

City Council Building
Chattanooga, Tennessee
May 29, 2012
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. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Gilbert asked for a moment of silence to acknowledge the passing of Jerry Marshall, a 27 year employee of the Parks and Recreation Department.

MINUTE APPROVAL

On motion of Councilman Rico, seconded by Councilman Murphy, the minutes of the previous meeting were approved as published and 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 24, SECTIONS 24-337, 24-338, 24-339 AND 24-340, RELATIVE
TO PERMITS FOR VALET PARKING IN METERED SPACES FOR
DOWNTOWN BUSINESSES**

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

**AMEND CITY CODE: OFFICIAL BUILDING,
RESIDENTIAL AND ENERGY CONSERVATION CODE**

Councilman McGary made the motion to take Ordinances (b) – (f) as a unit; Councilman Murphy seconded the motion; the motion carried.

On motion of Councilman McGary, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 10, SO AS TO ADOPT THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, AND THE 2009 EDITION OF THE ENERGY CONSERVATION CODE AND CERTAIN APPENDICES OF THOSE CODES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODE, RESIDENTIAL CODE AND ENERGY CONSERVATION CODE OF THE CITY OF CHATTANOOGA, AND TO AMEND SECTION 10-7 CONCERNING THE ADOPTION OF THE 2009 ANSI NATIONAL STANDARD AS THE OFFICIAL HANDICAP AND ACCESSIBILITY CODE OF THE CITY OF CHATTANOOGA

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

AMEND CITY CODE: OFFICIAL ELECTRICAL CODE

On motion of Councilman McGary, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 14, SO AS TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL ELECTRICAL CODE OF THE CITY OF CHATTANOOGA

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

AMEND CITY CODE: OFFICIAL GAS CODE

On motion of Councilman McGary, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 19, SO AS TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL GAS CODE OF THE CITY OF CHATTANOOGA

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

**AMEND CITY CODE: OFFICIAL MECHANICAL
CODE**

On motion of Councilman McGary, seconded by Councilwoman Scott,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 22.5, SO AS TO ADOPT THE 2012 EDITION OF THE
INTERNATIONAL MECHANICAL CODE AND CERTAIN APPENDICES AS
REVISED AND AMENDED AS THE OFFICIAL MECHANICAL CODE OF THE
CITY OF CHATTANOOGA**

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

AMEND CITY CODE: OFFICIAL PLUMBING CODE

On motion of Councilman McGary, seconded by Councilwoman Scott,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 27, SO AS TO ADOPT THE 2012 EDITION OF THE
INTERNATIONAL PLUMBING CODE AS REVISED AND AMENDED AS THE
OFFICIAL PLUMBING CODE OF THE CITY OF CHATTANOOGA**

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

AMEND CITY CODE

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
ARTICLE XII, STREETS AND SIDEWALKS, BY AMENDING SECTION 32-285,
"AS-BUILT" DRAWINGS**

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

INTERIM BUDGET

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF
THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND
SEPTEMBER 2012, PENDING THE ADOPTION OF THE 2012-2013 ANNUAL
BUDGET**

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

CLOSE AND ABANDON

MR-2012-031: Stringers Ridge Association c/o Michael Martin

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF TWO RIGHTS-OF-WAY OF AN UNOPENED PORTION OF WAYNE AVENUE AND THE 900 BLOCK OF WHITEHALL ROAD WITH COMCAST TO MAINTAIN THE EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

APPROPRIATION

Councilmen McGary and Gilbert made the motion to approve this request.

Councilman Benson stated it would be more businesslike to spend our taxpayers money if we would change this to a line of credit rather than a grant; that the line of credit should be based on the evidence of need as we do not know if they will even need this amount of money, yet. He stated he cannot vote for it as an outright grant.

Councilman Rico called for the question on the motion to approve.

Chairman Ladd asked if Councilman Benson is asking for an amendment or ready for the vote.

Councilman Benson stated he does not want to open it back up unless the majority agrees the line of credit would still guarantee them the income if they need it; that he does not think we should grant something above and beyond this need. He **made the motion to change the line of credit based upon the identification of a shortfall and (we) fill in the shortfall as it might just be \$8,000. Councilwoman Scott seconded the motion; the motion failed with a majority "no" vote; Councilmen Benson and Scott voted "yes".**

Councilwoman Robinson and Murphy made the motion to approve; however the motion to approve had already been made by Councilmen McGary and Gilbert.

APPROPRIATION (Continued)

On motion of Councilman McGary, seconded by Councilman Gilbert,
AN ORDINANCE APPROPRIATING UP TO AN ADDITIONAL TEN THOUSAND DOLLARS (\$10,000.00) FROM THE GENERAL FUND TO BESSIE SMITH CULTURAL CENTER FOR EXPENSES INCURRED IN ORGANIZATION AND IMPLEMENTATION OF THE 2012 BESSIE SMITH STRUT

passed second and final reading and was signed in open meeting; **Councilmen Scott and Benson voted "no"**.

AMEND CAPITAL BUDGET

On motion of Councilman Rico, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND ORDINANCE NO. 12534, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2011/2012" SO AS TO ACCEPT ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM HAMILTON COUNTY AND PROVIDE FUNDING FOR THE VISIONAIR RMS/MOBILE SOFTWARE DATABASE APPLICATION UPGRADE

passed first reading.

APPROPRIATION

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE APPROPRIATING AN ADDITIONAL FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) FROM THE GENERAL FUND TO RIVER CITY, LLC TO BE USED FOR THE SPECIFIC PURPOSE OF REPLACING WAYFINDING SIGNS IN THE CENTRAL BUSINESS DISTRICT

passed first reading.

CLOSE AND ABANDON

MR-2012-026: Greg Nye/LBYD, Inc./Health South Corporation/Rebound, LLC

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A SEWER EASEMENT WITHIN PROPERTIES LOCATED IN THE 2400 BLOCK OF MCCALLIE AND DUNCAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AMEND RESOLUTION 26943

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AMENDING RESOLUTION NO. 26943 ENTITLED, "A RESOLUTION AUTHORIZING PAYMENT TO ARTHUR J. GALLAGHER FOR RENEWAL OF PROPERTY, EQUIPMENT, AND FLEET INSURANCE FOR 2012, WHICH INCLUDES THE LIBRARY LOCATIONS, FOR AN ANNUAL PREMIUM OF THREE HUNDRED SIXTEEN THOUSAND SIXTY-ONE AND 40/100 DOLLARS (\$316,061.40)." SO AS TO INCLUDE A CONTINGENCY AMOUNT OF FIVE PERCENT (5%) OR FIFTEEN THOUSAND EIGHT HUNDRED THREE AND 07/100 DOLLARS (\$15,803.07), WHICH SHALL BE FOR YEARLY ADJUSTMENTS AS ADDITIONAL PROPERTY, EQUIPMENT, AND FLEET ITEMS ADDED TO THE INVENTORY
was adopted.

RENEW PERSONAL SERVICES CONTRACT

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE RENEWAL OF THE PERSONAL SERVICES CONTRACT FOR FISCAL YEAR 2012-2013 WITH DON SNEED D/B/A/ DON SNEED APPRAISALS AND INVESTIGATIONS TO PERFORM VEHICLE APPRAISALS AND ACCIDENT INVESTIGATIONS FOR THE CITY IN AN ESTIMATED ANNUAL AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)
was adopted.

INTENT TO ISSUE BONDS

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED THIRTY MILLION DOLLARS (\$30,000,000.00) OF THE CITY OF CHATTANOOGA, TENNESSEE FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF THE FOLLOWING: CITY HALL CAMPUS; MAINTAIN SOFTWARE CURRENT (ERP ONLY); HR PERFORMANCE MGMT, SELF SERVICE, HR SERVICE ENHANCEMENT; FIRE APPARATUS; ESIP CONNECTOR ROAD EXTENSION; ROAD IMPROVEMENT – GOODWIN DRIVE; GUNBARREL ROAD WIDENING AT MALL ENTRANCE; SHALLOWFORD ROAD WIDENING; FAIRMOUNT AVENUE; ROUNDABLE – IGOU GAP ROAD AND JENKINS ROAD; GUNBARREL ROAD – SHALLOWFORD TO STANDIFER GAP; SIDEWALKS; HIXSON RECREATION

INTENT TO ISSUE BONDS (Continued)

CENTER; ROOF REPLACEMENTS; HVAC SYSTEMS; JOHN A. PATTEN PARK (RESTROOMS); MEMORIAL AUDITORIUM & TIVOLI REPAIR & MAINTENANCE; MAIN TERRAIN ART PARK; WOOD RECYCLING OUTFALL IMPROVEMENTS; CITY YARDS OUTFALL 32; HEAVY EQUIPMENT; WPA SYSTEM; 3500 BLOCK BROAD STREET; BRIARWOOD CIRCLE; MCCUTCHEON ROAD; LEVEE CERTIFICATION & REPAIR; LID RETROFIT; FLOODPLAIN REMODELING; PRIVATE SANITARY SERVICE LATERAL REPAIR; AND ROSS'S LANDING RIVERFRONT HARDEGE REPAIRS

was adopted; Councilwoman Scott voted "no".

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE GANG TASK FORCE TO EXTEND THE CONTRACT WITH JOHN HAYES, PH.D., THROUGH THE END OF FISCAL YEAR 2012 IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00)

was adopted; Councilman McGary voted "no".

SPECIAL EXCEPTIONS PERMIT

2012-049: Paisa, Inc.

The applicant was present; there was no opposition in attendance.

Councilmen Rico and Murphy made the motion to approve this request.

Bryan Shults, Senior Planner with the Regional Planning Agency (RPA), briefed the Council on this request which has been held from May 22 noting that the original application was received on March 28; that the facility has an occupancy of 299 and the hours of operation are from 9 p.m. – 3 a.m. Tuesday through Sunday and based on the occupancy and hours of operation meets the definition of a late night entertainment facility. He stated the property is surrounded by C-2, with M-1 to the west and north and a little bit of R-1 to the north on Vance Road. An aerial view of the site was shown and Mr. Shults noted that a commercial shopping center is located across the street and further north is a professional medical center.

SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Shults noted that distance requirements are measured from the front door which has to be 750 feet away from the nearest R-1; that there are 345 feet from the front door to the nearest R-1 and the second nearest is 495 feet, noting we have to use the closest one which is 345 feet. The site plan that was submitted with the application was shown and based on the site plan and parking (it) does comply with the parking requirements of *City Code*. He stated the City Attorney's office has been working on conditions and read the following conditions:

1. *A fully operational fire suppression system shall be installed on or before October 1, 2012 and such fire suppression system shall remain operational and maintained as required by the Chattanooga Fire Marshall's Office;*
2. *No outdoor gathering places such as a deck or patio shall be permitted;*
3. *All exterior doors shall remain closed at all times except for normal ingress/egress;*
4. *Patron access to the establishment shall be from the front door only;*
5. *No amplified noise, speakers, entertainment or lighting, and the sale of food or beverages shall not be permitted outside of the business establishment;*
6. *A minimum of two (2) security officers licensed by the State of Tennessee shall be provided between the hours of 11:00 p.m. to thirty minutes (30) past the closing time of the business establishment;*
7. *The security officers shall be easily and appropriately identified as security officers;*
8. *Signs shall be placed on the premises or around the perimeter of the parking lot prohibiting loitering and solicitation;*
9. *Upon inspection by the Regulatory Bureau, of the Chattanooga Police Department, the applicant may be required to conduct a lighting study of parking lot and if necessary add additional lighting; and*
10. *Applicant shall be required to provide on-site parking in compliance with city code.*
11. *Applicant must comply with all ordinances adopted by the City Council and the failure to comply with any ordinance related to the use of this property shall be the grounds for revocation of this Special Permit.*

SPECIAL EXCEPTIONS PERMIT (Continued)

12. Applicant shall provide a 15' landscape buffer along the north property boundary which shall be planted with Evergreen trees approved by the City Forester and spaced appropriately as approved by the City Forester before operations as a late night entertainment center shall commence.

City Attorney Noblett stated the revised version item number one (1) says, "A fully operational fire suppression system shall be installed on or before October 1, 2012 and such fire suppression system shall remain operational and maintained as required by the Chattanooga Fire Marshall's Office". He stated the reason for the specific date is they have provided a contract for the installation of a fire sprinkler system for this structure that is about \$39,000 worth of cost. He stated there will be some time period in getting that in and they believe all that can be concluded by that point. He stated if it is not done then the Fire Marshall will regulate it.

Councilman Murphy stated with regard to Condition 12 it is his thought if the landscape buffer can be installed by the end of the year it is more reasonable because our Forester would not tell us to plant anything right now anyway. City Attorney Noblett noted he would amend the condition to add the date.

Atty. Kliner was present representing the applicant and indicated the applicant would remain silent unless there were questions.

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 6175 AIRWAYS BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED REPORT AND MAPS, SUBJECT TO CERTAIN CONDITIONS
was adopted as amended; Councilwoman Berz abstained.

GRANT

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A UNITED STATES DEPARTMENT OF JUSTICE BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM COMPETITIVE GRANT (CFDA #16.817) TO PROVIDE NEIGHBORHOOD REVITALIZATION PROGRAMMING, FOR AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000.00)

was adopted.

OVERTIME

Overtime for the week ending May 24, 2012 totaled \$3,710.77.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **BRENDA HAFFLEY** – Return to Duty from Family Medical Leave, Police Sergeant, effective May 14, 2012.
- **MARCIE HUBBARD** – Return to Duty from Family Medical Leave, Administrative Support Assistant 2, effective May 28, 2012.
- **LON EILDERS** – Retirement, Manager Accreditation, effective June 1, 2012.

PUBLIC WORKS DEPARTMENT:

- **KAREN PADGETT** – Hire, Civil Engineer, Engineering, Range 19, \$43,650.00 annually, effective May 18, 2012.

PARKS AND RECREATION DEPARTMENT

Admin. Zehnder also acknowledged the passing of long term city employee, Jerry Marshall, who worked as a Recreation Coordinator who passed away on Sunday and worked 27 years with the Parks and Recreation Department and prior to that with Human Service, noting that he will be greatly missed. In reporting other items he stated this past weekend was a record setting weekend at the Warner Park Pool stating that they normally have 300-500 people, but the past three days they has 1,428 people come through the doors and they could not allow some people in due to capacity limits at the pool and spray park. He stated it was a big hit as he has never seen the attendance that high and it goes back to good publicity and a good facility.

Chairman Ladd quickly added that it also goes back to a hot day!

PARKS AND RECREATION DEPARTMENT
(Continued)

Admin. Zehnder stated he is working on the World Series of Softball, noting that he received a note it is possible we could get the tournament at the end of July which could have as many as 200 teams. He brought to the Council's attention a list of city provided special events they normally do in conjunction with community partners: Pops in the Park, Movies in the Park, Bluegrass Festival, Riverfront Nights, Holiday events downtown, Heritage Park HUBfest and the Bark-in-the-Park Festival. He stated he wanted the Council to know they have that list of activities coming for the summer.

Admin. Zehnder also reported on an administrative issue, noting a lot of times when people reserve park spaces the fees are set as there is a low fee for a low number of people and higher fee for a higher number of people; that sometimes people are not always honest and give the low number they expect and provide a fee for that. He stated he has an event that has been publicized for June 2 at East Lake Park which started out as a little picnic and has turned into an event that has a flier that has been circulated and everything else; that if Council members get calls – particularly Councilman Rico – from a group that is upset because they have not charged them for the use of the park for what they are really doing, to understand it is an administrative issue that they probably should have questioned them a little bit further before actually giving them a permit for their picnic table.

Councilman Rico inquired as to who they are. Admin. Zehnder stated it is called Kids Fun Fair at East Lake Park and Felicia Phillips' name was given noting that he will share the information with Councilman Rico later. He stated sometimes they get into these things when people come across with very little information and then "blow it up" and it becomes a city wide event that is hard to control. He stated in case they come to talk to Council members about it they will know a little bit about it and (he) certainly would be happy to answer any questions.

Councilman Benson thanked Admin. Zehnder for all the work done on the HUBfest; that there were about 4,000-5,000 people there and they could not have pulled it off without the Department's help and noted that the same is true with Bark-In-the Park. He stated Heritage is close to the county line and fees are charged for use for certain groups and somewhere or another he would like for it to be made certain the fee for city residents take priority or are even reduced than it would be those out of the city.

PARKS AND RECREATION DEPARTMENT
(Continued)

Admin. Zehnder stated that can be abused also by whoever gets the application.

Councilman Benson stated he knows that and gave the example that he does not belong to Chattanooga Golf and Country Club and could not get that without going through a member; that maybe someone outside the city will draft a city resident to sign for them; that it is on the honor system and if they are dishonorable let them do that. He stated he would like to see different rates charged.

Admin. Benson stated we have rates on the fee schedule as there is a 15% reduction for city residents in the use of park and spaces; that it is for specific facilities and events.

Councilman Benson stated to at least make it a matter of record so they will know city people are paying for those parks; that not one penny of county money goes into them.

Admin. Zehnder stated Heritage Park is not exactly the case.

Councilman Benson stated that is because citizens put a lot of money into it.

Admin. Zehnder stated one County Commissioner contributed money, as well, to which Councilman Benson quickly responded "we will let him in, then"!

Councilwoman Robinson stated when we have someone reserve a facility such as East Lake and it is a much larger event that represented, what does that do to us in terms of trash collection, adequate restrooms, security and closing hours observed when our parks close. She asked what are we supposed to do.

Admin. Zehnder stated we have requirements for security when it reaches a certain number of people and they have to get police officers and pay them, as well as pay the fee and we have to make provisions for additional restrooms if there is a need. He stated we have some restrooms there but if the number of people is so high we do require they have to get additional ones. He stated these are the kinds of things that were not provided in this particular application; that we collect a deposit that is returnable only if the park is returned back to us in proper condition. He stated there are some provisions we make in those regards.

PARKS AND RECREATION DEPARTMENT
(Continued)

Councilwoman Robinson stated we know if not misrepresentation this was an event that was advertised and has gotten bigger; what are we going to do about it -- what are they going to do about it!

Admin. Zehnder stated we are going to tell them "no" which is why he is bringing it to the Council's attention as it will obviously become an issue for them.

Councilwoman Robinson stated it is already advertised for June 2, which his "just around the corner" and you just have to wonder!

PURCHASES

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

PUBLIC WORKS:

WINGFIELD SCALE CO., INC. (Lowest and best bid)
R57779/301882

Blanket Contract for Weigh Scales Services

\$10,000.00 – Annual approximation

Councilwoman Scott inquired as to where the scales will be used.

Admin. Leach stated there are three different scales systems, one at the landfill, one at the wood recycling center and one at the sewer plant.

Councilwoman Scott again asked where this is going.

Admin. Leach stated this is a contract to manage the scales and adjust them to make sure they are true and accurate as they do not want to be out-of-balance.

PURCHASES (Continued)

INFORMATION SERVICES:

DLT SOLUTIONS (Per State contract)

R56713

Purchase of Internet Application Server, Enterprise Edition Software, Update License & Support (Per State of Tennessee Contract No. 20961; TCA 6-56-304.6)

\$81,984.00

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, June 5** immediately following the Agenda Session.

Councilwoman Berz reminded Council members of the **educational session of the Budget and Finance Committee scheduled for Tuesday, June 5 from 1:00 p.m. – 3:00 p.m.** for discussion only regarding the operational budget with no particular presentations -- just educating one another about the budget.

NEXT WEEK'S AGENDA: June 5, 2012

Chairman Ladd asked if there were any questions regarding next week's agenda; being none the meeting continued.

REBECCA LITTLE

Rebecca Little of 3145 Scenic Waters Lane stated that she addressed the Council last Tuesday about the annexation of additional territory that passed; that while the city is still in non-compliance with the plan of services for Area 12 which was annexed in 1972, she is present today because there appears to be some ongoing confusion related to the statutory requirements for annexation, specifically the responsibility of the annexing municipality. She stated on Friday she read an article in the *Times-Free Press* on the ordinances that passed last week and was disturbed by a quote from one of the Councilmen related to the possibility of annexing certain other neighborhoods which was deferred.

REBECCA LITTLE (Continued)

Ms. Little stated one Councilman stated *“he heard no talk of putting them on the agenda but would support the annexations because the neighborhoods have created population density right next to Chattanooga’s borders; we have to do it, they have urbanized themselves”*. She stated she is not an attorney but the laws are written for people and should not have to be interpreted by an attorney and it seems the law does not allow a municipality to annex an area because the residents of that area have urbanized themselves. She stated it seems to say the opposite, if residents have urbanized themselves they have already provided services and infrastructure to their neighborhoods and annexation for taxation is not allowed in Tennessee Statutes; that the only criteria for annexation is directly related to the deficit as opposed to the assets of the annexed residents. She stated by definition annexation by ordinance is related to the annexing municipality’s plan and timetable for relieving the annexed areas of its infrastructural deficits or lack of urbanization.

Ms. Little continued by stating 40 years ago the city performed step one in Area 12, they identified severe deficits in Area 12, defined the areas materially retarded and carried their arguments to the Tennessee Supreme Court level in order to annex and tax the territory. She urged Council members to read the decision if they have not; that as required by Tennessee Statute and as ordered by the Tennessee Supreme Court in that decision, the city provided a seven year timetable for specific infrastructural improvements which would relieve the area of the material retardation. She stated property owners have complied with their requirements and paid their taxes but the city has not complied by providing those improvements that would mitigate the factors that allowed them to annex the area in the first place. She stated residents of Area 12 are still subject to the hazards the city has not removed as city roads north of I-24 back to the interstate remain dangerous and the city’s refusal to do road construction places elementary school children walking to Brown’s Ferry and Lookout Valley Elementary are at risk every day as she drives by them every day. She stated entering her area on O’Grady Drive is posted with signs barring trucks and limiting the gross vehicle weight to five tons prohibits the provision of almost all city services without the city violating their own prohibitions.

At this time Chairman Ladd made Ms. Little aware that her three minute time limit had expired.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, June 5, 2012 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL