

**CITY COUNCIL  
CHATTANOOGA, TENNESSEE  
FEBRUARY 26, 2008  
6:00 P.M.**

Chairman Page called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Berz, Franklin, Gaines, Pierce, Rico and Robinson present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilman Rico, followed by Invocation given by Reverend Billy Church of the St. Elmo Missionary Baptist Church.

**MINUTE APPROVAL**

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

**APPROPRIATION  
CHATT. TRACK CLUB**

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

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

R-O-W NAME CHANGE

**2007-185 (DeFoor Brothers, LLC)**

On motion of Councilman Franklin, seconded by Councilman Rico,  
**AN ORDINANCE TO CHAGE THE RIGHT-OF-WAY NAME FOR  
PART OF THE 2300 BLOCK OF TIMBERLANE TRAIL TO  
LIFESTYLE WAY, MORE PARTICULARLY DESCRIBED HEREIN  
AND AS SHOWN ON THE MAP ATTACHED HERETO AND  
MADE A PART HEREOF BY REFERENCE**  
passed first reading.

R-O-W NAME CHANGE

**2007-186 (DeFoor Brothers, LLC)**

On motion of Councilman Rico, seconded by Councilman Franklin,  
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME  
FOR PART OF THE 7300 BLOCK OF MCCUTCHEON ROAD  
TO LIFESTYLE WAY, MORE PARTICULARLY DESCRIBED  
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE**  
passed first reading.

FEDEX FREIGHT  
TAX AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING  
TO THE SCANNEL PROPERTIES #86, LLC AND FEDEX  
FREIGHT EAST, INC. PROJECT, TO DELEGATE CERTAIN  
AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD  
OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO  
AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE  
AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM  
TAXES**  
was adopted.

**FEDEX FREIGHT  
TAX AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE FEDEX FREIGHT EAST, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

was adopted.

**NORTH SHORE MORA-  
TORIUM EXCEPTIONS**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,

**A RESOLUTION REMOVING SELECTED PARCELS FROM THE NORTH SHORE ZONING MORATORIUM AREA AS SHOWN IN THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

was adopted.

**SPECIAL POLICE APP'T**

On motion of Councilwoman Gaines, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF SCOTT R. DELAP AS SPECIAL POLICEMAN (ARMED) FOR THE CHATTANOOGA POLICE DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

AGREEMENT/  
TVA & EPB  
INTERDIVISION LOAN

Councilman Benson noted that this was discussed in last week's committee meeting and was also discussed again in the Legal and Legislative Committee meeting today; that approval was recommended with one abstention.

Councilwoman Berz stated that she was the one who abstained, explaining that she very much supported competition in the community and wanted the City to go forward; however this is still in court, and she felt that it would be unethical of her to vote to go forward with this.

On motion of Councilman Benson, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY WITH THE TENNESSEE VALLEY AUTHORITY (TVA) AND THE ELECTRIC POWER BOARD (EPB), A DIVISION OF THE CITY, REGARDING AN EPB INTERDIVISION LOAN IN AN AMOUNT NOT TO EXCEED SIXTY MILLION DOLLARS (\$60,000,000.00) OF ELECTRIC SYSTEM FUNDS TO BE USED FOR CAPITAL EXPENDITURES AND FOR WORKING CAPITAL FOR THE CABLE AND INTERNET DIVISION, WHICH LOAN IN THE EVENT THAT THE CABLE AND INTERNET BUSINESS DIVISION HAS INSUFFICIENT FUNDS TO PAY PRINCIPAL AND INTEREST DUE IN A PARTICULAR YEAR ON THE ELECTRIC DIVISION LOAN WILL BE SECURED, BY A REDUCTION IN THE EPB IN LIEU OF TAX PAYMENTS TO THE CITY ON ALL NEW INVESTMENTS AFTER JANUARY 1, 2008, SUBJECT TO HAMILTON COUNTY AGREEING TO FOREGO ITS INCREMENTAL TAXES ON THE "COVERED ASSETS" AS DEFINED IN SAID AGREEMENT EXCEPT FOR THOSE TAXES THAT WOULD BE PAYABLE TO THE SCHOOL SYSTEM OF HAMILTON COUNTY**

was adopted with Councilwoman Berz abstaining.

**FEDERAL GRANT**  
**POLICE FIRING RANGE**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE CHATTANOOGA  
POLICE DEPARTMENT TO ACCEPT A FIVE HUNDRED  
THOUSAND AND NO/100 (\$500,000.00) DOLLARS,  
FEDERAL GRANT IF WE QUALIFY TO RELOCATE THE  
CHATTANOOGA POLICE DEPARTMENT'S FIRING RANGE AT  
MOCCASIN BEND**

was adopted.

**OVERTIME**

Overtime for the week ending February 22, 2008 totaled \$9,250.22. Chairman Page stated that we were seeing a decrease in overtime this year as compared to other years.

**PERSONNEL**

The following personnel matter was reported for the **PUBLIC WORKS DEPARTMENT:**

- ❖ **JAMES A SCHROCK**—Resignation of Plant Maint. Mechanic, effective February 22, 2008.

**EMERGENCY PURCHASE**

An emergency purchase for repair services to furnish and install four new Two-Ton Goodman Gas Heat and Air Conditioner Units at the Cedar Hill Head Start Center from Jake Marshall in the amount of \$13,595.00, Requisition No. R0106801, for the Human Services Dept. was duly signed in public meeting.

**DONATION**

Mr. Larry Zehnder, Administrator of the Parks and Recreation Department, reported the donation of 28 tennis rackets from T. R. Frederick. **On motion of Councilwoman Robinson, seconded by Councilman Franklin, this donation was accepted and approved and gratitude was expressed.**

**PURCHASE**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved for use by the Department of Public Works:

**PETERSON PACIFIC CORP. (Lowest and best bid)**  
**Requisition R0105049/B0004737**

Tub Grinder

\$495,481.00

**PURCHASE**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the following purchase was approved for use by the Chattanooga Police Dept.:

**RADAR SPORTS, LLC (Best bid meeting specs)**  
**Requisition R0105502/B0004797**

21 Phantom Radar Guns

\$14,490.00

**PURCHASE**

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following purchase was approved for use by the Chattanooga Hamilton County Bicentennial Library:

**ELECTRIC POWER BOARD TELECOM (Lowest and best bid)**  
**Requisition R0104250/B0004710**

Internet Service for the Library

\$79,800  
\$17,000 One time installation cost  
\$96,800 Total

**REFUND**

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett, the Administrator of Finance was authorized to issue the following refund of Stormwater fees and/or property taxes:

<b>CHATTANOOGA REAL ESTATE INVESTORS</b>	<b>\$33,367.84</b>
<b>CHATTANOOGA MEDICAL INVESTORS</b>	<b>\$14,898.77</b>
<b>OVERNITE TRANSPORTATION</b>	<b>\$ 2,605.23</b>
<b>COVENANT TRANSPORT, INC.</b>	<b>\$ 1,902.70</b>
<b>TOTAL</b>	<b>\$52,774.54</b>

**BOARD APPOINTMENT**

On motion of Councilman Rico, seconded by Councilman Franklin, the following Board Appointment was approved:

**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS:**

Appointment of **PHIL WHITFIELD** for a term to expire **February 18, 2012**.

**PURCHASES**

On motion of Councilman Franklin, seconded by Councilman Rico, the following purchase was approved for use by the General Services Division:

**CITY DISPOSAL (Overall Best Bid)**  
**Requisition R096740/B0004767**

Front End Loader Service

(See minute material for pricing)

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson, the following purchase was approved for use by the General Services Department:

**PATE'S HAULING AND DEMOLITION, LLP (Purchase Release for immediate need)**  
**Release R107327/Blanket Contract P0026145**

Fire Hall Demolition, Removal and Disposal Services against blanket contract

\$18,000.00



COUNCILMAN FRANKLIN

While Mr. Paul Page was at the podium, Councilman Franklin noted that at the last meeting there was some mention of a committee that helped small minority businesses with the interworkings of the City. He wanted to know if this committee was still in place.

Mr. Page responded “not to my knowledge”.

Councilman Franklin wanted to know when it was dissolved?

Mr. Page responded that this must have been before his tenure.

Chairman Page asked if this was the committee that was talked about some time earlier in Economic Development dealing with minority contractors.

Councilman Franklin stated that he did not think this was the committee; that he had attended several meetings, and it must have been dissolved after Mayor Littlefield took office. He stated that the meetings were held in the Purchasing Department and there were about seven people on the committee; that this committee assisted small minority business people in understanding the interworkings of the City as far as bids, etc. He again asked when this committee was dissolved?

Mr. Page responded that he would try to find out the answer.

Councilman Franklin asked who ran the Purchasing Department. Mr. Page responded that it was Gene Settles and that he worked under General Services.

COMMITTEES

Councilwoman Bennett scheduled a **Budget, Finance and Personnel Committee** meeting for **Tuesday, March 11<sup>th</sup>** immediately following the **Legal and Legislative committee meeting**.

Councilman Benson reported that the Legal and Legislative Committee met today and that the Council will be prepared for a vote on the new Transportation Authority Ordinance next Tuesday.

COMMITTEES (CONT'D)

Councilman Rico reminded everyone of the **Public Works Committee** meeting scheduled for **Tuesday, March 4<sup>th</sup> at 3:00 P.M.**

KHALID HASHMI

**Mr. Hashmi** addressed the Council concerning an issue that he stated started a few years back—that Councilmen Franklin and Pierce had been instrumental in establishing an African-American Summit and that OMA (Office of Multicultural Affairs) had sprung from this—that to his knowledge, that office had done wonderful work; however, he went on to say, some members of this Council had repeatedly worked against a Diversity Study. He stated that money was reserved for this Study and that he was pretty sure that the Council felt responsible for the use of this public money. He mentioned our high crime rate and problems with education and housing, stating that a Diversity Study would address the Federal and State agencies to give us more money for these purposes. He reiterated that some Council persons had continued to work against a Diversity Study, adding that such a Study would give us a tool to address our problems—that presently we do not have such a tool. He asked the Council, no matter what district they represented, to look at this matter seriously and sincerely, adding that we did not have enough teachers nor social workers to go around and with a Disparity Study we can go to the Federal government and ask for more funding.

ROBERT STONE

**Mr. Robert Stone**, Sales Manager for Allied Waste, spoke next. He was present to speak in the interest of a purchase for General Services that had been approved tonight. He stated that the City could reject all bids and choose the one that is in the best interest of the City. He stated that the bid recommended by Mr. Page was the third highest bid, stating that he did not know if anything could be done about this since it had already been voted on.

Mr. Page assured Mr. Stone that he would look at all the bids tomorrow; that he had not looked at all of the bids. Chairman Page asked that he do this and get back with the Council.

**ROBERT STONE (CONT'D)**

Attorney Nelson explained that there is a list of factors in the Code to be considered by departments in putting out bids; that in determining the lowest and best bid such factors as past performance and the reputation of the company might be considered—that there are eight or nine factors in the Code that determines what constitutes the lowest and best bid.

**ANTONIO BOSTON**

**Antonio Boston** approached the Council stating that he was “let go” of his job today because of a medical issue—that he could not work on the back of a truck anymore; that Mr. Templeton had been a good supervisor, but it was inappropriate to let him go, and he needed some answers; that he felt it would be appropriate to let him have a job with the City because he could not work on the back of a truck because of an asthma condition.

Adm. Leach explained that Mr. Boston was a temporary employee and had been with Public Works for only two months; that the City was not under any specifications to put him on in a permanent status; that Mr. Templeton was more familiar with this situation.

Mr. Templeton stated that Mr. Boston was hired as a temporary employee on January 31<sup>st</sup> to fill an emergency need; that he was terminated on February 26<sup>th</sup> for failure to perform the essential functions of the position.

Councilman Franklin stated that this sounded pretty shallow to him.

Mr. Templeton stated that he invited Mr. Boston to come to his office and advised him to go to Personnel to see if there were any job opportunities.

Attorney Nelson advised Mr. Boston to go to Personnel and see what positions are open that he might qualify for.

Mr. Boston responded that he went to see Ms. Kelley in Personnel today, and she told him she had no authority to put him on right now. He reiterated that he needed to know some answers.

**JULIA DEAN**

**Sgt. Julia Dean** of the Chattanooga Police Dept. and President of Local IBPO introduced herself in case there were some that might not know who she was. She acknowledged that she knew this was the second time she had spoken in a month and could not speak again for 30 days but that she was here tonight to fulfill a promise to come and apologize for misunderstanding something that Councilman Benson had said last week; that Councilman Benson had made a statement about there being two departments that he had the **least** complaints about, and she thought he was saying that the Fire and Police Departments were the **only** ones he got complaints about! Because of this misunderstanding, she stated she went on a tirade, and she wanted to apologize publicly. She went on to say that everyone could look around and see the firemen and policemen that were present tonight—that they were all “sitting on pins and needles” because this was a very important issue to them; that they were hoping tonight for some sort of “tidbit” about the committee appointees and where the committee stood now; that they would just like to know that it is moving forward.

Dan Johnson responded by saying that it would take two to three weeks to get the committee together; that they were two people short of having names attached to the membership; that they had been gathering data that went back ten years; that he hoped to have the first meeting within two to three weeks, and they would have to get copies of the data they had been gathering out to the members.

Councilman Benson stated that he guessed he had received 40-50 calls about this and asked how many in the audience tonight had talked to him. He stated that this had really been an enlightening situation to him, and he thought we were in a good mode to work this out in a fiscally sound way and meet the needs of the pensioners also. He stated that he appreciated the attendance tonight, and we would get this worked out; that Mr. Johnson has a cross-section of retirees and active members of the Fire and Police Dept. and a few citizens; that he hoped this could come to the Legal and Legislative Committee in four weeks, reminding Mr. Johnson that we have a Budget coming up.

**JULIA DEAN (CONT'D)**

Mr. Johnson explained to Councilman Benson that all of this can't be solved in one meeting; that he thought it would take three to four meetings to go through all this "stuff".

Councilman Benson stated that it did not have to come to his committee; that it could come before any committee. Mr. Johnson assured Councilman Benson that he would try to accommodate him.

Councilwoman Berz stated that one of the things we had talked about was Fire and Police employees being allowed to be present with representation; that she thought Mr. Johnson was getting together a representative group; that some of the Council also want to be present at the meetings and need to get a schedule of the meetings. She added that these would be "open" meetings, and it was our intention not to leave anyone out.

Councilwoman Bennett asked Sgt. Dean if she had any kind of Distribution List so that Mr. Johnson would have a way to keep employees posted?

Sgt. Dean responded that the best way would be to get a list of the Police Department Employee Groups, noting that everyone has city e-mails. She reiterated that it was hard to go to work and wonder how things are going—that there is definitely a "rumor mill"; that by way of this "rumor mill" they were advised that the Committee would be appointed today.

Councilwoman Bennett stated that Mr. Johnson is "the horse's mouth"—that he is the direct source, and they should not believe anything that does not come from him.

Sgt. Dean stated that she would have a distribution list for Mr. Johnson tomorrow morning; that they did need to know what is going on and not rely on the "rumor mill".

Councilwoman Bennett indicated that Mr. Johnson's communication could be simple, with Sgt. Dean stating that if they were not given answers, they were capable of making something up!!

**CHARLIE DUGGAN**

**Mr. Duggan** stated that he was from Jasper, Tennessee and had been retired five years; that he had worked hard to get where he was at; that he was now retired and through paying in—that the active firemen and policemen were in charge of the Pension now, and he should not have a say-so. He went on to say that he was proud of what the Fire and Police Pension Board had done for him; that there were a bunch of good people in the Fire and Police Department; that they continue to go to school and deal with a lot of things such as “holding dead babies”, blood, and disease; that they have to make decisions in split seconds that affect the lives of others and also themselves. He stated that these people deserve the best pension they can possibly get. He ended by saying that he was proud to have served this City. (Mr. Duggan received a standing ovation).

**ADJOURNMENT**

Chairman Page adjourned the meeting of the Chattanooga City Council until Tuesday, March 4<sup>th</sup>, 2008 at 6:00 P.M.

-----  
**CHAIRMAN**

-----  
**CLERK OF COUNCIL**

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