

**City Council Building
Chattanooga, Tennessee
July 24, 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

Councilman Benson led everyone in attendance in the Pledge of Allegiance.

MINUTE APPROVAL

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

"TOGETHER WE CAN" SCHOLARSHIPS

Rebecca Smith of the Community Foundation was present to present the names of students who were awarded this year's "Together We Can" scholarships. She stated it is a little odd this year as the students are not present; that the presentation is normally done in June and July starts summer transition programs for the new college students and a lot of them are at their colleges preparing for their freshman year. She stated she wanted to come to thank the Council for their continued support; that she has been in her position for ten years and have watched literally hundreds of kids graduate and it is such a wonderful feeling when they come back and she sees them out and they are adults! She stated it is hard for her to believe they are adults to a certain extent but there are currently 210 students going into the 2012-13 school year; that she does not have numbers as far as graduation rates at this time because students are still turning in grades, however she informed the Council there is an 88 percent retention rate from freshman to sophomore year and that is very, very exciting and above the national average for our first generation students.

"TOGETHER WE CAN" SCHOLARSHIPS (Continued)

Ms. Smith stated without the Council's help they could not add more students and wanted the Council to know that she, along with the Community Foundation, greatly appreciate their support.

Councilwoman Berz stated her daughter Katie and Rebecca played soccer together and have grown up to be such terrific young women; that the Community Foundation is very fortunate to have her and wanted her to know she is very proud of her! Ms. Smith expressed thanks and appreciation.

Councilman Benson explained this program came about in the mid 90's when the City Schools had 22,000 students that were given over to Hamilton County and when the systems were consolidated to have one metro school system it was decided by the Council at the time to show we were not forsaking the inner city and downtown students that the city schools normally served; that this was set up as a motivational scholarship they could look forward to. He asked what percentage of the tuition is paid.

Ms. Smith stated there is not a percentage paid; that the award ranges from \$1,000 - \$3,000 depending upon the school selected; that in addition they receive federal money like PELL Grants, work study and loans, as well as some state money like the Tennessee Lottery and TESA money.

Councilman Benson stated it has been going on for at least 14 years. Ms. Smith responded "since 1992".

Councilman Benson asked if they average about 65 students a year. Ms. Smith responded "yes"; that they were a little lower this year and were able to fund 52 students.

Councilman Benson stated the original mission for this is for the city students and asked if any county students are being sent. Ms. Smith responded "no" they are not; that they have to be city residents.

Councilman Benson stated that is good; that city residents pay two taxes. Ms. Smith responded "correct".

Mayor Littlefield expressed appreciation for the program and stated he was on the Council when this program started and people do not realize it was a time before the lottery scholarships the Council had a dream of making it possible for any young person in the city to go to college if they chose to make that track.

"TOGETHER WE CAN" SCHOLARSHIPS (Continued)

Mayor Littlefield stated he loves to tell people in other parts of the country when he travels that he does not know of another program that has been as successful as this program, not because of the money it provides but because say it was replaced by the lottery scholarship; that the lottery scholarship provides money but does not provide the mentoring, the one-on-one this program provides. He stated he had the privilege of sitting on the Council a number of years when the young people would come back after they have graduated; that when they started they were shy and not sure of themselves and come back "polished" and ready to be leaders in the community. He stated if the lists of graduates of this program were read it is remarkable how far they have come and benefitted from this program; that it is not just they who benefitted but the entire community is benefitting from the program. He stated it is one of those things he looks back on and figures that was a real "win" that the City Council did and like everything else it was controversial; that we have always had the "door open" to the County if they wish to step up and increase the money that goes into the Community Foundation that we can open this program up country wide, but that has not happened so far.

Chairman Ladd thanked Ms. Smith for what she does in the program, her dedication to it and appreciation for her presence tonight.

Scholarship recipients for this year include: Dalaia Austin, Haley Baker, Heather Beatrice, Gregory Besley, Michael Bone, Tiara Boston, Attilah Brown, Marquis Chappell, Denisha Collins, Sierra Daniel, Keionta Davis, Ja'Keena Dillard, Atesha Flanagan, Jadarous Gillispie, Breanna Glenn, Kevin Hampton, Dineisha Hodge, Hussnain Javid, Thomas Jones, Tyson Jones, Cierra Lee, Taylor Lewis, Clayton Mason, III, Kenyetta McClendon, Lechere Neou, Bria Posley, Curtis Reed, Jr., Shaquillra Reynolds, Ciara Roshell, Jasmine Scruggs, Brittany Sheats, Derquazia Smartt, Ajee Smith, Njil Smith, Kourya Smith, Mekal Smith, Dominique Timmons, Alexis Walton, Chesney Wilde, Vincent Womack, Tre'Ketta Bonds, Breonna Buyck, Nikeevin Coleman Diamond Davenport Takeria Ezell, Hailey Hammonds, Brandon Hardy, Jerica Jackson, Amanda Richards, Alexis Tanksley, Jermichael Tillery and Melissa Willis.

AMEND CHARTER

Councilwoman Robinson stated she voted against this last week because of her belief that elections are the cornerstone of democracy and this provision calls into question duly held elections that have been ratified and candidates who

AMEND CHARTER (Continued)

have passed muster with the people who turn out to vote, have taken office and serving, but with this law, as it is written, find themselves subject to recall for no cause that rises to the level of having committed a criminal act, malfeasance or fraud. She stated at the heart of it that is wrong, however, we were subject to a recall effort in this community last year that, in her opinion, forced our community into court and called into question our entire process for duly electing our officials because there was never any reason for the recall other than voter dissatisfaction and people signing petitions. She stated the state law is ascendant and when we ended up being forced into court the state law did get affirmed as being the ultimate authority for recall and the *Chattanooga City Charter* did not succeed in being the basis for the recall effort. She stated what we ended up with was just chaos in our community and that was the ultimate wrong! She stated she voted "no" last week and is changing her vote this week with the hope that in joining the great majority of the Council our state legislature will look very carefully at this; that she knows it is a law of the state of Tennessee and expressed hope that our City Council can persuade them to revisit this and perhaps change state law so that in the state of Tennessee a person cannot with random signatures gathered anywhere and everywhere from anybody and everybody "fire" somebody from serving in an office to which they have been lawfully, duly elected. She stated it is her thought that is our challenge and want us to have the stability of adhering to state law in our community and for that reason is changing her vote from "no" to "yes to affirm this ordinance.

Councilwoman Berz expressed agreement with Councilwoman Robinson noting that we keep saying we are going along with state law and we have amended state law a bit; that what we have said is instead of 15 percent of the global electorate we are saying 15 percent of the registered voters in the district. She stated she fully agrees and still feels very strongly that it should be "for cause"; that the discussion came up last week about ouster and asked the City Attorney to explain the difference between "recall" and "ouster".

City Attorney McMahan stated he was asked to look up the Ouster Statute which he summarized by stating ". . . *every person holding office of trust* (which would include the Council) *whose method of removal is not set forth in the Constitution may be removed by the procedures set forth in the ouster section*". He stated the key words are ". . . *shall knowingly or willfully commit misconduct in office or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any law of the state or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken or who*

AMEND CHARTER (Continued)

shall engage in any form of illegal gambling or who shall commit any action constituting a violation of any penal statute involving moral turpitude shall forfeit such office and shall be ousted from such office". He stated interestingly enough the strong drink language probably is because the statute was written in 1915!

Councilwoman Berz stated she wanted the process. City Attorney McMahan stated the process basically is not a process of the people, it is a process of the district attorney and the state attorney general or if it were a municipal officer the city attorney bringing a lawsuit in Chancery Court saying some member of the Council is disqualified by one of the factors he just read a minute ago.

Councilwoman Berz stated it should never be taken away from the people; that the people should have a right. She stated her concern is people have the right of vote and it is unclear; that it is basically wrong that a group of people disgruntled without any cause whatsoever can put someone out of office and this is a relatively small number however not as small as some would like. She suggested that the Council consider very carefully the concept of cause; that state law does not have cause in it and basic to democracy that is wrong!

Councilwoman Scott stated it is her understanding there had to be a cause and just not a specific one required but had to be a cause listed on the petition. She stated her greatest issue with this amendment is that it speaks to registered voters versus votes cast and puts a burden in some districts which are higher than others simply because there are percentages that do not participate in elections. She stated to try and compensate for that Councilman McGary had a wonderful suggestion wherein he gave an alternate that would allow us to use either one for a low voter turnout or the other depending upon which occurred and failing that she suggested that the Council go with the 50 percent of votes cast in the prior election plus one. She stated that would be a higher percentage of the total but it would still take into consideration the fact that not all participation in all districts is the same and when we go with the state's 15 percent it is a flat number and does not take into consideration the activity of voter participation. She stated she will be voting against this.

Councilman Benson expressed agreement with the concepts of Councilwoman Berz and Robinson and noted he would be voting to approve this because we should get about our business in Chattanooga and let this get back to the state and quit spending our time and money in trying to defend a local ordinance that is contrary to the state ordinance.

AMEND CHARTER (Continued)

Councilman Benson suggested that the Council go under the state section for recall and if we do not like that we should get Gerald McCormick and others and ask for amendments. He stated we wasted a lot of money and time this past year and it was very distracting and then have the judge rule the state prevailed, let's let the state prevail and change it if it is bad.

On motion of Councilman Murphy, seconded by Councilman Rico,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO MAKE APPLICABLE STATE LAW PROVISIONS TO RECALL POPULARLY ELECTED OFFICIALS OF THE CITY OF CHATTANOOGA

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

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

The motion carried: seven (7) "yes"; two (2) "no".

CLOSE AND ABANDON

MR-2011-101: Ian Grant c/o Sartin & Grant GP

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
400 BLOCK OF WEST 22ND STREET FROM THE 2100 BLOCK OF BROAD
STREET WITH EPB, CHATTANOOGA GAS, AND AT&T 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.

CLOSE AND ABANDON

MR-2011-042: Jay Caughman

Councilwoman Robinson wanted to affirm that this is the recommendation for approval of alley 3 and denial of alleys 1 and 2 and asked the City Attorney if this ordinance is written that way. City Attorney McMahan responded "yes"; that the map attached clearly shows the proper recommendation.

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY AT THE WEST
LINE LOCATED IN THE 1600 BLOCK OF ROSSVILLE AVENUE WITH
CHATTANOOGA GAS 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.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-10-
007-202, ALTAMONT PUMP STATION RENOVATION TO HAREN
CONSTRUCTION COMPANY, IN THE AMOUNT OF SIX HUNDRED
SEVENTY-EIGHT THOUSAND DOLLARS (\$678,000.00), WITH A
CONTINGENCY AMOUNT OF SEVENTY THOUSAND DOLLARS
(\$70,000.00), FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED
FORTY-EIGHT THOUSAND DOLLARS (\$748,000.00), SUBJECT TO SRF
LOAN APPROVAL**

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2012-2013, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY, FOR A CONTRACT IN THE AMOUNT OF THREE HUNDRED THIRTY-NINE THOUSAND ONE HUNDRED EIGHTY DOLLARS (\$339,180.00)

was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH COMPETITION ATHLETIC SURFACES FOR THE RENOVATION OF THE BRAINERD COMPLEX TENNIS COURTS ON 1010 NORTH MOORE ROAD, IN AN AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND NINE HUNDRED FORTY-TWO AND 83/100 DOLLARS (\$66,942.83)

was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LITTLEJOHN ENGINEERING ASSOCIATES, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-009-101, TREMONT STREET DRAINAGE BASIN SEPARATION OF COMBINED SEWERS, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-EIGHT THOUSAND DOLLARS (\$178,000.00)

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PARTNERSHIP AGREEMENT WITH NOODLES, INC. RELATIVE TO PROJECT NO. E-05-027-801, 405 MARKET STREET STREETScape IMPROVEMENTS AND RECEIVE A DONATION IN THE AMOUNT OF FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00), FOR PROJECT RELATED COSTS
was adopted.

PAYMENT AUTHORIZATION FOR SEWER EASEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING PAYMENT TO WILLIAMS REALTY INCORPORATED AND JOSEPH V. WILLIAMS, III, FOR A SANITARY SEWER EASEMENT, RELATIVE TO RELOCATING A TWENTY-FOUR (24") INCH SANITARY SEWER EASEMENT FOR TRACT NO. 101, PROPERTY AT 23 CHEROKEE BOULEVARD, TAX MAP NO. 135E-A-013, FOR AN AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND DOLLARS (\$24,000.00)
was adopted.

AGREEMENT

Councilman Gilbert stated last week when he read the backup information he was against this but as he received more information from Beverly Johnson and spoke with Mr. Woods this area is zoned for duplexes and it is not a downzone. He stated we have opportunity for a person to build something nice; that what he has seen of Mr. Woods' work is very nice. He stated Mr. Woods is obligated for 20 years to assure this is kept up and it is a plus to have someone do that rather than someone building whatever. He stated he will vote to approve.

Chairman Ladd expressed appreciation that Councilman Gilbert checked into this for the residents and his own peace of mind.

On motion of Councilman Gilbert, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH T. L. WOODS GENERAL CONTRACTING AND TO AWARD HOMEAGAIN PROGRAM FUNDS IN THE AMOUNT OF ONE HUNDRED SIX THOUSAND DOLLARS (\$106,000.00) FOR THE PURPOSE OF CREATING SUPPORTIVE, AFFORDABLE HOUSING
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH CONCHITA VINES AND TO AWARD HOMEAGAIN PROGRAM FUNDS IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) FOR THE PURPOSE OF CREATING SUPPORTIVE, AFFORDABLE HOUSING

was adopted.

REALLOCATION

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO REALLOCATE ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED NINE DOLLARS (\$142,509.00) OF HOME PROGRAM FUNDS FROM THE CHATTANOOGA HOUSING AUTHORITY TO THE HOMEAGAIN PROGRAM

was adopted.

OVERTIME

Overtime for the week ending July 19, 2012 totaled \$13,055.20.

PERSONNEL

The following personnel matters were reported for the various departments:

NEIGHBORHOOD SERVICES:

- **SHARON MARTIN** – Hire, Administrative Support Assistant 2, Codes and Community Services, Range 7, \$24,306.00 annually, effective July 13, 2012.

CHATTANOOGA POLICE DEPARTMENT:

- **BRENDA HAFLEY** – Retirement, Police Sergeant, effective July 19, 2012.
- **JENNIFER ROBERTS** – Resignation, Police Records Technician, effective July 26, 2012.

PURCHASES

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

PUBLIC WORKS:

RED VALVE CO. INC. (Best bid)

R59797/302005

Blanket Contract FOR Elastomeric In-Line Check Valves

\$250,000.00 – Annual approximation

CEM CORPORATION (Best proposal)

R58774

Purchase of a Microwave Digestion System

\$24,989.50

(Additional Warranty Plan - \$2,895.00/year)

PARKS AND RECREATION:

ARTISANT HOMES, LLC (Lower bid)

R62173

Exterior Painting of Brainerd Golf Course Clubhouse

\$23,000.00 – Estimation

BOARD APPOINTMENTS/RE-APPOINTMENTS

Councilwoman Scott asked that the request for Messrs. Helton, Whitfield and Ballard of Signal Mountain be in a separate vote from the ones from Chattanooga and the ones from Signal Mountain.

BOARD APPOINTMENTS/RE-APPOINTMENTS
(Continued)

Councilman Benson stated that he understands what Councilwoman Scott is “driving at” and has some of the same concerns; that he does not know where it is going to end as some of these people live out of the city. He inquired as to the criteria needed for placement on the board; that we might start putting people on boards that live in Rossville or other places. He stated we ought to be able to find people who live in the city and knows there are some specialists’ needs and sometimes we might need to go out of the city to get a board member, but it is his hope all possibilities will be exhausted within the city limits before we do that. He stated there might be four – three from Signal Mountain and one from Hixson and knows portions of Hixson are in the county, too. He inquired as to the Hixson address. Admin. Madison stated the address is 217 Roberts Mill Road. Chairman Ladd stated that is considered in Falling Water.

Councilman Benson stated that is county, too; that we have been through this before and everyone knows how he feels about it; that he agrees with Councilwoman Scott about this.

Mayor Littlefield stated most of these are re-appointments and they are specialist building trades and not an easy committee; that Kenny Smith is one of the appointees who live in East Ridge and everyone knows him as he is IBEW trained and all of these folks deserve to be reappointed.

Gary Hilbert stated he understands the Council’s concerns but all of these people have businesses located inside the city. He stated we have a really hard time filling this board as there are very specific *Code* requirements as to who can be on the board and what they must do; that he is trying to follow the *Code*.

Councilman Benson stated Mr. Hilbert knew how to hit him because Kenny Smith was one of his students when he was principal; that Kenny was raised in Chattanooga and lives in East Ridge now. He stated he knows there are extenuating circumstances and will put a little faith in Mr. Hilbert; that he knows he is trying to get them in the city but wish he could do better in the future.

Councilman Rico called for the question.

Councilman McGary inquired as to the Mayor’s comments and asked if the precedence is whether they have a business in the community and it does not matter where they live.

BOARD APPOINTMENTS/RE-APPOINTMENTS
(Continued)

Mayor Littlefield stated on this particular board their business interest is in the city and this is a business oriented board.

Councilman McGary inquired as to the total number on the Board and the number living outside the city. Mr. Hilbert responded "nine" and the three mentioned are the ones who live outside the city.

On motion of Councilman Rico, seconded by Councilman Murphy, the following Board re-appointments were approved:

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS:

- Re-appointment of ***KENNY SMITH*** as the Electrical Contractor as required by City Code for a four year term expiring February 25, 2016.
- Re-appointment of ***MIKE WEBB*** as the HVAC Contractor as required by City Code for a four year term expiring on February 26, 2016.
- Re-appointment of ***DON BLANKENSHIP*** as the Plumbing Contractor as required by City Code for a four year term expiring August 26, 2016.
- Re-appointment of ***ROBERT G. WADE*** as the Fire Specialist as required by City Code for a four year term expiring August 26, 2016.
- Reappointment of ***JAMES B. WALKER*** as the Electrical Engineer as required by City Code for a four year term expiring August 26, 2016.

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS:

On motion of Councilman Berz, seconded by Councilman Rico, the following Board appointment/re-appointments were approved; **Councilwoman Scott voted "no"**:

- Re-appointment of ***JAMES F. BALLARD*** as the Building Supply Dealer as required by City Code for a four year term expiring May 9, 2015.
- Appointment of ***EDDIE HELTON*** as the General Contractor as required by City Code to complete the unexpired term created by the death of Joe Sliger for a term expiring July 7, 2013.

BOARD APPOINTMENTS/RE-APPOINTMENTS
(Continued)

- Re-appointment of ***PHIL WHITFIELD*** as the Architect as required by City Code for a four year term expiring February 18, 2016.

BOARD OF MECHANICAL EXAMINERS:

On motion of Councilman Murphy, seconded by Councilman Rico, the following Board appointment was approved:

- Appointment of ***SCOTT MCKENZIE*** as the Mechanical Engineer for a four year term expiring September 9, 2016.

STORM WATER BOARD:

On motion of Councilman Murphy, seconded by Councilman Rico, the following Board appointment was approved:

- Appointment of ***JACK D. RICH*** as the Educator for a four year term expiring February 15, 2015.

Councilman McGary stated if we have concerns about individuals living outside the city boundaries we might consider the boards being constituted by a certain ratio of city residents so there is a possible 2/3 of the board being city residents, therefore there would be some flexibility and might get around this issue of boards being dominated having individuals that live a certain distance away; that this might be something worthy of consideration.

MAPLE HILLS GRAND OPENING

Councilman Murphy thanked Mayor Littlefield and his administration noting that he was very proud to go the grand opening of Maple Hill this last week; that he is very, very proud our city worked so well and diligently. He stated Mrs. Johnson's office and Public Works helped to make that redevelopment possible and it really is a beautiful place. He stated he knows Mrs. Johnson was present, as well as Councilman Rico and Mr. Beeland and that is the direction that public housing needs to go in our community; that it is a public/private partnership.

MAPLE HILLS GRAND OPENING (Continued)

Councilman Murphy stated in his brief comments he mentioned public/private partnerships do work and continue to work; that some people think they work even away from the riverfront! He "tipped his hat" to Mayor Littlefield and his administration and was proud the Council "got out of the way".

PARKS AND RECREATION MASTER PLAN

Councilman Gilbert made the audience aware that the master plan committee for parks and recreation has begun meeting and encouraged everyone to participate and give their opinions.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, June 31** immediately following the Agenda Session.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, August 7** following Legal and Legislative.

Councilman Benson scheduled a meeting of the **Economic Development Committee for Tuesday, August 31** following Public Works.

NEXT WEEK'S AGENDA: JULY 31, 2012

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

RULES OF PROCEDURE

City Attorney McMahan read the Council's Rules of Procedure governing persons wishing to address the Council during the non-agenda portion of Council meetings.

REV. LEROY GRIFFITH

Rev. Leroy Griffith of 1115 Grove Street and President of the Westside community Association stated that it is his understanding one of the committees received and discussed a recommendation for changing zoning in the urban overlay area that the Westside has put together; that it is his understanding it might come before the next Council meeting and guaranteed there will be several people present and if there is a committee meeting sources of information can be supplied, as well.

Councilman Murphy stated the correspondence to Councilman McGary and the petition was brought to his attention, is in Council members' mailboxes, a copy in the Clerk's office and copy has been sent through interoffice to the Mayor. He stated the next Legal and Legislative Committee will be devoted to topics Councilwoman Scott has wanted to take up for more than a month and it will be the next regularly scheduled Legal and Legislative Committee after that, probably about a month. He asked Rev. Griffith to leave his number so he could communicate with him in reference to when the matter would be discussed.

Councilman McGary inquired as to the number of individuals who would speak. Rev. Griffith stated he cannot be sure; that he will be one of the speakers. He stated if the matter gets to the Council meeting there will be several people present to observe whether the Council agrees or not; that there will probably be two or three other people and a couple attorneys who specialize in zoning.

Councilman McGary suggested that Rev. Griffith communicate how many people are to speak and get it clear with the Committee Chair. Rev. Griffith expressed his thanks and noted he would be happy to do so.

STEPHEN WEST

Stephen West of 5280 Rotary Drive stated he was present on behalf of the employees noting that the Council passed a budget of three percent and a letter that is going around indicates everyone is not getting the three percent if they are "maxed out" at their jobs. He stated the Council passed it on the assumption that everyone would get the three percent; that there are some guys who are not getting it because they are "maxed out" at the top grade of their salary. He stated the way the Council voted was across-the-board; that he is not blaming Mrs. Madison or anyone in administration because it was a good raise since they have not had one in awhile.

STEPHEN WEST (Continued)

Mr. West stated the Council needs to look into it as it is not fair to those guys; that they are working in the sun, heat and snow like everyone else and this needs to be looked into because it is not across-the-board for the people who are "maxed out". He distributed a copy of the letter from administration given to those not receiving the raise.

Councilman Gilbert stated he was under the assumption it was voted across-the-board that all general services would receive a three percent with no exceptions which was what he heard during the budget committee sessions.

Councilman Benson expressed concern, as well; that the longevity was increased \$25.00 more which makes it \$75.00 rather \$50.00. Mr. West stated he would not know that until December when the longevity is given.

Councilman Benson stated that is a raise. He stated for someone that is at maximum and if we went across-the-board in the city . . . Mr. West completed the sentence by stating "they are not getting it because they are at the top grade of their pay".

Councilman Benson quickly stated he blames Councilwoman Berz which drew a round of laughter!

Mr. West stated he is not passing blame; that it is probably an oversight.

Councilwoman Berz stated this is the first time she is hearing this; that if she is looking like a "deer in the headlights" she was led to believe it was three percent across-the-board and that is what the Council put forward and voted on.

Mr. West stated some on the Council make more than some of the guys in Public Works and that is a hard swallow because there are some guys who do not make \$24,000 a year.

Councilwoman Robinson stated she became aware of this when someone who lives in District 2 contacted her about it that has been with public works for a long time; that she was dismayed when he was not given the three percent. She stated he has been with the city so long he is at the top of the pay grade for that particular position and she did not know what to say to him and felt badly about it. She stated he has been a loyal employee of this city for so long and it throws us into this whole anomaly thing that comes around to haunt us; that she did not know how to answer him.

STEPHEN WEST

Mr. West stated the Council voted on the three percent across-the-board and they did not say there would be a top out pay or anything; that all at the top should get their three percent; that a lot of administrators got their three percent because they do not have a top out pay!

Councilman Murphy stated from his understanding from the committee discussions it was not a cost of living raise but it was because we had some money in the budget and it had been so long before general employees got a raise that it was acknowledgement of the increased cost of living; that perhaps it is a technical issue we need to address pay ranges for some positions and noticed somebody who matters nodding behind Mr. West. He stated he will punt with that one!

Councilman McGary stated if this is not what the Council voted on and the language before us now, he asked the City Attorney what it takes to strike this language so we are in accord with what we voted on.

City Attorney McMahan stated as he recalled the budget ordinance itself has a clause that says something to the effect three percent unless they are at the top of pay grade; that the ordinance itself did include those folks, whether it was purposeful or not he does not know

Councilman McGary stated that issue was never brought up in our discussions and we had a month or more where we discussed this; that he finds it somewhat incredulous that we are now being told this is what the language was. He asked if we want to strike this from the language to adopt what we believed we were actually doing what is the process.

City Attorney McMahan stated Mrs. Madison or someone needs tell how much money it would take and then we can amend the budget ordinance but would need to attach some money to it.

Mayor Littlefield stated everyone knows he is a big defender of public works and understands this situation; that we will always have individuals who are "maxed out" and it is always problematic. He stated this is the first he has heard about this situation and will have to look into exactly how many people were affected and what their status is. He stated they will do that but in looking at Donna Kelly and Daisy Madison and others when we get into tampering with the pay plan in general we create those things that we have to deal with called anomalies which can be very troublesome.

STEPHEN WEST (Continued)

Mayor Littlefield asked that he be given a week or so to sort this out and see what the effect is, the unintended consequence. He stated if there are relatively few people and not a major upsetting situation where if we move a person up that is already "maxed out" in a pay grade it can put them over a person who is actually in a higher pay grade. He stated he will see how that would play out and will come back.

Councilman Benson stated the word "anomaly" is something a lot professions are used to having to face where there is a degree difference; that when he was a principal some of the teachers made more and he did not mind; that we will have to live with some anomalies if it means giving somebody a rightful raise that we thought we were doing.

Mayor Littlefield expressed agreement; that the concept of a person who is working at a lower grade, a job that generally pays lower and they have advanced to the point they are overlapping into the next category, is something he thinks we should get comfortable with. He stated he formerly worked for Research Triangle and there were people who made a lot more than their supervisors and was fairly normal, but that is not the way it is done here and people get very upset when all of a sudden a person they consider at a job they consider at a lower job is making more than them. He stated he would look to see how many are affected and the overall effect of adjusting that would be.

Councilman Gilbert stated if everyone was making what they are making now and everyone received the three percent there would not be an anomaly; that everything gets raised up so we will not have that.

Mayor Littlefield stated it sounds that way but sometimes it does not work that way; that three percent of one number is not the same as three percent of another.

Councilman McGary stated he understands the administration's desire to look into the numbers; that he is somewhat surprised that the numbers were not originally included in the proposal that was given to the Council at the beginning. He stated a man or woman is only as good as their word and if this Council has already voted there would be a three percent across-the-board it is his thought that is what we are beholden to. He stated if administration is saying they need to go back and crunch numbers, please do so, but as a Council he does not think the "ball is in their (administration's) court"; it is his thought the "ball is in this Council's court" because we are the ones who oversee the budget.

STEPHEN WEST (Continued)

Councilman McGary stated if the Council wants to make the directive that we seek to uphold our word and have a three percent across-the-board and ask administration to make that happen that is a totally different proposition than simply saying we will crunch numbers and come back with a report.

Mayor Littlefield stated administration has applied the ordinance adopted by the Council and if the language is not what the Council prefers the Council needs to go back and amend the language in which case the administration will take care of it.

Councilman McGary asked how we strike the language to reflect what this body voted on.

Chairman Ladd stated we will get information that will help us all and it will be critical to know what we are talking about. She stated if we need to make changes we put that change of the amount into what we need to vote on which is a critical first step and we had a commitment that will occur and let's let that happen. She asked Mrs. Madison if she wanted to address the Council about this matter.

Admin. Madison stated she did not think it would be useful at this point.

Chairman Ladd stated we have a commitment to look at this and as we get more information we will know how the Council wants to handle it going forward. She thanked Mr. West for bringing this matter to the Council's attention.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, July 31, 2012 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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