

City Council Building
Chattanooga, Tennessee
February 19, 2008
6:00 p.m.

Vice Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Feely, Franklin, Gaines, Pierce, Rico and Robinson present; Chairman Page was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Feely gave invocation.

MINUTE APPROVAL

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

INAUGURATION OF COUNCILWOMAN BERZ

Former Judge Walter Williams stated that he was pleased to have been asked to swear-in Councilwoman Berz and asked that she come forward. At this point he asked that she raise her right hand and repeat the Oath of Office. Upon completion of the Oath, Councilwoman Berz received a standing ovation of welcome and took her seat on the dais to officially begin her term as Councilman representing District 6.

Upon the exit of former Councilman Feely, Vice Chairman Bennett expressed thanks for his service and noted that he would be missed.

CERTIFICATION OF RESULTS OF ELECTION

City Attorney Nelson stated that Certification has been received from the Election Commission of the District 6 winner. The Certification documents are filed with minute material of this date.

PROCLAMATION: "BLACK HISTORY MONTH"

Mayor Littlefield expressed congratulations to Councilwoman Berz, noting that he was a former Councilman from District 6 and had met many times in her home with neighborhoods represented. He stated that he was present to proclaim February as "Black History Month" and indicated several events are taking place throughout the month at various locations. At this point Mayor Littlefield read the Proclamation which has been spread upon the minutes:

Proclamation

Whereas: Much of Chattanooga's honor, strength, and stature can be attributed to the diversity of cultures and traditions that are celebrated by the citizens of this great city; and

Whereas: African Americans have played significant roles in the history of Tennessee's economic, cultural, spiritual, and political development while working tirelessly to maintain and promote their culture and history; and

Whereas: In 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, includes some of the greatest, most advanced, and innovative societies in our history that we can all draw inspiration from; and

Whereas: Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights, and strengthened families and communities; and

Whereas: During Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice;

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga,
do hereby proclaim the month of February, 2008 as

Black History Month

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the 1st day of February, 2008

Ron Littlefield, Mayor

"SPAY DAY USA"

Councilman Benson asked that Resolution (a) be moved forward on the agenda; Councilman Pierce seconded the motion; the motion carried.

Donna DeWeese, Community Outreach Coordinator with the McKamey Animal Center, expressed thanks for the acknowledgement and conveyed the importance of spaying and neutering pets.

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
A RESOLUTION DESIGNATING FEBRUARY 26, 2008 AS "SPAY DAY USA"
was adopted.

AMEND CITY CODE

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-517 RELATIVE TO DEPOSITING OF CHECKS RECEIVED BY THE CITY AND DISHONORED CHECKS
passed second and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

On motion of Councilman Franklin, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 1001(3) TO ALLOW CERTAIN RECYCLING PROCESSING CENTERS BY INDUSTRIAL CONDITIONAL PERMIT IN THE M-1 MANUFACTURING ZONE
passed second and final reading and was signed in open meeting.

AMEND CONDITIONS

2007-221: Vision Chattanooga North Shore, LLC

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITIONS IMPOSED IN ORDINANCE NO. 11786 (CASE NO. 2005-227) ON A TRACT OF LAND LOCATED AT 10 CHEROKEE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

RIGHT-OF-WAY NAME CHANGE

2008-002: City of Chattanooga c/o Bill Payne, City Engineer

Councilman Pierce stated this is the matter of which he spoke at last week's Council meeting and **made the motion to refer it back to Planning** as it has been confirmed there is a long list of other names that could be used; **Councilman Benson** seconded the motion.

On motion of Councilman Pierce, seconded by Councilman Benson,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1200
BLOCK OF GIFFORD STREET TO THE 1200 BLOCK OF MISTER AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
was referred back to the Regional Planning Agency.

RIGHT-OF-WAY NAME CHANGE

2008-003: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1000
BLOCK OF NORTH EAST KING STREET TO THE 200 BLOCK OF
PROSPERITY LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**
passed second and final reading and was signed in open meeting.

RIGHT-OF-WAY NAME CHANGE

2008-006: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE UNIT
BLOCK OF EAST CREST ROAD TO THE 200 BLOCK OF SHERIDAN
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**
passed second and final reading and was signed in open meeting.

REZONING

2008-013: Edward E. Capehart, Sr.

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 812 AIRPORT ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

2008-014: Eastman Construction

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE UNIT BLOCK OF EAST 14TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

AMEND ZONING ORDINANCE

2008-017: Tom Cofer

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 5000 BLOCK OF HIGHWAY 58, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-
2 CONVENIENCE COMMERCIAL ZONE**

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

RIGHT-OF-WAY NAME CHANGE

2008-029: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF THE 2100
BLOCK OF NOAH STREET TO MUSEUM STREET, MORE PARTICULARLY
DESCRIBED EHREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 16, ARTICLE I, SECTION 16-2(1), RELATIVE TO THE AGE OF
FIREFIGHTERS AND POLICEMEN**
passed second and final reading and was signed in open meeting.

APPROPRIATION

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**AN ORDINANCE APPROPRIATING FROM THE CHATTANOOGA
OUTDOOR OPERATING BUDGET TO THE CHATTANOOGA TRACK CLUB
THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) AS PART OF
THE PARTNERSHIP TO HOST THE CHATTANOOGA WATERFRONT
TRIATHLON**
passed first reading.

RESOLUTION OF SUPPORT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**A RESOLUTION SUPPORTING THE APPLICATION OF THE JEWISH
COMMUNITY FEDERATION OF GREATER CHATTANOOGA FOR FEDERAL
FUNDING TO ASSIST WITH THE COST OF ITS "INNOVATIVE FAMILY
CAREGIVERS SUPPORT DEMONSTRATION PROJECT"**
was adopted; Councilwoman Berz abstained.

SPECIAL POLICEMAN (ARMED)

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ARMANDO LOPEZ
AS SPECIAL POLICEMAN (ARMED) FOR ERLANGER HEALTH SYSTEMS,
TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

was adopted.

CONTRACT

Councilman Rico stated Resolutions (d) – (l) were discussed in Public Works Committee and approval is recommended.

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-05-007-202, NEW SANITARY SEWER INTERCEPTOR LINES WARNER PARK AND ENGEL STADIUM, TO EAST TENNESSEE GRADING, INC. IN THE AMOUNT OF SIX HUNDRED EIGHTY-SIX THOUSAND THREE HUNDRED ELEVEN AND 70/100 DOLLARS (\$686,311.70), PLUS A CONTINGENCY AMOUNT OF FIFTY-THREE THOUSAND SIX HUNDRED EIGHTY-EIGHT AND 30/100 DOLLARS (\$53,688.30), FOR A TOTAL AMOUNT NOT TO EXCEED SEVEN HUNDRED FORTY THOUSAND DOLLARS (\$740,000.00), AWARD IS CONTINGENT UPON APPROVAL BY THE STATE OF TENNESSEE REVOLVING FUND LOAN PROGRAM

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-05-007-201, WARNER PARK COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY, TO HAREN CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF FOUR MILLION FOUR HUNDRED SEVENTY-TWO THOUSAND DOLLARS (\$4,472,000.00), PLUS A CONTINGENCY AMOUNT OF TWO HUNDRED TWENTY-THREE THOUSAND SIX HUNDRED DOLLARS (\$223,600.00), FOR A TOTAL AMOUNT NOT TO EXCEED FOUR MILLION SIX HUNDRED NINETY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$4,695,600.00), AWARD IS CONTINGENT UPON APPROVAL BY THE STATE OF TENNESSEE REVOLVING FUND LOAN PROGRAM

was adopted.

CONTRACT WITH EAST TENNESSEE GRADING
[RESOLUTION 7(d)]

Councilwoman Gaines stated earlier today in Committee when talking about the Warner Park construction a gentleman approached her about the matter and she told him he could address his concern during Council meeting tonight. She asked James Mathis to come forward and express his concern.

Councilman Pierce stated Resolution (d) has already passed. Councilman Franklin also acknowledged that the Council has already adopted the matter.

Councilwoman Gaines stated that the matter "got by her" before she realized it; that Mr. Mathis came to the 3 p.m. meeting and she asked him to wait and come back at 6 p.m.

James Mathis stated that he is a concerned citizen concerned about federal, state and local funds coming into the city; that his concerns involve a grave injustice toward minority contractors or a gross misunderstanding about the state of minority business in Chattanooga. He stated that he wanted to address the CSO project as well as the Warner Park Ball Field Complex project already in progress. He stated the Warner Park Ball Field Complex has state revolving funds (SRF) and also local funds coming out of the city of Chattanooga; that only one percent of the total \$4 million is minority participation. He stated there are more minority businesses in town that would have been bidding but the city has been leaving it up to the contractors to make the decision as to whether they want to employ minority contractors or not. He stated based on the SRF funding he called Nashville to inquire and was told the city received funds to help finance projects here and with that they are to be accountable to get as much minority participation as possible on each job. He stated in talking with people in different departments there is a loophole that says if contractors send ten letters out to minority contractors and get return receipts they are not bound to actually hire a minority contractor and feels someone is "missing the boat" somewhere. He stated the second contract dealing with the CSO facility is in excess of \$4 million and on that job, according to the latest records he has from departments, .45 percent of one percent has been awarded to a minority contractor and according to them they are not sure if the contractor actually notified minority contractors. He stated the contract's low bid on that not only had ten letters but thirty (letters) and what the city is telling him is that is okay; that thirty letters were sent out and thirty receipts received and they do not have to hire minority contractors. He stated he knows for a fact minority contractors bid on the project but are not being considered.

CONTRACT WITH EAST TENNESSEE GRADING
[RESOLUTION 7(d)] (Continued)

Vice Chairman Bennett stated that Councilman Franklin brought this up in Economic Development Committee and she would like to refer it back to Committee

Councilman Franklin stated that the issue was not part of that; that the question was raised with regard to participation in the new businesses the Chamber reported this afternoon that were coming in town and setting up on the waterfront. He stated that it is important to note that this is just one instance of many as OMA reported sometime ago about disparities in minority businesses that need to be addressed by this Council and administration in reference to these type of occurrences. He stated it is felt this Council has received ample information from that office, as well as all over, not just in regard to purchases but everything else. He stated there was a committee in Purchasing where they interviewed minority owned businesses across the board to invite them to participate in the bidding process for doing business with the city and to his knowledge that committee has not met in quite some time. He stated Mr. Mathis has a point and it is his thought a disparity study needs to be done to deal not only with these issues but others that reflect negatively upon how the city does business and how this city is stifling its growth by not acknowledging these things so everyone can participate. He stated everyone has an opportunity to do business here, not just those who are able to get contracts based on past relationships; that we have the responsibility as Council members and administrators to make sure fair practices across the board are being addressed.

Vice Chairman Bennett stated the matter could be discussed in a joint meeting of Budget and Economic Development.

Councilwoman Gaines asked if there was anyone present at the Council meeting from the OMA office. The response was no. She stated that she wanted to request figures prior to the next meeting.

Mr. Mathis stated that he spoke to someone in OMA before other investigations and asked questions, however, they did not have any information concerning the projects, participation or anything.

Councilwoman Gaines stated that she could go to the Urban League to get the figures; that they have a list of minority contractors in Chattanooga and Hamilton County that she would like to have prior to the next meeting.

CHANGE ORDER

On motion of Councilwoman Gaines, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-05-007-102, WARNER PARK COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY, WITH CONSOLIDATED TECHNOLOGIES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-TWO THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$42,550.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY-ONE THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$461,550.00)

was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE LAYMAN FOUNDATION FOR CONSTRUCTION OF A PUBLIC ROAD TO BE USED AS THE MAIN ENTRANCE FOR THE SUMMIT SOFTBALL COMPLEX

was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH BARGE, WAGGONER, SUMNER AND CANNON, INC. FOR FINAL DESIGN AND ENGINEERING SERVICES FOR THE SUMMIT SOFTBALL COMPLEX PROJECT INCREASING THE AMOUNT OF THE CONTRACT BY EIGHTY-TWO THOUSAND SEVENTY-ONE DOLLARS (\$82,071.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED EIGHT HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED THIRTY-EIGHT DOLLARS (\$887,538.00)

was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH PLANTATION PIPE LINE COMPANY RELATIVE TO THE CONSTRUCTION OF THE SUMMIT SOFTBALL COMPLEX IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$145,000.00)

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH DILLARD CONSTRUCTION COMPANY FOR THE DEVELOPMENT AND CONSTRUCTION OF THE SUMMIT SOFTBALL COMPLEX IN AN AMOUNT NOT TO EXCEED TEN MILLION SIX HUNDRED SEVENTY THOUSAND NINE HUNDRED EIGHTY-EIGHT AND 55/100 DOLLARS (\$10,670,988.55), SUBJECT TO THE AVAILABILITY OF APPROPRIATED FUNDING

was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH LAMAR DUNN & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-08-001-101, RIVERFRONT PARKWAY DRIVEWAY AND ROADWAY MODIFICATIONS, IN AN AMOUNT NOT TO EXCEED THIRTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$36,500.00)

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JORDAN, JONES & GOULDING, INC. RELATIVE TO CONTRACT NO. E-07-013-101, REVISION OF THE WATER QUALITY FEE STRUCTURE, IN THE AMOUNT OF SIX HUNDRED SEVENTY-TWO THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$672,165.00), PLUS A CONTINGENCY AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS (\$697,165.00), SUBJECT TO THE AVAILABILITY OF FUNDS

was adopted.

INTERLOCAL AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, PERTAINING TO THE ACQUISITION OF ORTHOPHOTOGRAPHY SERVICES AND PRODUCTS FOR HAMILTON COUNTY AND THE CITY

was adopted.

APPLY FOR FEDERAL FUNDING

Councilman Rico and Robinson made the motion and second to approve this request.

Councilman Pierce asked if this involves the emergency training center.

Dan Johnson stated that it involves the fire training center proposed for a portion of Enterprise South that the Fire Department has been promoting for some time. He stated all three requests are on the wish list forwarded to Congressman Wamp; that the same amounts are on the city and county sides.

Councilman Pierce stated there have been questions about the center and the necessity for it; that this would be a joint partnership with the county at Enterprise South. He asked if other municipalities would share in this as far as the training center is concerned and what extent will Chattanooga invest without the help of other municipalities. He stated he does not see how he could vote for it at this time.

APPLY FOR FEDERAL FUNDING (Continued)

Mr. Johnson stated that the million is for the burn building as the current one is not in the best of shape.

Councilman Pierce stated that this is another piecemeal effort with no comprehensive plan; that we are giving a million at a time with an overall cost of \$30 million that we are going to "get off into".

Chief Rowe stated the million dollars is a federal grant that has been applied for the burn building, specifically, which has nothing to do with the site. He stated if the site is acquired at Enterprise South that is where the burn building will go, but whether they get it or not, the burn building will have to be utilized somewhere, probably at the present site.

Councilman Pierce inquired as to what the Chief meant by "present site".

Chief Rowe responded "Amnicola".

At this point, Councilman Benson "called for the question".

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT, IF APPROVED, FEDERAL FUNDING FOR: (1) THE CENTER FOR ADVANCED MANUFACTURING (UP TO \$1,500,000.00); (2) THE BUSINESS DEVELOPMENT CENTER FOR ENTREPRENEURIAL GROWTH (UP TO \$700,000.00); AND (3) THE PROPOSED REGIONAL EMERGENCY TRAINING FACILITY (UP TO \$1,000,000.00)
was adopted; **Councilman Pierce voted "no"**.

ISSUANCE OF BONDS (EPB)

Councilwoman Berz stated she would have to abstain on this matter; that it involves a lot of millions of dollars and (she) has not had an opportunity to grasp the substance of it.

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$250,000,000.00 CITY OF CHATTANOOGA, TENNESSEE ELECTRIC SYSTEM REVENUE BONDS, SERIES 2008A BONDS
was adopted; **Councilwoman Berz abstained**.

OVERTIME

Overtime for the week ending February 15, 2008 totaled \$80,418.76.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **TIMOTHY MCDONALD** – Retirement, Soil Engineering Specialist, Land Development, effective February 29, 2008.
- **KENNETH RICE** – Resignation, Traffic Electrician, Traffic Operations, effective January 31, 2008.
- **JUSTIN HOLLAND** – Promotion, Superintendent Garbage Collection, City Wide Services, Pay Grade 25/Step 2, \$48,009.00 annually, effective December 7, 2007.
- **BRIAN CONRY** – Suspension (2 days without pay), Heavy Equipment Operator, City Wide Services, effective February 12-13, 2008.
- **HARRY BRADLEY** – Suspension (2 days without pay), Automated Garbage Collection Equipment Operator, City Wide Services, effective February 11-12, 2008.
- **JASIMINUS TAYLOR** – Suspension (2 days without pay), Crew Worker, City Wide Services, effective February 12-13, 2008.
- **ANTONIO SANDS** – Suspension (2 days without pay), Heavy Equipment Operator, City Wide Services, effective February 13-14, 2008.
- **TERRY D. CARTER** – Suspension (2 days without pay), Equipment Operator Senior, City Wide Services, effective February 14-15, 2008.
- **FRANK EDWARD BALES** – Extended Probation, Plant Operator Senior, City Wide Services, Waste Resources, effective February 12, 2008.
- **DENNIS DAVIDSON** – Promotion, Plant Operator Senior, Waste Resources, Pay Grade 12/Step 1, \$29,277.00 annually, effective February 6, 2008.

PERSONNEL (Continued)

CHATTANOOGA POLICE DEPARTMENT:

- **SCOTT DELAP** – Transfer/Promotion (*Correction in reporting; was originally reported as a new hire*), Property Technician, Pay Grade 7/Step 2, \$24,060.00 annually, effective February 1, 2008.
- **LAROMIE BOYD** – Resignation, Police Officer, effective February 14, 2008.

CHATTANOOGA FIRE DEPARTMENT:

- **CHRISTOPHER CORDES** – Promotion, Senior Firefighter, Pay Grade F2A/Step 2, \$31,474.00 annually, effective February 15, 2008.
- **THOMAS BLACKBURN** – Promotion, Senior Firefighter, Pay Grade F2A/Step 4, \$34,417.00 annually, effective February 15, 2008.

MAYOR'S OFFICE: OFFICE OF MULTICULTURAL AFFAIRS:

- **JACQUELINE STRONG-MOSS** – Resignation, Director of Multicultural Affairs, effective February 14, 2008.
- **SOLOMON HATCH** – Hire, Community Outreach Specialist, Pay Grade 16/Step 4, \$39,414.00 annually, effective January 31, 2008.
- **JAMES PIERCEY** – Hire, Compliance Officer, \$45,000.00 annually, effective February 8, 2008.

HOTEL PERMIT

On motion of Councilman Franklin, seconded by Councilwoman Gaines, the following hotel permit was approved:

QUALITY INN – 5505 Brainerd Road, Chattanooga, TN

PURCHASE

On motion of Councilwoman Gaines, seconded by Councilman Franklin, the following purchase was approved for use by the Personnel and Police Departments:

MORRIS & MCDANIEL (Best proposal)

R01015459

Police Promotions Testing and Assessment *(The proposal by the lowest bidder, Booth Research Group, Inc., was not selected primarily because the City has used similar tests by Booth for two previous police promotion campaigns leading to a concern with the practice effect of prior test participation. Industrial Organization Solutions' proposal, the second lowest bidder, was not selected because this company promotes its company produced textbooks which would increase their proposal at minimum an additional \$13,000 which exceeds Morris & McDaniel's proposal. Although the proposals submitted by Industrial Organization Solutions and Centrus Personnel Solutions are very similar in price to Morris & McDaniel's proposal, this proposal was judged superior because Morris & McDaniel uses innovative videotape technology, includes an appeal process and provides comprehensive management of the whole testing and assessment process for the city.)*

\$140,250.00

PURCHASES

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson, the following purchases were approved for use by the Department of Finance and Administration, City Court Division:

TYLER TECHNOLOGIES (Single source)

R0106127

City Court Software System Upgrade per TCA 6-56-304.2

\$23,408.00

ASAP SOFTWARE (Single source)

R0106120

Microsoft Software per TCA 6-56-304.6

\$11,198.62

COMMITTEES

Councilman Franklin stated that the **Parks and Recreation Committee is scheduled to meet on Tuesday, February 26 immediately following Legal and Legislative.**

Councilman Benson stated that the **Legal and Legislative Committee is scheduled to meet on Tuesday, February 26 at 3 p.m.** to discuss the major issue of the Transportation Authority replacing the Taxi Board, as well as a brief presentation of a personal services contract for the Neighborhood Services Department.

"CHIP" O'DELL

"Chip" O'Dell of 526 Raccoon Mountain Trail stated that he was present representing the Fire and Police Pension Fund members and noted that the pension fund has been "raked in the mud" by the Council and in the newspaper. He stated he was present to address the issue of the uniform committee formed to address the fund and the proposed Board composition. He stated he is in favor of the board composition the way it is with three fire representatives and three police representatives who work diligently to protect the funds and who attend education seminars twice a year. He stated they hired a company (Gerber-Taylor) in 1983, when there was \$23 million in the fund and now have over \$270 million; that they have done a good job at building the funds and consistently rank in the top ten and top one percent across the nation, have done a good General Pension. He stated last week some retirees were at a committee to discuss the Pension Board and it was stated the Board, historically, treats retirees differently. He stated in the past the Pension Board has granted raises to retirees in 1990, 1993 and 1999 and to his knowledge the current general pension has never granted any raises to retirees and the current Fire and Police Board has not historically been unfriendly to retirees, reiterating "to his knowledge". He stated in comparison the General Pension has a Board that is not even filled; that the Fire and Police Pension Board has not sued anyone to recoup money lost and the General Pension has. He stated the Pension Board members are very diligent in putting in place safeguards to keep this from happening.

Vice Chairman Bennett stated this matter came up this morning in a meeting and asked Dan Johnson to come forgive to give an update of the plans for the committee.

"CHIP" O'DELL (Continued)

Mr. Johnson stated since he was given this task last week by the Council, he thought long and hard about it and knows it will be a contentious job ahead and wanted to make sure everyone had a voice on the committee. He stated right now the proposal is that the committee be made up of a representative from the Board of the Fire and Police Union, the Pension Fund, an active fireman and policeman, a retired fireman and policeman and two-to-three taxpayers with a vested interest in the pension. He stated from administration there would be Daisy Madison and Donna Kelley who have a lot of experience with pension activities and a lawyer-or-two. He stated this is what he is proposing at this time.

FRANK ROZZELL

FRANK ROZZELL of 367 Carnation Street stated that he wanted to know who would be on the committee and request that members of the two unions be represented. He stated that he would like to let the Council know the action with the pay plan concerning raises has affected morale in both departments.

Vice Chairman Bennett stated that Personnel is trying to move past the problems we had with Segal; that it was hoped things would move faster than they have.

SGT. JULIA DEAN

Sgt. Julia Dean of the Chattanooga Police Department and President of Local IBPO 673 stated the two individuals who spoke before were all "on the same page"; that it has been since this same time last year that they have, basically, had a mule collar around their throats and was told to wait until July, August, October, December and then were told January for sure. She stated they sat and sat and did their jobs. She stated that they were told point blankly that they were 30 percent underpaid in comparison to other cities, which is a little "hard to swallow". She stated everyone has a family and children, noting that she has four children, three of whom she did not see grow up because she was on midnight shift and other jobs she had to work to survive; that she was told to go out and get another job to supplement her income. She stated as firemen and policemen they should not have to do that. She stated her son says "Mommy, don't get shot today" or "my mom wears army boots" and asked how many mommies anyone knows who has to put on a bullet proof vest and work and how many moms and dads come home with charred lungs.

SGT. JULIA DEAN (Continued)

Sgt. Dean stated one thing she wanted to point out was that they had been "led by the nose" for a year on this, then to turn around and attack them; that the only thing they have to hold onto is their pension and retirement. (Sgt. Dean received a standing ovation and applause from those in support of her statement.)

Councilman Benson stated that this started in the Legal and Legislative Committee and noted that he wanted to preface his comments by stating there are no two departments in the city that he has had fewer complaints about than the police and fire departments. He stated in his yearly district meetings in East Brainerd he has yet to have anyone complain, however that is not true about every department. He stated this came up, not out of any lack of respect for them, but to make it fiscally sound without hurting them; that it can be done with a little patience and a lot of work. He stated right now it is not fiscally sound, noting that he is not talking about accounting but talking about what will happen. He stated where we are now, in 1999 employee contributions dropped ten-to-eight percent and the DROP plan came in the next year. He stated since that time the DROP went to employees and 24 percent being paid by the taxpayers; that city taxpayers voted in that referendum thinking it was going to be revenue neutral. He stated we have to figure out just how we can live and not hurt anyone; that it has taken five million dollars more a year of city taxpayers' money than we have and those millions go to raises. He stated they have a good bank account and reserve and a situation where the city has gone from ten percent to 24 percent in five years; only the DROP plan sold to the public was revenue neutral. He inquired as to what happened with the DROP forward or backward; that Segal did not plan on the way we adopted the DROP plan and how we maintain a commitment to them and not let anyone get hurt but keep the DROP plan in so it is working like it does in a lot of other cities.

Adm. Madison clarified for Councilman Benson that the terminology is BackDROP.

Councilman Benson stated that it could be worked out; that it is going to take all being sincere and no one is trying to hurt anyone. He stated we have a thirteen percent tax increase coming up if we can not get the DROP plan on a sound financial basis. He asked what Segal recommended; that it is all complex.

SGT. JULIA DEAN (Continued)

Adm. Madison stated that it is her thought everyone understands how the DROP is administered; that no one needs to have that explained because administration, in a way, is actually more favorable to the employee and therefore more costly to the pension plan. She stated it has turned out to be not as cost neutral as initially anticipated.

Councilman Benson stated we are not saying someone is getting ready to retire and will be hurt as that is not necessarily so. He stated everyone will have to work together and still make it revenue neutral, otherwise the referendum is void.

City Attorney Nelson stated that the original intent was to be revenue neutral and later came up with the BackDROP plan. He stated the general pension has been more or less revenue neutral; that they did adopt the DROP but did not adopt the BackDROP.

Councilman Benson expressed to Mr. O'Dell his guarantee that no one was trying to hurt them.

Mr. O'Dell responded that it sounded like it when it was being talked about.

Sgt. Dean stated asked that they not be treated as if they are invisible; that all they want is validation of what they feel is necessary to provide for their families when they are asking for representation on the committee so people who have a part in it can have a say. She asked all she is asking is that their concerns be validated.

Vice Chairman Bennett expressed that those in attendance have a commitment from the Council to have discussion and to be inclusive of all groups that need to have a voice. She stated all are in agreement that is important and everything is to be transparent.

Mr. O'Dell stated that he wanted to make a comment when talking about things being manipulated because it sounds like something has been done behind closed doors or someone was tricked into doing something. He stated the Pension Board did not have a gun pointed at the Council as it was a joint effort. He stated when it went from ten percent in the early 90's the city was contributing 20 percent and Mayor Kinsey dropped it to twelve percent to build Finley Stadium. He stated to say things are done and manipulated and unsound is almost slander. He stated the fund is sound and has never been manipulated.

SGT. JULIA DEAN (Continued)

Councilwoman Berz stated that she deeply respects those in attendance as does the rest of the Council as being one of the most important parts of our infrastructure in the city. She stated the big battle has already taken place and all are going to be represented "at the table", clarifying with Dan Johnson that this is what he said. Mr. Johnson responded "yes".

Councilwoman Berz continued by stating what she has heard in the last few meetings, even though she was not sworn-in, was an honest effort to include them "at the table". She stated as late as this afternoon the Council heard from the Personnel Director that they are just about ready and are trying to equalize and reclassify positions. She asked those in attendance to please trust the Council enough; that the first step is going to be "at the table" and listening to concerns and Mr. Johnson is really honoring that. She stated that they need to know this is a "new day" and we are going to start listening to you "at the table". She expressed appreciation for their input.

Sgt. Dean stated that it is her hope this would be followed through as promises have been made before.

WAYNE MORRIS

Wayne Morris stated that he is a retired police sergeant and feels like the sacrificial lamb! He expressed agreement with Mr. O'Dell that there have been concessions and things done for retirees; that the original plan proposed in 1999 did not include retirees at all for anything. He stated they had a \$50 per month benefit for anyone making under \$500 and noted they should not have to go down as a group to argue for the retirees; that they should be recognized on the Board as having a voice. He stated there were those who called them disgruntled and other names; that this fund is about and for the retirees and should be considered as such.

PHILLIP MCCLAIN

Phillip McClain of the Chattanooga Police Department stated that this Board is comprised of three police officers and three fire fighters; that there is also a seventh seat which belongs to the Mayor. He stated if there are problems with this Board he was wondering why it took so long to find out; that the Mayor holds the seventh seat and this should have been covered a long time ago. He challenged the Council to get educated about the workings of the Fire and Police Board and not just take what has been given to them as gospel.

PHILLIP MCCLAIN (Continued)

Mr. McClain stated the Council has gone out and said something that was not necessarily true and they do not agree with it and are welcoming the day when all of this is "laid out on the table".

Vice Chairman Bennett stated that Mr. Johnson has been charged to bring the Council the facts, noting that the Council needs the history and background to be able to understand what is happening.

ADJOURNMENT

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, February 26, 2008 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)**