

City Council Building
Chattanooga, Tennessee
October 7, 2008
6:00 p.m.

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

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2008-096: Doug and Laura Raby

On motion of Councilman Rico, seconded by Councilwoman Berz,
**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 second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2008-097: Mary Sterchi

On motion of Councilman Rico, seconded by Councilwoman Gaines,
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 second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2008-099: Ken McCoy/Silverdale Baptist

On motion of Councilman Page, seconded by Councilman Rico,
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 OT CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Page,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTION 5-75(b), REGARDING EXCEPTIONS TO THE DISTANCE RESTRICTIONS FOR THE SALE OF BEER OR OTHER BEVERAGES OF LIKE ALCOHOLIC CONTENT TO THE AREA OF WARNER PARK OCCUPIED BY THE CHATTANOOGA ZOO AND TO REMOVE EASTGATE PLAZA FROM THE EXCEPTIONS LISTED IN SECTION 5-75(b)
passed first reading.

ACCEPT DONATION

Councilman Benson explained that this donation is from County Commissioner Larry Henry and comes from his district discretionary money given to County Commissioners, which the City Council does not have (and the county does).

ACCEPT DONATION (Continued)

Councilman Benson stated Commissioner Henry is making the donation of \$10,000 for a handicap elevator at Heritage House and commended him for making the donation as he (Henry) represents the district in the county.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM THE OFFICE OF THE MAYOR OF HAMILTON COUNTY IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) TO THE DEPARTMENT OF EDUCATION, ARTS & CULTURE FOR THE HERITAGE HOUSE PROJECT
was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING PAYMENT TO RAINES BROTHERS CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND 51/100 (\$252,751.51) FOR ADDITIONS AND CHANGES RELATIVE TO THE CITY HALL RENOVATION CONTRACT
was adopted.

AGREEMENT AMENDMENT

On motion of Councilwoman Berz, seconded by Councilwoman Gaines,
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. RELATIVE TO THE SUMMIT SOFTBALL COMPLEX PROJECT TO PROVIDE ADDITIONAL ON-SITE PROJECT REPRESENTATION SERVICES, WHICH AMENDMENT INCREASES THE AMOUNT OF THE CONTRACT BY SEVENTY-ONE THOUSAND SIX HUNDRED THIRTY-FIVE DOLLARS (\$71,635.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED NINE HUNDRED FIFTY-NINE THOUSAND ONE HUNDRED SEVENTY-THREE DOLLARS (\$959,173.00)
was adopted.

SPECIAL POLICEMAN

On motion of Councilman Rico, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF LIEUTENANT KEVIN M. CARPENTER AND LIEUTENANT SETH R. MILLER AS SPECIAL POLICEMEN (UNARMED) FOR THE CHATTANOOGA FIRE DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CHARITABLE CONTRIBUTION

Councilmen Robinson and Shockley made the motion to approve this matter.

Chairman Bennett asked citizens in support of this Resolution to stand (a large delegation from the community stood at this time). She explained there was some confusion this morning as to when this matter would be presented on the agenda and asked the City Attorney to explain.

City Attorney Nelson explained by saying initially the Resolution was presented as part of a lease purchase agreement by the city and that was going to have to go to Planning pursuant to Tennessee Code 131-104. He stated this afternoon in committee it was learned the city was not getting the property in any way shape or form and was simply being asked to help finance the Trust for Public Land's acquisition of the property. He stated the resolution was changed from being a lease purchase agreement to a grant agreement which does not require the action of the Planning Commission; therefore, we can go ahead and not have to wait until such time as Planning makes its recommendation.

Councilman Benson stated this is a good and worthy project and there is no question in his mind it would be a great asset to the city of Chattanooga; that it is hard to find anyone who would not want this for future enjoyment of our citizens. He stated he would not have had any reservation about voting several months ago; that when it was first brought up he had one reservation and that was that it borders right on the city and county and if the city is the only one who pays taxes on this the citizens are paying twice. He stated Red Bank, adjacent counties and everyone using this is part of the metropolitan "draw" are paying nothing and that worries him. He stated that he asked Mr. Wood to go to the county and ask if they would match the money so there would not be a negative impact on our budget and (he) accomplished nothing in getting that out of the county and that made him (Benson) very reticent as he would want the citizens to get the full benefit of their taxes.

CHARITABLE CONTRIBUTION (Continued)

Councilman Benson continued by stating that on last Friday when Congress passed the \$700 billion bailout he thought it would stimulate our economy and now, today, we have 700 points on the DOW or S&P and we are in serious problems now unless we change it. He stated "clouds are hanging" over all of us and individual homes, as well, and we have to make certain we have enough of the essentials. He stated the Tennessee Municipal League (TML) put out a paper last week advising us that all cities in the state would be having bad problems, our Chairman is a member of the TML Board and they forewarned us. He stated he is not in a position to feel he is fiscally responsible to citizens of this entire city to vote for half million dollars for a very desirable project, not an essential, and does not want to have chip sealing on a road. He stated he is not prepared to vote for this and is willing to defer it until we can see if things are going to "bottom out" and bring back this economy as it is a world-wide problem now. He stated the essentials are the necessary services to keep in place such as garbage service, fire trucks and other things before we buy a passive park.

At this point Chairman Bennett asked that Vice Chairman Benson chair the meeting during the remainder of discussion on this issue.

Councilman Pierce stated this was discussed earlier this afternoon in committee and expressed his position in reference to the state of the economy as it is today, noting that he could see no way he could support this. He stated he is sure the Mayor's office is committed to \$150,000 toward the half million and if anyone looks at the stock market on a daily basis it is continuing to fall. He expressed his thought that the timing is off to continue to allocate projects like this and with it coming in as a donation he does not remember such donations of this nature in the past. He stated this is just something that is out of the ordinary and (he) can not sit on the Council with a clear conscience and vote for this and then turn around next year and tax the citizens of this city, not only this project but any project of this nature, he would be opposed to until he can see an upturn in the economy. He stated the matter was discussed at length and (he) would not continue to talk about it; that it is his thought all on the Council, except Councilwoman Bennett, were in the meeting, and (he) wanted to let everyone know there is no way he can support it. He stated there were several meetings back in February when someone wanted to develop the property and we met and met and met; that he voted to defeat that development but did not realize his vote would cost the city a half million dollars to develop a passive park for the ridge! He stated there is just no way he can support this.

CHARITABLE CONTRIBUTION (Continued)

Councilwoman Berz expressed agreement with everything that had been said except that is not the proposal. She expressed her wish that everything in the whole city were a park as she is supportive of parks. She stated if she understands the proposal as it is now written we have a wonderful opportunity to commit a half million dollars, we are taking \$150,000 this year from another area of the budget so it is not a "new money" sort of thing with the caveat next year it will come up for approval of more money, and if more money is available then we will approve it. She asked Rick Wood if \$150,000 is enough as that is the only commitment being made the way the proposal is written. Rick Wood responded, "yes, ma'am, it is". Councilman Pierce jokingly suggested raising it to \$200,000 to be sure!

Councilman Page stated that he would like to vote for this but is having difficulty and the reason is that he is hearing if there were more time more money could be raised. He stated the city of Chattanooga presently has this Council's okay and has approved two bond issuances – one for infrastructure and the other for work on the Enterprise piece. He stated those are two issues that this Council has approved, however, the market is such now that those bonds can not be sold and the market will not buy municipal bonds now; that he is really struggling with this because he does not see any infrastructure needs to be paid for and sees other things within the city's basic services that need to be paid for. He stated some money has already been taken out of reserve so he is most concerned; that he would love to see this work but something has to happen differently for him to become comfortable as the market has to turn around and sell municipal bonds. He stated that he knows this is not a bonds issuance and is not speaking against the motion; that he is speaking out of concern for the finances of this city. He stated that he has the utmost respect for what is trying to be done and for Councilwoman Bennett and the people who represent that area, noting that he wanted to make that statement for a point of information.

Rick Wood, Chattanooga Field Office Director of Trust for Public Land (TPL), thanked the Council for taking so much time dealing with Stringer's Ridge in February and the last three weeks. He stated \$150,000 is already approved by the Council through the capital budget and is already in the greenways budget part of the Parks Department; that that money would be spent anyway on building South Chickamauga Greenway, building the North Chickamauga Greenway or a different greenway. He stated money for the greenway will be spent and the \$150,000 would be spent on parks anyway, so taking the \$150,000 now and putting it toward Stringer's Ridge is a great investment that leverages up to \$2 million in private money from private citizens putting their dollars "on the line" which "says" they believe in a vote for conservation, neighborhoods, parks and quality of life for our city.

CHARITABLE CONTRIBUTION (Continued)

Mr. Wood stated this really is a question of quality of life and knows the value of homes adjacent to parks, trails and greenways have a boost in property value. He stated that the \$150,000 is money that is already spent on trails and greenways; that they would love to have the \$350,000 pledge for next year but know they can not "tie the hands" of the next administration, but having a vote of confidence is important for other donors, their foundation partners who are putting in money and the private sector putting in money. He stated the neighborhood has been amazing in showing up on quick notice. He stated in regard to maintenance, maintaining the trails will be at no cost to the city.

Councilwoman Bennett stated that she has had the last year to work with the Stringer's Ridge developers and alter, as we realized through those discussions, the real value of this property as a scenic backdrop of downtown; that they are now looking more at a footprint of downtown and the waterfront as including the north shore. She stated someone told her prior to coming on the Council that the real test to a decision will not be in four years of service but twenty years later when the true value of decisions made are realized. She stated this is one of those times she has absolutely no doubt the investment we make today will, in the long run, be a win for the future and something we can look back on; that we took care of this property and "put our money where our mouths were" when we talk about initiatives. She stated in all the discussions over many months we have heard many people mentioning Cameron Hill and how they wish we could go back and take that back but we can not do it, we can not go back. She stated when people start looking at our communities, a place where Volkswagen is, a place for retirees and young people who have come here to live they are looking at what is important to this community. She stated when we talk about green initiatives we want to see the walking trails; that if we "talk the talk" we need to "walk the walk"! She stated that she knows it is a hard time but in the tough times it is very important to make decisions of benefit to the entire community that has lasting value.

Councilman Shockley inquired as to whether this amount would affect other projects since it is coming from the greenway situation.

Adm. Zehnder stated that greenways are funded every year in capital projects and in this particular case the \$150,000 is coming out of the greenway account that would normally be used for the South Chickamauga Greenway.

CHARITABLE CONTRIBUTION (Continued)

Adm. Zehnder stated they are planning to develop this project and construction will be very shortly; that part of the deal is that the Department of Transportation will get enhancement dollars. He stated they probably will not be able to get to construction quickly and this money would have been sitting in an account until TDOT enhancement dollars are received from the State. He stated that this deal in funding is not going to seriously impact our continued development of greenways but is coming out of the greenway funds.

Councilman Pierce addressed Mr. Wood and stated that the money is already allocated to Parks and Recreation but it has not been spent yet until the Council approves it -- not only this project but any other project. He stated a "freeze" needs to be placed on some spending to see what outcome there will be in the future. He stated we have \$150,000 and there is no question about that, and asked "do you spend everything you have in your pocket just because you have it without thinking about tomorrow and the economy". He stated everyone on the Council was elected to be stewards of the tax payers' money and the only way to do that is to look at spending and how it is carried out. He stated although we have passed a balanced budget and the money is there and Mr. Zehnder admits it is there, the \$150,000 has not been spent, yet.

Councilwoman Gaines stated that she asked earlier about the \$500,000 amount in the resolution as well as the closing costs and Mr. Zehnder told her an amendment had been made.

City Attorney Nelson clarified that the resolution has been amended and re-read the caption. He stated that the issue of closing costs has been removed.

Councilman Pierce inquired as to whether there is mention of the support of the Council.

Councilwoman Bennett clarified "it is there".

At this point Councilman Rico "called for the question".

Vice Chairman Benson returned the Chairmanship to Chairman Bennett.

CHARITABLE CONTRIBUTION (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Shockley,
A RESOLUTION AUTHORIZING A CHARITABLE CONTRIBUTION TO THE TRUST FOR PUBLIC LAND TO BE USED TOWARD THE ACQUISITION OF THE STRINGER'S RIDGE PROPERTY IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) PAYABLE IN FISCAL YEAR 2009 WITH AN ADDITIONAL THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) PAYABLE IN FISCAL YEAR 2010, SUBJECT TO COUNCIL'S APPROVAL BY APPROPRIATION OF AVAILABLE FUNDS

was adopted; Councilmen Benson and Pierce voted "no"; Councilman Page abstained.

COMMEMORATIVE SECONDARY STREET NAME SIGNS

Councilman Benson stated the Council has adopted a practice policy of not naming any streets or parks if a person is still living. He reminded the Council of the large congregation that came to the Council asking that a street be named in honor of their preacher and the Council had to turn it down. He stated everyone wants to do something great for Luther Massingill and there is no question about that and the first thing that was said was to name a street or parkway. He stated that he talked with the Mayor today and the people who helped promote this and they like the idea of trying to do something better than just naming a street or parkway that would recognize his talents, gifts and what he has done for the city and field he is in. He stated it is thought they have something better to commemorate or show our love and appreciation for Luther in another fashion and others are looking into it now. He stated the matter should not be defeated but tabled.

Councilman Page asked the City Attorney to refresh the Council as to what was passed.

City Attorney Nelson stated resolution 24815 adopted July 18, 2006 was in effect well before this entered anyone's minds. He stated the caption of the resolution states: *"A resolution adopting a policy of not naming city streets or facilities (either permanently or as honoraria) for individuals until they are deceased"*.

Chairman Bennett expressed thanks to the City Attorney for the reminder noting that the Council would not want to violate the policy.

COMMEMORATIVE SECONDARY STREET NAME
SIGNS (Continued)

On motion of Councilman Benson, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY TRAFFIC
ENGINEER TO ERECT COMMEMORATIVE SECONDARY STREET NAME
SIGNS ON BROAD STREET FROM 26TH STREET TO CHARGER DRIVE
DESIGNATING SAID PORTION OF BROAD STREET AS "LUTHER
MASSINGILL PARKWAY."**
was tabled.

OVERTIME

A three week overtime report will be reported next week due to technical difficulties at this time.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **GARY L. LANSDEN** – Termination, Crew Worker 1, City Wide Services, effective October 3, 2008.

GENERAL SERVICES DEPARTMENT:

- **WAYNE D. KESTILA** – Resignation, Network Manager, effective October 10, 2008.

CHATTANOOGA POLICE DEPARTMENT:

- **MICHAEL MOORE** – Resignation, Police Cadet, effective September 30, 2008.
- **JAMES M. SMITH** – Resignation, Communications Officer, effective October 5, 2008.

PERSONNEL (Continued)

- **ELIZABETH BUSH** – Return from Family Medical Leave, Police Records Tech, effective October 6, 2008.
- **CHRISTOPHER S. LAWSON** – Return from Military Duty, Police Officer, effective August 11, 2008.
- **LIBERTY MUSE** – Voluntary Demotion/Transfer, Police Service Technician 2, Range 6, \$23,149.00 annually, effective September 30, 2008.
- **COREY STOKES** – Suspension (3 days without pay), Police Officer, effective September 26 - 28, 2008.
- **MIKE SANTO** – Resignation, Police Cadet, effective October 6, 2008.

I-VOTE CAMPAIGN

Adm. Crutchfield stated partnerships are what make this city great in “connecting the dots” and collaborating. She stated a week ago the department of Education, Arts and Culture launched a campaign entitled i-Vote to get out the vote for youth ages 18-21 to get registered. She stated that she found out on yesterday that the ad that was produced is now receiving national acclaim. She stated the spot ad was produced in partnership with the Hamilton County Democratic Party, the Hamilton County Republican Party, SEIU, Best Buy and Chattanooga Teen Scene and noted that it was produced with no city dollars. She stated Best Buy has donated an IPOD and a drawing will be held to determine the winner. She expressed thanks to the Council for their support and all they do.

HOTEL PERMITS

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

RAMADA LIMITED -- 30 Birmingham Highway, Chattanooga, TN

RIGHTWAY INN MOTEL – 6200 Fisk Avenue, Chattanooga, TN

HOME AWAY EXTENDED STAY, LLC – 1949 North Point Boulevard, Chattanooga, TN

FIRE PREVENTION WEEK

Chief Lamar Flint expressed thanks to the Council members who attended the fire prevention ceremony on yesterday.

DAVID BROOKS, "FIRE FIGHTER OF THE YEAR"

Chairman Bennett expressed congratulations to David Brooks who was named "Fire Fighter of the Year".

DEPARTMENTAL PURCHASES

The following purchases were reported for the various departments:

On motion of Councilman Page, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

ENNIS PAINT, INC. (Overall lowest and best bid)
R01112985/B0005488

Requirements Contract for Waterborne Traffic Paint, October 17, 2008 – October 16, 2010

\$770.55 (Based upon the united prices bid/item)

On motion of Councilman Page, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

ALTEC INDUSTRIES (Lowest and best bid)
R0112756/B0005457

Purchase of Aerial Bucket Truck

\$79,712.00

DEPARTMENTAL PURCHASES (Continued)

On motion of Councilman Page, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

R.P. ADAMS CO., INC. (Lowest and best bid)
R0113082/B0005490

After-Cooler Tube Bundle Assembly

\$30,320.00

PURCHASE – CITY WIDE CAR WASH SERVICES

Councilman Page stated during today’s committee meeting there was discussion about car washing and noted that he hates to be “nit picky”, however Express Car Wash does a good job for only \$3 - \$5 and \$8.50 is really much! He stated Paul Page responded to his concern in committee today but does not recall what he said. He stated that he has reservations about this; that his comment was that he cleans the inside of his car and sending his car through the car wash is very effective. He stated having the indiscriminate ability to spend \$8.50 every time a car is washed does not set well with him and asked if this could be reviewed.

Chairman Bennett asked if this purchase should be set aside.

Councilman Page responded that it seems like a personal responsibility to him; that it is a small thing but a model for the city as opposed to the dollars; that he can not understand this.

Dan Johnson stated that the Police are assigned cars and they take care of theirs; that these cars are mainly the ones that are not assigned to anyone.

Councilman Pierce expressed support for Councilman Page’s concern and stated if that person had enough respect to get the car washed, they should have enough time to clean it out on the inside themselves. He stated if it is driven as is, there is nothing wrong with that; however, if it gets washed, why not run the vacuum to clean it out as there are places that offer free use of the vacuum.

Chairman Bennett stated the matter should be sent back to committee next week so Paul Page can answer questions.

PURCHASE – CITY WIDE CAR WASH SERVICES
(Continued)

On motion of Councilman Page, seconded by Councilman Rico, the following purchase was **held for further review**:

GREENE’S FINISH LINE CAR WASH, JUST 4 U AUTO CARE SERVICE, KING OF KLEEN CAR WASH, PLAZA CAR WASH (Overall best negotiated proposals)
R0111426

Annual Blanket Agreement for City-wide Car Wash Services, October 20, 2008 – October 19, 2009.

\$8.50 per wash (Based upon the unit price)

ANGELA LEE MCLISTER OF WTCI

Angela Lee McLister, Local Program Producer and Internship Coordinator at WTCI, stated over the last few weeks she has been working with CSTCC on an innovative partnership for students. She stated at tonight’s meeting there are three additional cameras and a total of eight CSTCC students. She stated a switcher is located out in the hallway and the remaining students are there observing and learning. She explained that a switcher has the capability to attach to the Internet and stream live over the Internet, which is the partnership they are working on; that it is hoped within the next two weeks to try it out to see if it works. She stated there is a business one block away that has a center to archive Council meetings and stream it live online. She thanked the students that were present and identified each by name.

Chairman Bennett stated that the Council is very excited about the new opportunity to stay in contact with citizens and bring government to the community.

Councilman Page complimented the Chairman for moving forward on this in an effort to educate the public in making government transparent. He noted that he was certain Randy Burns had a part in all of this and it is a good step in the right direction!

Chairman Bennett stated that Randy Burns has been working on this and brought in other companies who know how to do it; that we have to go through the permitting process and have a local public television station to do this; that it is wonderful for this to be used as an educational opportunity, also.

STRATEGIC PLANNING

Chairman Bennett asked Council members to check their calendars as they work toward a strategic planning initiative sometime during the week involving Thursday-Friday or Friday-Saturday during the second week in December. She stated as the Council moves into a brand new year and budget this would provide an opportunity to talk about the priorities and where the Council would like to see energy focused. She stated Mrs. O'Neal would send more information as it becomes available.

COMMITTEES

Councilman Shockley scheduled a meeting of the **Parks and Recreation Committee for Tuesday, October 14 following Public Works**. He stated discussion will involve the amendment to the City Code relative to distance requirements and the memorandum of understanding with the Chattanooga Eastside Task Force.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, October 14 immediately following discussion of agenda items**.

Councilman Pierce inquired as to the status of the Council's Auditor issue.

Chairman Bennett stated that the matter was last heard in Legal and Legislative Committee and does not know if the Council has decided the next step.

Councilman Pierce stated that he would like to move the issue forward.

Councilman Benson stated that it was his thought the matter had been passed on to the Budget and Finance Committee.

Councilwoman Berz stated that her Committee is working on it, noting that she would meet with Mrs. Madison and get busy on that.

SWEET DIVERSITY

Councilman Page announced that the Sweet Diversity program would be held at Big Ridge Elementary School for Districts 2 and 3 on October 30 at 6 p.m.

LOOKOUT VALLEY WALKING TRACK AND GO FEST!

Chairman Bennett reminded Council members of the event Saturday of the opening of the Lookout Valley Walking Track, as well as Go Fest! at the Chattanooga Zoo.

PROSTATE WALK

Councilman Rico reminded everyone of the Prostate Walk scheduled for Saturday.

JASON BENTON

Jason Benton of 4633 Carey Lane in Hixson distributed copies of Ordinance 11273 from 2002 and stated that he was present to get an opinion or clear definition regarding the noise ordinance. He asked that the Council pay close attention to pages 3 and 5 as he wants to know if the 2002 ordinance applies to horns on vehicles. He stated page 3 references "... shall be measured ... by a sound level meter of standard design established by the American National Standards Institute". He stated page 5 notes that "... the operation of any sound amplification equipment so as to create sounds registering 55 db(A) ... as measured anywhere within the boundary line of the nearest residentially occupied property ..."

Councilman Benson asked Mr. Benton if he has been cited.

Mr. Benton responded "yes"; that he blew his horn at an officer who was in front of him talking on his cell phone; that he pulled around in front of the officer and was given a ticket for violating the noise ordinance and making an improper turn. He reiterated that he was present to get a clear definition.

Councilman Rico asked who issued the ticket.

Mr. Benton responded "Officer Wilson" and noted that he has a copy of the policy regarding officers on cell phones.

City Attorney Nelson stated that it is his thought that the ordinance mostly applies to amplified sounds and it is his belief that most horns have amplifiers on them, however, without knowing the specific vehicle he would not say.

Councilwoman Robinson asked if Mr. Benton's car has a regular automobile horn. Mr. Benton responded "yes"; that it came with the vehicle.

JASON BENTON (Continued)

City Attorney Nelson stated that he does not believe police officers are using decibel meters; that we do have the ordinances that pertain to when you should honk your horn and when you should not. He stated whether this is in the ordinance or not this would have been a good time not to!

Councilwoman Berz stated that she is having a problem with persons not being able to blow horns at police officers if they are blocking traffic; that they are just like anyone else! She asked if Mr. Benton blew his horn and then went around the officer.

Mr. Benton stated that it was a four way stop on South Orchard Knob and there was no traffic. He stated that the officer was on his cell phone and he was the only one in traffic. He stated he blew his horn and the officer rolled his window down and stated that he was writing down a call, so he (Benton) pulled around him and went about his business which is when he was pulled over for violating the noise ordinance. He stated that he wanted to know the purpose for the horn; that he was at the green light for so long. He asked if this means his horn has to be tested and whether the officer should have had a decibel meter.

City Attorney Nelson responded "no"; that as a practical matter officers do not have them in their cars.

Mr. Benton stated that he was asking the Council if this ordinance applies to horns and should it be tested.

City Attorney Nelson stated that Mr. Benton is addressing the wrong body; that if he has a complaint he should take it to the City Judge and let him tell him.

Mr. Benton responded "yes; that he plans on using this for that purpose".

Councilman Benson suggested that Mr. Benton speak with Chief Maffett after the meeting.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, October 14, 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)**