

City Council Building  
Chattanooga, Tennessee  
October 30, 2007  
6:00 p.m.

Vice Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Gaines, Pierce, Rico and Robinson; Councilmen Franklin was out of the city on business; Councilman Page was out of the country on business in Chattanooga's sister city, Wuxi, China. City Attorney Randall Nelson, Council Attorney Roger Dickson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

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

Following the Pledge of Allegiance, Vice Chairman Bennett gave invocation.

#### **MINUTE APPROVAL**

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

#### **FRANCHISE**

On motion of Councilman Benson, seconded by Councilman Pierce,  
**AN ORDINANCE GRANTING UNTO COVISTA COMMUNICATIONS A  
FRANCHISE FOR A LARGER AREA THAN PROVIDED IN ORDINANCE  
NO. 11859 TO INSTALL AND MAINTAIN FIBER OPTIC CABLES IN RIGHTS-  
OF-WAY IN THE CITY OF CHATTANOOGA AS DESCRIBED HEREIN TO  
PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO CERTAIN  
CONDITIONS**

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

### APPROPRIATION

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE CHATTANOOGA WOMEN'S LEADERSHIP INSTITUTE, A NON PROFIT ORGANIZATION, THE AMOUNT OF ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00) AS A SPONSORSHIP FOR THE THIRD ANNUAL LEADERSHIP ADDRESS TO THE COMMUNITY DINNER, NOVEMBER 6, 2007**

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

### APPROPRIATION

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE CHATTANOOGA REGIONAL HISTORY MUSEUM, A NON PROFIT ORGANIZATION, THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) AS A SPONSORSHIP FOR THE HISTORY MAKERS' LUNCHEON TO BE HELD ON NOVEMBER 14, 2007**

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

### CLOSE AND ABANDON

**MR-2007-076: Kenneth Hicks**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A SANITARY SEWER EASEMENT LOCATED AT 4816 ELDRIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

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

### AMEND ORDINANCE NO. 11994

Vice Chairman Bennett stated that she had questions last week and called on Atty. Roger Dickson to advise her. She stated three questions were asked: first, what is the best way this Council should receive information on this matter. She stated instead of holding an attorney/client meeting Atty. Dickson met with us individually so there would be no question about "sunshine" in this matter as we want to handle this business properly.

## AMEND ORDINANCE NO. 11994 (Continued)

Vice Chairman Bennett stated secondly, Atty. Dickson was asked to advise the Council on the ordinance that was submitted on a very short notice. She asked him to render his opinion to have time for discussion and decide how it should be handled before it is read on second reading. Third, Atty. Dickson was asked to assist in addressing the Mayor's action and how the Council could best respond in a constitutional way. She expressed thanks to Atty. Dickson on behalf of the Council and asked for his response.

Atty. Roger Dickson stated that it has been an interesting week and with respect to the ordinance itself, there are some timing issues; that it takes two readings and then another two weeks before the Mayor would sign, veto or fail to sign. He stated thinking-wise in order to do what the ordinance was attempting to do to change some hiring procedures or change the *City Code* could not be done in a timely fashion so as to have any effect on anything done within the next week or so, which is the biggest problem with the ordinance. He stated that he knows Councilman Pierce said timing is of the essence and he was absolutely correct that it was of essence but too late by the time we got started. He stated with respect to the ordinance that it is his opinion that it has timing issues and probably insurmountable.

Atty Dickson continued by stating secondly, with respect to whether or not the Mayor takes action he has said he is going to take, the question would be whether or not Ms. Rutherford would be qualified for post-separation health and hospitalization benefits. He stated that he looked at the *Code* and has shared his feeling with each Council member and (he) does not believe she would be eligible under the *Code* for the post-separation health benefits the Mayor has articulated as a reason he is going to take action that he says he is going to take. He stated that being the case, the purpose of the ordinance may be served without the ordinance having to be read on the second occasion and either becoming law or vetoed by the Mayor. He stated that is a quick opinion, but his thoughts.

**Councilman Pierce** stated that he would like to express appreciation to the Council for what they did last week; that he did go to the extent to have an ordinance ready, which was done hastily because he felt the Council was "working against the clock". He stated since then the Council has obtained counsel who has gone over the ordinance very thoroughly and recommended to us what he thinks would be the best avenue and all are in agreement. He **stated in light of what counsel has advised, he would like to withdraw the ordinance; Councilman Benson seconded the motion; the motion carried.**

On motion of Councilman Pierce, seconded by Councilman Benson,  
**AN ORDINANCE, AMENDING ORDINANCE NO. 11994, ALSO KNOWN  
AS "THE FISCAL YEAR 2007-2008 BUDGET ORDINANCE" TO PROHIBIT  
THE EMPLOYMENT DURING FISCAL YEAR 2007-2008 OF ANY PERSON  
WHO HAS RESIGNED FROM AN OFFICE OF THE CITY OF  
CHATTANOOGA AFTER AN OUSTER SUIT HAS BEEN FILED AGAINST  
SUCH PERSON**  
was withdrawn.

### POST-SEPARATION BENEFITS

Councilman Pierce stated that Atty. Dickson has prepared a resolution and made the motion to have it added to the agenda at this time; Councilwoman Gaines seconded the motion; the motion carried.

Councilman Benson expressed concern with regard to the matter having two readings.

Councilman Pierce clarified that this is a Resolution for tonight.

Atty. Dickson asked for clarification that a Resolution requires only one reading. City Attorney Nelson nodded his head affirmatively.

At this point the Clerk of Council read the Resolution in its entirety, which has been spread upon the minutes.

### **A RESOLUTION REGARDING CITY POST-SEPARATION HEALTH AND HOSPITALIZATION BENEFITS**

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**WHEREAS** on September 25, 2007, the City Attorney, acting on citizen complaints and after conducting an investigation, filed an ouster suit against then-City Councilwoman Marti Rutherford in Hamilton County Chancery Court alleging that she (1) violated state election law by filing a false petition and statement of candidacy, (2) illegally registered to vote in a district in which she did not live, (3) committed official misconduct by assuming her seat on the City Council when she was ineligible to do so, and (4) committed official misconduct by failing to maintain her residence in District 6 and failing to vacate her office; and

## POST-SEPARATION BENEFITS (Continued)

**WHEREAS** on October 1, 2007, Ms. Rutherford voluntarily resigned her seat as the representative of District 6 on the City Council, and declared, both to the public and to the City Council Chairman, that her resignation was effective immediately; and

**WHEREAS** Mayor Ron Littlefield, through his spokesman, publicly acknowledged that the issues regarding Ms. Rutherford's eligibility to be a member of the City Council is "a council issue and not an issue for the mayor to address;" and

**WHEREAS** the City Council, at two consecutive meetings, acknowledged Ms. Rutherford's resignation effective October 1, 2007; and

**WHEREAS** the Mayor has announced his intention to hire Ms. Rutherford as a City employee from November 1 to November 3, 2007, so that, in his view, Ms. Rutherford will become eligible for City post-separation health and hospitalization benefits; and

**WHEREAS** the *City Code* sections concerning post-separation benefits are designed to achieve consistency in the provision of such benefits among City officials and employees and to establish uniform categories of City officials and employees who are eligible to receive post-separation benefits based on their age and years of service to the City; and

**WHEREAS** the Chattanooga City Charter, in granting executive power to the Mayor, mandates he uphold and enforce the laws of the City, specifically the Chattanooga City Code; and

**WHEREAS** it is the City Council's opinion that under the relevant provisions of the Chattanooga City Code, Ms. Rutherford is ineligible to receive post-separation health and hospitalization benefits at this time, whether or not she is hired and employed under the Mayor's plan; and

**WHEREAS** Ms. Rutherford is not entitled to receive City post-separation benefits because she chose to resign her seat under allegations of official misconduct and at a time when she was ineligible to receive such benefits; and

**POST-SEPARATION BENEFITS (Continued)**

**WHEREAS** the City Council does not believe that any elected official who resigned their office during the pendency of an ouster suit alleging official misconduct and questioning the validity of their election should be granted the preferential treatment of being hired for a three-day period of "employment" in an effort, however ineffectual, to provide such former elected official with taxpayer-funded post-separation benefits; and

**WHEREAS** Mayor Littlefield issued a press release erroneously accusing the Members of the City Council of acting with inappropriate motives and working to "strip" Ms. Rutherford of post-separation benefits for which she is not now, and cannot become, eligible when, in fact, the City Council has sought nothing more than to ensure that the post-separation benefits provisions of the Chattanooga City Code are interpreted and enforced in a fair, non-biased, reasonable, and consistent manner.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE,** that the City Council hereby declares its disagreement with Mayor Ron Littlefield regarding his determined course of action to hire former City Councilwoman Marti Rutherford so that, in Mayor Littlefield's view, Ms. Rutherford will become eligible to receive post-separation benefits under the City of Chattanooga's self-insured health and hospitalization benefit program.

**BE IT FURTHER RESOLVED** that the City Council believes that the plain meaning of the Chattanooga City Code excludes Ms. Rutherford from eligibility to receive post-separation benefits under the City of Chattanooga's self-insured health and hospitalization benefit program regardless of whether Mayor Littlefield hires her as a City employee.

**BE IT FURTHER RESOLVED** that, as always, the City Council calls upon Mayor Littlefield to see that the provisions of the Chattanooga City Code are enforced in a fair, nonbiased, reasonable, and consistent manner in accord with the executive powers granted to his office by the *Chattanooga City Charter*.

Atty. Dickson stated the post-separation health benefits provision of the *City Code* has two categories under which Ms. Rutherford might become eligible, noting that he did not think she fits under either. He stated under Section 2-150 (a)(4) she would become eligible if she is an “...*elected official sixty-two (62) years of age or more separating with ten (10) years of credited service as defined for pension purposes...*”

**POST-SEPARATION BENEFITS (Continued)**

Atty. Dickson stated that she met the qualification of ten years of credited service but at the time of separation from the City Council and from her position as a City Council member she was 61 years old and actually more than a month away from being 62, so she would not have been 62 as an elected official separating from her position and would not qualify under that provision. He stated that it is his thought what may be attempted is to then hire her as an employee of the city so that she would come under another provision which is found in Section 2-150(a)(2) which deals with employees -- not elected officials but employees -- that provides to be qualified the employee has to be “...*at least sixty-two (62) years of age and who separates after at least ten (10) consecutive years of service preceding said separation...*” He stated Ms. Rutherford would be 62 as of November 3, has only two years of service and only three days service immediately prior to her separation, so he does not think she would meet the definition of someone eligible for post-separation health insurance under with 2-150(a)(2) or (4). He stated the other provision with 25 years of service or disability pension does not apply; that there are only two places she could come under which would be the two he discussed and does not think she qualifies under either one.

On motion of Councilman Pierce, seconded by Councilman Benson,  
**A RESOLUTION REGARDING CITY POST-SEPARATION HEALTH AND HOSPITALIZATION BENEFITS**  
was adopted.

**AMEND CITY CODE**

Councilman Benson stated that this matter was discussed in the Legal and Legislative Committee and is recommended for approval. He stated this ordinance is strictly for the parks and there are a lot of people who think it is for other places. He stated the issue of private property will be discussed at next Tuesday’s Legal and Legislative Committee.

On motion of Councilman Rico, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTION 26-7, RELATIVE TO ANIMALS IN PARKS**  
passed first reading.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT A GRANT FROM THE LYNDHURST FOUNDATION IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO UNDERWRITE THE DESIGN AND INSTALLATION OF CANOE LAUNCHES ALONG THE SOUTH CHICKAMAUGA CREEK**

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MAUREEN HANDLER, CIVIL ENGINEER WITH ENVIRONMENTAL RESPONSE, TO PROVIDE CONSTRUCTION AND PROJECT MANAGEMENT SERVICES FOR A TERM OF TWELVE (12) MONTHS IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00), SUBJECT TO APPROVAL OF SAID CONTRACT BY THE CITY ATTORNEY'S OFFICE**

was adopted.

CONTRACT AMENDMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO CONTRACT NO. W-04-002-101, WASTEWATER FACILITIES UPDATE PLAN (201 PLAN), WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY SIXTY THOUSAND DOLLARS (\$60,000.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY THOUSAND DOLLARS (\$360,000.00)**

was adopted.



**CONTRACT AMENDMENT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 WITH CONSOLIDATED TECHNOLOGIES, INC. FOR ADDITIONAL ENGINEERING SERVICES RELATIVE TO THE CONTRACT FOR THE CITY LANDFILL GAS COLLECTION SYSTEM COMPONENTS IN AREA 2, WHICH AMENDMENT DECREASES THE CONTRACT AMOUNT BY FORTY-SEVEN THOUSAND SIX HUNDRED EIGHTY-THREE AND 41/100 DOLLARS (\$47,683.41), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THIRTY-SEVEN THOUSAND ONE HUNDRED NINETY-SIX AND 59/100 DOLLARS (\$37,196.59)**

was adopted.

**CONTRACT AMENDMENT**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACT WITH DR. LARRY MOORE FOR ENGINEERING SERVICES RELATIVE TO THE INTERCEPTOR SEWER SYSTEM, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND FIVE HUNDRED DOLLARS (\$15,500.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**

was adopted.

**EASEMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FROM MARWAN MOUGHRABI AND CHARLES D. HARRIS AT 2022 GODSEY LANE, PARCEL NO. 110J-A-005, TRACT NO. 06, RELATIVE TO THE NORTHPOINT BOULEVARD EXTENSION PROJECT, CONTRACT NO. E-06-006, FOR AN AMOUNT NOT TO EXCEED NINETY-SIX THOUSAND EIGHT HUNDRED SIXTY-FOUR DOLLARS (\$96,864.00)**

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING 3H GROUP HOTELS, INC. TO USE TEMPORARILY THE RIGHT-OF-WAY AT 7051 MCCUTCHEON ROAD TO KEEP EXISTING FENCE AROUND THE PROPERTY FOR SECURITY PURPOSES, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING TUNE DESIGN ARCHITECT TO USE TEMPORARILY A PORTION OF THE RENAISSANCE PARK RIGHT-OF-WAY TO CONSTRUCT FOOTINGS FOR THE PROPOSED BUILDINGS, PARKING GARAGE AND LANDSCAPING, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

GRANT

Councilman Benson stated that this matter was discussed in today's Public Works Committee meeting and on the surface it looks like \$14 million as far as the city is concerned and this is one detail that was discussed quite at length in Committee today. He stated the only thing the city has to give is in-kind service to get the \$14 million worth of benefits, working in collaboration with surrounding counties and cities.

Vice Chairman Bennett stated that this is standard communication to the region for homeland security and is an important Resolution.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT, IF APPROVED, A PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANT THROUGH THE TENNESSEE EMERGENCY MANAGEMENT AGENCY OF UP TO FOURTEEN MILLION DOLLARS (\$14,000,000.00), WITH THE STATE OF TENNESSEE FUNDING THE REQUIRED MATCH OF TWENTY PERCENT (20%), FOR THE MOBILE COMMUNICATIONS SERVICES DEPARTMENT TO ESTABLISH A REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM**  
was adopted.

## AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH  
GSL ENERGY SOLUTIONS, LLC RELATIVE TO A BIO-FUEL PROJECT AT  
SUMMIT LANDFILL**  
was adopted.

## OVERTIME

Overtime for the week ending October 26, 2007 totaled \$68,944.45.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **CARLTON W. CAMERON** – Return from Family Medical Leave, Crew Worker, City Wide Services, effective October 22, 2007.
- **PERRY T. FERGUSON** – Voluntary Demotion, ISS Project Coordinator, City Wide Services, Pay Grade 16/Step 9, \$48,874.00 annually, effective November 2, 2007.
- **RON T. RUBACK** – Hire, Crew Worker Sr., Crew Worker Sr., Waste, Pay Grade 5/Step 1, \$20,650.00 annually, effective October 5, 2007.
- **RYAN A. WARE** – Termination, Plant Operator, Waste, effective October 26, 2007.
- **STEVEN A. JORDAN** – Termination, Plant Maintenance Mechanic, Waste, effective October 19, 2007.

### CHATTANOOGA POLICE DEPARTMENT:

- **JACKIE WORTHINGTON** – Family Medical Leave (intermittent days), Communications Officer, effective October 22, 2007.
- **ADAM P. JENKINS** – Resignation, Police Officer, effective October 23, 2007.

**REJECT ALL BIDS**

On motion of Councilman Pierce, seconded by Councilman Rico, all bids were rejected on R0102020-B0004451 for an Irrigation Services Contract for the Parks and Recreation Department. Specifications will be revised and the requirement will be re-advertised.

**PURCHASES**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchases were approved for use by the Public Works Department:

**KEY JAMES BRICK & SUPPLY (Only qualified bidder)**  
**R0100441/B0004330**

Brick (*The bid submitted by General Shale Brick could not be considered for award due to a pricing error in bidding item 2 of this invitation.*)

\$998.80

**ROAD KARE (Lowest and best bid)**  
**R0103065/B0004534**

Speed Cushions

\$16,548.50

**PURCHASE**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Department of Neighborhood Services and Community Development:

**BEARD PRINTING (Lowest and best bid)**  
**R0102281/B0004465**

Newsletter Printing Services (*Contract covers both costs for not mailed and mailed out service as deemed necessary by the department*)

\$3,234.00 - Not Mailed Out

\$3,522.00 - Mailed Out

Admin. Johnson noted that the amount reflects a bi-monthly newsletter as directed by the Council.

**EMERGENCY PURCHASE**

The emergency repair of Plaster at the Tivoli Theater on R0103540 in the amount of \$10,486.00 to Goodner and Company for the Department of Education, Arts and Culture was duly reported and signed in open meeting.

**PURCHASE**

On motion of Councilman Rico, seconded by Councilman Benson, the following purchase was approved for use by the Chattanooga Fire Department:

**G & C SUPPLY (Best complete bid)**  
**R0102928/B0004437**

Fire Fighter Protective Clothing (*Southern Emergency Products, Great Lakes Emergency Products, Samson Industrial and Tennessee Fire Equipment submitted the lowest bids, however, each bid was incomplete and not considered for award. Equipment Management submitted a lower bid than G & C Supply, but the pants and jackets offered by this bidder failed to meet specifications.*)

\$178,440.00

**HOTEL PERMITS**

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following hotel permits were approved:

**MAYOR'S MANSION INN** – 801 Vine Street, Chattanooga, Tennessee

**HOLIDAY INN EXPRESS HOTEL & SUITES** – 3710 Modern Industries Parkway, Chattanooga, Tennessee

**COMFORT INN & SUITES** – 2431 Williams Street, Chattanooga, Tennessee

**LIQUOR LICENSE**

Admin. Madison presented an application for a liquor license for Catherine Pruet for a location at 301 Manufacturer's Road, Suite 107 in District 1. She noted that results of a background check indicated Ms. Pruet has no record.

**REFUNDS**

On motion of Councilwoman Gaines, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refunds of property tax due to Assessor’s error and full amount exemption status on personal property per SBOE, respectively:

<b>STH &amp; ASSOCIATES</b>	\$1,362.15
<b>ALEXIAN BROTHERS</b>	8,641.29

**PURCHASES**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchases were approved for use by the Mayor’s Office, General Services Division:

**SNIDER TIRE, INC. (Lowest overall bidder)**  
**R0101942/B0004457**

Tire Recapping and Repair Services

\$328,900.00

**DELL MARKETING, L.P. (Best bid)**  
**R0102264/B0004473**

Police In-Car Digital Cameras *(The lowest bidder, ICOP, is not recommended for award because they failed to meet specifications in two areas which our Police Department personnel consider critical. Those areas are the length of recording storage time and low light video capability.)*

**HEARING: STEVE HARGIS**

City Attorney Nelson reported the hearing for Steve Hargis has not been scheduled. He stated Mr. Hargis’ testimony could be used against him in Criminal Court if the hearing is set before the Council.

Councilman Rico stated that he wanted to hear him.

### HEARING: STEVE HARGIS (Continued)

Councilman Benson asked if this would be prejudicial to the main case.

City Attorney Nelson responded that it would be prejudicial to him (Hargis).

Councilman Benson stated nothing should be prejudicial to either one, the city or him.

City Attorney Nelson stated that the department has to prove he is charged with a felony and the City Code requires the person be terminated.

Councilwoman Gaines asked if Mr. Hargis has an attorney.

City Attorney Nelson responded "not to my knowledge", but for a criminal case he should.

Councilman Rico acknowledged that Mr. Hargis has an attorney.

Councilman Pierce stated if the Code says he was fired . . . Councilman Rico interjected that Mr. Hargis was fired for not following policy and procedure.

Councilman Benson stated that he did not want to serve on this case and to select three others.

City Attorney Nelson suggested that the Council put this matter off one more week in an effort to find out who the attorney is and we will them compromise.

Councilman Rico stated that he would call him (Hargis).

### COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, November 6 beginning at 3 p.m.** He stated the Council passed an ordinance tonight on first reading as it relates to animals leaving waste in parks; that the Committee will discuss a proposed ordinance in response to a number of complaints over animals running throughout neighborhoods and owners not being responsible. He stated we want to be animal friendly and responsible caretakers of our animals. He stated several other items will follow on the Committee's agenda.

**ADJOURNMENT**

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, November 6, 2007 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)**