

**CITY COUNCIL BUILDING
Chattanooga, Tennessee
September 30, 2008**

Chairman Bennett called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gaines, Pierce, Rico, and Robinson present. Councilmen Page and Shockley were absent due to prior commitment. 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 Brother Ron Fender.

MINUTE APPROVAL

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

CLOSE AND ABANDON

Mr-2008-096 (Doug & Laura Raby)

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY
LOCATED ON THE SOUTH LINE OF THE 600 BLOCK OF
GRAHAM STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**

passed first reading.

CLOSE AND ABANDON

MR-2008-097 (Mary Sterchi)

On motion of Councilman Rico, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY
LOCATED ON THE SOUTH LINE OF THE UNIT BLOCK OF
WEST 20TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**
passed first reading.

CLOSE AND ABANDON

MR-2008-099 (Ken McCoy/Silverdale Baptist)

On motion of Councilman Benson, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION
OF SEWER LINE AND EASEMENT #51999 LOCATED AT
7236 BONNY OAKS DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND
DRAWINGS ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
passed first reading.

AGREEMENT

Councilman Benson stated that this was discussed thoroughly this afternoon in the work session, and that he had regrettably got to the point in this economy with the cost of pharmaceuticals being so high that the City can't afford under our Health Insurance program to continue like we are doing, unless we go with something like this, to vote in favor. He noted that all of our City employees would benefit from this collectively. He reiterated that he regretted entering this field, but there was no other choice unless we increased our payments and to do this we would have to increase our tax revenue, and in this economy this can't come about. He stated that he would vote for this, but he was not pleased.

AGREEMENT (CONT'D)

Councilwoman Robinson stated that she had struggled with this; that she philosophically believed that government should not compete with private enterprise and wished that this could have been thoroughly discussed at greater length and that she, too, was going to vote for it because it will save all of our taxpayers' money over a five to six year period. She stated that we did not want to raise property taxes and are looking for savings, and this would represent significant savings.

On motion of Councilman Benson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO EXECUTE AN AGREEMENT WITH THE BENEFIT ADVOCATE, INC. AND CAREHERE, LLC TO PROVIDE ONSITE PHARMACY SERVICES FOR CITY EMPLOYEES, RETIREES, AND DEPENDENTS COVERED UNDER THE CITY'S HEALTH INSURANCE PLAN AND FOR JOB-RELATED INJURIES AND FURTHER AUTHORIZING THE PERSONNEL DIRECTOR TO EXECUTE AN ADDENDUM TO THE AGREEMENT WITH CAREHERE, LLC FOR THE OPERATION OF THE CITY'S ONSITE MEDICAL CLINICS SO AS TO CHANGE THE TERM THEREOF TO BE CONTEMPORANEOUS WITH THE AGREEMENT FOR PHARMACY SERVICES

was adopted.

At this point Chairman Bennett noted that all of these Resolutions had been discussed in the Council's work session.

AD VALOREM TAXES
WESTINGHOUSE AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO WESTINGHOUSE ELECTRIC COMPANY, LLC 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.

**NEIGHBORHOOD SERVICES
DONATIONS**

On motion of Councilman Rico, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF
NEIGHBORHOOD SERVICES AND COMMUNITY
DEVELOPMENT TO SOLICIT AND ACCEPT DONATIONS
FROM BUSINESSES AND OTHER ORGANIZATIONS IN
SUPPORT OF THE ANNUAL NEIGHBORHOODS AND CODES
CONFERENCES EACH YEAR TO BE DISTRIBUTED TO
CONFERENCE PARTICIPANTS**
was adopted.

**PAYMENT/
VOLKSWAGEN GROUP**

On motion of Councilman Rico, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING PAYMENT TO HAMILTON
COUNTY IN THE AMOUNT OF TWENTY-FOUR THOUSAND
TWO HUNDRED FIFTY-ONE AND 35/100 DOLLARS
(\$24,251.35) AS REIMBURSEMENT FOR THE CITY'S SHARE
OF THE COST OF ADDITIONAL SITE PREPARATION WORK
REQUIRED BY VOLKSWAGEN GROUP OF AMERICA, INC. IN
ITS CONSIDERATION OF ENTERPRISE SOUTH FOR THE
CONSTRUCTION OF AN AUTOMOBILE ASSEMBLY PLANT**
was adopted.

LEASE AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF
GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT
WITH SSM PROPERTIES, LP FOR USE OF PROPERTY
LOCATED AT 3500 NORTH HAWHORNE STREET, TAX MAP
128H-A-004, FOR A TERM OF ONE (1) YEAR, WITH FOUR (4)
THREE (3) MONTHS OPTIONS TO RENEW, AT A BASE
RENTAL RATE IN THE AMOUNT OF TWO THOUSAND
DOLLARS (\$2,000.00) PER MONTH, PLUS UTILITIES, TO BE
USED FOR STORAGE OF COMMUNICATIONS EQUIPMENT
AND RELATED ACTIVITIES**
was adopted.

EASEMENT AGREEMENT

On motion of Councilwoman Berz, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF
GENERAL SERVICES TO EXECUTE AN EASEMENT
AGREEMENT WITH TENNESSEE-AMERICAN WATER
COMPANY RELATIVE TO THE INSTALLATION AND
MAINTENANCE OF WATERLINES IN THE BONNY OAKS
DRIVE/HICKORY VALLEY ROAD AREA**
was adopted.

PERM. EASEMENT ACCEPT.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A
PERMANENT EASEMENT OF APPROXIMATELY FIVE AND
THREE-TWO ONE-HUNDREDTHS (5.03) ACRES LOCATED AT
2735 KANASITA DRIVE FROM ENCORE MEDICAL, LP d/b/a
CHATTANOOGA GROUP THROUGH THE TRUST FOR
PUBLIC LAND TO BE USED AS PART OF THE NORTH
CHICKAMAUGA GREENWAY, AND EXPRESSING THE
GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID
EASEMENT**
was adopted.

CONTRACT

At first, Councilman Benson had a question but then recalled that this
had been discussed in committee.

On motion of Councilman Rico, seconded by Councilman Benson,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND
THE CURRENT CONTRACT WITH STRATEGY TEAM
FACILITATORS CONSULTANTS FOR AN ADDITIONAL SIX
(6) MONTHS, OR THROUGH MARCH 2009, TO ASSIST THE
MAYOR WITH STRATEGIC PLANNING, TARGETED AREA
ECONOMIC DEVELOPMENT, PROJECT PLANNING AND
IMPLEMENTATION, INTER-ORGANIZATIONAL
COLLABORATION AND COMMUNITY-BASED CAPACITY
BUILDING, COMMUNITY INVOLVEMENT, AND RESOURCE
DEVELOPMENT IN AN AMOUNT NOT TO EXCEED THE
CURRENT RATE OF EIGHT THOUSAND EIGHT HUNDRED
EIGHTY-EIGHT AND 89/100 DOLLARS (\$8,888.89) PER
MONTH**
was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT AND ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-08-010-101, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED SIXTY SIX THOUSAND DOLLARS (\$66,000.00)

was adopted.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1(FINAL) RELATIVE TO CONTRACT NO. E-04-036-103, ENTERPRISE SOUTH CONNECTOR ROAD GAS PIPELINES RELOCATION, WITH COLONIAL PIPELINE COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FOUR HUNDRED NINE THOUSAND TWO HUNDRED EIGHTY-FOUR AND 78/100 DOLLARS (\$409,284.78), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED NINETY THOUSAND FIVE HUNDRED EIGHTY-FOUR AND 22/100 DOLLARS (\$690,584.22)

was adopted.

TEMP. R-O-W USE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING BILLY J. WOODALL, TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY TO 25 EAST MAIN STREET, AS SHOWN ON THE ATTACHED MAP, FOR EMERGENCY EGRESS FROM THE ADJACENT BUILDING TO THE EAST, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AD VALOREM TAXES
RIVERCITY CO. AGREE.

Councilman Benson stated that this was discussed thoroughly in committee today, and he thought it was a good investment with great returns; that the property is not on the taxrolls and will be put back and will go from low dividends to big dividends and result in a spin-off with adjacent businesses and will be a great deal down the road.

Councilwoman Robinson had planned to speak but stated that Councilman Benson had said it all.

On motion of Councilman Pierce, seconded by Councilwoman Gaines,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING
TO THE RIVERCITY COMPANY PROJECT, TO DELEGATE
CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT
BOARD OF THE CITY OF CHATTANOOGA, AND TO
AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE
AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM
TAXES**

was adopted.

OVERTIME

Overtime will be reported next week.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **DAVID JENKINS**—Involuntary Demotion of Electronics Technician I, Range 14, \$43,293.00 annually, effective 9/19/08.
- **TRACY L. MURRAY**—Return from FMLA of Equipment Operator 3, effective 9/8/08.
- **GRADY E. SHOOK**—FMLA, Crew Worker 2, effective 9/18/08—12/01/08.

PERSONNEL (CONT'D)

- **DWIGHT A. MANGHANE**—Two Days Suspension without pay for Equipment Operator 3, effective 9/23/08—12/16/08.

CHATTANOOGA POLICE DEPARTMENT:

- **BRIAN IRWIN**—Termination of Communications Officer, effective 9/19/08.
- **DALE ALLEN LOCKHART**—Resignation of Police Officer, effective 9/19/08.
- **TAMMY COOK**—Return from Military Duty of Sergeant, effective 9/22/08.
- **WILLIAMS NICHOLS**—Resignation of Police Cadet, effective 9/22/08.
- **SHERIDAN E. LUPO**—Hire as Police Cadet, Range P1, \$34,118.00 annually, effective 9/23/08.
- **JEFF WHITE**—Termination of Police Officer, effective 9/26/08.
- **COREY STOKES**—Three Day Suspension without pay for Police Officer, effective 9/26/08.
- **NICK PORTER**—15 Days Suspension without pay for Communications Officer, effective 9/26/08—10/10/08.
- **FREDERICKO MOORE**—21 Days Suspension without pay for Police Officer, effective 9/25/08—10/15/08.
- **DEWAYNE PRATER**—One Day Suspension without pay for Police Officer, effective 9/30/08.

PERSONNEL (CONT'D)

CHATTANOOGA FIRE DEPARTMENT:

- **GABRIEL THRASH**—FMLA for Senior Firefighter, effective 9/23/08—12/16/08.
- **ABDUL R. SWAFFORD**—Leave of Absence for Senior Firefighter, effective 9/30/08—10/30/08.

PARKS AND RECREATION DEPARTMENT:

- **JACQUELINE LEWIS**—Hire as Administrative Support Specialist, Range 10, \$28,137.00 annually, effective 9/26/08.

GENERAL GOVERNMENT:

- **DOUGLAS A. ST. JOHN**—Hire as Telecommunications Coordinator, Range 17, \$44,100.00 annually, effective 9/26/08.

HUMAN SERVICES DEPARTMENT:

- **LISA BATES & DEBORAH DAMPLER**—Termination of Dietary Assistants, effective 8/28/08.
- **DIANNA RICHARDS**—Resignation of Family Service Asst. 1, effective 9/05/08.

PARKS & RECREATION

Adm. Larry Zehnder reported that last Thursday his Department was proud to receive a recommendation from the Chattanooga-Times Free Press as the “Best of the Best”; that about 300 to 400 people attended and Coolidge Park was awarded the Best Park in the City and the best place to have a picnic. Mr. Zehnder noted that the event was attended by the supervisor at Coolidge Park, Dan Lewis, and others. He stated that this was a great tribute to our City and a tribute to the resources that the Council provides.

Chairman Bennett noted that it was also a tribute to Mr. Zehnder’s leadership and to his department.

PARKS & RECREATION
(CONT'D)

Councilwoman Robinson stated that she appreciated so much Mr. Zehnder's leadership and also Public Works in the work they were doing with the repair of The Passage, which is an infrastructure that houses public art. She stated that there had been electrical problems and infrastructure failures and a lot of expertise and time had been spent on this. She noted that travel arrangements had been made to travel to Cleveland, Tennessee on Thursday to meet with the Eastern and Western branch of the Cherokee nation to assure them that the public art will be protected. She went on to say that everyone was working to see that The Passage will be opened next Summer. She again thanked Public Works and Parks and Recreation for all they have done.

FIRE DEPARTMENT

Chief Rowe thanked the Council for allowing vouchers for fire personnel to attend the popular movie "FireProof" offered by Julie Baumgardner. He also made mention of the \$1,100 donation by Walmart on Highway 153 to support Fire Protection activities. Lastly, he extended an invitation to all Councilmembers to attend the "Firefighter of the Year" program on Monday, October 6th at 9:00 a.m.

PURCHASES

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

FOR THE PERSONNEL DEPT.:

CA SHORT COMPANY (Best Bid);
Requisition R0111822

Requirements Contract for Employee Service Awards

(See minute material for pricing)

PURCHASES (CONT'D)

FOR THE PUBLIC WORKS DEPT.:

TEMPLE, INC. (Single Source Purchase)
Requisition R0113811

8 Phase Traffic Cabinet

\$10,568.00.

CARBON ACTIVATED CORPORATION (Lowest and Best Bid)
Requisition R011919

Requirements Contract for Odor Control Filter Media

\$394,889.50

NATURAL LAND CLEARING, INC. (Based upon Unit Prices)
Requisition R0112616

Requirement Contract for Goat Browsing

(See minute material for pricing)

FOR THE POLICE DEPARTMENT:

ALLEN-VANGUARD, INC. (Lowest and Best Bid)
Requisition R0113136

Bomb Suits & Helmets

\$72,710.00

Councilman Benson asked Ms. Madison to explain "goat browsing". Ms. Madison stated that she thought it was when the goats did not eat the grass all the way to the ground, stating that everyone had heard this in committee.

BOARD APPOINTMENT

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

STORMWATER BOARD

- Appointment of **GIRISH PATEL**, for a term expiring **September 30, 2012**, to fill the expired term of Jim Hoff.

COMMITTEES

Councilman Benson stated that there would be a **Legal and Legislative Committee on Tuesday, October 7th** following the Agenda Items session. One of the topics that will be covered will be the City Attorney bringing something on selling alcoholic beverages at the Memorial Auditorium and Tivoli Theatre. Attorney Nelson stated that he would also be bringing a draft of the Wrecker Ordinance. Councilman Benson noted that the Council would not take action on this next week, but it will be the week later. Chairman Bennett reminded him that there was also an Ordinance coming that would deal with Engine Brakes Prohibited signs.

RESTROOM FACILITIES WARNER PARK

Councilman Pierce had questions for Adm. Zehnder concerning restroom facilities at the Tennis Court at Warner Park. Adm. Zehnder responded that “yes” they were needed; that there was an arrangement with Frost Stadium to use their restrooms; that there did need to be separate facilities particularly during the tennis season. He agreed that this was an aspect that needed to be addressed and hopefully it will be in the next budget cycle—that it will be as soon as funds can be identified.

Councilman Pierce wanted to know how soon this would be? Adm. Zehnder responded that they had not begun the Capital Budget but might have sufficient funds or it may be June of next year.

Councilwoman Gaines stated that she thought Adm. Zehnder was saying that we would have to wait until next year for restrooms; that she had been there and would say to Adm. Zehnder that this is “unacceptable” for tennis players to have to walk to the Stadium or wait a year.

RESTROOM FACILITIES
(CONT'D)

Adm. Zehnder asked if she was suggesting that we do something temporarily and immediately—that he apologized—that there were always portable facilities that you can get on the spur of the moment that would cost around \$50,000. He stated that he had been caught off guard on this.

Councilwoman Gaines stated that she was not trying to be harsh.

Adm. Zehnder stated that there were ten restrooms at Frost Stadium within 100 ft., which could be made available tomorrow; that he thought he was being asked about a long-term solution—that if it is wanted immediately it would have to be portable facilities.

Councilwoman Gaines verified that he was talking about portable buildings. He explained that there were several different kinds and some cost a lot of money on a rental basis; that he had heard that the community needs this, and they would do their best as quickly as possible.

BRO. RON FENDER

Bro. Fender stated that he was a Gregorian Monk and lived with the homeless people and represented local armies of poor people. He mentioned the **CHANGERS**, which is a Chattanooga and North Georgia Economic Human Rights Campaign. He stated that he would like to take a moment to remind everyone that this is the last day of the month, when people get a check and have to decide whether to buy groceries or medicine. He stated that there were children sleeping in cars with no access to any restrooms! He stated that they were organizing **The Poor People's March on Chattanooga**, which would march from UTC in front of Hunter Hall on McCallie Ave. and proceed to Miller Park, where there will be speakers and food and raise the awareness of the plight of the poor—the working poor, the homeless and those that were struggling. He invited members of the City Council to march with them on **Friday, October 3rd at 5:00 p.m.** and join the people in the community. He presented copies of **The Poor People's Manifesto** (which is made a part of this minute material), and also a **Universal Declaration of Human Rights**, which has been ratified by all but the United States. He again extended his invitation for the March and thanked the Council for their help to poor people.

STEPHEN WEST

Mr. West approached the Council stating that on September 11th, he called the McKamey Center about a dog that had attacked his son; that the Council had voted McKamey in, and they were not doing their job; that there are stray dogs in neighborhoods, and they don't show up; that when the City had Animal Control, they did show up, but when you call McKamey you don't get any answer. He explained that he had to get the Police to call them and that McKamey was not providing services that the City is paying for; that you call McKamey, and they don't show up—that he would start shooting dogs in his neighborhood. He stated that he just wanted to let the Council know what is going on.

Councilman Benson stated that he was sorry this happened; however McKamey has just opened up, and there are transitional problems.

Mr. West stated that he called them yesterday and got no answer, and there was no answering machine.

Councilman Benson stated that he would talk to Mr. West later; that McKamey was having a hard time—that they were loaded up with animals, and we were doing the best we could.

Mr. West responded that taxpayers were paying for services and when this was under the City, we did not have these problems.

Councilman Benson thanked Mr. West for his comments.

Councilwoman Gaines stated that at one time we were using the 311 Center, and they were fielding the calls.

Councilman Benson asked Mr. West if he called 311, and he responded "yes" and then had to call 911 for a Police Officer.

Councilwoman Robinson stated that it was important for this family to know where the dog had been taken—that the threat of Rabies is real, and we need to follow up; that when an Animal Officer takes possession of an animal, they have to wait for ten days, and there are laws that govern this; that as a parent, this man should know where the dog is tonight.

STEPHEN WEST (CONT'D)

Councilman Benson asked if a dog bit a child? Mr. West responded “yes”—my child; that the dog had been released back to the owner.

Councilwoman Robinson stated that this was not acceptable.

Mr. West stated that the dog’s owner was his neighbor, but if it happens again, he will shoot the dog.

Chairman Bennett thanked Mr. West for coming.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, October 7th 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)**