

City Council Building  
Chattanooga, Tennessee  
November 18, 2008  
6:00 p.m.

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gaines, Pierce, Rico, and Robinson; Councilman Page was absent due to personal commitment. Special Counsel Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Berz gave invocation.

#### **MINUTE APPROVAL**

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

#### **CERTIFICATION OF NOVEMBER 4, 2008 ELECTION**

Special Counsel McMahan stated that the certification of the November 4, 2008 election has been received and read the certification statement: *“We, the undersigned members of the Hamilton County Election Commission, do hereby certify that we held a City of Chattanooga Election on Tuesday, November 4, 2008, in all of the voting precincts in the City of Chattanooga, according to law, for the purpose of electing the offices shown hereinafter, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following tabulation is a true, correct, and complete accounting of the results of said election as established by the canvassing of the returns, this 14<sup>th</sup> day of November, 2008.”* The document was signed by Dorothy Eddington, Chairperson, and Commissioners Charlotte B. Polk and Michael Walden and attested by Charlotte Mullis-Morgan.

Special Counsel McMahan stated with respect to the official results for District 5 the results show Russell Gilbert, Sr. was declared the winner of that election and is present with Judge Arvin Reingold for swearing-in tonight. He stated the results of the election shall be spread upon the minutes.

CERTIFICATION OF NOVEMBER 4, 2008 ELECTION  
(Continued)

Results of the District 5 Votes:

Of 11,075 registered votes, total votes cast were 7,477 of which *RUSSELL GILBERT, SR.* received 3,566 votes (47.69%); *JOE ROWE* - 3,005 votes (40.19%); *JEFFREY WILSON* - 865 votes (11.57%) and *WRITE-IN VOTES* - 41 votes (0.55%).

SWEARING IN OF COUNCILMAN RUSSELL GILBERT,  
SR.

The Honorable Judge Arvin Reingold stated that Mr. Gilbert honored him by giving him the privilege of giving him the Oath of Office. He stated Mr. Gilbert is known in the community for his leadership roles, is an honest man and was recently honored by the Governor and received the "Volunteer Stars Award" in Nashville, an award given to 65 persons across the state of Tennessee. He stated the award was in reference to his outstanding youth volunteer work in the community. He stated Mr. Gilbert brings integrity and courage to the job he is assuming.

At this point the Oath of Office was given by Judge Reingold.

Councilman Gilbert addressed those in attendance by thanking his father who could not be present due to being "under the weather". He stated it were not for his father's teachings he could not do this job, again crediting his father, mother, wife, children and friends for being by his side.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 35, ARTICLE VII, RELATIVE TO PEDAL CARRIAGES AND  
RICKSHAWS, TO PROVIDE FOR THE PURPOSE OF THE ARTICLE,  
DEFINITIONS, AND JURISDICTION**

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

## FRANCHISE

On motion of Councilwoman Berz, seconded by Councilman Rico,

**AN ORDINANCE GRANTING A FRANCHISE TO THE ELECTRIC POWER BOARD OF CHATTANOOGA, AN INDEPENDENT BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF CHATTANOOGA, TENNESSEE, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS HEREIN**

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

## REZONING

**2008-168: William Eric Lee**

**County Commissioner Bill Hullender** spoke in reference to this request by stating that it is located within his district and expressed support as the right and fair thing to do. He stated he originally talked with Councilman Benson and asked for deferral but is not asking for that tonight, reiterating his support. He stated this property is located on a side street with five residential houses and asked that fairness be played out in this situation. He expressed welcome to the veterinarian coming in as it comes with a great plan.

On motion of Councilman Benson, 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 AT 9124 AMOS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2008-176: Eddie Adams – Central Baptist Church**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 5202 HIXSON PIKE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM  
C-2 CONVENIENCE COMMERCIAL ZONE AND M-3 WAREHOUSE AND  
WHOLESALE ZONE TO R-4 SPECIAL ZONE**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2008-178: David M. & Janie R. Benton**

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2701 WALKER ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM  
R-2 RESIDENTIAL ZONE TO R-2 CONVENIENCE COMMERCIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2008-179: Flournoy Development Company, LLC**

**Councilman Rico and Robinson made the motion to substitute the amendments to this request.**

Councilman Benson stated prior to voting on the substitution, he wanted to make certain what the substitution says so it can be part of the record, especially in reference to the traffic light.

**REZONING (Continued)**

**Mike Price** of MAP Engineers was present representing Flournoy Development Company and stated that the language has been changed to further clarify condition one (1) as it relates to the traffic signal so it is fully understood. He stated at this point in time when traffic construction creates a situation so as to add further conflict or unsafe conditions is when traffic signal needs to go in, not when it is complete; that the condition is "saying" when unsafe conditions are created the traffic signal will be installed. He stated the language has been amended to make sure that was understood; that the intent is to make certain the traffic signal would be installed so as to maintain or improve public safety during construction.

Councilman Pierce inquired as to who would install the traffic light. Mr. Price responded that it was being installed at the full expense of the developer and no expense to the city and would be built to city standards.

**At this point the motion and second to substitute carried.**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 7200 BLOCK OF EAST BRAINERD ROAD AND THE 1200 BLOCK OF PANORAMA DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT OT CERTAIN CONDITIONS**

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

**LIFT CONDITIONS**

**2008-182: Corrie Eldred – Betts Engineering Associates, Inc.**

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 ALL CONDITIONS IMPOSED IN ORDINANCE NO. 10011 (CASE NO. 1993-234) ON TRACTS OF LAND LOCATED AT 1005 GLENWOOD DRIVE AND 950 NORTH CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND CITY CODE**

On motion of Councilwoman Gaines, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 24, SECTION 24-438 RELATIVE TO MUFFLERS AND APPROVED  
ENGINE COMPRESSION BRAKING DEVICES**  
passed first reading.

**AMEND ORDINANCE 11704**

**Councilmen Rico and Robinson made the initial motion to approve this request; however, later during discussion the motion was withdrawn.**

Adm. Leach clarified that ordinances (b) and (c) are related to (d) which is the Smith closure and abandonment. He stated staff met with the city attorney and city engineer about this issue; that (b) and (c) are designed to rescind previous closure and abandonment of both portions of Plymouth and Hewitt Lane which was to deal with the issue of connectivity between Hewitt and the new subdivision. He stated staff is comfortable with not requiring that, however, they do want to require that a portion of Hewitt be abandoned to help the Smiths out as well as maintaining the right-of-way for utilities for AT&T and Tennessee-American Water Company, plus a portion has a city sewer in it. He stated the request is for closure of the entire right-of-way of Hewitt in reference to conditions in (d) subject to those utilities. He stated the matter has been difficult to deal with and it is felt in terms of equity this is the best solution for the situation. He requested that (b) and (c) be denied with approval of (d) subject to utilities.

Councilman Benson stated he wants to make sure denial of (b) and (c) and approval of (d) takes care of it.

Adm. Leach stated denial will accomplish what the Smiths need in reference to the easement until the city puts the sewer system in; that it resolves the problem.

Councilman Benson expressed appreciation to Mr. Leach for working on this stating that he wants to make sure the Smiths understand denial of (b) and (c) and approval of (d) means one day a sewer line will be built on the Smith's property.

Adm. Leach stated that this maintains the city's ability to keep the sewer; that the sewer line is built on part of a right-of-way as it exists now.

Councilman Benson asked if it is on the Smith's property.

## AMEND ORDINANCE 11704 (Continued)

Adm. Leach stated it is adjacent to the south of the property to the east; a portion of that already has a sewer in it and goes diagonally across the right-of-way. He stated the utilities of AT&T and Tennessee-American requested the full width of the right-of-way to maintain an easement which will not affect the side yard setback, which was an issue. He stated it will allow them to go back if they need the property for utilities; that the only thing he can conjecture is lot 12, south of the right-of-way if needed or developed as a sewer is in there now; that if we want to move the sewer up we can and free lot 12 as it will help for development in the future. He stated if we go in and have to replace the sewer line, we would have to put the sewers in and tear up the property and we would have to replace it.

**Jacqueline Smith** expressed concern that she and her husband would have to free up their property to any future sewers; that right now they have applied for 125 feet beyond the property line and are now finding out that 25 feet is already being used. She stated if they have a 50 foot easement or right-of-way and they can come and tear it up or put in a sewer, they are not necessarily agreeing to that.

Councilman Benson stated he was wondering about that, too; that he felt they would be held harmless; that this really falls to the individual hired to do the survey.

Adm. Leach stated if they have to go in and put in a sewer line they would have to replace it and would replace it as it was; that they would not leave them without a remedy. He stated they will replace in-kind although he does not know if the sewer line goes under the driveway; that they know where the driveway is. He stated if it is put south of the driveway that may be appropriate. He stated they do need to be able to get in and do maintenance of the existing sewer and if they cause any harm they will make it work.

Councilman Benson stated the Smiths are without recourse as they received a letter from the title company who does not guarantee any coverage on the property lines; that they would really be hurt if we are not careful.

Adm. Leach stated this resolves the side yard issue and if the driveway is in and we tear it up we will replace it.

Mrs. Smith stated it was mentioned in an e-mail from Mr. Leach to stop talking about the ten foot setback from the new property. She asked how the new property line is to be determined.

**AMEND ORDINANCE 11704 (Continued)**

Adm. Leach stated that a surveyor could be hired; that the lot can be replatted and added to take care of their property.

Mrs. Smith stated that should not be their expense as they bought it in good faith.

Adm. Leach stated they have done what they can do as that is a separate issue.

Councilwoman Robinson stated that this would be between the Smiths and the developer.

**At this point Councilmen Rico and Robinson withdrew their initial motion and second to approve.**

Councilman Benson stated that this matter has been tough and asked if the Smiths have the alternate version of the ordinance.

Mrs. Smith responded that they do not have any of that.

Councilman Pierce suggested that the matter go back to Committee as it does not appear to be resolved here.

Councilwoman Gaines stated that there is a need to find out if this is time sensitive for them.

Councilman Benson stated it is not time sensitive as it has not been resolved, yet.

Chairman Bennett stated we may have to determine the city's solution; that it may be a solution to be worked out with the developer or some other party.

Mrs. Smith stated regardless, she does not believe any of this should be at their expense since they bought in good faith.

Councilman Benson expressed his belief that it should not be either as the Smiths bought in good faith. At this point he stated that he wanted to hear what Atty. Anderson has to say about the whole confused mess!

**Atty. John Anderson** of Grant Konvolinka was present on behalf of the developer. He stated that he wanted to ask a couple questions as it is his thought there has been a lot of progress toward a resolution.

**AMEND ORDINANCE 11704 (Continued)**

Atty. Anderson stated that he did look at the ordinance and it references in Section 1 pursuant to the conditions of Ordinance 11704, the same conditions in Ordinance 11705, and it is his thought there is a need to make sure both ordinances are consistent. In reference to his second question, he read from Section 2 of (d) in reference to the use of the sewer easement's full length and width, noting that the utilities and sewer line were built in September of 1989 and referenced on microfilm as being built to city of Chattanooga standards when installed. He stated he was at a loss to understand what this has to do on the part of the developer, his client; that it was put in by the city in terms of talking about realigning it. He stated that he asked Councilman Benson earlier to day and does not know if he has any more information.

Adm. Leach stated that there is a need to clarify the language and asked that the matter be held until next week for the Public Works Committee meeting; that (b) and (c) should be held so that all could be taken together.

On motion of Councilman Pierce, seconded by Councilwoman Gaines,  
**AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 11704 (CASE NO. MR-2005-075) WHICH IS AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 7500 BLOCK OF PLYMOUTH LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled for one week (for discussion in Public Works Committee).

**AMEND ORDINANCE 11705**

On motion of Councilman Pierce, seconded by Councilwoman Gaines,  
**AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 11705 (CASE NO. MR-2005-076) WHICH CLOSED AND ABANDONED A PORTION OF THE DEDICATED RIGHT-OF-WAY WITHIN THE 7500 BLOCK OF HEWITT LANE, MORE PARTICULARLY DESCRIBED HEREIN, AND AS SHOWN ON THE ATTACHED MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled for one week (for discussion in Public Works Committee).

**CLOSE AND ABANDON**

**MR-2008-137: Jacquelyn C. Smith**

On motion of Councilman Pierce, seconded by Councilwoman Gaines,  
**AN ORDINANCE CLOSING AND ABANDONING THE UNNAMED DEDICATED RIGHT-OF-WAY DESIGNATED FOR BUILDING OF CONNECTIVITY TO HEWITT LANE PER CONDITIONS OF PRIOR ORDINANCE NO. 11705 LOCATED ON THE WEST LINE OF THE 1700 BLOCK OF HOLLY OAK LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled for one week (for discussion in Public Works Committee).

**DUES**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING PAYMENT OF THE 2009 DUES IN THE AMOUNT OF TEN THOUSAND SIX HUNDRED TEN DOLLARS (\$10,610.00) TO RENEW THE CITY OF CHATTANOOGA'S MEMBERSHIP IN THE NATIONAL LEAGUE OF CITIES**  
was adopted.

**ACCEPT PAYMENT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A PAYMENT FROM HUDSON COMPANIES, INC. FOR PEDESTRIAN POLES AND FIXTURES RELATIVE TO STREETScape WORK AT 345 FRAZIER AVENUE PER THE CONDITIONS OF RESOLUTION NO. 24414 FOR THE SALE AND REDEVELOPMENT OF THE PROPERTY IN THE AMOUNT OF FIVE THOUSAND TWO HUNDRED FORTY-SEVEN DOLLARS (\$5,247.00)**  
was adopted.

**DECLARE SURPLUS**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION DECLARING CERTAIN CHATTANOOGA POLICE DEPARTMENT GUNS AS SURPLUS PROPERTY AND AUTHORIZING SAID GUNS TO BE TRADED IN TO G. T. DISTRIBUTORS, INC. FOR CREDIT IN THE UNIT PRICES AS SHOWN ON THE LIST ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE FOR A TOTAL CREDIT OF TWENTY-ONE THOUSAND TWO HUNDRED THIRTY DOLLARS (\$21,230.00)**  
was adopted.

## PERSONAL SERVICES CONTRACT

On motion of Councilman Benson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE PERSONAL SERVICES CONTRACT WITH DR. BARBARA MEDLEY FOR OVERSIGHT OF THE OFFICE OF MULTICULTURAL AFFAIRS FOR THE PERIOD OF NOVEMBER 1, 2008 THROUGH NOVEMBER 19, 2008, WITH NO ADDITIONAL FEES REQUIRED**  
was adopted.

## OVERTIME

Overtime for the week ending November 13, 2008 totaled \$7,073.70.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **GEORGE W. DERAMUS, JR.** – Suspension (2 days without pay), Crew Worker 1, City Wide Services, effective November 10-11, 2008.
- **HAROLD J. MURRAY, III** – Suspension (2 days without pay), Equipment Operator 3, City Wide Services, effective November 14, 17, 2008.

### CHATTANOOGA POLICE DEPARTMENT:

- **JENNIFER MCCOY** – Reinstatement, Police Officer, PD2, \$35,913.00 annually, effective November 14, 2008.
- **RHONDA K. DARLING** – Family Medical Leave, Police Officer, effective November 10 – December 13, 2008.

## HOTEL PERMITS

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

## HOTEL PERMITS (Continued)

**MOTEL 6 #700** -- 7707 Lee Highway, Chattanooga, TN (96 Rooms)

**BEST WESTERN HERITAGE INN** – 7641 Lee Highway, Chattanooga, TN (100 Rooms)

**QUALITY INN BY CHOICE HOTEL** – 3109 Parker Lane, Chattanooga, TN (59 rooms)

**RED ROOF INN #7162** – 7614 Shallowford Road, Chattanooga, TN (112 Rooms)

Councilwoman Berz stated when we approve hotel permits what is that "saying".

Chief Rowe stated that it says a hotel is being approved to do business and has been inspected and approved by the Fire Marshall's office and approved by the Fire Marshall.

Councilwoman Berz asked who inspects relative to conditions of buildings, themselves; that she has a problem with water in the area and what has happened is that hotels have been approved. She stated they were built providing they met conditions with holding ponds and have found out the hotels were not built sufficiently. She stated she is trying to figure out who is responsible for going back and making sure that was done to see who gives approval before giving the final approval.

Adm. Leach stated that his staff does the public works end of it.

Councilwoman Berz stated on the filed certificate they say how they would build holding ponds to the specifications and if they don't... Lee Highway is getting built up however it seems some of the places are not building to the specifications and there is water runoff. Adm. Leach stated if Councilwoman Berz has a specific case he can check the file.

Councilwoman Berz responded "okay" and asked when we approve this for the Chief is this the final, final approval.

Adm. Leach stated that the Chief can speak for himself, however, it is his belief the precaution is in reference to fire doors and gives assurance smoke detectors are functioning.

Councilwoman Berz stated that she understands that and asked if this is the final, final approval until we can assume approval of all the other stuff has been met. Adm. Leach responded "correct".

## REFUNDS

On motion of Councilman Pierce, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds of gross receipts tax:

**HUDSON COMPANIES INC.**, License No. 45130-17, \$2,333.28

**ROSS GLASS & ALUMINUM LLC**, License No. 72903-11, \$3,966.42

## BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilman Pierce, the following re-appointment was approved:

### **BEER AND WRECKER BOARD:**

- Re-appointment of **CHRISTOPHER KEENE** for a three year term expiring November 18, 2011, representing District 8.

Councilman Pierce stated there were initial problems with Mr. Keene's re-appointment however issues were resolved after discussion with the City Attorney. He stated he is glad to have him (Keene) serve as his representative on the Beer Board, noting that he has served on the County's Beer Board for over twenty years and can count the number of meetings he has missed on one hand! He expressed appreciation to Mr. Keene for his service.

Councilman Benson stated that continuity is needed on the Beer and Wrecker Board as there is a lot of business coming up as it relates to the wrecker situation and knowledge is needed in that regard.

Councilwoman Gaines stated that she and Mr. Keene are school mates and he was at the county when she was there and is here at the city, now. She expressed thanks to him for the job he does.

## BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Berz, the following Board appointment was approved:

## BOARD APPOINTMENT (Continued)

### ERLANGER BOARD OF TRUSTEES:

- Appointment of **DONNIE HUTCHERSON** for a four year term expiring November 18, 2012 (filling the expired term of Bruce Adams).

## COMMITTEES

Councilman Rico stated the **Public Works Committee would meet immediately following the agenda session on Tuesday, November 25.**

## AGENDA SESSION

Councilman Pierce stated that he talked with the Chairman about the agenda session and informed her that he personally did not like the session during the committee time as it is his thought time should be allowed following the Council meeting to go over the agenda for the next week. He stated others might feel differently and would like to discuss it at this time.

Chairman Bennett stated that she listened intently to Councilman Pierce and has had a chance to talk with other Council members and asked the basic question what each likes and does not like about the format; that a few things have been changed around for the past few months. She suggested that the Council be given time to think about this so the Council could have an opportunity to review everything they will have to vote on and a chance to have each item scheduled into committee to have a chance to discuss it prior to coming before us for vote. She expressed appreciation to Mr. Pierce, noting that both the committee and council meetings are in the public arena.

Councilwoman Berz stated that the one thing missing is that the public does not have knowledge of what next week's agenda will be unless they are at the earlier meeting, even if there is some formal reading of what the topics are we ought to give notice of what the agenda is if there is any discussion about it.

At this point the Clerk of Council reminded Council members that the agenda for the current and following week is spread upon the city's website.

Councilwoman Berz explained that it was her thought we are not negligent in giving notice, however if we begin discussing it here someone ought to know what it is we are doing. She stated unless we want to hand out double agendas for people that walk in there should be some notice of what it is we are discussing.

## AGENDA SESSION (Continued)

Councilman Benson expressed agreement with Council Pierce noting that his number one priority is transparency so the public will know what will be coming up the next week. He stated it could be done at the end of committees but would much prefer to do it in Council meetings.

Chairman Bennett stated having the agenda discussed at the 3 p.m. work session provides an opportunity to invite the public to sit down and have a more face-to-face discussion which is not possible at 6 p.m.; that the 3 p.m. work session is a much more user friendly environment to have people sit around and talk about the issues. She stated she would comply with whatever the pleasure of the Council might be.

Councilman Pierce stated what is basically happening with public works is discussed in agenda session on Tuesday morning and shortly after that the Chairman of the Public Works committee has his meeting with public works departments heads and then turn around at 3 p.m. and have more discussion in Committee; that this involves three times the department heads have had to meet and it just does not make any sense that they would be pulled away from their jobs for three different meetings during the course of one day. He stated that is a waste of their time; that they are using valuable manpower in doing it the way we are doing it and wastes a lot of energy.

Councilman Rico asked if any one in the public has complained about the way we are doing this; that he is here all day five days a week and does not want to be here half the night after he has been here all day. He stated he has put his time it and it is not fair to the staff or him to have to stay here longer just because some on the Council do not come here all day as he does; that it is his choice but also believes it is his job!

Councilman Pierce stated that he would argue the point; that this job requires Council members to do this meeting at night; that it does not require staying here eight hours a day!

Chairman Bennett stated that she is glad Council members are thinking about the time our administrators are spending and how we go about our business; that it is important we look at how we can efficiently and productively do the work.

Councilman Rico again asked if the public has complained about the way we are doing this.

**AGENDA SESSION (Continued)**

Councilman Benson quickly responded, "yes, I am complaining!" to which Councilman Rico jokingly replied, "you complain all the time!"

Councilwoman Berz expressed that the issue is if the Council wants to bring it to the evening session that is fine, however, once it is at the evening session we will have to let the public know what we are doing. She stated that we do not have to have a full meeting, only give a short summary of important issues; that it is not a bad idea to at least bring up the issues to be discussed the next week so people will have notice and it will be on the camera.

Councilman Pierce then asked what the final result is of what the Council plans to do.

**Councilman Benson made the motion to go through the agenda for the next week at the end of Council meeting; Councilman Pierce seconded the motion; the motion carried with Councilman Rico voting "no".**

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, November 25, 2008 at 6:00 p.m.

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CHAIRMAN

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CLERK OF COUNCIL

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