

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

Chairman Bennett called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gaines, Page, Pierce, Rico, Robinson, and Shockley 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 Councilwoman Robinson, followed by invocation.

**AMEND ORD. 11433
CORRECT LEGAL DESC.**

On motion of Councilman Rico, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 11433 (CASE
NO. MR-2003-052), ENTITLED, "AN ORDINANCE CLOSING
AND ABANDONING SEVERAL UNOPENED RIGHTS-OF-WAY
BETWEEN WINDING WAY, EDGEWOOD CIRCLE,
MANCHESTER STREET AND GLENN ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE," TO CORRECT THE LEGAL DESCRIPTION
THEREIN**

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

REZONING

2008-103 (Southeast Local Development Corporation)

Councilman Pierce stated that he was asking that this be delayed for two weeks in order for the neighborhood and Planning to get together on some conditions before the Council acts; that he would like to see if the neighborhood is in support of these conditions; that everyone had not had a chance to look at the conditions.

REZONING (CONT'D)

Dr. Anita Polk-Conley of 1020 E. 10th St. addressed the Council about several concerns that the neighborhood had concerning design review and what would be built here. She noted that there was a draft from Karen Hundt, which was in line; that they had a meeting last week and representatives from Fraternity Row were present. She mentioned some conditions that they would like to be within the Ordinance itself, noting that once the Ordinance is approved, they might not have any more input, and this could dramatically affect their neighborhood. She went over a number of conditions.

Councilman Pierce asked the owner to come forward and also asked if he had had a chance to go over these conditions.

Hale Booth of Southeast Local Development Corporation was present, along with Mr. Roy Williams, owner of the property. Mr. Booth stated that the developer of the area just got these conditions this afternoon and there were not very many concerns other than how they would access the lot at the back if these conditions were in place. He stated that they would not want to have to cut a century-old tree and needed some flexibility as to access—that largely they were fine with these conditions.

Mr. Roy Williams of 1109 Radmoor stated that he had met with Rick Thompson and at the meeting on Thursday, none of these issues were brought to them; that he had just gotten these conditions today and had had no opportunity to address them. He did note that they had almost no space coming in on 10th Street and to adhere to these conditions they would have to cut down a century-old tree, noting that 11th Street dead-ends. He stated that this was the only issue that he had concerning an alternate way to access.

Mr. Booth noted that they were minor design issues.

Mr. Williams noted that he wished Karen Hundt had come to him with these conditions before now.

Councilman Pierce stated that he would like to see the neighborhood satisfied and working together—that this was not a fast-speed thing; that the Council could support this and asked that this be tabled another week in order to reach a compromise.

REZONING (CONT'D)

Mr. Williams stated that he could take the tree down but that it was a beautiful tree.

Councilman Pierce asked Dr. Conley if she were willing for this to be tabled for one week, and she responded “yes”.

On motion of Councilman Pierce, 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 1100 BLOCKS OF 10TH STREET AND 11TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO, AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred for one week.

CLOSE AND ABANDON

2008-053 (Bob Franklin c/o Girl’s Preparatory School)

Mr. Bob Franklin, Architect for GPS, was present, stating that he had met with the neighborhood last Thursday, and the neighborhood does have some concerns that GPS will address in a positive manner.

Mr. Rich Bailey of 519 Sterling Ave. stated that the neighborhood was pretty close to an agreement—even though it was a reluctant agreement because they did not feel that the City should give up ownership of a public road; that a draft had been prepared by the GPS Attorney and that the neighborhood had questions pending—that they had requested copies of ordinances making previous abandonments in 1980 and 1989, and they would still like to see if there was any language relative to the situation today. He reiterated that they were very close to coming to a final agreement concerning contract changes, but in short, they were not ready to say it was “okay”, but they were close.

Chairman Bennett asked if this could be rescheduled in a week or so or if it could possibly pass first reading tonight.

CLOSE & ABANDON
(CONT'D)

Mr. Bailey indicated that he would be more comfortable in deferring this for a week or two.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE CLOSING AND ABANDONING THE 700
BLOCK OF FRAZIER AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was deferred for two weeks.

CLOSE AND ABANDON

2008-092 (Edward E. Stephens)

On motion of Councilman Rico, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION
OF SEWER LINE AND EASEMENT #672, BETWEEN
MANHOLES #2 AND #4, LOCATED IN THE 4400 BLOCK OF
PINNACLE LANE, MORE PARTICULARLY DESCRIBED HEREIN
AND AS SHOWN ON THE MAP AND DRAWING ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

CLOSE AND ABANDON

2008-135 (City of Chattanooga c/o Lee Norris)

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING TWO (2)
PORTIONS OF SEWER EASEMENT MF#10547 LOCATED OFF
THE EAST LINE OF THE 2100 BLOCK OF MARKET STREET,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP AND DRAWING ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE**
passed first reading.

CHARTER CHANGE
INTERNAL AUDITOR

Chairman Bennett noted that this was discussed in the Legal and Legislative Committee as a possible Charter amendment. She asked Councilman Benson if he wanted this Ordinance read at this time?

Councilman Benson stated that this was discussed in the Legal and Legislative Committee, and the consensus was to put this on the Agenda for first reading tonight; that this just keeps the door open in an effort to resolve an issue that does not fully conform with our Charter.

Councilman Pierce asked if this would have to go on the ballot for a Charter change. Attorney Nelson noted that this was the purpose of this Ordinance. Councilman Pierce stated that in no way was he supportive of changing the Charter at this point; that he thought this move was to release the Council of their responsibility, and he would not support this at this time. He stated that more time was needed to talk about this; that we had never filled the post that was called for in the Charter, and we needed to get this into the open. He stated that there was no reason to rush on this; that the Council needed to take their responsibility, and the Internal Auditor should be under our domain, and there should not be a new department, and he could not support this tonight.

Councilman Page stated that he respected Councilman Pierce; that Councilman Pierce had done more to protect our Charter and the integrity of the Council than just about anyone, and he respected his opinion very much. However, after saying this, he stated that he was in support of this Ordinance; that he felt the document that had been developed includes more responsibility of the Council than is being reflected in this document; that he did believe that the Mayor needed to interface, and he hated to see duplicity in government; that he felt like this was a good solution. He went on to say that he would like to ask the City Attorney if in fact we do this policy and procedure, if it would seem to take care of the Council's responsibility for the auditing function, and we might not need to place this on the ballot as a referendum—that this was uncomfortable to him.

CHARTER CHANGE (CONT'D)

Attorney Nelson responded that an independent office could be formed; that it could be done by Ordinance but just as easily “undone” by Ordinance; that he did not feel this route would lend itself to getting the independence that it would get if it were a Charter change. He mentioned that the position of City Attorney is provided in the Charter, and it would take 2/3 of the Council and the Mayor to discharge the person holding this position; that just making it 5-4 or 6-3 in an Ordinance could be changed by the simple majority and does not lend much independence to the position.

Councilman Page surmised that Attorney Nelson was saying that it could be done without a referendum, but he would not recommend this.

Councilman Benson noted that Councilman Pierce supporting this Ordinance on first reading would in no way mean that he would support it next week; that we need to be able to send this to referendum if the facts dictate, and if it is not passed tonight on first reading, it would be two more years, and he did not want to close the door on this opportunity. He urged to keep the doors open.

Councilman Pierce stated that he did not have that much trouble with this going—that his problem was with the joint venture; that if it could move on without the joint venture, he had no problem, but as long as this was left as a joint venture, he did not want to support it; that it might be more economical and feasible to leave it like this but sometimes it is not about economics and feasibility but about doing the right thing; that this is set out in the Charter.

Councilwoman Berz stated that she agreed with Councilman Pierce’s concept; that in no way would she want to abdicate this responsibility, and she would abstain when this is called for a vote; that there needs to be lots more discussion about the checks and balances, and she would abstain.

Chairman Bennett stated that if more discussion was needed, there could be a called meeting of Legal and Legislative Committee next week. Councilman Benson pointed out that if this is not approved tonight on first reading, there would be no need for this.

CHARTER CHANGE (CONT'D)

Councilwoman Gaines stated that she did have a concern—that if we did not vote on this tonight on first reading, then our “clock” would not have time. Chairman Bennett confirmed that this was a timely matter.

On motion of Councilman Benson, 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 (1) ESTABLISH AN INDEPENDENT OFFICE OF INTERNAL AUDIT, AND AUDIT COMMITTEE, AND CITY AUDITORY; (2) PROVIDE FOR THE CITY AUDITOR’S QUALIFICATIONS, APPOINTMENT, AND REMOVAL; AND (3) PROVIDE FOR THE OFFICE’S DUTIES AND ACCESS TO RECORDS AND PROPERTY OF THE CITY
passed first reading on roll call vote as follows:

Councilman Benson	“Yes”
Councilwoman Berz	“Abstain”
Councilwoman Gaines	“Yes”
Councilman Page	“Yes”
Councilman Pierce	“No”
Councilman Rico	“Yes”
Councilwoman Robinson	“No”
Councilman Shockley	“No”
Chairman Bennett	“Yes”

AMEND CITY CHARTER
FIRE & POLICE PENSION

Chairman Bennett noted that the next two Ordinances were in relation to the Fire and Police Pension Fund.

Councilwoman Berz explained that because of the deadline, we had to put the possibility of a Charter change in the form of an Ordinance on tonight's agenda; that Ordinance (f) would just require the passage of an Ordinance and was discussed at the work session this afternoon.

At first Ordinance (e) was to be taken off the agenda; however Councilman Page felt that it still needed to be read tonight and the Council could vote "no" on it.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
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, TO MAKE CERTAIN CHANGES TO THE FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND RELATIVE TO THE DEFERRED RETIREMENT OPTION PLAN ("DROP")

was tabled permanently.

Councilman Benson stated that he felt if it were "tabled" it could come up at the next meeting. Councilwoman Gaines reminded him that we said "permanently".

Councilwoman Berz indicated that she would rather just get rid of it and vote it down, with Chairman Bennett adding that as long as it is gone, it is gone. Councilwoman Berz stated that she was not sure that tabling it made it "gone".

AMEND CITY CODE
FIRE & POLICE PENSION

On motion of Councilman Rico, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 2, TO MAKE CERTAIN CHANGES TO THE
FIRE AND POLICE PENSION FUND RELATIVE TO THE
BOARD OF DIRECTORS AND THE DEFERRED RETIREMENT
OPTION PLAN (“DROP”)**
passed first reading.

TEMP. R-O-W USE

Councilwoman Robinson thanked the Chairman for allowing her to speak to this issue, stating that she was pleased to see Mr. McCain present, as well as other neighbors; that there was new discussion and more information, and the parties were working together; that it was always great when neighbors can communicate and get the “wrinkles” ironed out, like in the previous cases of the MLK neighborhood and the GPS issue. At any rate, she stated, the people in the neighborhood have meetings planned later this week with our City Attorney, and she would like to have this postponed for one week.

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

**A RESOLUTION AUTHORIZING TODD MCCAIN TO USE
TEMPORARILY THE RIGHT-OF-WAY AT MANCHESTER
AVENUE AND GLENN ROAD TO INSTALL A BACK
ENTRANCE AT THE PROPERTY, AS SHOWN ON THE
DRAWING ATTACHED HERETO, AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
was deferred for one week.

TML DUES

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING PAYMENT TO THE
TENNESSEE MUNICIPAL LEAGUE FOR 2008-2009 ANNUAL
MEMBERSHIP DUES IN THE AMOUNT OF TWENTY-FOUR
THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS
(\$24,252.00)

was adopted.

GRANT

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO
APPLY FOR AND, IF AWARDED, TO ACCEPT A GRANT
FROM THE DEPARTMENT OF TRANSPORTATION,
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,
IN THE AMOUNT OF ONE HUNDRED EIGHTY-SEVEN
THOUSAND EIGHT HUNDRED FORTY-ONE AND 46/100
DOLLARS (\$187,841.46) TO BE USED FOR CHILD
PASSENGER SAFETY AND BOOSTER SEAT USE, WHICH
GRANT REQUIRES NO LOCAL MATCHING FUNDS

was adopted.

RADIO COMM. SYSTEM

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING A MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY, THE STATE OF
TENNESSEE, THE GEORGIA COUNTIES OF CATOOSA, DADE,
AND WALKER, AND VARIOUS MUNICIPALITIES WITHIN THE
NAMED GEORGIA COUNTIES FOR USE OF THE CITY'S
REGIONAL PUBLIC SAFETY RADIO COMMUNICATIONS
SYSTEM

was adopted.

RADIO COMM. SYSTEM

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, THE STATE OF TENNESSEE, THE TENNESSEE EMERGENCY MANAGEMENT AGENCY (TEMA), AND VARIOUS OTHER POLITICAL SUBDIVISIONS OF THE STATE OF TENNESSEE FOR USE OF THE CITY'S REGIONAL PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM
was adopted.

RADIO COMM. SYSTEM

Chairman Bennett noted that there was some media discussion concerning this and asked Dan Johnson to speak to this.

Mr. Johnson stated that he did not know if he could clear anything up, but he would explain what he knew. He explained that this was part of a project several months ago from the State, and they had bid out several through State contracts; that we applied for this and there were several interviewed—that we were competing against Knoxville and our bid won out, and we were allowed to apply for this Grant and got it.

Chairman Bennett clarified that we did not have to do a regular RFP since this is a State contract.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING A COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA, INC. IN AN AMOUNT NOT TO EXCEED THIRTEEN MILLION NINE HUNDRED THIRTY-THREE THOUSAND DOLLARS (\$13,933,000.00) FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND SERVICES RELATIVE TO THE CITY'S REGIONAL PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM
was adopted.

CONTRACT

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT WITH THE CHATTANOOGA CONVENTION CENTER FOR USE OF FACILITIES TO HOST THE 10TH ANNUAL NEIGHBORHOODS CONFERENCE SCHEDULED FOR OCTOBER 9-10, 2008 FOR AN AMOUNT NOT TO EXCEED THIRTY-EIGHT THOUSAND DOLLARS (\$38,000.00)
was adopted.

PAYMENT

On motion of Councilwoman Gaines, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A PAYMENT FROM MUSEUM BLUFF CONDOS IN THE AMOUNT OF TWENTY-TWO THOUSAND SEVEN HUNDRED THIRTY-SEVEN DOLLARS (\$22,737.00) FOR STREETScape WORK AT 2ND STREET, CHERRY STREET, AND WALNUT STREET PER THE AGREEMENT FOR THE PURCHASE AND SALE OF LAND FOR PARCEL 6 BETWEEN THE CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION AND WINDSOR/AUGHTRY COMPANY, INC.
was adopted.

CONTRACT

On motion of Councilwoman Gaines, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-08-004-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SLAP), TO ROTO ROOTER IN THE AMOUNT OF TWELVE THOUSAND EIGHT HUNDRED NINETY-EIGHT DOLLARS \$12,898.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00), FOR A TOTAL AMOUNT NOT TO EXCEED SIXTEEN THOUSAND NINETY-EIGHT DOLLARS (\$16,098.00)
was adopted.

CONTRACT

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-007-201, ASPHALT MILLING AND PAVING REQUIREMENTS CONTRACT, TO HIGHWAYS, INC. IN THE AMOUNT OF FIVE HUNDRED FORTY-NINE THOUSAND DOLLARS (\$549,000.00), PLUS A CONTINGENCY AMOUNT OF ELEVEN THOUSAND DOLLARS (\$11,000.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000.00)
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-012,201, CHIP SEAL REQUIREMENTS CONTRACT, TO TINSLEY ASPHALT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS (\$794,976.00), PLUS A CONTINGENCY AMOUNT OF EIGHTY THOUSAND TWENTY-FOUR DOLLARS (\$80,024.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED EIGHT HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$875,000.00)
was adopted.

R-O-W NAME CHANGE

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 5200 BLOCK OF POLK AVENUE TO THE 5200 BLOCK OF TANNER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE (2008-110, City of Chattanooga)
was adopted.

OVERTIME

Overtime for the week ending August 21, 2008, totaled \$11,371.62.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ❖ **BRENDA ANDERSON**—Resignation of Family Services Assistant, effective 7/31/08
- ❖ **JEANETTE N. ATHA**—Status change to part-time of Health Technician, \$14,509.30, effective 8/24/08.
- ❖ **PATRINA BROWN**—Resignation of Resource Specialist, effective 7/31/08.
- ❖ **CASEY FAIRBANKS**—Resignation of Family Services Assistant, effective 7/31/08.
- ❖ **RAYMOND KARPOVAGE**—Resignation of Family Services Assistant, effective 7/31/08.

PARKS AND RECREATION DEPARTMENT:

- ❖ **ISAIAH C. TAYLOR**—Termination of Skate Park Assistant, effective 8/14/08.
- ❖ **VIVIAN A. HIGUERA**—Hire as Crew Worker 1, Range 2, \$21,200.00 annually, effective 8/15/08.

PERSONNEL (CONT'D)

EDUCATION, ARTS & CULTURE DEPT.:

- ❖ **LAURIE J. SHIPLEY**—Resignation of Public Relations Coordinator 1, effective 8/28/08.

CHATTANOOGA POLICE DEPT.:

- ❖ **BRIAN ERWIN**—Suspension of Communications Officer for 28 days without pay, effective 8/21/08—9/17/08.

PUBLIC WORKS DEPARTMENT:

- ❖ **JOANN STEVENSON**—FMLA for Crew Worker, effective 8/19/08—11/11/08.
- ❖ **ANTWONE L. JONES**—Hire as Crew Worker I, Range 2, \$21,200.00, effective 8/08/08.
- ❖ **JASIMINUS A. TAYLOR**—Suspension of Crew Worker 1 for two days without pay, effective 8/22/08—8/25/08.

GENERAL SERVICES DEPARTMENT:

- ❖ **ALAN HOLIFIELD**—Resignation of Equipment Mech. II, effective 4/04/08.
- ❖ **JOHNNY NICHOLS**—Return from Military Leave of Equipment Mech. III, effective 8/1/08.
- ❖ **WILLIE HORNE**—Return from Military Leave of Equipment Mech. II, effective 7/1/08.
- ❖ **FINBAR ANDREWS**—Return from Military Leave of Crew Worker I, effective 7/01/08.

PERSONNEL (CONT'D)

- ❖ **CAROLYN BARLOW**—Termination of Crew Worker I, effective 8/21/08
- ❖ **MELVIN DEWS**—Retirement of Crew Worker I, effective 5/12/08.
- ❖ **SAM JONES**—Retirement of Crew Worker I, effective 8/20/08.
- ❖ **PAT ROLLINS**—Promotion to Electronic Shop Supervisor, Range 18, \$52,622.00 annually, effective 8/29/08.
- ❖ **MIKE MAHAFFEY**—Hire as Electronic Comm. Tech, Range 14, \$37,000.00 annually, effective 8/08/08.
- ❖ **RUBEN TORRES**—Hire as Electronic Comm. Tech, Range 14, \$37,000.00 annually, effective 8/22/08.

REFUND

On motion of Councilman Pierce, seconded by Councilman Page, the Administrator of Finance was authorized to issue the following refund of Water Quality Fee:

HEG CHATTANOOGA, LLC \$4,591.82

LIQUOR LICENSES

The following two Liquor Licenses were duly signed by five Councilmembers:

VINCENT CAMPBELL (JJ's LIQUOR)—4204 Rossville Blvd., Chatt. TN 37407

JEANNIE CAMPBELL (JJ's LIQUOR)—4204 Rossville Blvd., Chatt. TN 37407

PURCHASES

On motion of Councilman Page, seconded by Councilwoman Robinson, the following purchases presented by Dan Johnson were approved:

PUBLIC WORKS DEPT.:

ENNIS PAINT (Lowest and best bid):
Requisition R0112059/B0005405

Requirements Contract for Glass Beads

\$15.00 per 50 lb. Bag

UTILIPATH, LLC (Lowest and best bid):
Requisition R011202/B0005401

Blanket Contract for Underground Boring & Trenching Services

\$24.00 ft. for dirt boring

\$65.00 ft. for rock boring

\$21.67 ft. for trenching

EAGLE POINT SOFTWARE (Single Source Purchase)
Requisition R0112598

Software Maintenance

\$17,665.00

PARKS AND RECREATION DEPT.:

McCAIN DESIGN (Lowest and best bid):
Requisition R0112167/B0005428

Blanket Contract for Graphic Design Services

\$45.00 per hour

PURCHASES (CONT'D)

HUMAN SERVICES DEPT.:

CERTIFIED MAINTENANCE SERVICE (Best and Lowest bid):
Requisition R0111383

Contract for Janitorial Services at Head Start and Early Head Start Centers

\$115,176.00

CHATTANOOGA FIRE DEPT.:

FDM SOFTWARE LTD. (Single Source Purchase):
R0113086

Renewal Agreement for annual software maintenance & support services

\$47,323.30

BOARD APPOINTMENTS

On motion of Councilman Rico, seconded by Councilman Page, the following Board Appointments were approved:

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS:

- ❖ Appointment of **DON BLANKENSHIP** as the Plumbing Contractor to fill the expired term of James Raulston for a term to expire **August 26, 2012**.
- ❖ Appointment of **ROBERT WADE** as the Fire Specialist, for a term to expire **August 26, 2012**.
- ❖ Appointment of **JAMES B. WALKER** as the Electrical Engineer to fill the expired term of Joe Farless, for a term to expire **August 26, 2012**.

BOARD APPOINTMENTS

On motion of Councilman Rico, seconded by Councilman Benson, the following Board Appointments were approved:

BEER AND WRECKER BOARD:

- ❖ Re-appointment of **EDWIN M. FRICKS** for a three-year term ending **August 26, 2011.**
- ❖ Re-appointment of **J. FREDERICK WEINHOLD** for a three-year term ending **August 26, 2011.**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following Board Appointment was approved:

CHATTANOOGA HOUIING AUTHORITY:

- ❖ Re-appointment of **JIM SATTLER** for a three-year term to expire **August 26, 2011.**

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

AIRPORT AUTHORITY:

- ❖ Re-appointment of **DAN JACOBSON** for a three-year term to expire **August 26, 2011.**

HEARING:
LAWRENCE GOODINE

Attorney Nelson noted that a hearing was held in this room on Monday night that went into the “wee” hours of the morning.

Councilwoman Berz, who chaired the hearing, stated that it was the appeal of Lawrence Goodine from termination by the Police Department; that everyone with the exception of Councilman Pierce and Councilwoman Gaines served, and the outcome could be seen in the newspaper.

HEARING (CONT'D)

Attorney Nelson stated that for the record, the termination was approved.

Councilwoman Berz added that the termination was sustained; that several areas were covered and one issue was not sustained, which was the allegation of theft.

Councilman Pierce noted that he was present at the hearing and jokingly asked if he and Councilwoman Gaines got overtime pay! Councilwoman Gaines stated that as she understood it, Councilman Pierce was here as a "referee" and one Councilman slept through it!

CITY WIDE TOUR OF FACILITIES

Chairman Bennett stated that because of the rainy days we were having, the tour scheduled for Thursday has been cancelled and has been re-scheduled for Thursday, September 25th, and we will hope for good weather.

COMMITTEES

Councilman Benson scheduled a called **Legal and Legislative Committee meeting on Tuesday, September 2nd** to further discuss the Internal Auditor position. At first it was felt that maybe this meeting should begin at 2:00 p.m. Chairman Bennett asked Ms. Crownover to check the availability of times. (The **Legal and Legislative Committee** will immediately follow the **Agenda Items**.)

Councilwoman Berz scheduled a meeting of the **Budget, Finance and Personnel Committee on Tuesday, September 2nd, immediately following the Public Works Committee** to discuss the Interceptor Sewer Budget.

Councilman Rico reminded everyone of the **Public Works Committee meeting** scheduled for **Tuesday, September 2nd, immediately following the Legal and Legislative Committee** to discuss the Public Works' items for the current and following week.

CHRISTY McCAIN

Ms. McCain of 1416 Winding Way addressed the Council about the Resolution that was tabled earlier authorizing Todd McCain temporary right-of-way usage at the back of his property. She stated that in the spirit of cooperation, they would like to see this resolved; that it had been tabled three times and two parties will continue to disagree, and she had been told if she moved forward, she would be sued. She stated that this was a public road that they wanted to use, and the neighbors were saying they could not use it because it belonged to them. She stated that they would love to cooperate, but there are two sides and eventually a decision will have to be made. She stated that they had two kids, who they had to leave to come to these meetings, and they would like everyone to get together. She asked that the Council tell them what they wanted from them so that they could bring the information to the next meeting.

Councilwoman Robinson responded that since last week one of the parties had asked to have a meeting with the City Attorney so that they could understand what has happened, and she thought the situation could be resolved.

Ms. McCain noted that the last time they were told that everything was okay; that they had made many trips down here and had had the same opposition since July 8th.

Councilwoman Robinson explained that people said they did not know anything about this; that they had asked for another week before this comes to the Council for a vote—that one of the neighbors is elderly.

Ms. McCain still maintained that they had known about this since the 15th of July.

Councilwoman Robinson again explained that one of the persons is elderly and has health problems.

CHRISTY McCAIN (CONT'D)

Ms. McCain responded that the Mallchoks were not elderly people; that Mr. Gentry did not tell her, but she had heard that if she moved forward with this, he would not be happy.

Councilwoman Robinson stated that she was just trying to get the neighborhood together on this.

Ms. McCain stated that this case would have to be decided on its merits, and all may not agree; that the Council needs to bring to this a "head" and make a judgment based on facts.

Councilwoman Robinson asked that the neighbors be given an opportunity to talk to the City Attorney; that she felt that this was destined to be a lawsuit, and she was sorry.

Ms. McCain still contended that the neighbors had known about this for many weeks; that they (McCains) had left two meetings where the City had said "yes" it would move forward and that everything was okay; that they felt like they had given all the information they could.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, September 2, 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)**

