, he is a little at a loss why we would ask for a subsequent meeting or series of meetings to take place if the residents have already clearly said they do not want services; what is the point of asking them to get together to come up with some other package as the residents have clearly spoken. He stated if they do not want the services, if the city of Chattanooga has already stated we have difficulty accessing distance concerns he sees the simple solution of deannexing and letting the various parties take responsibility.

### DEANNEXATION (Continued)

Councilwoman Robinson stated the thing she wants to see this body do is provide leadership; that we are in a slight disconnect between the county, Marion County and the city of Chattanooga. She stated in our legislative roles we are not clear about the issues that are raised by Councilmen McGary and Scott; that the Mayor has told us we have not had that meeting, yet. She stated sometimes we have to come all the way to the point of decision to realize we still do not have all the answers to all the questions; that we have done a good job and identified some of the issues but she does not think they are resolved. She stated no one is arguing that we want a garbage truck up there or those kinds of things; that it is her thought the residents of Elder Mountain are telling us we want to be in the city of Chattanooga and there are reasons that they do, obviously, as they have built their homes so that they are legally. She stated we rely upon the GIS, and this Council adheres to GIS all the time when we rename streets much to our citizens' dismay in the city – we rely upon it. She stated citizens have come here tonight to tell us they do, as well, and the legal boundary according to Atty. Rich indicates they are in the city of Chattanooga and want to remain. She stated there is even in this ordinance a provision that were this Council to go ahead and deannex them against their wishes they do have a right of appeal and they can go back to their citizens and get a certain percentage of their citizens to sign on and say they wish to remain and then it would be put on a ballot. She stated she does not think that is the answer for us; that the best thing for us to do is get everyone "in the room" and the Mayor can do that and can get Marion County as he has ties there.

Mayor Littlefield stated unfortunately he is a little bit frustrated by it because he drove to Jasper and met with the Marion County Mayor and was assured we would have a meeting and would be invited and then got the call a few weeks later that the meeting occurred and we were not invited and they wanted nothing to do with the city of Chattanooga. He stated he really cannot do anything with that and that is the way it stands; that it is his hope in the future we will address this issue through contracted services; that right now apparently we are not welcome and the area that we are attempting to serve we cannot serve with the assurance that we are correct. He stated people are confused about who is to provide services; that calls go to the 911 center and it is a dangerous situation which is not going to get that much better until we draw a line back from the edge which is where it is now. He stated if we are to serve this area in the future, let's define it in contracted terms; that he cannot really do anything about the voting rights whether or not the bedroom is in the city or whatever; that we can at least provide emergency services. He stated he wishes it were true that he has enough clout with Marion County to make a meeting happen, but apparently that is not so.

### DEANNEXATION (Continued)

At this point Mrs. Rich indicated that she wanted to address the Council again to make a public apology. Chairman Ladd asked that she wait until the end of the agenda where we have a place for public comment as the discussion is now between members of the Council.

At this point Councilman Rico called for the question on the motion to defer.

Councilman Murphy stated he has had folks on Elder Mountain tell him they want out and some that want in; that he does not think things get better if the ability to have slower response is lost. He stated in his opinion we have a world class police and fire department and he has a world of confidence in those departments and they are better served getting slow response from first rate people than getting slow response from folks not as well trained, are not as well equipped and do not have the same level of experience. He stated Councilwoman Robinson wants to defer to have a meeting and the Mayor is frustrated and it boils down to insurability of their property and emergency services; that his suggestion is the matter of deannexation be put on their ballot and if enough want out they are out and if enough want in they stay. He stated he does not think the Council would annex them today and knows we would not because they are remote and rural; that it is a beautiful place with all that land that has been set aside for preservation that cannot be developed means it will be a highly unattractive area for the city to annex today and we would not do it. He stated we annex rural areas but it is because we project they are going to develop and grow. He stated this is about more than dollars and cents for the city; that it is about them living there knowing where they are and there is some level of justifiable reliance. He stated he is not going to vote to deannex and suggested the matter be put up for a ballot of the folks in this area, bottom of the mountain up, and that is the fairest thing. He stated he has heard it both ways from folks that say let us go it is not a problem and we will get contracted services as he saw nods when he referenced our police and fire departments and insurance issues; that it is worth a lot to them to have that slow response from first rate, well trained folks as opposed to less well trained slow response.

Councilman McGary inquired as to the time frame for the motion to defer.

Councilwoman Robinson stated we have everyone's attention, now; that we should try to do this within the next 30 days. She stated we are already in touch with the Mayor in Marion County and our Hamilton County government is very close at hand; that it is her thought if we did that we would not have as much angst about what we are doing and would have a much clearer understanding to go back with emergency services as it is about people's lives.



**DEANNEXATION (Continued)**

Councilman Benson stated he wanted someone to correct him that this has been going on for a number of years and had a lot of requests from people up there through the years to be deannexed, yet the impression is left everyone wanted to stay in the city. He stated he has a problem with this and is getting mixed communications from the people; that he knows the Mayor and others worked to try to solve this but we cannot solve it because they live in a rural area and we cannot provide urban services without putting our first responders tied up on that Mountain or going up the Mountain and letting the people we are supposed to serve be sacrificed because there is not available units to get to them. He stated we just annexed some additional areas out in Lookout Valley and now we are going to dissipate the potential for serving those people if we continue to try to serve people that do not live in the urban services district.

**On roll call vote on Councilwoman Robinson and Berz' motion and second to defer the matter 30 days:**

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

**The motion failed.**

**DEANNEXATION (Continued)**

On motion of Councilwoman Scott, seconded by Councilman Benson,  
**AN ORDINANCE DEANNEXING CERTAIN PROPERTIES ON ELDER  
 MOUNTAIN AND ELDER MOUNTAIN ROAD WHICH ARE CURRENTLY IN  
 THE CITY OF CHATTANOOGA**

Passed second and final reading and was signed in open meeting; **on roll call  
 vote:**

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

**AMEND CITY CODE**

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 second and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2011-057: Volkswagen Group of America Barge Waggoner Sumner &  
 Cannon**

CLOSE AND ABANDON (Continued)

On motion of Councilman Rico, seconded by Councilman Murphy,  
**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 second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
 CHAPTER 38, ZONING ORDINANCE, SECTION 38-2 DEFINITIONS,  
 SECTION 38-185 USES PERMITTED AS SPECIAL EXCEPTIONS BY THE CITY  
 COUNCIL, AND SECTION 38-527, SPECIAL EXCEPTIONS PERMIT FOR  
 LATE NIGHT ENTERTAINMENT/EVENT FACILITY AND/OR NIGHTCLUBS  
 OR SIMILAR USES**

Passed first reading; Chairman Ladd voted "no".

REZONING

**2011-054: Wise Properties TN, LLC**

Pursuant to notice of public hearing, the request of Wise Properties TN, LLC to rezone property located at 609 Hamilton Avenue came on to be heard.

On motion of Councilwoman Scott, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
 CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY  
 LOCATED AT 609 HAMILTON AVENUE, MORE PARTICULARLY  
 DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-7 NORTH SHORE  
 COMMERCIAL/MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading; Councilwoman Robinson abstained.

REZONING

**2011-079: Dillard Partnership**

Pursuant to notice of public hearing, the request of Dillard Partnership to rezone property located at 7836 Lee Highway came on to be heard.

**REZONING (Continued)**

No one was present in opposition to this request.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOGA CITY CODE, PART II,  
 CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY  
 LOCATED AT 7836 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED  
 HEREIN, FROM M-1 MANUFACTURING ZONE AND R-2 RESIDENTIAL  
 ZONE TO M-1 MANUFACTURING ZONE**

Passed first reading.

**CLOSE AND ABANDON**

**MR-2010-091: Patricia Washington**

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY  
 LOCATED IN THE SOUTH LINE OF THE 600 BLOCK OF EAST 17<sup>TH</sup> STREET  
 WITH AT&T SOUTHEAST TO MAINTAIN THE EASEMENT IN THE FULL  
 WIDTH, MORE PARTICULARLY DESCRIBED HEREIN**

Passed first reading.

**AMEND BUDGET ORDINANCE: AGENCY  
 APPROPRIATIONS**

Chairman Ladd stated there are some folks in the audience who wanted to speak to address this; that there was a notice from the Multicultural Chamber that someone wanted to address this, noting there could be three speakers at three minutes each.

**Gerald Mason** of 538 North Crest Court in the city stated it is not a happy occasion that he is present today; that he was present twelve years ago and brought a recommendation to this body for funding of this organization after about four or five in the Black business community got together, raised our own funds to do our own study based on the need for this Chamber. He stated this Chamber, sadly to say, is more highly recognized outside this city than it is here; that it has done so many great things in this community to help small minority businesses and women-owned businesses and any other folks that need help.

**AMEND BUDGET ORDINANCE: AGENCY**  
**APPROPRIATIONS (Continued)**

Mr. Mason stated its greatest accomplishment to him is giving some folks hope to be business owners; that he and his wife have been fortunate to be business owners here for 35 years and have several businesses that are currently going on in the city today. He stated this Chamber has given lift to a lot of people and also brought a lot of underground businesses in our community and helped make them legitimate businesses; that it improves information and knowledge to a lot of people. He stated it encourages a lot of people not to go into business because once they find what is entailed in opening businesses some people realize it is not what they want to do. He stated he is not saying there are no problems; that he was part of the Charter Board back in early 2000 and has not had close communication in terms of the internal affairs of the Chamber, but does know as a business person and a minority business person that this Chamber had done a lot of good work in this community and it would be a sad day in the annals of this City if this Chamber is defunded. He stated a lot of things are going on in our community that are negatively impacting the community but (he) does not want to get on that "band wagon"; that we lost a lot of gains that this minority community has made over the course of his lifetime here and it seems we are taking a backward step, now. He stated he knows funds are tight but this organization needs to be continued funding. He expressed thanks for allowing him to come and speak tonight and wished the Council well.

**Former Councilman Yusuf Hakeem** stated he and others are before the Council today on a very serious matter in regard to the Multicultural Chamber; that he is one of the Council persons who fought at that time for this entity to come into existence and if we look at the form of government we have now it came out of a need that this community had; that the previous form of government, Commissioner Franklin was a part of that and there is great question if that was representative form of government, but the Court saw fit to bring about the form of government we have now. He stated the Multicultural Chamber came out of a need; that some will say "why don't all of the activities come under the auspices of the Greater Chamber of the City of Chattanooga?" He stated we have to ask the question "are there cultural differences" and would that entity have the time or inclination to work with businesses over a period of time; that they are coming from a position of not being as abreast of the process and procedures of operating businesses – does the Greater Chamber have that inclination to do so.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

Mr. Hakeem stated what he is saying Chattanooga is like a lot of other cities in the south as we come from a position of segregation, separation and inequality, and if we take away an entity that is about the business of developing businesses, creating jobs for people, we talk about our young people being on the streets. He stated if existing businesses are not feeling that void, what entity are we going to work with to have businesses to fill that void of getting jobs for our young people. He stated there is a report that has been put together for the Council and noted if he was on the Council he would have pulled the producer of this report aside and we would have had a great discussion if they want to talk to me about raising questions and concerns and use the phrasing "compared with the level of compensation of other entities" not comparing it with entities . . . (At this point Mr. Hakeem's three minute time limit expired.)

Councilwoman Berz stated as she has wrestled with this topic there is not a doubt in her mind there needs to be attention addressed to what Mr. Hakeem is talking about. She stated many worked long and hard so everybody would have an equal shot and what this issue has to do with is not that so much as going ahead and passing an agency budget, not negating what "you guys" are doing but until a lot of these questions are answered we are not putting the funding forward. She stated one of the things talked about at the earlier meeting today was the tremendous need and in fact Councilmen Benson, Gilbert and others talked about the tremendous need for what Mr. Hakeem is talking about. She stated maybe we cannot in a fiduciary position until these questions are answered, however, we cannot hold the whole budget up for the one item. She stated what we talked about is between the first and second reading addressing some of the issues Mr. Hakeem is talking about; that she can tell him she is in full support of everything he is saying; that maybe it is an entity that looks differently, she does not know as she wants to be able to sit down and talk about it, but she knows she has heard Mr. Franklin talked about it, she has heard Mr. Taylor talk about a lot and Mr. Hakeem as her friends and government people, there is no doubt in her mind there is a need for this issue to be addressed. She stated that is where she is "coming from" and she is going to vote to go ahead and let the other budgets go forward with the caveat that immediately we start sitting down and mediating and talking about the function and how these needs can get met. She stated her quandary is that we have all the other agencies, including Planning and everything else, that are held up because of this one issue; that she would move "heaven and earth" to get that function met but this is the business side of holding up the budget. She stated she needed them to hear as her friend where she was "coming from".

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

Councilwoman Robinson stated Mr. Hakeem was right in the middle of a thought and the red light came on and requested he be given a little extra time to complete the middle of this thought; Councilman Murphy seconded the motion.

Mr. Hakeem stated in regard to this report it left him feeling incomplete in that there had been no discussion with staff, there had not been to his understanding any interaction of any substance between the Board and the city government. He stated what he is hearing from Councilwoman Berz is those things will be discussed and talked about between now and the next meeting.

Councilwoman Berz clarified that she does not know who is on the Board and does know there were fiduciary issues that came up and she cannot in good conscience vote to hold up the whole big budget or to vote for any allocation until questions are answered. She stated that she does know the Mayor met at length with Ms. Gilchrist and there are so many questions coming up and that is one piece of it; that the Council is very interested in all the great things Mr. Hakeem and Mr. Mason said about the need in our community for small businesses, women-owned businesses and multicultural businesses and no one disagrees on that. She stated do know we are not on opposite pages, it is just this is a budgetary issue.

Mr. Hakeem responded "accountability and responsibility", to which Councilwoman Berz replied "yes".

Councilman Benson stated he and Messrs. Hakeem and Taylor were all there when this was given "birth" and it had a very worthwhile mission; that there is some documentation that can show the mission has been fulfilled. He stated as good stewards if Messrs. Hakeem and Taylor were sitting here right now he knows how they would vote; that they would vote until these questions are answered that have been presented in this document we would not be good stewards of the taxpayers' money. He stated we have to get those questions answered and he plans to vote to move right on without funding this one way or another until they can sit down with some of the people and the Board and bring back a resolution of what they intend to do, the measurable outcomes of what they say they have done and some other things asked to do; that he does not know what the business plan can be as there are some real problems according to this.

**AMEND BUDGET ORDINANCE: AGENCY**  
**APPROPRIATIONS (Continued)**

**Former Councilman John Taylor** stated he has just looked at the document; that one of the things he underlined in the second paragraph is “there was no participation with either the staff or the director” and that is a key issue and hoped the Council noticed that. He assured the Council that every question can be properly answered; that just recently he got back on the Board and is glad to be back working with them to make sure we address every question and set out that things will definitely improve and bring about greater business opportunities in our community. He stated as a caveat during this tough time economically, they definitely need as many businesses as we can in our community in order to effect a change. He expressed appreciation for the Council’s support and assured they will work to address every question that is within the document.

Councilwoman Scott stated that there was an effort made; that she requested financial information on the organization months ago and was told that it was pending. She stated she then asked a second time and it was still pending and we did not get part of that information until just this past week if she is not mistaken. She stated she sort of begs to differ that there has not been some communication to try and get information because it goes back several months; that it is difficult to have a conversation if you do not have all the information and it is a requirement. She stated it is her understanding it is a requirement that the city is not able to allocate funds if certain documentation is not given, so for us to do otherwise would really put us in a very uncomfortable position as stewards of taxpayer money.

Mr. Hakeem expressed agreement with Councilwoman Scott; that she requested the information and should have gotten information. He stated the Board needs to find out or get an understanding as to why she did not get it.

Councilwoman Scott added that we still do not have the audit for this past year.

Mr. Hakeem added his reference was not to Council persons but the document that had been put together, that the individual did not deem it appropriate to talk with staff or have any interaction; that some of the questions maybe could have been answered if that had been done. He again expressed agreement with Councilwoman Scott if she requested information she should have gotten it and we need to find out why.



**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

Councilman McGary stated as a body the Council makes an investment in the agencies of which they support and as businessmen he knows that is understood that they place their money where they get the greatest return on the investment. He stated questions have been raised that demand an answer; that the greatest honor we can give to the Multicultural Chamber is to treat it like everyone else, no special exceptions, no special categories; that if this was another organization how would the Council treat it. He stated in that regard it is his thought there is a third option, that Option A was to fund it, Option B was to pass the budget without funding it and suggested at third option. He stated many are aware any agency that we fund we do not fund in total, it receives payments quarterly, so this very body can decide how we wish to designate funding for the Multicultural Chamber. He stated if there are questions we have he personally thinks out of fairness we make sure the questions we have come forth; that he is really looking for something he can "sink his teeth into" and to be told there will be another conversation with the Mayor or to be told "we will look into this" makes him a little uncomfortable because that can be "slipped through", the "crack can be found", we can "drop the ball". He stated he wanted to make sure if we agree and say we will fund the organization in our current ordinance with the understanding we will come back the following week and possibly give the Multicultural Chamber an opportunity to be funded, he wants to make sure we communicate tonight. He stated it would be his request we be absolutely sure what we are asking for and we say here it is and if we do not have it by Monday, we know what happens on Tuesday, but to say nebulously "we will get answers" or "we will look into it", he asked his colleagues to tell him what that is as we need to be clear what we are looking for and asking for and it needs to be time sensitive. He stated that is the best road to go and even at that point we do not have all the questions answered, there is a third option -- we can fund the Multicultural Chamber and designate how those funds go, so if we do not receive answers by a certain time the funding can be cut off or some other options can be made -that is the third option he suggested to his colleagues.

Councilman Murphy stated he likes the way Councilman McGary thinks and stated a budget is a document of our priorities and he is not hearing anyone on the Council saying fostering minority, veteran and disadvantaged businesses is not something this Council wants to invest in because it is and that is clear. He stated he did not get this document much before Mr. Hakeem did; that there was no opportunity he had to question it or the issues raised. He stated it does raise issues and if there are not satisfactory answers to several of these he does not see how this Council would fund that body to do the work.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

**Councilman Murphy** stated that he does think we can amend the budget adding the money that we were going to appropriate before a lot of this came up for the purposes that the Multicultural Chamber embodies – that fostering and mentoring of minority and disadvantaged businesses and just not designate who is going to get it yet and that would give time and certainly a sense of urgency that if all the significant issues raised have fine explanations and it all comes “out in the wash” why would we destroy an organization that has been built to serve this purpose by defunding it if it can be salvaged. He **stated that it would be his suggestion to amend adding \$75,000 to the agency budget for the purposes that the Multicultural Chamber serves, but do not designate the recipient at this time** and that way we budget the money, it can go to the Chamber if the answers are fine and agreeable or can go somewhere else to continue the very important work that all have pointed out. He added that a constituent and neighbor was sent to lobby him and that was good work! **Councilman McGary seconded the motion.**

**Councilman Murphy restated his motion to add \$75,000 to the agency budget designated for the purposes of the Multicultural Chamber but not designating them as the recipient at this time.**

Councilwoman Berz stated there are two issues: one is the ordinance that was read and that is to fund the other agencies as they are because they are being held up. She stated number two, the philosophy of the Council is to do exactly what everyone has been talking about because we have not been able to designate a place for that to be that is a totally separate issue. She stated a budget can always be amended, however if we are using this money and this budget which is a finite amount, \$19 million, then we have to redo everything because she does not think that is what they want, either. She stated she does not know if the Council has read the amendment that it says \$19,386,074 and allocating it to all the people they want it allocated that sum totals up to \$19 million. She stated we cannot arbitrarily throw into this one another \$75,000 without taking it from somewhere else in this budget. She suggested that we go ahead and pass this as it is because we can always amend the budget but this needs more discussion and more fairness than obviating all of this to try to figure out where we are getting \$75,000 from as that makes no sense. She stated there are two different issues and we all agree that the function is important and needs to happen.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

Councilwoman Berz stated even Councilman Murphy stated he agrees but is not sure who would get that funding; that there are some issues that need to be looked at and she does not think we can hold all the other agencies hostage while looking at the issues and stated she would have to vote against that.

Councilman Gilbert stated he needs to speak to dealing with the amendment and other things Mr. Taylor said earlier. He expressed agreement with Councilman Murphy to a degree; that to revisit something in the past does not work sometimes as he has not seen it work that much in the past year which is why he has a problem with trying to go forward because there are no guarantees assuming that is what Councilman McGary was saying a few minutes ago. He stated that is what he has a problem with if we try to push forward as there are no guarantees or nothing; that we say we are going to revisit, we say we are going to do all these things but in reality if it is not on paper we are not doing it and it falls "underneath the sheets". He stated the program is a great program as far as the mission; that the mission of this does help people that would not have businesses. He stated earlier if it was not for this organization Blue Cross-Blue Shield, the Electric Power Board or the Airport would not have a resource to go to; that the larger Chamber does not provide that at this moment at all. He stated we need to have this available because if it was not for them people would not have opportunities. He stated they go beyond the normal services as far as giving business plans, going over and contacting different ones for potential jobs – this is what they do and we need to make sure this stays to provide opportunities for minorities in this city.

Councilwoman Scott stated she needs clarification and may need Mrs. Madison to come up; that this amendment before us amending and adding \$75,000 and asked if the Multicultural Chamber and the Chamber of Commerce funded out of a totally different fund than the one we are looking at. Mrs. Madison responded "yes, it is".

Councilwoman Scott stated what we would be doing if we amended this would be meshing two funds – we are taking funds and allocating funds out of something that this particular amendment is not funded by.

Admin. Madison stated in order to do what is suggested the number in the document as presented would not necessarily change but the amendment would have to be enhanced to include in that document an amendment to the economic development funds, which is a different section of the ordinance.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

Councilwoman Scott stated furthermore, the other issue that should not be overlooked is the fact that what we are asking for is to get complete information among other things from the Multicultural Chamber administration and we do not have all of the documentation that we need for all of the agencies on there. She stated most of them we have but she thought we talked about in Committee today giving everyone a week to get this together and it is her thought we ought to make sure that the public knows this is not just about the Multicultural Chamber getting information together, but it is these others and she personally cannot vote to support this amendment as written if we are not going to have everyone play by the same rules.

**Prior to voting, Councilman Murphy again restated his motion to increase the allocation of the agency budget by \$75,000 for the purposes of the Tennessee Multicultural Chamber but not designating the recipient at this time.**

Councilman Benson asked where the \$75,000 is coming from. Councilman Murphy stated we were told today we will reserve \$1.5 million out of the last budget year; that our budget is not that tight.

**On roll call vote on Councilmen Murphy and McGary's motion and second to set aside \$75,000**

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

The motion failed.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

**Jerry Hanner** of 5117 Lantana Lane spoke for the purpose and benefit of the Chamber by reciting a quote, "the agony of the poor diminishes the rich, and the salvation of the poor enrich the rich", which is what happened when the Council was involved in setting up the Chamber. He stated on the economic side, the more small businesses developed enhances the large businesses; that we have a good history going with the Chamber in working with small businesses and it has been evident it has been a good thing. He stated initially the purpose was set up to target the city and county but it was found that the market was better and other large businesses in the city could be targeted -- Blue Cross, EPB, Coca Cola, TVA – a lot of the people from these organizations are on the Board. He stated there is one person on the Board from Volkswagen because they realize the value of a diverse involvement in the community. He stated in looking at the document he is in agreement some things should be answered but expressed hope the Council is of the mindset "never to throw the baby away with the wash" that sometimes children spoil a diaper but it does not mean the child cannot be salvaged; that it will be a big mistake if we do not keep the Chamber in place. He stated of the necessary adjustments that have to be made let's make those as he is for right, but whatever we do let's keep moving forward as it has been very productive for the city. He stated as a contractor he can attest they have been blessed with the training that has been involved and without the Chamber a lot of opportunities he has had over the last few years he never would have had. He expressed appreciation for the Council continuing with their efforts to keep this in place; that they definitely need someone targeting the small businesses because we are all in this together.

Councilman McGary stated his question is for Councilman Benson because he asked a question that needs to be answered which is where the money is, is the money there. He stated this is an issue of fairness which has come up again and again, that if we are going to ask the Multicultural Chamber to do anything we first need to be absolutely clear we have money that we are offering. He stated if there is no money being offered we should not ask them to do anything. He stated the question for him is, is there money available or is there not. He stated if there is no money available he does not believe we should not ask them to do a "horse and pony show"; if there is money available who actually gets it is a whole different issue. He asked if there is money available or not.

Councilman Benson stated money is available if we take it away from the other agencies we have already approved.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

Chairman Ladd asked Admin. Madison to clarify the matter.

Admin. Madison stated we always talk about the different "pots of dollars"; that this ordinance addresses general fund dollars. She stated the Chamber has not been traditionally funded from the general fund; that if it were coming from that pot of dollars, the Council would have to reallocate and pull money from somewhere else to cover it. He stated that is not the case in this particular instance as it is funded from a separate "pot of dollars", the economic development fund, and if we choose to fund or set aside dollars in that fund it could be earmarked.

Councilman McGary stated he got an answer to his question but raised another and asked when the economic development fund comes before the Council for a vote, will it come subsequent to this vote.

Admin. Madison stated it has come before the Council and the budget has been set and the budget currently has zero funding for the TMCC. She stated if the Council wishes to change that we would have to amend that budget.

Councilman McGary stated the budget would have to come before this body again. Admin. Madison interjected "for an amendment".

Councilman Gilbert stated this organization has done a lot of good and has helped a lot of small businesses. He stated in the past when we say we will go back and do something sometimes it just does not happen; that we made challenges last year that we did not uphold at all and that made him think why is this going to be looked at later on. He stated we have funded this for awhile and it does need to be tweaked because of issues and concerns that need to be answered, but it is his thought we need to make sure this still stays in place as the mission of the Chamber is to help minority businesses with opportunities.

Chairman Ladd stated there has been a good discussion and lot of good questions and points made but as we make this vote and have a decision on the vote, she asked all to remain professional, remain quiet in the room and if anyone would like to leave after the vote rather than stay for the remainder of the session that is okay but to do it quietly as the Council will need to continue to conduct business in the room.

**AMEND BUDGET ORDINANCE: AGENCY  
APPROPRIATIONS (Continued)**

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12523, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FY2011/2012 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012, 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 PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5(a)**

Passed first reading; on roll call vote:

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

**GRANT**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A TENNESSEE AGRICULTURAL ENHANCEMENT PROGRAM GRANT FROM THE TENNESSEE DIVISION OF FORESTRY IN THE AMOUNT UP TO AND INCLUDING TWENTY THOUSAND DOLLARS (\$20,000.00)**

Was adopted.

### EXTEND CONSERVATION AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXTEND A CONSERVATION SERVICES AGREEMENT 2011-2012 FOR THE TRUST FOR PUBLIC LAND IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO BE PAID IN FOUR (4) QUARTERLY INSTALLMENTS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) EACH FOR A TERM OF ONE (1) YEAR BEGINNING JULY 1, 2011, THROUGH JUNE 30, 2012**

Was adopted.

### AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH TOWER CONSTRUCTION COMPANY FOR THE DEMOLITION AND REPLACEMENT OF SIDING AT WYATT RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$36,757.00)**

Was adopted.

### GRANT

Councilman Benson stated if we should get this grant, which he doubts we will because we have already received one COPS grant and working with a COPS grant presently; that once that expires we are obligated to pay on that plan for about 23 policemen. He stated we need to know if we should happen to get this one, which he hopes we do, do we end up with 46 policemen we are paying for above and beyond the federal grant when it subsides. He stated he is "looking down the road" what we are obligating ourselves to.

Captain Francis responded "yes"; that we are bringing the numbers back up to what they have been in the past and was told today by Chief Maffett that the additional year would be about \$1.4 million.

Councilman Benson stated it brings our numbers up to about 500+; that we will have to keep finding local funds for the 23 we presently have that are receiving federal grants and then if we should get this one we will be obligated for 46 more policemen with local money and we might have a terrible economy during that time. Captain Francis responded he is not totally sure.



### **GRANT (Continued)**

Councilmen Benson asked someone to make that clear as he wants to know our future obligation if we are lucky and got this.

Admin. Madison stated she asked the same question and as she sees the situation we are talking about 23 that we currently have and we are under an obligation to fund those 23 officers for one year past the grant period. She stated that one year would overlap with one of the years on this because it is also three years, so we will have one year and not that we would want to manipulate a system it is just if the economy dropped out we have one year we would have to carry the 23 officers. She stated if we cannot carry that first 23 the second year and have to pick up the other one, we would have to carry the same number of officers that second year because this second set of officers would have rolled off to their fourth year. She stated that is definitely contingent and my understanding is we are only required to carry it one year past the grant period.

Captain Francis stated that is correct; that there are several officers that will be eligible to retire during that time.

Councilman Murphy stated the fourth year for the prior year would be three years from now and the fourth year from this would be four years from now and we need these officers, anyway. He stated we are going to have retirements, relocations, resignations and terminations and the real question is we need these officers and would we rather pay over the next four years for four years of their salary or one; that, to him, it is a "no brainer"!

Councilman Benson stated he did not say it was a "no brainer"; that he wanted the information and is supportive now and wanted to make certain he understood.

Councilman McGary asked if it is being suggested that the number of officers retiring will be commensurate to the number of officer we have to carry for that year.

Captain Francis responded "no, not necessarily", it would not be that high; that there are several academies that came back-to-back that are available to retire; that he is already a year into where he could retire and there is an academy before him and other people that are present, too, that are eligible for retirement.

**GRANT (Continued)**

Councilman McGary asked if we have a "feel" for what we are talking about to get a comparison; if we know the hard number is 23 officers, do we have some idea as to what range of officers will be retiring -- half of that number, a quarter of it, do we know.

Captain Francis stated he is not sure as some will leave around the 28<sup>th</sup> year or more, some around the 30<sup>th</sup> year or choose to stay beyond that; that just this last year there was one who retired at the 25 year mark.

On motion of Councilman Murphy, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) WHICH IS FUNDED UNDER THE COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF FOUR MILLION THREE HUNDRED SIXTY-THREE THOUSAND FOUR HUNDRED NINETY-ONE DOLLARS (\$4,363,491.00) WHICH WILL BE USED TO HIRE TWENTY-THREE (23) POLICE OFFICERS AND PAY THEIR SALARIES FOR THREE YEARS. THE CITY OF CHATTANOOGA WILL BE REQUIRED TO FUND THESE POSITIONS ONE YEAR BEYOND THE EXPIRATION OF THE GRANT**

Was adopted.

**GRANT**

On motion of Councilman Murphy, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANT GRANT - LOCAL SOLICITATION FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., FOR A TOTAL AMOUNT OF TWO HUNDRED THOUSAND TWO HUNDRED TWO DOLLARS (\$200,202.00), OF WHICH SIXTY THOUSAND THREE HUNDRED TWENTY-NINE DOLLARS (60,329.00) WILL GO TO THE HAMILTON COUNTY SHERIFF'S DEPARTMENT, OF WHICH FIFTEEN THOUSAND SIX HUNDRED NINE DOLLARS (\$15,609.00) WILL GO TO THE EAST RIDGE POLICE DEPARTMENT, AND OF WHICH ONE HUNDRED TWENTY-FOUR THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS (\$124,264.00) 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 THE CITY, EAST RIDGE, AND HAMILTON COUNTY FOR THE SHARING OF SAID FUNDS AS SPECIFIED ABOVE**

Was adopted.

### CONTRACT

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH PARRIS ROOFING & SHEET METAL COMPANY, INC. TO REMOVE AND REPLACE THE ROOF AT FIRE STATION #21, WITH A BASE BID OF THIRTY-NINE THOUSAND EIGHT HUNDRED DOLLARS (\$39,800.00), AND WITH A TEN PERCENT (10%) CONTINGENCY OF THREE THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$3,980.00), FOR A TOTAL AMOUNT OF FORTY-THREE THOUSAND SEVEN HUNDRED EIGHTY DOLLARS (\$43,780.00)**

Was adopted.

### CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. S-10-007-401, STERLING AVENUE DRAINAGE DITCH REPAIR, CEI SERVICES, WITH A.D. ENGINEERING SERVICES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIXTEEN THOUSAND ONE HUNDRED ELEVEN AND 28/100 DOLLARS (\$16,111.28), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED NINETY-THREE THOUSAND ONE HUNDRED SEVENTY-THREE AND 28/100 DOLLARS (\$93,173.28)**

Was adopted; Councilmen Scott and Gilbert voted "no".

### CONTRACT

On motion of Councilman Gilbert, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-10-008-201, LIGHTFOOT MILL ROAD GROUND IMPROVEMENTS TO REMBCO GEOTECHNICAL CONTRACTORS, INC., IN THE AMOUNT OF TWENTY-NINE THOUSAND FOUR HUNDRED THIRTY DOLLARS (\$29,430.00), WITH A CONTINGENCY AMOUNT OF TWO THOUSAND NINE HUNDRED FORTY-THREE DOLLARS (\$2,943.00), FOR AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS (\$32,373.00)**

Was adopted.

## AGREEMENT

Councilwoman Scott stated this contract is one in which Mr. Marler will be using the city's scales to weigh refuse going into the city landfill and his own personal landfill, C & D Landfill. She stated it is also to allow Mr. Marler to use the city's truck washing facilities for his trucks, to allow him to use the utilities out at the landfill, he already has road access, he is using the city's entrance and posted his sign on the city's property. She stated there is very little refuse she knows of; that does not go through one or more of Mr. Marler's companies, whether it is office paper in the dumpster outside or whether it is the dumpster that the paper is in or whether it is demolition waste that goes to this landfill or residential garbage that leaves our house and goes to the first of his companies and then is transferred out of the city trucks into Mr. Marler's trucks and then goes to either Mr. Marler's landfill or the city's landfill by Mr. Marler's trucks where it is weighed by Mr. Marler's scale operator! She stated there are two separate audits that have shown problems and according to an article last week in the *Chattanooga Times-Free Press*, Mr. Marler, who is also on the Board of Directors of FSG Bank, has resigned following a bank audit showing lack of internal controls and a purchase of foreclosed properties. She stated the city has had for quite some time an incestuous relationship, contractual relationships with three separate companies that she does not think the city or many knew were all the same owners or all the same owner. She stated the city of Chattanooga ought to have its own separate entity running its scale house and taking money and weighing and determining where the trucks go; that a contractor should not have oversight of these matters or the dumping of his competitor in weighing.

Councilwoman Scott stated the other thing that will come up on the next Resolution is the removal of dirt; that essentially we have cover in this city that can be used; that the city has prepared its own cell and we have had to build our own cell by excavating. She stated she does not understand why we can excavate a complete cell for the municipality of the city of Chattanooga and not have enough fill dirt to cover our current landfill cell we are covering up. She stated we also have the Grade A sludge that is perfectly safe according to the EPA we could be using, but we are paying freight to send it out elsewhere; that a sustainable city should be able to use the sludge that it spent millions of dollars to be able to do; therefore, she will not be voting on this contract or the one just below it.

Councilman Gilbert expressed definite agreement with Councilwoman Scott's comments.

Councilman Rico called for the question.

**AGREEMENT (Continued)**

On motion of Councilwoman Robinson, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL MATERIALS FOR THE SERVICES OF A QUALIFIED, TRAINED, AND BONDED SCALE OPERATOR(S) TO OPERATE THE CITY'S SCALES AT THE CITY LANDFILL ON BIRCHWOOD PIKE**

Failed; on roll call vote:

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

**AGREEMENT**

**Councilman McGary made the motion to deny this request; Councilman Gilbert seconded the motion.**

Councilman Berz stated she is unclear when we talk about mutual benefit or quid pro quo and asked what the mutual benefit is; that she knows ours is the dollar per year, what is the benefit to the company – we move their “stuff” for them?

Admin. Leach responded “yes”; that the mutual benefit is we have dirt right beside where we need dirt and it is on their property and we move it from their property to our property and they get a bigger hole and we get the cover dirt.

**AGREEMENT (Continued)**

Councilwoman Berz stated we are moving the dirt for them to our place. Admin. Leach stated we basically do not have any haul costs.

Councilwoman Scott stated we are hauling, we are paying freight to haul our other stuff out of town and the other thing we are doing is digging a cell for another landfill in the process.

Councilwoman Berz stated that is where she is confused and would like some clarification on that and asked if there are two different issues, which is where she is "slow".

Admin. Leach stated the property is side-by-side and we need the dirt on our side and they have the dirt on their side and we can move it one to the other.

Councilwoman Berz stated she is "cool with that" and asked what Councilwoman Scott is saying.

Admin. Leach stated there is a C&D Landfill adjacent to our site which is where the dirt is removed from which creates a hole for the C&D Landfill to their benefit and gives us dirt to our benefit.

Councilwoman Berz stated she got that, except there was a "yes, but" after . . .

Admin. Leach stated he is not sure exactly what that is. Councilwoman Berz stated that is where she is getting confused.

Admin. Leach stated it is to our benefit but it is the Council's vote.

Councilwoman Berz stated she needs clarification and asked if Councilwoman Scott is talking about something else.

Councilwoman Scott stated what she is talking about is the city of Chattanooga paid to have its own landfill cell put in and the C&D Landfill we are digging for them.

Councilman McGary called for the question.

AGREEMENT (Continued)

On roll call vote on Councilmen McGary and Gilbert's motion and second to deny:

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

The motion failed to carry with four "yes'", four "no's", and one abstention.

On motion of Councilman Murphy, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL MATERIALS TO ALLOW THE CITY OF CHATTANOOGA TO REMOVE AND TRANSPORT DIRT FROM C&D FOR THE MUTUAL BENEFIT OF THE CITY OF CHATTANOOGA AND C&D FOR A DOLLAR (\$1.00) PER YEAR**

Was adopted; on roll call vote:

BERZ	ABSTAIN
RICO	YES
MCGARY	NO
MURPHY	YES

AGREEMENT (Continued)

SCOTT	NO
ROBINSON	YES
BENSON	YES
GILBERT	NO
LADD	YES

(Councilman Rico excused himself from the meeting at this point.)

TEMPORARY USE

Councilman Murphy stated he was not 100 percent clear as to why this is not allowed.

Admin. Leach stated it is a Code violation; that an ordinance was adopted and this violates it; that we cannot give permission to violate an ordinance, essentially.

Councilman Murphy the people that put out the signs on the sidewalk on Frazier, some of them spin with the wind, are they in violation.

Admin. Leach responded "yes"; that they try to police that but it is hard; that they are basically off premise advertising signs.

Councilwoman Scott clarified that it is her understanding the issue was this person wanted to put signs off his property on someone else's property in three locations that he did not own and if we allowed that, that would be a problem.

On motion of Councilman McGary, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING RICH HEINSMAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT MULTIPLE LOCATIONS ALONG THE 800 BLOCK OF HOUSTON STREET AND ITS INTERSECTION WITH EAST MARTIN LUTHER KING BOULEVARD TO INSTALL A MOVEABLE SIGN ALONG MULTIPLE PORTIONS OF THE RIGHT-OF-WAY, AS SHOWN ON THE ATTACHED MAPS AND DRAWINGS AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

Was denied.



### INCREASE PURCHASE ORDER AMOUNT

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO INCREASE THE AMOUNT OF PURCHASE ORDER NO. 505977 TO ENGINEERED SOFTWARE PRODUCTS, INC. FOR THE UPGRADE OF THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM AT THE WASTE RESOURCES DIVISION FOR AN AMOUNT OF THREE THOUSAND TWO HUNDRED SEVENTY AND 12/100 (\$3,270.12), FOR A REVISED TOTAL AMOUNT OF TWENTY THOUSAND TWO HUNDRED TWENTY AND 12/100 DOLLARS (\$20,220.12)**

Was adopted.

### ACQUISITION AND REPLACEMENT

**MR-2011-080: City of Chattanooga c/o Dan Thornton**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ACQUISITION OF 3250 8<sup>TH</sup> AVENUE AS A REPLACEMENT SITE FOR FIRE HALL #9 IN THE AMOUNT OF EIGHTY-ONE THOUSAND DOLLARS (\$81,000.00), PLUS CLOSING COSTS, AND AUTHORIZING THE FIRE CHIEF TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY**

Was adopted.

### COMPREHENSIVE REGIONAL GROWTH PLAN

Councilwoman Robinson asked who will lead this discussion, public works or who will convene this.

Mayor Littlefield stated the regional plan is being conducted primarily by the development district and the Chamber of Commerce, but we would be party to it, of course.

Councilwoman Berz stated she is for this and asked if the \$500,000 is the total amount and asked if there is it a certain amount each year.

John Bridger, Executive Director of the Regional Planning Agency (RPA), stated it will be one-third of \$500,000 each year.

Councilwoman Berz asked if we can commit future Councils to that whole \$500,000. Mayor Littlefield responded "yes".

**COMPREHENSIVE REGIONAL GROWTH PLAN**  
**(Continued)**

Councilman McGary asked if this was the issue we dealt with last year in regard to the public art funding as to organizations being held liable, City Council that is, to fund organizations in perpetuity; that the answer we got last year was loud and clear we cannot do that – that we cannot obligate future Councils to a final decision today unless we want to reverse the decision we got last year.

Mayor Littlefield stated this is a resolution and an indication of intent, that we do not have the item budget, yet. He stated the Council is safe to project that over the next three years we will put \$500,000 into this and there are a lot of “if’s” yet to be seen -- will be get the federal funds and such and will the private sector raise theirs; that it is an indication we are in and expects the county will follow suit, as well.

Councilwoman Berz asked if it is more appropriate to authorize up to \$500,000 for the next three years; that it makes it a little cleaner.

At this point City Attorney Noblett made the correction of the caption in open meeting.

Councilman Benson called for the question.

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING UP TO FIVE HUNDRED THOUSAND  
 DOLLARS (\$500,000.00) IN LOCAL MATCHING FUNDS FOR THE  
 DEVELOPMENT OF A FORTY (40) YEAR COMPREHENSIVE GREATER  
 CHATTANOOGA REGIONAL GROWTH PLAN**

Was adopted; Councilwoman Scott voted “no”.

**INTERLOCAL AGREEMENT**

On motion of Councilman Murphy, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
 INTERLOCAL AGREEMENT WITH HAMILTON COUNTY TO PROVIDE FOR  
 JOINT FUNDING OF THE CHATTANOOGA-HAMILTON COUNTY  
 REGIONAL PLANNING COMMISSION FOR THE NEXT FIVE (5) YEARS**

Was adopted; Councilwoman Scott voted “no”.

### OVERTIME

Overtime for the weeks ending June 30, 2011 (\$61,209.80) and July 7, 2011 (\$14,995.68) totaled \$76,205.48.

(Councilmen Gilbert and Robinson excused themselves from the meeting at this point).

### PERSONNEL

The following personnel matters were reported for the various departments:

#### CHATTANOOGA HUMAN SERVICES:

- **CAROLINE SHAW** – Termination, Teacher, Child Care, effective June 24, 2011.

#### INFORMATION SYSTEMS

- **TIMOTHY GOINS** – Termination, Programmer 1, effective July 8, 2011.

#### CHATTANOOGA POLICE DEPARTMENT:

- **JEREMY WILLIAMS** – Suspension (28 days without pay), Police Officer 1, effective June 29 – July 26, 2011.
- **PHYLISS GRASHAM** – Retirement, Personnel Assistant, effective June 30, 2011.
- **MICHAEL WILLIAMS** – Retirement, Deputy Police Chief, effective July 4, 2011.

#### PARKS AND RECREATION:

- **MARCUS HULSEY** – Resignation, Recreation Program Coordinator, effective June 23, 2011.

**PERSONNEL (Continued)**

- **DAVID ROSE** – Resignation, Park Ranger, effective June 20, 2011.
- **JOYCE TEAL** – Hire, Recreation Specialist, Range 9, \$26,798.00 annually, effective June 30, 2011.
- **JAMIE CHRISTOPHER** – Hire, Park Ranger, Range 4, \$22,350.00 annually, effective July 8, 2011.
- **CHRIS RUSSELL** – Hire, Crew Worker 2, Range 4, \$22,350.00 annually, effective July 8, 2011.

**PUBLIC WORKS:**

- **MARK HEINZER** – Promotion, Senior Engineer, Engineering, Range 25, \$58,496.00 annually, effective June 17, 2011.
- **JESSE THORNTON** – Suspension (15 days without pay), Equipment Operator 3, City Wide Services, effective June 22 – July 12, 2011.
- **HERANA ROBINSON, SR., JAMES WEISS** – Suspension (15 days without pay), Crew Worker 1, City Wide Services, effective June 22 – July 12, 2011.
- **JAMES MURPHY** – Termination, Crew Worker 2, effective June 23, 2011.
- **RANDALL CARD** – Resignation, Plans Review Specialist 2, Land Development, effective June 30, 2011.
- **RICK TOTH** – Suspension (3 days without pay), General Supervisor, Waste Resources, effective June 27 -29, 2011.

**HOTEL PERMITS**

On motion of Councilman McGary, seconded by Councilman Murphy, the following hotel permit was approved:

**SUPER 8 MOTEL** – 20 Birmingham Highway, Chattanooga, TN

### DONATION

Councilman Murphy stated Admin. Crutchfield did not have a number for the Council the last time and asked her to come forward and publicly brag about it because she brought a lot of value to this city and kudos and a dollar amount should be given!

Admin. Crutchfield stated the donation for the screen projector that was installed at the Soldiers and Sailors Memorial Auditorium in the auditorium that debuted for the Patriotic Concert the end of June was \$10,000.00 and the information was distributed via the Council Clerk.

### PURCHASES

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

#### PUBLIC WORKS:

#### UNIVERSAL SERVICE, INC. (Lowest and best bid)

42908/301087

Blanket Contract for Special Tank and Line Cleaning Services

\$160,000.00 – Annual approximation

#### FIMCO SERVICES (Lower and better bid)

42327/301036

Blanket Contract for Painting and Related Surface Preparation Services

\$200,000.00 – Annual approximation

#### PATTERSON PUMP COMPANY (Sole source)

44190

Purchase of Restoration of Four Patterson Pump Impellers and Housings per TCA 6-56-304.2

\$65,000.00

**PURCHASES (Continued)**

**TR MOORE & ASSOCIATES (Only bid meeting specifications)**  
**42108/301033**

Blanket Contract for Traffic Control Services

\$15,000.00 – Annual approximation

**PROMETRIC, INC. (Best interest of the City of Chattanooga)**  
**R43261**

Payment of Invoice for Testing of Applicants for Electrical License

\$11,040.00

GENERAL SERVICES:

**SOUTHERN PUMP & TANK**  
**R44765**

Purchase of Fueling Station Repair Labor (*Outstanding invoice; From June 2020-June 2011 a total of \$14,498.41 was paid to Southern Pump by 29 requisitions for repair work; requisition 44765 was submitted to pay \$325.73 for additional fueling station repair work.*)

\$325.73

**CRYSTAL SPRINGS WATER**  
**36059/506890**

Increase of the Blanket Contract for City Wide Water Coolers and Water

\$25,000.00 – Annual estimation

PARKS AND RECREATION:

**PRO CHEMICAL PRODUCTS, INC. (Lowest and best bid)**  
**43444**

Blanket Contract for Sodium Hypochlorite & Muriatic Acid for Pools

\$25,000.00 – Annual approximation

### BOARD REAPPOINTMENTS

On motion of Councilman Murphy, seconded by Councilman Benson, the following Board reappointments were approved:

#### BEER AND WRECKER BOARD:

- Reappointment of **RONALD W. SMITH** as District 6 appointment for a three year term expiring August 1, 2014.

#### SIGN APPEALS BOARD:

- Reappointment of **BRAD ALLEN** as District 4 appointee for a three year term expiring July 31, 2014.

### TMCC INFORMATION CLARIFICATION

**Councilman McGary** stated for the purpose of clarity he would like to return to the issue involving the Tennessee Multicultural Chamber (TMCC) and asked if this body would agree we would request of the TMCC the information that is being asked for via the packet received, noting page 4 of the document in reference to "thorough answers to questions 1 – 18". He made the **motion that the Council would make a formal statement that these are the answers we are looking for, answers to in lieu of funding for the TMCC, and we request the answers in a week's time; Councilman Murphy seconded the request.**

Councilwoman Scott asked if Councilman McGary is asking for whatever the answers to those questions be the full information we get because it does not include the audit for last year.

**Councilman McGary** stated there are two issues – the one Councilwoman Scott raised in reference to all the required information for the actual approval which is a separate issue. He stated he is asking in regard to the questions that were raised in order to get answers, he would like that to be limited to the 18 questions. He stated his fear is if we do not have some sort of delimiter there will not be any resolution and asked if all can agree that the 18 questions we would like to have answers to; however, if Councilwoman Scott's concern is for the audit, as well, it can be included in the motion and included it. He **amended the motion to include the audit and the answers to the 18 questions.**

**TMCC INFORMATION CLARIFICATION (Continued)**

Councilwoman Scott stated she really has not read the information and has not had time to read it from end-to-end and would be hesitant to say those specific questions would be all the ones that she would want to have answered; that she feels uncomfortable with that.

Chairman Ladd stated Councilwoman Scott could vote "no" on the motion and the motion would fail as there are only five Council members present at the time. (Councilman Benson returned to his seat on the dais at this point bringing the total to six Council members present.)

**Councilman McGary** stated if we receive the audit and the answers to the 18 questions is not automatically a "green light" and is not his motion; **that his motion is that we as a body are saying these are the 18 questions we want answered and we want the audit. He stated once we have that information we will then take the next step, but without that information all bets are off and that is his motion.**

Councilwoman Scott again stated she has not read all the questions.

With Councilman Benson rejoining the meeting, Councilman McGary repeated his motion for the purpose of clarity by asking if we as a body can agree we are requesting the TMCC's audit which is still outstanding and of the 18 questions that were raised we would like the questions answered within a week and presented back to the body.

Councilman Benson stated as long as a few other questions can be asked as we need to address the salary situation which concerns him.

Chairman Ladd stated that is one of the questions.

On roll call vote on Councilmen McGary and Murphy's motion and second:

<b>MCGARY</b>	<b>YES</b>
<b>MURPHY</b>	<b>YES</b>
<b>SCOTT</b>	<b>NO</b>
<b>BENSON</b>	<b>YES</b>
<b>BERZ</b>	<b>YES</b>



TMCC INFORMATION CLARIFICATION (Continued)

LADD

YES

The motion carried.

BEER BOARD ORDINANCE

Councilwoman Scott a while back we talked about reviewing the Beer Board Ordinance just to see if it is still up-to-date or needs to be tweaked and suggested two meeting times; that Councilmen Berz and McGary volunteered to be on that and asked if July 21 from 11 a.m. – 1 p.m. would be an agreeable date. Councilwoman Berz noted she would be in Philadelphia.

Councilwoman Scott then suggested August 4 from 11 a.m. – 1 p.m. Councilman McGary asked if the time could be moved to reflect 10 a.m. – 12 p.m.

Councilwoman Scott stated another day might need to be researched and noted the reason she started with the two dates was because it was her thought the Beer Board members could be included, noting they meet at 9 a.m. and their meetings are normally one-to-two hours and they and the City Attorney, who sits in on their meetings, could join. The Clerk of Council reminded Councilwoman Scott that the Beer Board meets on the first and third Thursdays of the month.

Councilwoman Scott then recommended meeting August 18. Chairman Ladd asked that the matter of scheduling dates be handled electronically. Councilwoman Scott stated that she needs the City Attorney on this one and wanted to make sure as Council members will be meeting to talk about this issue and that it was done under “sunshine” by announcing it in advance which is why she was looking to do it tonight, but we can still do it under “sunshine” if we go with the other date.

COMMITTEES

Councilwoman Berz stated the **Budget and Finance Committee will meet on Tuesday, July 19 from 10 a.m. – noon** to continue discussing the capital budget.

Councilman Murphy stated the **Legal and Legislative Committee will meet on Tuesday, July 19.**

### COMMITTEES (Continued)

Councilwoman Scott stated the **Personnel, Performance and Audit Review Committee will meet on Tuesday, July 19.**

### NEXT WEEK'S AGENDA

Chairman Ladd stated the agenda for next week was discussed earlier during the Agenda session.

### RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

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

### SUSAN RICH

**Susan Rich** of 1035 Cumberland Road stated Mayor Littlefield told the Council what happened to him and (she) wanted to make a public apology on the record of this body because Mayor Littlefield described it exactly as it was to work; that he and his good friend Harvey Cameron, a lawyer in Jasper and lives on Elder Mountain, Marion County, were working together to coordinate with the Mayor of Marion County to have a meeting so that all the residents of Elder Mountain could have a discussion. She stated before that could happen one resident decided to prepare a petition and circulate it among the residents of Marion County; that he intended to exclude those on the Bluff and who are residents of Marion, Hamilton and the city; that she learned about the petition through one of her partners who had moved to the Mountain and lives on Marion County who asked her about it. She asked who gave the petition to him and he responded "Bob Montague" and she then asked for a copy of the petition however he did not have it. She stated she called Harvey Cameron to get a copy however he knew nothing about it; that she then called Dr. Montague and asked for a copy however he never returned her call. She stated the first time she saw the petition was at a meeting at the fire hall on Elder Mountain where the Mayor of Marion County was there but our Mayor was not there. She stated the petition had inaccurate statements but Dr. Montague and others got residents of Marion County to sign and that nixed the meeting that she thought was going to happen with Mayor Littlefield and the Mayor of Marion County and she is embarrassed about it because the Mayor of this city was trying to do the right thing to have a meeting.

**SUSAN RICH (Continued)**

Mrs. Rich stated she wanted it put in the record as an apology. She stated she hates the question about the "services thing" and knows what she is saying makes no sense because she does not get any services, but she is a part of the city of Chattanooga and it is real important to her, as silly as it sounds, to be a resident of the city and vote in the city!

Chairman Ladd stated she has the highest degree of respect for Mrs. Rich that she sat through the whole meeting to make a clarifying point and expressed thanks to her for that. Mrs. Rich stated she wanted the Council to know she was embarrassed about what happened to our Mayor.

**JEWELL MCSPADDEN**

**Jewell McSpadden** of 1100 Gateway Avenue stated she is the resident association vice president at Gateway and referenced the withdrawing of funding from the Boynton Center and understood the Council was to vote on that this evening. She stated the Center is very important as they have a voting precinct there and it serves seven buildings which house senior residents and people who are disabled. She stated she heard funding was being withdrawn from the Boynton Senior Center and the Mary Walker Towers, also. She stated she wants some understanding on this.

Councilman McGary stated that was not on the agenda tonight. Ms. McSpadden stated that she understood it was supposed to be.

Chairman Ladd stated she does not know of any funding in the past the Council has proposed for that and asked if it is under any other organization.

**Jamie Upton** spoke from the audience and said there are several rumors and Ms. McSpadden is speaking of state funding that goes from one agency into the city and will cause some closing of some senior activity centers.

Councilman McGary stated he would speak with them afterward since it is in his district.

**JUANITA MOORE**

**Juanita Moore** of District 8 stated her concern is similar to Ms. McSpadden's; that she lives in Boynton Terrace and asked the Council to please consider this as they have nowhere else to go and being an old person their only "country club" is the Center!

**MARION LEE MARTIN FRANCIS**

**Marion Lee Martin Francis** of 952 Boynton Drive stated she moved from Richmond, Virginia after living there 28 years and came here in October and started volunteering in November; that she is happy doing that and made the residents laugh because she is a humorous person. She stated she enjoys volunteering and enjoys coming to the Council meeting to speak her piece. She stated she does not want the Center to be closed and prays that everything will work out.

**ADJOURNMENT**

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