

**City Council Building
Chattanooga, Tennessee
September 1, 2009
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Scott gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: RECOGNITION OF JIM FROST

Mayor Littlefield asked Dan Johnson to join him at the podium and stated some years ago they became involved in an election and the subject of softball came up. He stated many will remember when Chattanooga was the center of the world in softball and we had kind of fallen on hard times over the years and there were those in the community who saw that as something we needed to recapture, so, softball became an issue. He stated he was talking with his old friends in parks and recreation and there were signs all over the city that said "*Dan Johnson loves softball*". He stated he loves softball, too, and fortunately there are folks in Chattanooga that have vision and the ability to make things happen. At this point he asked Jim Frost to come stand with them, noting that one of the most pleasurable things he has to do as Mayor is proclaim things. At this point the read the proclamation honoring Mr. Frost, which has been spread upon the minutes.

SPECIAL PRESENTATION: RECOGNITION OF JIM
FROST (Continued)

Proclamation

WHEREAS: Jim Frost was recognized in October of 2008 by the 7,000 member National Recreation and Park Association, the United States' leading advocate for Parks and Recreation Programming, for his volunteer and advocacy contributions to the Chattanooga Community, and

WHEREAS: Jim successfully took on the development of a world class women's fast pitch softball stadium for the youth of the community by raising all the necessary funds and donations to build the Chattanooga "Field of Dreams," and

WHEREAS: Jim's desire to show his continuing support for the youth of the community and those throughout the country who visit Warner Park by contributing all funds and donations necessary to build the "Snooks Nerron" facility which is now the centerpiece of the \$4 million dollar Warner Park Development accomplished in the summer of 2008, and

WHEREAS: Jim has gained recognition world-wide, in support of his community and the Sister Cities Program, by creating a one-of-a-kind memento presented to the Mayor of Wuxi, China, a community of over five million citizens during a Friendship Summit in October of 2007

NOW, THEREFORE, I, Ron Littlefield, Mayor of the
City of Chattanooga, do hereby wish to honor and recognize the efforts of

Mr. Jim Frost

For his dedicated and tireless commitment to the City of Chattanooga, the Parks and Recreation Department, and the advancement of one of our community's greatest pastimes, Softball.

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
1st day of September, 2009

Ron Littlefield, Mayor

At this point, Chairman Benson asked Mr. Frost's family members and friends to stand.

**SPECIAL PRESENTATION: RECOGNITION OF JIM
FROST (Continued)**

Mayor Littlefield stated Dan Johnson was standing with him as a CPA and softball is not just fun it also pays; that we all know we have a wonderful new facility that has attracted national attention and is bringing tournaments back that we never had before and the person behind all this is Jim Frost! He thanked Mr. Frost on behalf of the whole city.

Jim Frost stated that he could not tell how much it means to him to have a "support cast" like everyone present in place. He stated he has fought over a number of years to get what these young student athletes in our community deserve with a little success, but not near the success that has been put in place recently and it is all because of the Council, the Mayor and his staff. He stated it used to be a fight but now it is a pleasure to work with people who believe in him; that students of our community are willing to help out. He accepted the honor on behalf of those student athletes who have fought so hard to go out and represent our community across this nation of ours with the many tournaments they go to carrying our city logo with them. He stated he is not alone in what he does; that there are many people out there like Jerry Wilson, Jeff Daniel, Danny Daniel, Greg Holder and Steve Sterchi, an unsung hero who helped raise the steel on "The Stadium of 1,000 Dreams". He stated the one thing he found out in the community since he has been involved in working with student athletes and helping support them is how great a community it is. He stated the city of Chattanooga is blessed with an enormous amount of people who in the background come to him and say "what can I do to help". He stated in the past they were there, they have always there and we now have in place people who believe in this. He applauded the Mayor and Council in their recent decision in making student athletes have a place to progress and get a scholarship (hopefully). He concluded his comments by expressing thanks to the Mayor and Council.

Chairman Benson expressed thanks to Mr. Frost on behalf of the Council and noted we are all blessed to have him!

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTIONS 24-474, 24-475, 24-477, 24-482, AND SECTION
24-483 RELATIVE TO BICYCLES**

passed second and final reading and was signed in open meeting;
Councilwoman Scott voted "no".

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE SECTION 108 LOAN GUARANTEE ASSISTANCE CONTRACT, COMMITMENT NO. B-04-MC-47-0001, WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND ANY AND ALL SECURITY DOCUMENTS RELATED THERETO
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INDEPENDENT CONTRACT AGREEMENT WITH BRIGHTBRIDGE, INC. FOR PROFESSIONAL BUSINESS LENDING, GRANT, AND CONSULTING SERVICES RELATIVE TO THE CITY BROWNFIELDS REDEVELOPMENT PROGRAM ASSISTANCE IN SECTION 108 IMPLEMENTATION OF THE FIBER TO THE HOME LOAN TO EPB, AND OTHER ECONOMIC DEVELOPMENT PROGRAMS AND INITIATIVES FOR AT TERM OF ONE (1) YEAR AND IN AN AMOUNT NOT TO EXCEED NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) ANNUALLY
was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND, IF AWARDED, ACCEPT A CONGRESSIONALLY SELECTED AWARDS GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS' BUREAU OF JUSTICE ASSISTANCE, FOR A TOTAL AMOUNT NOT TO EXCEED FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00) OVER A THREE-YEAR PERIOD, WITH NO MATCHING FUNDS REQUIRED, TO BE USED TO PURCHASE FIREARMS RANGE EQUIPMENT
was adopted.

DECLARE SURPLUS

MR-2009-115: City of Chattanooga c/o Dan Thornton

Councilwoman Scott made the motion to defer this matter; Councilman McGary seconded the motion.

City Attorney McMahan stated that it is his thought there was a change from last week; that last week we were talking about a resolution to authorize the advance for the sum of \$10,000. He stated we received a request to change it to make it an authorized advertisement for sale, but it appears from the Committee meeting this afternoon there is no clear cut consensus.

Chairman Benson stated it does not specify the property on the resolution and asked if that is okay.

City Attorney McMahan responded "yes".

Councilwoman Berz stated that she wanted to ask the same question Councilman Benson did; that it does not specify the property. She stated it is difficult to approve a resolution without the address.

City Attorney McMahan clarified that the body contains the address as 4501 St. Elmo Boulevard.

Councilwoman Berz asked if it could be included in the caption.

On motion of Councilwoman Scott, seconded by Councilman McGary,
**A RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZE
ADVERTISEMENT FOR SALE**
was deferred; Councilman Murphy voted "no".

LEASE AGREEMENT

MR-2009-117: City of Chattanooga c/o Dan Thornton

Councilman McGary and Ladd made the motion to approve this request.

Councilmen Rico and Murphy made the motion to amend the motion to delete from the caption of the Resolution "*and all related expenses*".

LEASE AGREEMENT (Continued)

Councilwoman Scott stated that she would like clarification; that when we say we are asking this Council to approve not only giving the property rent free, but paying for liability insurance, paying for coverage of everything in the facility and we are going to pay for every other expense which was in the lease we saw last week and if we are she wanted to know how much before voting.

Councilman Gilbert stated that it is his thought this is still a good property for the city to be a part of; that the expense he is looking at is mainly lights.

Councilman Rico stated that it includes lights and insurance; that the building is insured and we are not insuring the contents of it, just the building which is our building.

Councilman Gilbert clarified that this is for United Way who does great service to the Chattanooga area. He asked why we would not pay for this.

Councilwoman Berz stated that she is for this in principle and there is no doubt in her mind about that. She stated she does not like a resolution that does not delineate what all related expenses are; that she would like that to be part of the language and would like to know what "all related expenses" means in money.

Chairman Benson stated that we are talking about just putting a period after \$1.00 in the caption in this discussion on the amendment; that we are not going to have "*all related expenses*" in there at this point.

Councilwoman Berz stated that it still leaves the related expenses hanging out there and it is her thought we have to say "exclusive of related expenses". She stated she is hearing what Chairman Benson is saying and not disagreeing; that she does not like vague-ism.

Councilman Rico inquired as to the expense for the insurance.

Chairman Benson asked if "exclusive of all related expenses" would do it.

Councilman Rico stated that we do not need that in there and they want to know how much it is costing us.

City Attorney McMahan stated he could not answer that question; that he recalls Danny Thornton stating in Committee last week that it includes expenses in utilities and insurance on the building.

LEASE AGREEMENT (Continued)

Chairman Benson asked what happens if there is a need for a new roof or the air conditioning breaks down.

Councilman Rico restated it is our building!

Councilman McGary stated that it appears Council members have different agendas as his references "other good and valuable consideration". He stated with that aside, his question is if we are able to establish a sense of consistency in regard to how we are dealing with lease agreements, and if so, is it our practice to do a dollar rate and strike other language. He asked if this is something we are doing now, again noting other copies of the agenda read "*any other related expenses*" and, based upon the motion to delete that language, his question specifically is, is this a practice whereby we would exclude all the other language and stop at a dollar. He asked if this is something new or a way to make it consistent.

Dan Johnson stated when we have a lease to a non-profit organization such as United Way, Bessie Smith Hall or whatever, for one dollar the agency picks up any contents insurance. He stated if it is our building and we have fire insurance coverage already and we have it there now, so it is not an additional expense incurred with the lease. He stated the utilities are picked up by United Way in this case and any other expenses associated is picked up by United Way which is the contents insurance as they are putting furniture in and they will have to insure that, we will not. He stated the fire insurance will continue under our global policy anyway.

Councilman McGary asked what "all related expenses" refer to, specifically.

City Attorney McMahan stated the contract provides that the lessee would provide insurance on the contents; that we provide insurance on the building. He stated the draft contract says the lessee will pay the utility expenses; that the draft contract also says, basically, if the building is damaged and not covered by insurance it is our election whether or not to fix it and if the lessee causes the damage the lessee is supposed to fix it. He stated basically what this is saying is the lessee will get the property for payment of one dollar and the lessee is responsible for the cost of electricity, telephone, water, stormwater fees and gas.

Councilwoman Berz asked if that could be included in the language.

Chairman Benson stated that it is in the contract.

LEASE AGREEMENT (Continued)

Councilman McGary stated if the Council strikes the language what does it change, if anything.

Mr. Johnson stated he did not really think it changes anything.

Councilman Murphy stated in reference to the motion Councilman Rico made and he seconded there was discussion about putting the pro-rata portion of the fire insurance that the city carries globally on all of our property and somehow teasing out the amount this warehouse would be attributable to in billing it to the lessee, United Way. He stated that presents a couple of problems right off -- one is, are we going to pro-rate it on square footage, prorate it on dollar value of the promises, are we going to have to get an appraisal of a structure we are renting and collecting a dollar for and maybe a \$300 check on insurance back. He stated that it is his thought Councilman Rico's motion is well taken and that is why he seconded it; that at some point it is not worth the trouble to tease out what the pro-rata share of our global policy of that warehouse represents.

Councilwoman Berz expressed agreement with the dollar amount and noted that she agrees with the deal. She stated all she is asking is that we specify here what it is we are doing; that what we are relying on is an appendage that could be lost at some point. She asked that it be stated that they approve their paying for the utilities and say "...with lessee paying for the utilities"; that we pay everything but utilities. She stated she is saying be specific; that she is not voting against it.

Councilman Rico stated that is what he meant to take it out; that they would have to pay the utilities.

Councilwoman Berz stated the contract says they did.

Councilwoman Scott stated that she wanted to make sure what we are actually voting on as she has heard a lot of different things. She stated if we are saying that we want to use the contract as written, is that what is being said, or are we saying the Council wants the citizens of Chattanooga to pay the utilities on this building we are giving rent free.

Councilman Rico stated that he was saying they did not thing they should have to pay the insurance.

Chairman Benson clarified that the amendment is to put a period after "\$1.00".

LEASE AGREEMENT (Continued)

At this point the vote on the amendment was taken; the motion carried with **Councilmen Benson, Scott and Berz voting “no”**.

Once the vote on the motion to amend was carried, the original amended motion was “on the floor”.

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH THE UNITED WAY OF GREATER CHATTANOOGA, INC. FOR A WAREHOUSE LOCATED AT 702 EAST 11TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TERM OF ONE (1) YEAR AND FOR AN ANNUAL RENTAL RATE OF ONE DOLLAR (\$1.00)

was adopted.

DECLARE SUPLUS

MR-2009-120: City of Chattanooga and Hamilton County c/o Paul Parker

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION DECLARING SURPLUS PROPERTY LOCATED AT 7151 DISCOVERY DRIVE, JOINTLY OWNED BY THE CITY AND HAMILTON COUNTY; AUTHORIZING THE ACCEPTANCE, BY EXECUTION OF THE MAYOR, OF THE OFFER TO PURCHASE FROM E-SPIN TECHNOLOGIES, INC. FOR SAID PROPERTY FOR ONE MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$1,460,000.00); AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A DEED AND OTHER CLOSING DOCUMENTS TO TRANSFER SAID PROPERTY TO E-SPIN TECHNOLOGIES, INC.

was adopted.

OVERTIME

Overtime ending August 27, 2009 totaled \$55,610.48.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (Continued)

EDUCATION, ARTS AND CULTURE:

- **CHRIS ANNETTE HOLLEY** – Hire, Community Facilities Supervisor (Heritage House), Range 13, \$32,573.00 annually, effective September 11, 2009.

NEIGHBORHOOD SERVICES:

- **JILL MURPHY BLACK** – Resignation, Neighborhood Program Specialist, effective August 26, 2009.

GENERAL SERVICES:

- **DONALD TONEY** – Return to Duty from Family Medical Leave, Crew Worker 1, effective August 10, 2009.

FINANCE DEPARTMENT -- CITY COURT:

- **MAXINE WILSON** – Retirement, Court Operations Assistant, effective May 29, 2009.
- **GLORIA HINTON** – Retirement, Court Operations Assistant, effective July 15 2009.
- **LILLIAN SMITH** – Termination, Court Operations Technician 2, effective August 26, 2009.
- **PATRICIA MOORE** – Resignation, Court Operations Assistant, effective September 10, 2009.

PARKS AND RECREATON:

- **JAMES T. DORRIS** – Hire, Tennis Assistant (Part time, Champions Club), \$8.02 per hour, effective August 14, 2009.

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **SUE MARSHALL** – Deceased, GIS Analyst 1, Engineering, effective August 14, 2009.
- **ELBERT A. JENKINS** – Family Medical Leave, Inventory Clerk, Waste Resources, effective August 25 – November 17, 2009.
- **MARGARET GRIER** – Return to Duty from Family Medical Leave, Administrative Support Assistant 2, Waste Resources, effective August 10, 2009.
- **ANTONIO D. SANDS** – Suspension (10 days without pay), Equipment Operator 6, City Wide Services, effective August 20 – September 2, 2009.
- **JASIMINUS TAYLOR** – Suspension (6 days without pay), Crew Worker 1, City Wide Services, effective August 20-27, 2009.
- **TORREY D. HICKS** – Family Medical Leave, Crew Worker 2, effective July 22 – October 14, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **EMILY SMITH** – Family Medical Leave, Fire Captain, effective August 24, 2009.
- **CHARLES WADDELL** – Return to Duty from Military Leave, Senior Firefighter, effective August 25, 2009.

REMINDER OF MEETING WITH CONSULTANT

Adm. Beverly Johnson reminded Council members of the meeting scheduled for Thursday, September 10 at 10:30 a.m. in connection with the Neighborhood Stabilization Program. She stated one of the stimulus program consultants would be present to share with the Council some of the findings that they have learned from talking to stakeholders and other community individuals that have an interest in this program.

Councilman Murphy asked if another public input hearing is scheduled.

REMINDER OF MEETING WITH CONSULTANT
(Continued)

Adm. Johnson responded "yes"; that there was one last week and another again next week for the same purpose.

Councilman Murphy stated he was at that meeting and there was talk about one on for September 10 and a later date.

Adm. Johnson stated it would be later in September around the twenty-seventh or something like that.

Councilman Murphy stated there should be two more community meetings and then have published a final report. He inquired as to the location.

Adm. Johnson stated that the next meeting would be community-wide at the Chattanooga Housing Authority's conference room.

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilman Murphy, the following hotel permits were approved:

BUDGET MOTEL – 3535 Cummings Highway, Chattanooga, TN

ECONO LODGE LOOKOUT MOUNTAIN – 150 Browns Ferry Road, Chattanooga, TN

HOLIDAY INN EXPRESS – 4820 Hixson Pike, Hixson, TN

INTOWN SUITES GUNBARREL ROAD, LLC – 1910 Gunbarrel Road, Chattanooga, TN

KNIGHTS INN – 3655 Cummings Highway, Chattanooga, TN

SKY HARBOR BAVARIAN INN – 2159 Old Wauhatchie Pike, Chattanooga, TN

REFUND

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

ATKINSON ENTERPRISES, INC. \$1,264.84

PURCHASES

On motion of Councilman Murphy, seconded by Councilman Rico, the following purchases were approved for use by the various departments:

PUBLIC WORKS DEPARTMENT:

KAZMIER & ASSOCIATES, INC. (Best bid)
R0125177/B0006227

Bubbler Flow Meters

\$16,060.00 (\$15,920.00 bid, plus \$140 freight)

ENVIRONMENTAL PRODUCTS & ACCESSORIES, LLC (Lowest and best bid)
R0125178/B0006228

Sewer Hose (Unit prices, new contract)

\$ 2.73/foot -- Hose
29.00 – Tiger Tail

GENERAL SERVICES:

COCA-COLA BOTTLING COMPANY and PEPSI BOTTLING GROUP (Dual Award)
R0125787/B0006255

City Wide Soft Drinks

\$60,000.00 (Approximate Amount)

CHATTANOOGA POLICE DEPARTMENT:

EZ CHILD ID, INC. (Sole Source)
R0125809

Purchase of EZ Child ID System

\$10,098.00

HEARING: MICKEL HOBACK

City Attorney McMahan stated Mr. Hoback's attorney, Gerald Tidwell, has requested that the Mr. Hoback's hearing be moved forward to November 9 due to the unavailability of two psychologists and another professional person on September 21.

The hearing for Mr. Hoback was rescheduled for November 9 with the same panel: Councilmen McGary, Ladd and Gilbert, with Councilman McGary as Chair.

HEARING: APRIL BOLTON

City Attorney McMahan presented the request for hearing from April Bolton regarding her termination from the Chattanooga Fire Department. Council members could not agree on a hearing date and the issue was tabled until next week for further discussion.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, September 8 immediately following the Agenda session.**

Councilman Murphy stated the **Legal and Legislative Committee would following Public Works on September 8** and would discuss three ordinances amending the general zoning law of the city and anything else that falls within the Committee's jurisdiction.

Councilman McGary scheduled a meeting of the **Education, Arts and Culture Committee for September 15** in regard to alcohol and wine sales at the Memorial Auditorium.

Councilwoman Berz stated that the **Budget, Finance and Personnel Committee** accepted administration's proposed budget for fiscal year 2010; that the Council would have a week to study it and **meet at 2 p.m. on next Tuesday, September 8** to go through the budget in-depth with a question and answer period. She stated Council members could meet during the week with whatever departments heads necessary to try and clear up any thoughts they may have about the budget. She stated in today's Committee Councilman McGary asked for more time if it is needed prior to putting final approval on the following week's agenda.

SGT. DAN HILL

Sgt. Dan Hill, President of the International Fraternal Order of Police, deferred comments to Sgt. Craig Joel. He noted that the numerous police officers present have a major concern with some of the budget issues, mainly the Executive Order relating to take home vehicles. He stated Sgt. Joel has more information that he will share at this time.

SGT. CRAIG JOEL

Sgt. Craig Joel of 4762 Highway 58, stated that he realizes the Executive Order is not a Council issue at the moment; that the budget has not been solidified and is still an issue to be discussed; that he was told this was temporary but he has not seen a lot of temporaries in the 12 years he has been with the department. He stated in order to continue a benefit he had the day before and the last twelve years since he has been with the city, he would have to pay \$1,950 back to the city to maintain that benefit, which amounts to a four-to-five percent pay decrease for him. He stated that he is addressing the Council tonight not about a pay issue as it is not a pay issue; that he has just lost a benefit under \$2,000 that does impact his pay and will be giving it right back from his pay check. He stated this is not about a pay increase as he would have addressed the Council three years ago the first time he did not get a pay increase or last year, the year before and this year when he will not get one; that they get a bonus check that they may or may not get this year and there is talk it might be reduced this year and is taxed to 25 percent and does not help the pension he has to live with until he dies.

Sgt. Joel stated that he wanted to talk to the Council about the priorities they are having which he finds most disturbing noting that he can deal without the pay but uses the car that has been a benefit the entire time he has been a police officer to supplement the pay he does not get year-to-year. He stated in 2002 they were told they did not get an increase due to 9/11, which hurt the budget but they did get one after the death of a police officer; that in 2003 they did not get one because of the crisis. He stated when 2004 came they did not get one due to the crisis; in 2005 they were told -- in the booming years of the country's economy -- their pay would be evaluated and there was no raise; in 2006 their pay was evaluated with no pay raise and in 2007 it was the same thing. He stated they received a raise in 2007 or 2008 and it has not changed since then. He stated what he is concerned about now is this impacts their ability to provide services and he would never come forward to scare the public or intimidate anyone by saying these things. He stated what they are being asked to do is accept a \$50,000 lease on art for the sidewalks and there is talk about laying off police officers to save money.

SGT. CRAIG JOEL (Continued)

Sgt. Joel stated the same day the announcement was made to save \$1.4 million -- which was about the cost it took to repair the fountain and lights at the Riverwalk -- SWAT officers are being asked to respond to crises in the community and to spend \$100 a month back to the city in order to do that. He stated hostage negotiators who respond to barricaded people are being asked to pay the city \$100 to take their equipment from houses; that homicide and traffic investigators are being asked to spend \$100 a month back to the city to respond to the deaths of our city. He stated this is not a manufacturing business as they do not make widgets; that this is not a grocery store or another business; that "this is public safety -- the cops that are called when your backs are against wall"!

When the time limitation signal was noted, Chairman Benson asked Sgt. Joel if he is the only speaker. An additional speaker indicated he would yield some of his time as Sgt. Joel is "on a roll"! (A huge applause and standing ovation was given at this time.)

Sgt. Joel continued by stating three weeks ago on August 8 Gary Ball and Judith Schorr were praising them for adding new police officers indicating this would take care of the drug dealing in their neighborhoods; that the district cars are answering 9/11 calls one after another to take care of that. He stated he worked at a job the previous night before finding this out and handled everything from a fight to a fireworks call and never actually helped the business that was paying him to stand there, and now the district cars can serve that, too. He stated all they have ever asked and all he wanted to say to the Council, noting this the first time he has ever stood before the podium, is to please focus on the core priorities of this city. He stated the Council is the government and he is biased because he sees this everyday as he works East Chattanooga at midnight and sees the most entertainment the city has to offer at night. He asked that the Council take care of the police so they can take care of the citizens and to let the Riverwalk come next, let the art on the sidewalk come next! He asked that the Council focus on public safety first and then let the "frosting" cover up what they can not take care of. (Sgt. Joel's closing comments were met with applause from those in attendance.)

Councilman Murphy expressed thanks to Sgt. Joel and all police officers not only for coming out tonight for civic involvement, but for the incredible, difficult jobs they do every day and not get paid enough. He stated something Sgt. Joel said struck him as he highlighted certain officers such as the SWAT, Homicide and Traffic Investigators and asked if he was advocating that the fee not be instituted for those individuals.

SGT. CRAIG JOEL (Continued)

Sgt. Joel stated it is difficult to say; that they have a "one for all" attitude as they are all police officers; that it is difficult to say one group should be exempt when all share some responsibility.

Councilman Gilbert asked if he was correct in hearing that they did not get a raise in 2004, 2005, 2006, 2007 maybe in 2008 got something like an across-the-board raise.

Sgt. Joel stated that they have not had a cost of living raise; that they have had one or two since 2002.

Councilman Gilbert asked if they have not had an increase, period.

Sgt. Joel responded that he has been making the same the last three years, which is less than in the Police Academy he has to supervise.

Councilman Gilbert stated that the police and firemen put their lives on the line and to him that is worth more than a person going to the office sitting down. He stated that we need to evaluate this and knows this will be a tight budget, however, the bottom line is they put their lives on the line and to him that means a lot; that they can do more on the front end with opportunities to curb crime that will help us in the long run. He stated he was unaware of their not getting a raise and noted in his opinion they need to make more!

Councilman McGary expressed thanks to Sgt. Joel for speaking on behalf of the officers present noting that the Mayor's office issued the statement and as a Council they have been asked to consider this for the upcoming budget. He stated today no vote was taken one way or another on the issues and noted that their concerns are not falling on deaf ears. He stated the Council would take their concerns into consideration and expressed appreciation for what has been said; that this it is not an easy decision by any stretch of the imagination and asked their best prayers on behalf of the Council.

Councilman Rico expressed agreement and indicated that he does not think people realize their (police) cars are their offices! He stated he would not want anyone in his office using it and hoped something could be worked out as the cars are part of their tools and he would like to see them keep them.

Councilwoman Berz addressed City Attorney McMahan and stated that it is her belief this came down as an executive order.

SGT. CRAIG JOEL (Continued)

City Attorney McMahan responded "yes"; that if Council members look through the budget packet it has been included within the budget they will have under consideration.

Councilwoman Berz stated that she understands that and understands the separation of powers. She stated if something comes down as an executive order how the Council can finance executive orders.

City Attorney McMahan stated it is in direct compensation to officers.

Councilwoman Berz stated that she understands the budget packet, still indicating this came down as executive order.

City Attorney McMahan stated this is strictly an emotionally monetary issue with the purview of the Council.

Chairman Benson commended the police and fire departments noting that he has represented the East Brainerd area for three terms and never had a complaint on either one, again expressing appreciation for the effectiveness both do. He expressed sorrow about not having done a better job about salaries for all city employees, and especially for fire and police as they are on the front line. He stated the Council has not raised taxes since 2001 and the county has raised taxes three times during that period and are now trying to get by without raising taxes this year. He stated that it is his thought there are some ways we can bring in more money and are attempting to undertake that now but they factor the cars as reducing the revenue required because we dropped in state sales tax collections; that this is just a matter of taking money from some place else. He again commended the fire and police as he has never heard a complaint about them from anyone in East Brainerd.

MARC LAWSON

Marc Lawson with the IBPO Union for police officers stated that it is hard to follow Sgt. Joel's eloquent and factual report. He stated what all on the Council have set forth is that they wish the officers could make more and that absolutely includes that they do not need to make less! He suggested two operating principles: (1) the law of unintended consequences and (2) actions speak louder than words. He stated words and the writing on the document reflect one thing but in looking at the actions of this audience, the officers are here to demonstrate to the Council the hardship they are going to incur by the impact of this document.

MARC LAWSON (Continued)

Mr. Lawson stated everyone in this room wants to set the best and healthiest environment of the city and that is assured by the ladies and gentlemen in this room right now, including the Council. He stated as they come to our aid when citizens are in need that is all they are asking right now; that the Council come to their aid and not allow them to be harmed in this way. He stated at some point in time in the history of Council members' colleagues the decision to afford officers the ability to have take home vehicles occurred, which simply means the citizens are being protected by visibility. He stated when officers are driving through the city with their vehicles going home off shift provides visibility -- the principal deterrent for public safety at no cost to the citizens! He stated it is not paying an extra benefit or insurance; it is a savings at the same time. He asked that the Council not take this support away as this is a critical issue.

Councilman Murphy thanked Mr. Lawson for his comments and noted that it caused him to do some thinking about the law of unintended consequences; that one of the first things he reflected on is that he represents the ninth district and Sgt. Easter happens to live across from a park and parks his patrol car on the street next to that park every night. He stated as he thought about the law of unintended consequences how does a rational economic animal behave; you would expect the officers who live in Sale Creek or on top of Signal Mountain or the most remote stretches of county where they park their car will keep their car because the fuel savings and the maintenance savings would be far in excess of this \$50 charge. He stated if you live in Highland Park or Glenwood it is a very short trip to the Police Services Center to pick up the vehicle and a person might not opt to bring that vehicle home. At this point he candidly expressed his wish that all of them would move to the ninth district! He stated one of the things that concerns him about this is folks who may decide they do not want to pay this and not take the car home will be the person who actually resides in the city and in the areas closer to the Police Services Center, which is essentially his and Councilman McGary's district, making the point that he does worry about the law of unintended consequences. He stated that it is of marginal benefit to the tax payer from the security standpoint for a vehicle going to Sale Creek as that it is wonderful for the people in Sale Creek; however, he does not know how much good this does for the city tax payer who might reside in East Chattanooga. He stated he is concerned about that and is something that needs to be looked at critically. He concluded his comments by thanking everyone for coming out.

Councilman McGary echoed Councilman Murphy's comments and stated that although he represents the downtown district he does not live downtown; that he lives in a poor area and knows what life is like not to have police around at night time and certainly is appreciative of officers who do come through.

MARC LAWSON (Continued)

Councilman McGary stated they issued a challenge to the Council not to vote on this item in the budget and not to uphold the current executive order. He issued a challenge to each of them that if the Council votes to approve the budget then they become villains and objects of scorn and if they vote to uphold it they become heroes. He stated that he wants to move away from the hero/villain dichotomy and move into a partnership; that this is not about money, not about their job, it is about what is in the best interest of this city of Chattanooga and they (police) are a vital piece of that. He invited them to join with the Council, not to say they would make the decision, but should talk to their superiors and issue if not this but another option with the same amount of savings or something close. He invited them to join with the Council to work out the problem together.

JEFF BROWN

Jeff Brown of 2324 Waterhaven Drive read from a prepared statement and indicated that he was before the Council not only as a citizen of this great city but as a member and Chairman of the Hamilton County Democratic Party. He stated the Party asked to come to express their opposition to the matter of annexation before the Council. He stated that he is mindful that the Council is a non-partisan body, even though a substantial number of city and county residents identify themselves as Democrats. He stated he did not come here to offer a partisan argument; that his Party's opposition is in these extraordinarily difficult economic times a tax increase on those already heavily burdened is not warranted. He stated unemployment and foreclosures are at an all time high and if annexed those home owners will have to pay more tax just in time for the holiday season and those who hold mortgages will see their payments go up. He stated this is a hardship for low and middle income families who are doing all they can just to put gas in their car and food on their tables for their families. He stated that he wanted to be clear that they are not opposed to total annexation but are opposed to this annexation at this time; that for those inclined to support this measure, he respectfully asked them to reconsider and if they will not reconsider the question, at least postpone the question until such time as the economy is on more stable footing.

Chairman Benson asked Mr. Brown if he heard correctly that he was representing the Hamilton County Democratic Party. Mr. Brown responded "yes".

Chairman Benson then asked if the Party is taking a stand against annexation. Mr. Brown again responded "yes".

JEFF BROWN (Continued)

Later in the meeting Councilman McGary asked Mr. Brown if his announcement was on behalf of the leadership or constituents of the Democratic Party and if it is the latter how many numerically.

Mr. Brown stated that he was speaking on behalf of the leadership of the party who represent a constituency of roughly 150 persons that are actual members of the party.

Chairman Benson clarified "not the JFK Club". Mr. Brown responded "no".

ROBERT L. HAYNES

Robert L. Haynes of 1033 O'Grady Drive expressed that he feels that he is being picked on by the county government. He stated a few weeks ago the decision was made to rename Pan Gap Circle noting that he has lived on the corner on O'Grady for 42 years. He stated that he asked them not to and they came back and told him they wanted to change his address to Pan Gap Circle and the address on his mailbox in his driveway had to be the same. He stated it is not the same; that 42 years ago Pan Gap Circle was his driveway. He stated if a person turns on Pan Gap a person can not go 25 feet until they turn into his driveway. He stated on his way from his home to his office he passes about twelve different places where the mailbox is on the street, driveway or other places and feels he is being picked on! He stated he was told to put a driveway in and started putting it in from O'Grady Drive and across his land and was stopped when he got a letter from Dennis Malone with the City which indicated he and the county were not satisfied with what he was putting in. He stated he did not know a driveway had to be concrete or even graveled and thought it could be on grass if he wanted it to. He stated he is just here at the mercy of the city!

Councilwoman Scott stated it is her understanding that Mr. Haynes address is supposed to be one of the ones to be changed; that he has actually changed where his driveway was to keep from having to make an address change. Mr. Haynes stated that is correct.

Councilwoman Scott stated he has tried to come up with a new way to exit his property to avoid having to change his address because he fronts on the other place; that it is her thought the issue is the material to make the driveway. She stated that he has a driveway but it is just not graveled or paved and it is her belief he has been asked to gravel it.

ROBERT L. HAYNES (Continued)

Adm. Steve Leach stated that he did see this issue on his desk today as a proposed road name change. He stated the department can work with Mr. Haynes, noting that emergency services has to be able to access at that address and if it is not addressed improperly on the wrong street and they are looking for a particular road and they get to a driveway that does not exist they have to figure out how to get to his house. He stated they will try to work through this with him; that they are really trying to get the right-of-ways and addresses to actually match.

Councilman Murphy asked Mr. Haynes if he has a front door. Mr. Haynes responded "yes".

Councilman Murphy then asked if he has a path out to his mailbox. Mr. Haynes stated that he has to walk down the driveway and across the front yard to go to the mailbox.

Councilman Murphy stated that the Legal and Legislative Committee has had a hearing on this brought in by the 911 people and need to have a repeat meeting with public works to get the public words side of it. He stated that the 911 people told us the prefix words "old, new, west, and east" are not the problem; that roads that have identical names in the address and is not overlapping is not the problem. He stated they can narrow substantially what we are actually looking at and we need to get on it and get with public works and have that hearing and revise the street naming ordinance that watches out for public safety and services.

Mr. Haynes stated that he has health problems and has called 911 in the last three years and within six-to-eight minutes the fire department is sitting in his driveway and an ambulance is behind them! He stated that he wants to thank Adm. Leach for chip sealing Pan Gap Circle; that it is a lot better than it was!

Councilwoman Scott stated that she would like to make a request for Mr. Haynes that there be a moratorium on requirements for him until after the 911 issue has been reviewed by the City Council. She made this in the form of a motion with Councilman Murphy seconding the motion; the motion carried.

Fire Chief Randy Parker stated that this is not really a city issue; that the address changing is by Hamilton County GIS and part of Mr. Haynes' issue is that his issue is different from some of the street names and his street was changed years ago. He stated his driveway exists on a street that is not the physical address for his house.

ROBERT L. HAYNES (Continued)

Chief Parker stated that they know him out there because his son used to work for the fire department years ago and people out there are familiar with his address and have been out there on several occasions. He stated the problem comes up if you do not know who lives in the house, and if they go to the house the driveway is on the wrong street and the house is actually 30 feet away. He stated some houses are back up there in the distance in wooded areas and his house does not empty on the street address that corresponds to his house, which is why his address was selected.

Chairman Benson stated that the Council has passed a motion for a moratorium and noted this is county business and the motion is worthless.

Adm. Leach asked for clarification as to whether the motion just applies to this one situation. Councilwoman Scott clarified "this one situation".

Chairman Benson asked if there is a need to rescind the motion.

Councilwoman Scott stated that it is her thought this particular situation is extenuating, not only because of what the Council has heard as this man's son's address has changed three times and is going to be changed a fourth time! He stated this family has endured an inordinate burden relative to this 911 addressing which is why this is a good idea.

The motion for a moratorium remained as carried.

MAMOOD ABDULLAH

Mahmood Abdullah greeted the Council, members of the Democratic Party and the policemen assembled. He stated that he has been before the Council before regarding his property at 203 East 38th Street; that his property was inspected and approved that everything was okay – the roof and everything. He stated when the electrical inspector came out approval was denied and his business is not open yet. He stated he received money from CNE and they will not let him open and cited this as a racial issue. He stated if a white man were out there he would be open and noted it seems like no one is paying attention. He stated he is a citizen, again stating if he were a white man he would be open and asked the Council to think it over. He again acknowledged the policemen in attendance and noted that "we need you".

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, September 8, 2009 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)**