

City Council Building
Chattanooga, Tennessee
August 12, 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, Rev. Michael Feely gave invocation.

MINUTE APPROVAL

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

LIFT CONDITIONS

2008-111: Dale M. Smith

On motion of Councilman Rico, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1, 2, 3 AND 5 IMPOSED IN ORDINANCE NO. 8902 (CASE NO. MR-1986-242) ON AN ALLEY CLOSED BY SAID ORDINANCE AND LOCATED WITHIN THE PROPERTY AT 4101 CALHOUN AVENUE, 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.

REZONING

2008-094: Dennis Neal, Habitat for Humanity (Revised)

Pursuant to notice of public hearing the request of Dennis Neal, Habitat for Humanity, to rezone a tract of land located in the 2300 block of East 19th Street, came on to be heard.

The applicant was present; there was no opposition.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this request was before the Council a couple months ago for RT-1 and at the last minute the applicant wanted to rezone to R-1 for single family homes. He stated since the issue was not discussed at the Planning Commission meeting it had to go back to Planning and the recommendation is for approval for R-1 for four single family homes at this address.

On motion of Councilman Pierce, seconded by Councilman Benson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 2300 BLOCK OF EAST 19TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM M-2 LIGHT INDUSTRIAL ZONE TO R-1 RESIDENTIAL ZONE

passed first reading.

REZONING

2008-103: Southeast Local Development Corporation, c/o Joe Guthrie

Pursuant to notice of public hearing, the request of Southeast Local Development Corporation c/o Joe Guthrie to rezone tracts of land located in the 1100 blocks of 10th Street and 11th Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Haynes stated that the request to rezone the property to R-4 is for fraternal organizations. The site plan that was submitted to Planning was displayed which reflected four individual buildings with adjacent parking. He stated the M. L. King zoning study recommends the change; that community planning is underway and the Plan should be complete within the next two months. He stated RPA has been working closely with the neighborhood association.

REZONING (Continued)

Mr. Haynes stated the request should reflect the land use plan once completed and Planning recommends approval subject to use for fraternal organizations only.

Joe Guthrie of the Southeast Local Development Corporation stated that they have been working in the M. L. King area around Cavalier since 1985, but as land owner of Cavalier properties they actually got into these parcels in an effort to clean up the neighborhood. He stated they have been working with families in the area to purchase properties; that Roy Williams and Christy Hill, one of the land owners they worked with that is adjacent to the property, is present tonight. He stated they have tried over the last 60-to-90 days to work with the neighborhood association and have met on a regular basis. He stated there have been two meetings and they have met with residents on adjacent properties; that they have offered to purchase one lot and have gone back-and-forth and finally one residential owner indicated he wanted to keep the property. He stated they met with a second land owner and he was neither for nor against the project and indicated that he basically desired to continue to live there and let his kin inherit the property. He stated the third land owner, Mrs. Phyllis Williams, has agreed for the property to be purchased if it can be closed by August 29 so she could move on to where she is trying to move on to and her representative has sent a letter to the neighborhood association asking that they help her do that.

Mr. Guthrie stated the proposal is for fraternity row, an issue that has been in the community for several years; that it will be an asset to the neighborhood and certainly will increase property values and values upon surrounding residents on this side of Central. He stated the project would probably produce \$70,000 - \$80,000 in taxes each year. He stated in reference to surrounding commercial property, they talked with one major one who sold their building to Roy Williams. At this point he asked the young men and women present who are members of fraternities and sororities at UTC to stand.

Roy Williams of 1109 Radmoor stated that he graduated from UTC in 1973. He stated that he has been diligent over the years in looking for property, all the time trying to find enough not just for his group but others. He stated he was very fortunate and his experience from this has been very positive. He stated that he developed a company on the other side of the National Cemetery and one of his fraternity brothers backed him with a \$50,000 loan in 1979 to start a company that had 29 employees that he sold to Ram Tools on Amnicola. He stated he has been in the community and doing positive things and what they plan to do will be very positive.

REZONING (Continued)

Mr. Williams stated that he does not feel this project would make a major impact with traffic; that when the project is complete there could be as many as 40-50 residents and not everyone will be exiting or entering Central Avenue at the same time; that it will be a staggered event, thus the impact on traffic will be minimal. He stated some will remember UTC tried a similar project on Collins where there were really nice homes with different groups trying to design and build; that it was not a low income housing project as there were high dollar homes ranging from \$750,000 to one million dollars. He stated they are securing other property and would like to think they could figure out a way to secure the property as an attractive gated community to restrict people from coming in randomly at all hours of the day and night. He stated until the zoning is done, three groups have committed to move into the property and they have other verbal agreements. He stated this is the best opportunity he has been able to find and the University has not been able to produce anything for them and this will be a blessing. He asked that the Council feel free to grant this zoning.

Christy Hill was present representing Phyllis Williams who could not be present. She stated it is Mrs. Williams' hope that the neighborhood association would grant the opportunity for her to move on; that she has been in the neighborhood awhile, raised her children, helped others, participated in events they had and this is one opportunity she has had to sell her home to downsize.

Anita Polk Conley stated that she received the information at the end of last week and indicated again that the neighborhood association has some concerns. She stated although people will be going at different times the sororities will have meetings with sometimes upwards of 50-100 people attending and parking is an issue. She stated they want to be sure the project is designed well so it looks like the homes in the present neighborhood; that these are some of the concerns they have. She stated the design and making sure, as they have talked with Joe and Roy, they are in agreement in having a formal list of how fraternities and sororities have quiet hours and the noise factor that may be associated with the facilities. She stated they are very, very pleased they have worked with Phyllis Williams which was for many of them something they were concerned about, as well as how this would affect the land use plan, which is really why they are in opposition tonight.

Councilman Benson stated that the land use plan for this area was presented to the Council and he specifically asked the question how it relates to this proposal and Mr. Haynes answered that it was not in conflict and would wait until after it was decided what to do with this.

REZONING (Continued)

Mr. Haynes responded "right"; that a Staff member formally worked on the Plan and what she was saying was this request is not in direct conflict with the Plan for medium to high density residential which is what this is; that it is just of a fraternal nature.

Councilman Benson stated the Plan was approved on yesterday.

Mr. Haynes stated the Plan was not presented to Planning, just a briefing.

Councilman Benson stated every indication was shown the Plan would be approved; that time is a problem with this as Mrs. Williams has been told she has to close out very soon.

Ms. Hill responded from the audience that Mrs. Williams has to close out by October 1.

Councilman Benson stated that time is getting close and Mrs. Williams is satisfied with the sale; that since this is the first reading he suggested that the Council pass the matter on first reading noting that the design control is out of the Council's perusal or authority; that maybe something can be worked out with Mr. Guthrie on the design and he is certain within a week Roy Williams could meet with the community before second reading or even postpone the second reading. He beseeched the Council to move on this at this time on first reading to see if some of the details of the site plan and other things could be worked out.

Councilman Pierce stated that he had a meeting with Mr. Guthrie last Thursday and he informed him at that point that he did not have too many concerns and that he wanted him to work with the neighborhood and what their desires are. He stated that it is his thought one of the main sticking points was that they have input into the design of these buildings; that Dr. Conley mentioned that the association would not meet until August 21 and he does not know if Mr. Guthrie and the designer would have a chance to meet at the point or not.

Dr. Conley expressed hope that there would be discussion about what the design looks like and she and Mr. Guthrie have talked about it, as well, as to when they could meet.

REZONING (Continued)

Councilman Pierce stated he does not have a problem with this and asked last week that the matter be tabled until the land use plan is complete. He expressed agreement with passing the matter on first reading to give Mr. Guthrie something to go on and give everyone some hope; that it does not mean this is the final thing as the Council would like for them to get together with the neighborhood and try to work with them in trying to accommodate some of their desires. He stated he does not have a problem passing on first reading and hoped that within two or three weeks to have the matter on second reading.

Mr. Guthrie stated that the difficulty on design is that everything is preliminary until it is time to really have the project. He stated that he talked with UTC architect professors two-to-three months ago who worked with Howard School on the small subdivision in Alton Park. He stated that the design consideration can be part of it in layout. He stated there is only one house that is proposed here for sale by Mrs. Williams and the second part is about parking; that they do have sufficient parking on the adjacent site, so parking will not be a problem. He stated they are committed to continue to work with the neighborhood association in going forward.

On motion of Councilman Rico, seconded by Councilman Benson

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

passed first reading and was tabled two weeks (August 26).

REZONING

2008-126: William J. Patterson, Jr.

Pursuant to notice of public hearing, the request of William J. Patterson, Jr. to rezone a tract of land located in the 200 block of Forest Avenue and 109 Hartman Street came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

Mr. Haynes stated that this matter came before Planning a year ago, March of 2007, and at the time it was deferred or the applicant requested deferral until the North Shore Plan was complete. He stated the Plan is complete and supports this request and Planning recommends approval with the special conditions.

Chairman Bennett stated that the applicant met with the neighborhood and worked out this request.

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 200 BLOCK OF FOREST AVENUE AND 109 HARTMAN STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-3 RESIDENTIAL ZONE AND O-1 OFFICE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2008-131: Bowman and Associates

Pursuant to notice of public hearing, the request of Bowman and Associates to rezone tracts of land located at 8509 and 8515 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated that this is an apartment development and the plan was for 28 multi-units. A site map was shown from an aerial view which reflected mixed uses of R-2, office and C-2. He stated Staff and Planning thought this was an appropriate use within the mixture of uses and approval is recommended subject to two conditions: that there be a maximum of 22 units and the applicant shall attend a city of Chattanooga pre-submittal meeting to work out any parking access issues.

On motion of Councilman Benson, 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 AT 8509 AND 8515 EAST BRAINERD ROAD, MORE

REZONING (Continued)

PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

ISSUE BONDS

Chairman Bennett stated all items on tonight's agenda were discussed in the Council's work session.

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00) OF THE CITY OF CHATTANOOGA, TENNESSEE FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF THE FOLLOWING: NORTH SHORE GARAGE; NEW ERP SOFTWARE SYSTEM, ROAD IMPROVEMENTS – GOODWIN DRIVE; RIVERFRONT PARKWAY MODIFICATION; ROAD IMPROVEMENTS – NORTHPOINT BOULEVARD EXTENSION; ROAD IMPROVEMENTS – HUDSON ROAD; ROAD IMPROVEMENTS – BOYNTON DRIVE THIRD STREET BRIDGE; PAVEMENT MANAGEMENT; SHALLWOFORD ROAD GUNBARREL TO JENKINS; WARNER PARK IMPROVEMENTS; "SUMMIT OF SOFTBALL" SPORTS COMPLEX; APPARATUS/FIRE PUMPER; FIRE STATION REPLACEMENT; AND BURN BUILDING

was adopted.

AMEND AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AMENDMENT TO ITS AGREEMENT WITH LOSE & ASSOCIATES FOR CONSTRUCTION DOCUMENTS FOR THE REDEVELOPMENT OF WARNER PARK AND ITS BALLFIELD, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND DOLLARS (\$15,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$285,000.00)

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH ARCHITECT & ASSOCIATES, INC. FOR THE CONSTRUCTION COSTS, REIMBURSEMENT OF REASONABLE EXPENSES, PLUS ONE AND ONE-HALF PERCENT (1.5%) OF SAID REASONABLE EXPENSES

was adopted.

CONSERVATION AGREEMENT

Councilwoman Robinson stated that we occasionally thank people at the Trust for Public Land for helping us conserve very important areas of our community and helping us create greenways and preserving our new horizons. She stated that she wanted to publicly thank them!

On motion of Councilwoman Berz, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A CONSERVATION AGREEMENT WITH THE TRUST FOR PUBLIC LAND IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), TO BE PAID IN FOUR QUARTERLY INSTALLMENTS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) EACH, RELATIVE TO THE CHATTANOOGA GREENWAYS PROGRAM, FOR A TERM BEGINNING JULY 1, 2008 THROUGH JUNE 30, 2009, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Page,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) RELATIVE TO THE CONTRACT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR CONSTRUCTION OF THE PHASE I-STAGE B CAP AND PHASE II GAS COLLECTION SYSTEM AT SUMMIT LANDFILL APPROVED BY RESOLUTION NOS. 21772 AND 22076, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SEVENTY-FOUR THOUSAND SIX HUNDRED SEVENTY-TWO AND 52/100 DOLLARS (\$74,672.52), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED FORTY-FOUR THOUSAND FIVE HUNDRED NINETY-SEVEN AND 48/100 DOLLARS (\$344,597.48)

was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. W-06-002-201, THE CITY LANDFILL AT BIRCHWOOD AREA 3, PHASE 1 LINER, WITH WRIGHT BROTHERS CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY-FIVE DOLLARS (\$171,255.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED NINE MILLION ONE HUNDRED SEVENTY-ONE THOUSAND ONE HUNDRED FIFTY AND 01/100 DOLLARS (\$9,171,150.01)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO THE CONTRACT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR THE CITY LANDFILL AT BIRCHWOOD AREA 3, PHASE 1 LINER APPROVED BY RESOLUTION NO. 24575, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SEVENTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$72,400.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED TWELVE THOUSAND FIFTY-FOUR DOLLARS (\$412,054.00)
was adopted.

PERSONAL SERVICES CONTRACT

Councilman Page stated that he would love to hear Rev. Feely talk about what his program will do as he was not heard in committee. He stated the matter was discussed somewhat generally but would like to have an opportunity to hear what the program is.

Rev. Michael Feely stated that today is his wedding anniversary and it is his hope his wife is watching this telecast (so she will know where he is)! He stated the position is two fold and when it comes to the bottom line he is to be a liaison more along the lines of relationship building with the service providers and others in assisting the homeless population of Chattanooga of which he has been working with and among for a number of years. He stated the position is designed to "build bridges" and noted that this will not work unless folks are working on the "same page".

PERSONAL SERVICES CONTRACT (Continued)

Rev. Feely stated it is not a policy position and referenced the policy setting initiatives of John Dorris while working in concert to keep building relations and work "behind the scenes". He stated he has been working within the Hispanic population and service providers for eight years in this city and ten years beyond that time; that he has spent most of his career as a pastor and citizen of Chattanooga working with the new immigrant (community in the city). He stated there is a trust level there and he has developed a good network with people within the new immigrant community. He stated there are a lot of initiatives coming forward and other things happening that he hopes can be nurtured along. He stated the bottom line is that Chattanooga, in his opinion, will be measured by how we treat the least among us and how we work to build communities, not just economic development but how we operate as a social community to build those new bridges and give everyone a chance to be "at the table" – that is a big part of what this is about.

Councilwoman Berz stated that she wanted to tell Rev. Feely and members of the Council when she first took the podium and opened her drawer there was a note in it from Mike welcoming her, telling her that she would do a great job and if she ever needed anything to let him know. She stated it was the most wonderful surprise in the world and thanked him for that. She stated the other thing is she can not think of anyone better suited for this job and the Mayor is to be commended for having him do this. She thanked him and expressed how proud she is that he is in that position.

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH MICHAEL L. FEELY TO COORDINATE INITIATIVES AND ACT AS A LIAISON WITH HISPANIC AND HOMELESS POPULATIONS OF CHATTANOOGA TO ESTABLISH AND NURTURE RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING THE RIGHTS AND/OR INTERESTS OF SAID POPULATIONS, FOR THE PERIOD OF SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 IN AN AMOUNT NOT TO EXCEED TWENTY-TWO THOUSAND DOLLARS (\$22,000.00) PER YEAR
was adopted.

2007-2008 COLLECTIONS

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO APPLY UP TO TWO MILLION DOLLARS (\$2,000,000.00) FROM THE EXCESS OF 2007-2008 COLLECTIONS OVER EXPENDITURES TO THE OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST ACCOUNT
was adopted.

OVERTIME

Overtime for the week ending August 8, 2008 totaled \$22,446.70.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- * **ALONZO C. LEWIS** -- Suspension (2 days without pay), Equipment Operator 3, City Wide Services, effective August 7-8, 2008.
- * **CHRISTOPHER SHANNON WHITE** – Suspension (15 days without pay), Plant Operator 2, Waste, effective July 24 – August 13, 2008.
- * **MARTY KNIGHT** – Suspension (15 days without pay), Plant Operator 2, Waste, effective July 24 – August 13, 2008.
- * **WILLIAM DEAN DYE** – Hire, Equipment Operator 3, Waste, Range 8, \$25,521.00 annually, effective July 13, 2008.
- * **GENEAL LEWIS** – Return from Family Medical Leave, Equipment Operator 3, City Wide Services, effective August 5, 2008.
- * **MICHELLE C. MEEKS** – Hire, Administrative Support Asst., City Wide Services, Range 7, \$24,306.00 annually, effective August 1, 2008.

CHATTANOOGA POLICE DEPARTMENT:

- * **BRIAN LOCKHART** – Resignation, Police Officer, effective August 1, 2008.
- * **LINDA M. BASS, SANDRA M. BONNER** – Hire, School Patrol Officer, \$15.08 per hour, effective August 1, 2008.
- * **SCOTT DELAP** – Resignation, Property Technician, effective August 1, 2008.

PERSONNEL (Continued)

MAYOR'S OFFICE:

- * **MATT LEA** – Family Medical Leave, Assistant to Mayor, effective July 30 – August 29, 2008.

FINANCE DEPARTMENT:

- * **SCOTT A. MATSINGER** – Hire, Accountant 1, Range 17, \$44,000.00 annually, effective August 1, 2008.

HOTEL PERMITS

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

ALPINE LODGE MOTEL, 4328 Cummings Highway, Chattanooga, TN

COUNTY INN & SUITES BY CARLTON – HIXSON, 5105 Highway 153, Chattanooga, TN

CHALLENGE COIN AWARD PRESENTATIONS

Chief Mike Williams presented by PowerPoint the names and photos of officers who have been presented the Challenge Coin Award for outstanding service to the Police Department. **Awards were presented to Officers Catching, Holcomb, Angel, Jonathan Bryant, Robin Davenport, Chad Rowe, Chuck Topping, Daniel Francis, Todd Clay, Joshua May, John Chambers, Zach Moody, Bravo and Alpha Team Officers in Coolidge Park, John Patterson, Brent Holcomb, Engle, Bell, Pat O'Brien and Mark Bender.**

Chief Williams stated this is something he will do every few weeks when he comes to Council meeting. He stated he is very proud of the officers and wants the Council to see what they are doing for the citizens of Chattanooga.

Chairman Bennett stated that the Council is very pleased and proud to recognize employees who do exemplary work.

CHALLENGE COIN PRESENTATIONS (Continued)

Councilman Benson thanked Chief Williams for his leadership noting that everyone likes to be recognized, especially when it is justly due. He stated rather than bring pictures he would like to see the officers present.

Chief Williams stated that he tried that and they noted that they would rather work their shifts, 12-14 hours straight. than come here before the Council! He stated they are just humble souls and he might be able to get one or two to come in.

Chairman Bennett stated they are welcome to come when they can.

Councilman Benson stated he would like to see them, thank them and applaud them.

Councilman Pierce expressed his personal opinion that he would rather they stay on the job!

REFUND

On motion of Councilman Rico, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refund due to assessment reduced by States Appeals Commission:

H & K PROPERTIES LLC	\$2,165.96
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PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the following purchase was approved for use by the Department of Education, Arts and Culture:

NEWMAN & SON PAINTING (Lowest and best bid)
R012188/B0005420

Painting of Tivoli Theatre

\$23,500.00

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Chattanooga Police Department:

G T DISTRIBUTORS (Best bid) R0110594/B0005322

Sig Sauer Handguns (*Gulf States Distributors submitted a lower bid; however, they failed to meet the promised delivery terms on a previous contract.*)

\$33,250.00

(Not to exceed 20% overage of each additional year)

WATER RATE INCREASE

Councilman Page stated in today's Economic Development Committee meeting a report was heard from Randy Baker regarding the Tennessee-American Water rate increase. He stated that he knows the city has taken a very aggressive position in fighting the increase and heard them say several things. He asked Dan Johnson to say more about the city's position in opposing it and at the same time give his Committee report on the matter! He stated that he knows there have been some discussions and was not real sure what Mr. Baker's position was in relation to the city.

Dan Johnson stated that the Manufacturer's Association, Hamilton County and the City of Chattanooga all entered into an intervention case with Tennessee against the Tennessee-American Water Company's 20 or 20.5 percent increase. He stated that the Committee heard from today is called "Fight the Hike" and Mr. Baker is chairman of the Committee; that Mr. Baker volunteered to take this on because he was so upset about the proposed increase. He stated the city is working with them and the Manufacturer's Association to fight in any way we can and noted that this morning's newspaper indicates that the 2007 rate case is being appealed as it is felt it was granted on the wrong basis.

Councilman Page expressed appreciation for Mr. Johnson's update and the city's effort in opposing the increase. He noted that the web page address is www.fightthehike.org.

City Attorney Nelson stated that the State of Tennessee Attorney General's office has also joined with us in fighting the hike.

WATER RATE INCREASE (Continued)

Councilman Pierce stated that Mr. Johnson failed to mention that the NAACP, along with the Chattanooga Area Urban League, has joined in the fight, as well, and wanted to make sure they were noted.

MTAS TOUR

Chairman Bennett announced that the MTAS tour has been rescheduled for Wednesday, August 20. She stated department heads are still responding in reference to the list of facilities they would like for the Council to visit. She stated that the Clerk of Council is working on the schedule and will have it published by the first of the week.

DONATION OF SHIRTS

Chairman Bennett reported that Coca Cola has donated golf shirts to Council members.

COMMITTEES

Councilwoman Robinson announced that the **Education, Arts and Culture Committee is scheduled to meet on Tuesday, August 19 immediately following Public Works** to hear a departmental update.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, August 19 following discussion of agenda items.** He noted in addition to public works matters for the current and following week the Committee would discuss the Windstone subdivision's sewer issue.

Councilwoman Berz stated that the **Budget, Finance and Personnel Committee would meet on Tuesday, August 19 immediately following Education, Arts and Culture** to discuss promotional testing for firefighters.

Councilman Benson clarified that Councilman Rico's Committee would take care of the Windstone issue, noting that residents are very, very upset out there as there are serious problems in both the city and county.

CARSON DOYLE

Chairman Bennett recognized the presence of Carson Doyle who “shadowed” her and acted as intern today, noting that he might be assisting her off-and-on for the next few weeks and is happy to have to have him present!

JIM FORD

Jim Ford, 1615 Cloud Springs Road, addressed the Council regarding the public works department’s use of a 50 year old pre-chip seal on the city’s streets and advised the Council that this may not be a satisfactory process. He stated some six weeks ago the procedure started on Cloud Spring Road and the street was paved; that they paved a street that did not need re-topping, but was serviceable. He noted that the curb was removed and that two men in masks came out and wet the cement but did not do a good job; that they later came out and applied a thin layer of tar and a layer of gravel; that it took six weeks and the end result was horrible. He stated they were trying to save money but it is his thought they could have re-topped the area in two days; that a letter has been written that came out today noting that the area would be re-topped. He stated that he does not believe it was cost effective since six-to-ten people worked ten hour days for six-and-a-half weeks; that several people in the neighborhood have allergies and had a hard time coping with it as a mess was created with the cement and gravel dust. He stated that the area will be repaved and new curbs put in. He encouraged the Council to not let this happen in other areas; that the procedure may be okay in rural areas but not in a subdivision; that this procedure could have been tested on a dirt road without digging into useable asphalt. He stated the neighborhood should have been warned before stirring up the concrete dust because it was terrible! He stated it is his understanding this process is being considered for two other roads in Councilman Page’s district and it is his hope the City Council will look into this and not let it happen again.

Chairman Bennett stated when she learned of the project from the residents on Cloud Spring Road the project was finished and oftentimes things end up being a “lesson learned” for the neighborhood. She expressed thanks to the community for coming forth and being so responsible; that she visited the neighborhood and saw another paving project on Pan Gap Road which was a dirt road and she is certain they are grateful for the process as it is an improvement, but in this community they lost curbing and changed the whole surface of the road which was a real problem. She stated that she talked with Lee Norris this morning and it appears public works has responded very quickly.

JIM FORD (Continued)

Adm. Leach stated that they tried the chip seal that engineers have explained would be successful; that they had a piece of equipment that they attempted to use and it failed. He stated when it comes down to economics they have \$1.6 million set aside for paving a lot of streets and chip seal is about .54 cents per square yard to do and paving is \$8.50; that they are trying to lower the impact on the road and would like to try to continue the chip seal as it is his thought it will work. He stated if they make a mistake they will admit it and correct it; that in this case the curb will be replaced and they are in the process of correcting it.

Councilwoman Bennett stated that a tour is scheduled for next Wednesday and the Council would like to know what this looks like and could possibly include this during the tour.

Councilman Page expressed concern about the roads in the Hixson area that are in dire need of repaving and resurfacing. He stated that this matter has his attention and horrendous mistakes were made.

Adm. Leach admitted that some mistakes were made.

Councilman Page stated that he wants to make sure for the community's sake in every district that this has worked out and the department would proceed with good practice management to move forward.

Adm. Leach stated they will not attempt to do this without the appropriate machinery; that the equipment they had failed on this project. He stated they tried to do it without using the appropriation equipment as a spreader and will not do that again without the spreader.

DR. LORETTA PRATER

Dr. Loretta and Rev. Dwight Prater were present and read from a prepared statement in an effort to give an update from the lawsuit filed based on actions resulting in the death of their son, Leslie Vaughn Prater. She stated two conditions had future implications to benefit the Chattanooga Police Department and the citizens of Chattanooga. She stated the first condition was that there was to be an audit of Internal Affairs of the Chattanooga Police Department; that she has received a copy of the completed audit and added according to the lawsuit agreement she can not release the contents of the report to a third party.

DR. LORETTA PRATER (Continued)

Dr. Prater stated that she was present today to plead with the Council to authorize release of the report and expressed hope that each member of the Council would hold a special meeting within their districts to discuss it. She applauded Chief Cooper's leadership in responding positively to the recommendations.

Dr. Prater stated the second condition is that she was allowed to participate as a presenter in the Police Academy in its training of three classes of new recruits and has traveled to Chattanooga to make presentation to two classes and one more is due. She stated the agreement in the lawsuit will only allow her to make one more presentation and she has informed Chief Cooper that she is willing to travel to Chattanooga to make the presentations indefinitely if allowed to do so at her own expense. She stated she is willing to do this because she cares about the education and training of persons who will be responsible for confronting life and death issues on a daily basis.

Dr. Prater concluded her comments by stating to her knowledge there has not been another in-custody death by positional asphyxia in Chattanooga since her son died on January 2, 2004 and research reports that as education and training of police officers increase, the number of in-custody deaths decrease and her family firmly believes that is true. She stated a Leslie Vaughn Prater Memorial Scholarship has been endowed at the UTC Department of Criminal Justice by the Prater Family and other devoted friends. She stated her son has not died in vain and will not be forgotten. **(A copy of Dr. Prater's statement is filed with minute material of this date.)**

Councilman Benson expressed appreciation for everything Dr. Prater has done, noting that she has been passionate over the loss of her son; that the two of them worked a number of years together in the Chattanooga Public School system. He stated that he does not know the procedure in honoring Dr. Prater's request; that her offer is great and magnanimous and expressed appreciation. He stated that it is his thought that the normal procedure would be to evaluate the effectiveness of the two previous presentations; that he would like to see what the police department thinks about the value of what has been done.

Dr. Prater clarified that she has one more presentation to make and would be happy to get feedback from them.

Councilman Benson stated that it would be improper for the Council to make a decision on Dr. Prater's request.

DR. LORETTA PRATER (Continued)

Dr. Prater stated that the request has nothing to do with her presentations; that the request is dealing with the official audit completed by Lou Reiter.

Councilman Benson asked if the audit has been released to the Council, noting that he would like to see it.

Dr. Prater stated that it is her thought the Council would want to see it; that she can not share it with them.

Chief Williams stated that he has not seen it, either, and would like to see it. He stated Dr. Prater's next scheduled presentation is before the next academy in September and would give her a date when that is set. He stated he can not speak for his boss; that he has worked with Dr. Prater and would continue to do so in the future.

Councilman Benson asked who has seen the audit.

Councilwoman Gaines stated if we are speaking of tax payers dollars, it is public information.

City Attorney Nelson stated that it may be necessary to check the record to see if it is a mandatory part of the court order not to be dispersed.

FRANKLIN DAVIS

Franklin Davis, 1624 Hickory Place, stated that he was present representing his 83 year old mother who lives at 807 Bell Circle in Eastdale. He expressed concern that there has been illegal dumping in her area and has notified human services and the police department and nothing has been done; that the matter has been addressed on the news. He stated his mother has been living in the community for 40 years and the dumping has gotten worse and noted there are drugs in the area. He stated his mother is suffering from dementia and could not address the Council.

Councilwoman Gaines asked if Mr. Davis received a dumpster from the city of Chattanooga that was donated by the Mayor's office.

Mr. Davis responded "yes"; that he brought church members from Georgia to help clean up some of the debris.

Councilwoman Gaines asked if a donation was received from the city.

FRANKLIN DAVIS (Continued)

Mr. Davis stated that a small dumpster is there but she needs more; that some one needs to come in with a backhoe as the dumping area is similar to a whole building in her area. He stated there has been dumping for several years and his mother lives in an isolated area on a dead end.

Councilwoman Gaines stated that she saw part of the property and asked if Mr. Davis has items on sides of the property or if it is all on private property.

Mr. Davis responded that it is all on private property.

Councilwoman Gaines stated that she could answer the first part as she would not think the city would be allowed to come onto his property as there was a similar situation in another area in her district where they had to actually look to another organization within the city. She stated Mr. Davis might want to see if he can get an organization that is in that business; that Mr. Templeton helped her once in Glenwood where there was dumping on property.

Adm. Leach stated he would get Mr. Davis' information and have Mr. Templeton call him.

Councilwoman Robinson inquired as to whether it is possible to have moveable cameras on the street.

Adm. Leach stated that they do not have temporary cameras; that they have some that are permanent but no temporary ones.

Councilwoman Robinson stated the department should take a look at getting a couple for chronic areas.

Mr. Davis stated that the neighborhood is dealing with drugs and they do not want to come together.

Councilwoman Gaines stated that it is her thought Mr. Davis left a message for her about a request for an additional dumpster.

Mr. Davis stated that another dumpster was placed there but he could not get kids to come back as they are back in school, now. He stated right now he has Harvey's Ministries coming in to help.

Chairman Bennett stated Chief Williams is present and might be able to offer some direction in terms of the drug problem.

SHIRLEY DEAKINS

Shirley Deakins of 222 Baker Street stated that many issues are still unresolved and until they are resolved she would continue to protest over the number of businesses having to go to zoning; that there are blocks of businesses in her area. She stated if a bunch of fraternity and sorority houses were voted-in in her neighborhood they should be R-2; that someone should find a way to do the right thing regarding purchasing the property. She stated it is her hope if the city is going to go after the water company, they might as well go after EPB, TVA and Comcast if they want to add that for measure as all of them are robbing people blind! She stated she should be able to have Comcast and noted that the price of homes and condos is outrageous!

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, August 19, 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)**