

**City Council Building  
Chattanooga, Tennessee  
January 13, 2009  
6:00 p.m.**

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

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

Following the Pledge of Allegiance, Councilman Benson gave invocation.

#### **MINUTE APPROVAL**

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

#### **AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II,  
SECTION 2-542(5), SO AS TO REMOVE THE RESTRICTION THAT A  
REQUIREMENTS CONTRACT NOT BE LET FOR A PERIOD IN EXCESS OF  
ONE (1) YEAR**

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

#### **AMEND CITY CODE**

Councilman Benson stated after much discussion this matter is recommended for approval from the Legal and Legislative Committee with one change.

City Attorney McMahan stated that the change involves adding the definition of day care center so as to eliminate elderly day care centers.

AMEND CITY CODE (Continued)

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTION 5-75(b) AND (c) TO PROHIBIT ISSUANCE OF PERMITS FOR THE SALE OF BEER OR OTHER ALCOHOLIC BEVERAGES NEAR DAY CARE CENTERS**

passed first reading **with the amendment to include the addition of the definition of day care centers so as to eliminate elderly day care centers.**

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTIONS 122, 124, 152, 154, AND 164, TO PROVIDE FOR CHANGES IN RT-1 RESIDENTIAL TOWNHOUSE ZONE, RZ-1 ZERO LOT LINE RESIDENTIAL ZONE AND R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE**

passed first reading.

REZONING

**2008-194: Trudy Mott**

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 1203 ROCKWAY DRIVE, 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-3MD MODERATE DENSITY ZONE**

was denied.

CLOSE AND ABANDON

**MR-2008-208: City of Chattanooga c/o Dennis Malone**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1400 BLOCK OF EAST 36<sup>TH</sup> STREET 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 first reading.

**CLOSE AND ABANDON**

**MR-2008-219: Jason Davis**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY  
LOCATED ON THE SOUTH LINE OF THE 1400 BLOCK OF FARLEIGH  
STREET, 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 first reading.

**CLOSE AND ABANDON**

**MR-2008-222: City of Chattanooga c/o Dennis Malone**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE  
1600 BLOCK OF NORTH ORCHARD KNOB 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 first reading.

**EARLY VOTING LOCATIONS**

Councilwoman Berz asked that Resolution (h) be moved forward on the agenda. **On motion of Councilman Benson, seconded by Councilwoman Berz, Resolution (h) was moved forward for discussion.**

**Councilman Rico made the initial motion to approve this Resolution; no second to the motion was given at this time.**

Councilman Benson stated that he has done a lot of study on this one; that we established two satellites, one in Hixson and one at the Brainerd Recreation Center in 2005 and was the first time they were established. He stated it was probably a good thing we established those two at that point, however, then we asked for a downtown precinct and remembers the fall out on that one, noting that he went along with that at a cost of \$7.19 per voter to vote early.

## EARLY VOTING LOCATIONS (Continued)

Councilman Benson stated since then things have changed; that he talked to the Election Commission and they say we can not have any precincts that will be accessible by people at the Hotel Patten, Dogwood Manor, Lookout Valley and other places throughout the city which creates an equity problem as far as he is concerned. He stated the plan, if approved, will go from February 11 – 26, fourteen days. He stated he has spoken with Ms. Mullis at the Election Commission who informed him that they no longer require notarization of authorization to vote and all citizens have to do is pick up the phone, call the Election Commission and ask for a ballot to be mailed. He stated the citizen would fill out the ballot and mail it back. He stated that he really worries about this and thinks there is an equity problem with people throughout the city paying for early voting and it is not fair as it will not be distributed to all districts and the cost would be \$40,000. He stated we are getting into austere times and every “drop in the bucket” counts!

**Councilman Benson** continued by stating that voter turnout is not all that great; that the big advantage in having it is if there is bad weather on Election Day; that it is tough both ways. He stated everybody has close proximity opportunities to vote on March 3 and it is fair to everybody across the board; that everyday has an opportunity for mail-ins across the board, which is also fair. He stated therefore, for us to select two spots in this city and give them an opportunity concerns him, especially at a cost of \$40,000, however, we want a good turnout and it can be argued both ways. He **made the motion amend the Resolution to say instead of there being a fourteen day open window for early voting at two satellite stations, make it seven days and reduce the cost of the election to the city tax payers until we can make it fair for everyone; Councilman Rico seconded the motion.**

The question arose at this time whether an amendment could be given at this time, since the initial motion was not seconded, noting that the initial motion died for lack of a second.

City Attorney McMahan stated that he wanted the “floor” initially to clarify the matter; that when the issue was discussed last week in Committee, there was discussion regarding the possibility of only holding early voting at the Election Commission and Northgate, the Election Commission and Brainerd, then the Election Commission and downtown. He stated that his point is that the resolution presently has a blank as to how many places the Council wants to ask for.

Councilman Benson stated we are talking about satellite locations; that on Annicola the early voting would be for the full fourteen days.

## EARLY VOTING LOCATIONS (Continued)

City Attorney McMahan clarified that State Law governs early voting; that the Election Commission will hold early voting for whatever number of days State Law requires them. He stated we can request what the Council wants. He stated State Law gives the city the responsibility for governing the election; that the Election Commission selects the polling place(s), they select how they will be staffed and there are certain minimum requirements for staffing as referenced in TCA 2-3-108.

Councilwoman Berz stated that she promised Councilman Page she would read the message he sent her regarding this matter. At this point Councilwoman Berz read Councilman Page's message which has been spread upon the minutes:

*Thanks for offering to give my thoughts to the Council with regard to early voting. I could write a lot but I will try to bear you the pain. So here go my brief comments. Northgate Mall (NGM) needs to continue to be a location for early voting in the upcoming city election for these reasons: \*There has been confusion in the past regarding which precinct residents need to go to in order to cast their vote. A few years ago changes were made and there is still confusion. \*The one location that has remained constant over the years has been the early voting at NGM. \*NGM has a regional draw including several Districts including those represented by Robinson, Gilbert and Bennett. You will find it has one of the largest turnouts in the City. \*Most people do not know where the Election Commission is located. There is no reason for them to have visited this location unless they have specific election business.\*The Calvin Apartments (elderly people) and other persons with limited transportation resources in these Districts would have difficulty if NGM was to be eliminated as a site. We can all add more but that is my comment for now. Thanks for asking!*

Councilwoman Robinson stated that she would like to reiterate her thought that early voting is very important to our constituents, particularly in an election when bad weather threatens – what if we had a snow storm on election day or conditions that people were unable to exercise their right to vote due to not having early voting and would have to wait and go to the Election Commission that day. She stated early voting is a convenience for citizens and we know many people who vote are elderly and also know a lot of people we want to vote are young and students who may be working and going to school; that early voting is a wonderful service and the more we encourage them to get involved in our democracy the stronger we will be. She stated it is a great investment in the kind of government we have and echoes what Councilwoman Berz read – instead of limiting the ways and times citizens can vote, it is a great investment to increase the ways and times we can let our citizens get to the polls.

## EARLY VOTING LOCATIONS (Continued)

Councilwoman Robinson expressed that she is glad there is a mail-in opportunity which would work for many people as there are many people in the community who have become very accustomed to early voting and think it is a service they have a right to expect.

Councilwoman Gaines noted that she did not find the resolution in her packet this weekend and asked the City Attorney about filling in the blanks.

City Attorney McMahan stated that he did not know what to put in the blanks.

Councilwoman Gaines stated she would wait to speak further as she might have questions later.

Councilman Pierce expressed appreciation for Councilman Benson's comments and stated the question is whether we add the third precinct for the inner city between the mountains and the Ridge that would consist of Districts 9, 7 and 8, his district. He stated that it is his thought it was detrimental in the past not to have a downtown voting location which would cover the inner city population. He stated he went out today and stayed at the Election Commission an hour talking to Bud Knowles and his Assistant, Charlotte Mullis, about this matter. He stated the final word Mr. Knowles gave him was they do not have time to set up another precinct. He stated that he read in today's newspaper where we talked about the cost and like Councilmen Benson and Berz noted he does not want to put a price on people's voting; that this is the only real chance they have to decide who will be making decisions about their lifestyles within a whole. He stated Mr. Knowles expressed they did not have time to train someone for another precinct.

Councilman Pierce stated that he also read in the newspaper the County Commission does not support another precinct and (he) has taken issue that this is not a County Commission issue, this is a city issue. He stated we will have to pay for the total amount of that election. He stated he also informed Mr. Knowles they were an organization that has been selected to run the Election Commission but not to dictate how it would run. He stated if everyone read the newspaper today it was stated the Election Commission had made certain decisions and he (Pierce) questioned it to the extent of seeing the minutes of the Election Commission where they made those decisions and does not think he will be getting that information. He stated he has felt all along the Council should be the one who dictates where; that we would not pick the location as that is the Election Commission's responsibility.

## EARLY VOTING LOCATIONS (Continued)

Councilman Pierce continued by stating as for as forming another early precinct that would be the Council's position on a county-wide race, but when we come to the city it is his thought if we are paying the bill we should be able to ask for what we want whether we get it or not. He stated he supports Mr. Knowles to the extent if other Council members feel it is too late to set up another precinct, he can agree with that, but feels if we are going to eliminate the downtown location we should eliminate Northgate and Brainerd from the system as early voting sites in the city election. He stated we would still have them in the county election, but thinks it is unfair to persons on this side to have to drive to the other side; that those located in Soddy-Daisy have an advantage in going to Northgate and those in Ooltewah have an advantage going to Brainerd Recreation Center, but in the inner city everything is being taken away from them and it is unfair.

Councilman Pierce stated he would still like to see the precincts established but it may be in the next four years, not to benefit him as he is not asking that it be in his district but within a reasonable area. He stated the downtown area is growing by leaps and bounds and expressed agreement with what Councilman Page stated as Northgate did have more voters in early voting, but in downtown there was only a 2,000 difference in votes. He stated he would still be a proponent of the third satellite and does not know whether Mr. Knowles could produce it or not and does not see why he can not. He stated that Mr. Knowles told him it would mean buying more computers and it is not our job to buy computers; it is the county's job. He expressed support to not have any satellite locations other than at the Election Commission.

Councilman Rico expressed agreement with Mr. Knowles comments noting that in previous years before being elected he worked the elections and it was hard to get people not only to work but to train them. He stated it is something nobody wants to do as there are long hours and there is so much trouble even after being trained. He stated that he can understand them having problems getting personnel in this short period of time; that good personnel are needed in the elections.

Councilman Benson stated that he wanted the Council to know that it is not just downtown that does not have accessibility; that people on Morris Hill Road and other areas in East Brainerd do not have accessibility and they are not going to come out to Brainerd to vote, reiterating there is inequity all the way through in many spots. He stated he would like to have early voting at every district; that it just smacks of unfairness to select two precincts; that he feels by reducing it down to fewer days it would not cost so much to be unfair!

## EARLY VOTING LOCATIONS (Continued)

Councilwoman Berz stated we have no choice about that as that is the law. She stated we have a choice whether we fund any satellites at all and that is what the question is. She stated given what the Election Commission will do it is her thought we should fund as many satellites as they will do to make voting accessible to whoever can vote and there is no doubt in her mind about that. She stated she is not sure where we stand with motions on the matter.

Chairman Bennett clarified a motion is on the floor to have early voting for seven days, half the time, but the City Attorney says that is not something we have control over.

City Attorney McMahan stated he could not give a definite answer on that; that we could be asking for trouble. He stated he does not know if they have the option of cutting the days in half the way the Council would like. He stated State Law sets up when early voting starts.

Councilman Benson asked if it states when it ends. City Attorney McMahan stated State Law sets up when it ends, too.

Chairman Bennett asked for clarification as to the early voting dates. Councilman Benson responded "February 11 – 26".

Councilman Benson asked if early voting at the Election Commission February 11-26 would be at no additional cost.

City Attorney McMahan clarified it would be at no additional cost; that we are paying for the election and do not have to hire additional staff.

Councilman Benson stated that the hours at the satellite locations are from 10 a.m. – 6 p.m. and at the Election Commission from 8 a.m. – 6 p.m.; that "fuller" service would be given at the Election Commission on Amnicola.

Councilman Gilbert stated when he was running for office people did not know what district to vote in; that if we change where to vote there will be a problem as a lot of people do not go to the same place. He stated every time we change people that do want to vote will not have an opportunity; that they will either have to work that day or would be out of town and it could snow. He expressed agreement if we could change it to seven days it would be fine with him; however, we do not need to change the areas where they are currently.

## EARLY VOTING LOCATIONS (Continued)

Councilwoman Gaines stated from what she has read in the resolution, she does not understand in its entirety what we are going to do; that she is more comfortable with more specifics in the caption or in the body.

City Attorney McMahan stated based on the Committee discussion, three options were present: (1) have early voting only at the Amnicola location, (2) have one satellite polling location at Brainerd and the Election Commission because the Election Commission was very close to Northgate and having a satellite office at Northgate would be redundant. He stated then (3) Councilman Pierce said that we really need one downtown; that we have gone from Brainerd to Northgate and now downtown. He stated that he left the resolution blank until a decision was made as to the satellite locations; that obviously the Election Commission will either follow or not be able to. He stated they may not be able to as a practical matter as they may not be able to hire staff or find suitable locations or get computers in time.

Councilwoman Gaines asked if the Council has to make that happen tonight, whether it was time sensitive.

City Attorney McMahan stated it is absolutely time sensitive as they need to have the information tomorrow.

Chairman Bennett clarified that the Council's vote will fill in the blank.

Councilwoman Gaines asked what the Council needs to think about in reference to Councilman Pierce's conversation with Mr. Knowles; that in his statement she heard Mr. Knowles said they would not have personnel to staff it and asked if we are sure what is being done now they will be able to manage to have it set up by February 11 or will need more time.

Councilman Pierce stated he is willing to give up the downtown location because of what Mr. Knowles said as far as being ready to staff it; that he (Pierce) can eliminate the three precincts at this time, especially the part about downtown. He stated he still says he does not see how he could support opening up two others; that he can support having it at the Election Commission but other than that hopefully by the next election we can have it worked out.

Councilman Rico stated the matter needs to be voted "up or down" if we are going to have two locations.

## EARLY VOTING LOCATIONS (Continued)

**Councilman Benson** changed his amendment, noting there is some question whether we need three locations and have them open seven days. He **made the motion to have three precincts for seven days and if we can not do that then let the Election Commission decide what they can do**. He stated they are telling us what they can do and can tell us if it is okay. He stated he is **withdrawing the other motion** and changed it to what he just mentioned requesting a priority of seven days and three precincts, otherwise go ahead and do what they can do for us, if it is two precincts in fourteen days we will have to do it.

Councilman Rico added "or whatever they will give us".

Councilwoman Berz stated that she understands the spirit behind this but we can not come up with a motion that obviates state law.

Councilman Pierce stated all State Law requires the Election Commission to do is have early voting; that it does not dictate how many.

Councilwoman Berz stated that she is talking about the time period; that she agrees with the three locations or whatever but does not think we can tell the State we want them to start and end in seven days to save money.

Chairman Bennett asked Councilman Benson to rephrase his request.

Councilman Benson stated he is just recommending they try to pursue operating three early voting precincts and do it for seven days and if they cannot do what State Law requires to operate as many precincts as they can.

Chairman Bennett stated "even if seven days is a question".

Councilman Benson stated they can make it fourteen days if they can not (do seven).

City Attorney McMahan stated from what he is hearing the Council is willing to pay \$60,000 for three precincts which the Resolution would do easily in saying three early voting precincts for seven days if possible; that the City Council prefers seven days if possible. He noted that seven days will be a problem.

Chairman Bennett stated if it is the will of the Council as many as up to three locations can be offered or as many resources for staffing can be provided.

**EARLY VOTING LOCATIONS (Continued)**

Councilman Pierce stated Mr. Knowles pointed out they could not set up three precincts and wondered why we keep talking about it! He stated we should decide whether to have two or just one; that it is all very simple!

Councilman Benson stated that he made the motion that way to make a statement; that we need three locations.

Councilman Pierce stated that is the only election we have any say into; that the county will be making the decision as to how many early voting locations as they are the ones to pay for that one. He stated whatever we are talking about will not come into effect until another four years and it is his thought we need to let it go!

**At this point Councilman Benson withdrew all of his motions!**

**Councilman Rico made the motion to ask for two early voting locations – Northgate and Brainerd; Council Gilbert seconded the motion.**

On motion of Councilman Rico, seconded by Councilman Gilbert,

**A RESOLUTION REQUESTING THE HAMILTON COUNTY ELECTION COMMISSION TO ESTABLISH SATELLITE EARLY VOTING LOCATIONS AT THE CITY'S EXPENSE**

was adopted; **Councilman Pierce opposed.**

**PAYMENT AUTHORIZATION**

On motion of Councilman Rico, seconded by Councilwoman Gaines,

**A RESOLUTION AUTHORIZING PAYMENT TO HAMILTON COUNTY, TENNESSEE, FOR THE CITY'S PORTION OF INSURANCE PREMIUMS FOR THE PERIOD OF DECEMBER 20, 2008 THROUGH DECEMBER 19, 2009 FOR JOINTLY OWNED AND INSURED PROPERTIES IN AN AMOUNT NOT TO EXCEED TEN THOUSAND SEVEN HUNDRED SEVENTY-THREE AND 08/100 DOLLARS (\$10,773.08) ACCORDING TO THE ATTACHED LIST OF PREMIUM BREAKDOWNS**

was adopted.

**EASEMENT**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FROM L. B. AUSTIN, III AT 5110 HIXSON PIKE, PARCEL NO. 110B-A-001, TRACT NO. 02, RELATIVE TO CONTRACT NO. E-06-006-202, NORTHPOINT BOULEVARD EXTENSION PROJECT PHASE 2 AND 3, FOR AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS (\$32,599.00)**

was adopted.

**EASEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FROM L. B. AUSTIN, IV AT 2105 NORTHPOINT BOULEVARD, PARCEL NO. 110B-A-002.06, TRACT NO. 03, RELATIVE TO CONTRACT NO. E-06-006-202, NORTHPOINT BOULEVARD EXTENSION PROJECT PHASE 2 AND 3, FOR AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$15,750.00)**

was adopted.

**AGREEMENT AMENDMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPROVE AMENDMENT 1 TO THE AGREEMENT WITH THE WATER ENVIRONMENT FEDERATION FOR A FOLLOW-UP CORRECTIVE ACTION AUDIT, WHICH AMENDMENT INCREASES THE AGREEMENT PRICE BY THREE THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$3,550.00), FOR A TOTAL REVISED AGREEMENT PRICE NOT TO EXCEED TWENTY-THREE THOUSAND NINE HUNDRED FIFTY DOLLARS (\$23,950.00)**

was adopted.

## CONTRACT AMENDMENT

On motion of Councilman Gilbert, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPROVE AMENDMENT 2 TO THE ENGINEERING SERVICES CONTRACT WITH DR. LARRY MOORE, WHICH AMENDMENT INCREASES THE CONTRACT PRICE BY NINE THOUSAND NINE HUNDRED DOLLARS (\$9,900.00), FOR A REVISED TOTAL CONTRACT PRICE NOT TO EXCEED THIRTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$34,900.00)**

was adopted.

## CHANGE ORDER

Councilman Pierce stated that he has noticed the revised contract amount and asked if the total contract is being raised by \$5,000, with the original contract only \$6,000.

Lee Norris responded "that is correct"; that the initial contract was only \$6,000.

Councilman Pierce inquired as to the kind of change order for this.

Mr. Norris stated that it is strictly for testing; that the contract required more testing than was originally thought which increased by that amount to complete the testing in Warner Park.

Councilman Pierce stated when the contract went out for bid he wondered if that had something to do with the contract; that specifications are given at the time of the bid.

Mr. Norris responded "no"; that this did not get bid on as they did not anticipate that much testing; that it was beneath the amount they had to get bids for. He stated the reason it is before the Council is because it exceeds the \$10,000 limit.

Councilman Pierce stated this is a small contract but yet we have a provision that almost doubles the contract in some cases.

CHANGE ORDER (Continued)

On motion of Councilman Gilbert, seconded by Councilwoman Gaines,  
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-05-007-301, WARNER PARK COMBINED SEWER OVERFLOW, WITH TS GEOSCIENCES, LLC, D/B/A/ TRI-STATE GEOSCIENCES, LLC, A SUBSIDIARY OF GALLET AND ASSOCIATES, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIVE THOUSAND DOLLARS (\$5,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ELEVEN THOUSAND DOLLARS (\$11,000.00)  
was adopted.

AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilman Gilbert,  
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-04-036-601, ENTERPRISE SOUTH ROADWAY PROJECTS, FOR PROFESSIONAL SERVICES TO PERFORM CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-SIX THOUSAND ELEVEN AND 63/100 (\$676,011.63)  
was adopted.

**(Councilwoman Berz excused herself form the meting at this point.)**

OVERTIME

Overtime for the weekending January 8, 2009 totaled \$24,830.01.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **WILLIAM M. DUNSTAN** – Leave of Absence, Crew Worker 1, City Wide Services, effective January 5-31, 2009.

### PERSONNEL (Continued)

- **CLAYTON HAYNES** – New Hire, Engineering Coordinator, Engineering, Range 21, \$48,124.00 annually, effective January 6, 2009.
- **CHARLES E. PATTON, JR.** – Suspension (Without pay), Crew Worker 1, City Wide Services, effective January 6-9, 2009.
- **NEKEIDRIA LEE** – Resignation, Administrative Support Asst., Traffic Engineering, effective January 23, 2009.
- **RAYBURN (CASEY) HALL** – Retirement, Plant Operations Supervisor, Waste Resources, effective December 31, 2008.

#### CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **ANGELA PRICKETT** -- Termination, Teacher Assistant, Head Start, effective December 10, 2008.

#### PARKS AND RECREATION DEPARTMENT:

- **AMANDA S. JAMES** – Employment, Recreation Specialist, Range 9, \$26,798.00 annually, effective January 5, 2009.

#### CHATTANOOGA POLICE DEPARTMENT:

- **LOUISE T. WILLIAMS** – Retirement, Communications Officer, Sr., effective December 31, 2009.
- **KENDALL HIRSH** – Resignation, Police Officer, effective January 2, 2009.
- **RANDALL BISSELL**—Return to Duty from Military Leave, Police Officer, effective January 6, 2009.
- **M. C. COMMANDER** – Retirement, Communications Officer, effective January 13, 2009.
- **BENJAMIN TODD RICHARDS** – Leave of Absence (without pay), Police Officer, effective December 27, 2008 – January 25, 2009.

- **DARRELL STAMPER** – Resignation, Communications Officer, effective January 11, 2009.
- **CHARLA JOHNSTON** – Resignation, Police Records Technician, effective January 12, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **KELLY LILES** – Family Medical Leave, FIREFIGHTER, EFFECTIVE January 5, 2009.

**DONATION**

The donation of a \$1,000 grant from the Wal-Mart Corporation to the Department of Parks and Recreation for Summer Day Camp Programs at John A. Patton Recreation Center was duly reported to the Council.

**RESTROOMS AT WARNER PARK FOR TENNIS PLAYERS**

Councilwoman Gaines stated the previous contract at Warner Park made her remember that she had an opportunity to go to Warner Park last Saturday and asked if at some point in time Adm. Zehnder would have an opportunity to give a brief update on the restrooms. She asked where we are on the matter and whether there could be a portable pre-fabrication situation or a timeline as to when there would be restrooms for the tennis players.

Adm. Zehnder stated in reference to the restrooms he will have to put it in the capital budget request and make sure it is in there. He stated as mentioned at the last meeting when this came up restrooms have been made available at Frost Stadium which is about 50 feet across the way. He stated he knows this is inconvenient but it is not that restrooms are not available; it is just that it is not exactly in the right place. He reiterated that he would make sure the request gets in the capital budget.

Councilwoman Gaines stated when renovation started at the Stadium, did we not have restrooms where the trailers are in the back at an angle near the tennis courts.

Adm. Zehnder stated there were just port-a-johns; never restrooms.

**RESTROOMS AT WARNER PARK FOR TENNIS  
PLAYERS (Continued)**

Councilwoman Gaines asked if there was ever anything stationary.

Adm. Zehnder stated he would speak with Councilwoman Gaines after the meeting.

Councilwoman Gaines reminded Adm. Zehnder she would be leaving the Council after March and would be out and about in the Park; that restroom distance is a concern and thought she'd ask.

Adm. Zehnder stated there have been several features in the Warner Park Master Plan that were deleted; that one actually had a building in the corner of the Park that was going to house the maintenance operation and that could have very well addressed the restrooms, but it was cut back in an effort to economize. He stated Master Plans are amended over a period of time and as monies become available improvements are added to the Plan. He acknowledged that he understands what Councilwoman Gaines is asking.

Councilwoman Gaines expressed appreciation to Adm. Zehnder for all he does and noted that this was probably her last request; that he would see her around!

**REFUNDS**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refunds of water quality fees and/or property taxes (overpayments):

<b>SIDNEY SIMON</b>	\$1,830.08
<b>SAVAS DERMANEL</b>	1,058.28
<b>BERTON WHITE</b>	1,194.80
<b>CHAD EICHELBERGER</b>	1,180.05
<b>VANGUARD INVESTMENT INC.</b>	1,018.09
<b>JOHN BAUCOM</b>	1,587.31
<b>RICHARD POWERS</b>	1,071.82

**REFUNDS (Continued)**

LONNIE SMITH	1,203.61
<b>TOTAL:</b>	<b>\$10,144.04</b>

**REFUND**

On motion of Councilman Rico, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund due to exemption by **Tennessee State Board of Equalization**:

<b>PINNACLE AIRLINES, INC.</b>	\$10,606.36
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**REFUNDS**

On motion of Councilman Rico, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds of water quality and/or property taxes (overpayments):

DENNIS BROWN	\$1,479.96
ROBERT SHROPSHIRE	1,033.51
GEMINUS LLC	1,240.72
<b>TOTAL:</b>	<b>\$3,754.19</b>

**PURCHASES**

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

PUBLIC WORKS DEPARTMENT:

**ENVIRONMENTAL PRODUCTS & ACCESSORIES, LLC (Lowest and best bid)**  
**R0116320/B0005651**

Annual Blanket Contract for Sewer Equipment, January 14, 2009 – January 13, 2010

**(Price information available and filed with minute material of this date)**

## PURCHASES (Continued)

GENERAL SERVICES:

SNIDER TIRE, INC. (Lowest and best overall bidder)  
R0115041/B0005591

Tire Recapping and Repair Services

(Price information available and filed with minute material of this date)

## BOARD RE-APPOINTMENT

On motion of Councilman Benson, seconded by Councilwoman Gaines the following Board appointment was approved:

### LIBRARY BOARD OF DIRECTORS:

- The re-appointment of *PATRICIA KELLEY* for a three year term expiring January 13, 2012.

## HEARING: ALONZO LEWIS

City Attorney McMahan reported the termination hearing for Alonzo Lewis was held on yesterday with Councilmen Pierce, Robinson and Rico. He stated the panel voted 2-1 to sustain the recommendation for termination.

## COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, January 20 immediately following the agenda session.**

Councilwoman Gaines announced that the Safety Committee scheduled for January 20 has been cancelled.

In Councilman Page's absence, Chairman Bennett scheduled a meeting of the **Economic Development Committee for Tuesday, January 20 following Public Works.** She stated discussion will center on the UNUM PILOT for their parking garage.

**NEXT WEEK'S AGENDA**

Chairman Bennett stated ordinances passed on first reading tonight will move forward on second reading next Tuesday. She stated there is one resolution scheduled for next week involving a change order for Ashland Terrace.

**RECOGNITION OF BARBARA RICO**

Chairman Bennett acknowledged the presence of Barbara Rico, wife of Councilman Rico, and their granddaughter, Anna.

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, January 20, 2009 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)**