

**City Council Building  
Chattanooga, Tennessee  
December 9, 2003  
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Taylor gave invocation.

**SPECIAL PRESENTATION: PHILIP PUGLIESE:  
CHATTANOOGA URBAN AREA BICYCLE TASK  
FORCE**

Philip Pugliese, Chairman of the Bicycle Task Force, stated the Task Force is comprised of a group of citizens interested in transportation planning pertaining to bicycles. He stated they facilitate and promote safe use of bicycles as viable means of transportation and recreation for all ages. He stated their objective is to promote connections via bicycles to neighborhoods, recreation and shopping areas, and serve as advocates for cyclists, skaters and motorists about proper relations in traffic, the maintenance and design of roadways and support for bicycle initiatives. He stated the League of American Bicyclists recently recognized Chattanooga as a "Bicycle Friendly Community" for 2003-2005. He stated the League represents the interest of 42 million cyclists, with a network of over 300,000 cyclists and organizations. He stated the League promotes better bicycling to communities and the recognition would not have been possible without the support of the community and civic leaders. He expressed thanks to Mayors Corker and Ramsey, the City Council, the County Commission and members of the Metropolitan Planning Organization for their efforts in development and implementation of the master plan, which is now endorsed by every community in the greater Chattanooga area. He also expressed thanks to the Tennessee Department of Transportation and the Regional Planning Agency. He stated bicycling is an essential element of the new outdoor initiative.

**SPECIAL PRESENTATION: PHILIP PUGLIESE:**  
**CHATTANOOGA URBAN AREA BICYCLE TASK**  
**FORCE (Continued)**

At this point Mr. Pugliese introduced Andy Clarke of the League of American Bicyclists.

Andy Clarke stated that he was delighted to be present to represent the League, which was founded as a precursor to road movement and better health. He stated the League has awarded Chattanooga its "Bicycle Friendly" award and that the award began in 1995. He stated a year ago they completely revised the process and created a significant and rigorous application and review process to select communities; that Chattanooga was one of 61 communities that applied and only 27 were designated. He stated the City should be proud as it is quite an accomplishment; that the reviewers were impressed with the progress that has been made in the area of marketing, the network of bicyclists, the willingness to use new and innovative signs and markings, the Task Force and the level of public involvement. He stated Chattanooga's designation is at the bronze level and there are two other levels, the silver and gold. He expressed thanks and applauded the Mayor and Council for their hard work in making Chattanooga a bicycle friendly city, which makes it a better place to live, work and play.

Chairman Franklin thanked Messers. Pugliese and Clarke for the presentation and expressed his familiarity with the other communities that have received the bronze level designation. He stated bicycling is another step in the way of making Chattanooga one of the most livable in the nation. He stated that he was in Portland, Oregon recently and knows they have the gold level designation; that Chattanooga is in an elite number and will upgrade soon (to the gold)! He asked members of the Task Force to stand and be recognized.

Sheryl Shouse was introduced at this time and presented the winners of the Task Force's poster contest. She stated fifty fourth graders from Battle Academy participated and that the Task Force judged the posters. Students winning "Honorable Mention" were: Ned Piper, Keshe Daniel, Jasmine Stewart, Olivia Brown, Tiara Boston, Clark Holt (all of Battle Academy) and Grace Allen (Normal Park Elementary). The "Third Place" winner was Leica Wilde (Normal Park Elementary), "Second Place" Dominique Durden (Battle Academy) and "First Place" Meagan Stanfield (Battle Academy).

Chairman Franklin congratulated the students and again thanked everyone for their participation. He recognized the parents and teachers in attendance, indicating that they are the inspiration behind our future artists!

## REZONING

### **2003-078: RAYMOND HALE**

Pursuant to notice of public hearing, the request of Raymond Hale to rezone a tract of land located at 8623 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated this request has been delayed several months due to the study for the East Brainerd Road Corridor, which was adopted by the City and County earlier this year. He stated this request is in compliance with the plan and is recommended for approval by both Planning and Staff.

On motion of Councilman Benson, seconded by Councilman Littlefield,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 8623 EAST BRAINERD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5  
NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed first reading.

## REZONING

### **2003-189: Devguru Investments, Inc.**

Pursuant to notice of public hearing, the request of Devguru Investments, Inc. to rezone a tract of land located at 7420 Bonny Oaks Drive came on to be heard.

The applicant was not present; there was no opposition.

Mr. Pace stated this request is located at Bonny Oaks and Lee Highway. He stated Staff and Planning recommend approval only on the section shown on the map for parking. He stated the Staff and Planning Commission recommend approval for C-2 only for the smaller portion.

**REZONING (Continued)**

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 7420 BONNY OAKS DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

**REZONING**

**2003-193: Howard Henderson and Linda McDaniel**

Pursuant to notice of public hearing, the request of Howard Henderson and Linda McDaniel to rezone a tract of land located at 39 and 45 East Main Street came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located along Main Street in the area that is being revitalized. He stated there is C-2 and M-1 in the area as well as vacant properties. He stated the request is recommended for approval from both Planning and Staff with conditions that are normally attached to C-3 properties.

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 39 AND 45 EAST MAIN STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING  
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

**REZONING**

**2003-199: Collins Goodman Development Company, LLC**

Pursuant to notice of public hearing, the request of Collins Goodman Development Company, LLC to rezone tracts of land located at 1821 and 1825 Gunbarrel Road came on to be heard.

### REZONING (Continued)

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Hamilton Place neighborhood along Gunbarrel for an R-4 zone. He stated the request is in compliance with the Hamilton Place Plan adopted months ago and is recommended for approval from both Staff and Planning.

On motion of Councilman Benson, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 1821 AND 1825 GUNBARREL ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R -1 RESIDENTIAL ZONE TO R-  
4 SPECIAL ZONE**  
passed first reading.

### ADOPTION OF PLAN OF SERVICES AND ANNEXATION

Councilman Littlefield stated this ordinance relates to a piece of property that was initially included in a previous annexation; that this site was in the process of expansion and had permits in process with the county and was omitted from the earlier annexation. He stated we are not annexing the property at this time and is being done at the request and with permission of the owners and businesses. He stated this comes with a recommendation for approval from the Legal and Legislative Committee.

On motion of Councilman Littlefield, seconded by Councilman Benson,  
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING  
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE  
TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT  
CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF THE JENKINS  
ROAD EXTENSION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY  
THE ATTACHED MAP**  
passed first reading.

### DEANNEXATION

Chairman Franklin declared a public hearing in process for persons wishing to speak for or against this Ordinance.

### DEANNEXATION (Continued)

**Barry Johnson** stated the City has been given the "Bicycle Friendly" status and has spent millions for 300 miles of bike paths, which breaks down to 70,000 permits, which is good. He stated bicycles pay no property taxes, no fuel taxes, do not require tags and does not provide any revenue to the City. He stated he has to drive four miles on a one-lane unpaved road, has no City water or Tennessee-American Water, no City sewers and indicated that the mailman just started running a few years ago. He stated those in his area have no business in the City and would like to be removed. He stated over ten years it has cost him over \$20,000 in City taxes, which he can now put toward his retirement and his children's education as he was not getting his money's worth. He expressed thanks to Councilman Lively and the Mayor for "seeing" the inequity of the situation; that he needs some relief!

Others in support of this deannexation stood at this time.

**J. D. Kellis** stated that he spoke with all the Council members about this situation. He stated his concern is when the City pulls them out; that all they went through the last few years was stopping Mr. Bickerstaff from logging down the road. He stated he does not like paying all that money, either, but he has been for seven years and has not received any services. He asked why the taxes couldn't be lowered so he can stay in the City and (the City) fix the road; that only about ten families are going to benefit under this. He stated the county has told them they have no money and their fire protection will be a volunteer company from Lookout Mountain; that insurance will be much higher and property values will go down. He stated he is in the county, now, and that is why he is not wanting out. He asked if he could be taken out of the deannexation request. He stated all his tax dollars are used toward a thriving downtown but it is not coming the other way. He stated he does not have children and never will and has been paying for someone else's kids to go to City and County schools. He asked the Council to help them out and keep them in the City and take care of the road.

**Jerry Haley** of 1520 O'Grady Drive stated that he lives right where Cash Canyon ends and indicated that he is present because he is totally confused. He stated he does not know what this is all about and would like for someone to explain why the deannexation came about and what is going on; that he cannot say whether he is for or against this.

Councilman Lively asked Mr. Haley if he lives in the house located behind the one that "Woody" owns.

Mr. Haley stated he lives next to the Crittenden property; that his property is really the first piece of property along with the Friars'.

### DEANNEXATION (Continued)

Councilman Lively questioned whether this piece of property should have been included.

Someone in attendance with those from the Cash Canyon Road area asked who would provide fire services.

City Attorney Nelson confirmed that Mr. Haley's property is on the list of those requesting deannexation.

Councilman Lively explained that this was not a City initiative; that the City did not want to get into it, but after the people on Cash Canyon approached him and the City, it was realized they should not have been annexed in the City. He stated after talking with Admin. McDonald and seeing that the cost is prohibitive to do what they wanted to do with the road, he (Lively) encouraged going ahead and honoring the petition for deannexation. He stated that he wants to understand; that this is the first time up until tonight that Mr. Haley did not know of the deannexation process. He asked if he would be contiguous to the City's lines.

Mr. Pace responded that he is in the deannexation area.

City Attorney Nelson asked Mr. Haley if he would like to remain in the City.

Mr. Haley stated that he did not know; that he has to be honest as he is totally confused. He stated one thing is that he would get rid of the tax situation (if deannexed). He stated he wants to know more about this.

Councilman Lively stated several would attest that he told them to count all costs, loss of insurance and everything before making up their minds; that basically that is what he (Haley) will have to do. He stated the City could keep him in or let him go; that it is up to him (Haley). He stated if he goes out of the City there will be no fire protection and will not have any City services.

**Wendell Adams** stated the Chattanooga Fire Department has worked out a deal with the county and he knows they respond to county houses and county areas on the roadway. He stated a deal has been worked out on that; that they do respond to the county, which is similar to what is done in Ooltewah.

Councilman Lively stated that was in the valley where it happened; that they did have a working agreement with the county for that area that is still in the county.

### DEANNEXATION (Continued)

Councilman Lively stated two years ago the City was fighting a brush fire next to the Georgia line and there were several emergency calls. He stated that he did not think that agreement still works, but will double check on it.

Councilman Hakeem asked for clarification that it is being suggested to move forward and if the gentleman wants to come back next week we will do that at that time.

City Attorney Nelson stated he would be left in and if he wants out we can come back and take him out.

Councilman Lively asked Mr. Haley to call the City Attorney's office during the week to let them know which way he chooses, whether we should keep him in or leave him out.

Councilman Hakeem asked if all would be taken out who wish to come out. Councilman Lively responded "right".

**Cathy Coker** of 1560 Cash Canyon Road stated her main concern is fire protection and that she is unclear who would provide service.

Mr. Haley indicated that Mrs. Coker is his daughter.

Councilman Lively stated Mrs. Coker would have to go to the County and ask that question. He stated for things that are not in the City, the City is not concerned.

Mrs. Coker asked even if they are dropped from the City is there a way they could pay for fire protection at Browns Ferry Road, which is closest to them.

Councilman Pierce stated that is all part of the tax dollars; that he could not in no shape, form or fashion entertain supporting that question. He stated either they stay in or move out; that it would be up to the county to furnish fire or volunteer fire service.

Mrs. Coker asked what their choices are; that they can either respond or stand and watch their houses burn down.

Councilman Pierce stated it has been done!

### DEANNEXATION (Continued)

Councilman Littlefield stated this is the biggest issue; that the City has been wrestling with this matter since 1988 and the City struggled to provide services. He stated the water is private and not the City's, that the sewer is supported separately with a separate fee structure and cable television is uncertain and is not a public service. He stated the big public service is fire protection and one must look at it most carefully. He stated police service is certainly important, but residents do not buy insurance on police protection, but they do on fire protection. He stated by being deleted from the City, they would go from a Class Three to a class he does not know, Class Nine or Ten. He stated the residents really need to talk with their fire insurance casualty carrier to see what that means; that it will cost hundreds of dollars is his impression and the money saved in taxes will be reduced by what they will pay in fire and have less protection.

Councilman Littlefield stated what is vivid in his mind is the situation involving Elder Mountain and a house that was on fire that burned for fifty-five minutes; that they were supposed to have a fire protection agreement with Ft. Oglethorpe and no fire apparatus showed up and the City sent equipment in. He stated following that the annexation of Elder Mountain was proposed and people went to the Legislature and blocked it and they now have their own fire service; that they have a fire pumper up there as their sole fire protection. He stated what they saved in fire insurance would pay the tax bill. He asked that the residents of Cash Canyon talk with the fire insurance carrier to see what that means. He stated this is the choice they would have to make whether to be in the City or not; that this discussion was held earlier in Legal and Legislative Committee and we do not have a way to do it half way; that it is either all or nothing.

Mrs. Coker asked if that option is being given to everyone on Cash Canyon.

Councilman Littlefield stated this cannot be a "hop scotch" thing to include and leave certain ones out; that she and Mr. Haley are adjacent to what could remain in the City.

Mr. Haley stated if he stayed and his daughter did not, if there was a fire at his house they would have to come by her property, as he is the further one out.

Councilman Littlefield stated Mr. Haley still has a property line adjacent to the City and the City would not mind running a truck outside to get to him.

Councilman Lively stated that he drives through the county to go to this home in the City.

**DEANNEXATION (Continued)**

Councilman Littlefield stated that Mr. Haley and Mrs. Coker are fortunate to have a property line adjacent to remain in the City's limits and have a choice. He stated the cost of fire protection and living with or without is a choice they would have to make. He stated there was a point raised earlier about a former mutual aid agreement, and even if we had it fire insurance would rate them on the basis of the fire insurance they do not have. He stated they would be paying on the basis of a nine even if the City were to respond; that there is no guarantee there would be equipment or manpower.

Mrs. Coker asked if they chose to remain, would everything would remain as it is now. Councilman Littlefield responded "yes".

Councilman Page asked if a motion is "in line", that he is not sure Councilman Hakeem made a motion to pass this on first reading.

Councilman Hakeem indicated that he was seeking clarification.

Councilman Littlefield made the motion to pass this Ordinance on first reading tonight including all residents in the designated area with the option of amending prior to second and third reading based on these (two) individuals.

Councilman Hakeem clarified that their properties are contiguous.

City Attorney Nelson stated they would be out unless they notify us that they want to come back in.

**Randy Johnson** stated that he called his insurance company and was rated as a Class Four at a cost of \$94 extra a year.

Mr. Johnson stood and thanked Councilman Lively for working with them and being patient; that he and others talked with him many times.

At this point, Chairman Franklin declared the public hearing duly closed.

On motion of Councilman Lively, seconded by Councilman Littlefield,

**AN ORDINANCE DEANNEXING CERTAIN TERRITORY ADJACENT TO  
CASH CANYON ROAD DESIGNATED TO BE WITHIN THE CITY OF  
CHATTANOOGA**

passed first reading.

**PROTECTION/RESOURCE MANAGEMENT  
ADVISORY COMMITTEE**

Councilman Littlefield stated this matter was discussed in the Legal and Legislative Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FIFTEEN (15)  
MEMBER TREE PROTECTION/RESOURCE MANAGEMENT ADVISORY  
COMMITTEE**  
was adopted.

**OVERTIME**

Overtime for the week ending December 5, 2003 totaled \$35,280.60.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ✍ **JOSHUA L. JONES** – Hire, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$18,643.00 annually, effective November 25, 2003.
- ✍ **ROGER STROMAN, JR.** – Hire, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective December 2, 2003.
- ✍ **CALVIN W. MCGHEE** – Hire, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$18,643.00 annually, effective December 1, 2003.
- ✍ **T. WAYNE PINKERTON** – Hire, Tree Trimmer, Citywide Services, Pay Grade 8/Step 1, \$22,818.00 annually, effective December 4, 2003.
- ✍ **WARREN MINES** – Promotion, Crew Supervisor, Citywide Services, Pay Grade 11/ Step 1, \$26,402.00 annually, effective December 3, 2003.
- ✍ **RANDY BLEVINS** – Promotion, Crew Supervisor, Citywide Services, Pay Grade 11/Step 7, \$34,424.00 annually, effective December 10, 2003.
- ✍ **BOBBY M. WALKER** – Promotion, Crew Supervisor, Sr., Citywide Services, Pay Grade 12/Step 4, \$31,657.00 annually, effective November 26, 2003.

**PERSONNEL (Continued)**

- ✍ **WILLIAM D. BLAKE** – Voluntary Demotion, Light Equipment Operator, Citywide Services, Pay Grade 5/ Step 7, \$25,034.00 annually, effective December 1, 2003.
- ✍ **BRENDA G. SCHWARTZ** – Retirement, General Supervisor, Sr., Citywide Services, effective December 31, 2003.
- ✍ **PAUL A. NATION** – Retirement, Superintendent/Sanitation, Citywide Services, effective December 31, 2003.
- ✍ **ROBERT R. PREHMUS** – Resignation, Heavy Equipment Operator, Waste Resources, effective December 4, 2003.

Admin. McDonald acknowledged the retirement of Paul Nation who worked for Citywide Services as Superintendent of garbage collection since 1972. He indicated that he began his tenure as a truck driver and worked up to Superintendent status. He wished him well and expressed that he would be missed.

**CHATTANOOGA FIRE DEPARTMENT:**

- ✍ **HIRAM ASLINGER** – Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$31,055.00 annually, effective November 30, 2003.

**CHATTANOOGA POLICE DEPARTMENT:**

- ✍ **CAMMIE TUDORS** – Family Medical Leave, Communications Officer, effective November 5, 2003 – January 27, 2004.
- ✍ **STANLEY STILES** – Return from Family Medical Leave, Animal Services Officer, effective November 17, 2003.
- ✍ **PRISCILLA THURMAN** – Hire, School Patrol Officer, \$26.79 per day, effective November 21, 2003.

**FINANCE DEPARTMENT:**

- ✍ **DIANE ERWIN** – Suspension, Accounting Technician, effective December 4-5, 2003.

**PURCHASES**

On motion of Councilman Taylor seconded by Councilman Hakeem, the following purchases were approved for use by the Chattanooga Human Services Department:

**CERTIFIED MAINTENANCE (Lowest and best bid)**  
**R0070401/B0001060**

Janitorial Services

\$128,172.00

**A CUT ABOVE (Lowest and best bid)**  
**R0070400/B0001058**

Grounds Maintenance Services

\$13,800.00

**PURCHASES**

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchases were approved for use by the Public Works Department:

**NIPPON CARBIDE INDUSTRIES (Lowest and best bid)**  
**R0069007/B0000965**

Vacuum Applicator Parts & Supplies

\$18,106.44

**NOLAND COMPANY (Lowest and best bid)**  
**R0072036**

Black Plastic Rolls

\$50.88 per roll

**PURCHASES (Continued)**

**U. S. FILTER/LINK BELT (Single source)**  
**R0072009**

Center Flo-Filter Screen Repair Parts per TCA 6-56-304.2

\$28,150.40

**PURCHASE**

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following purchase was approved for use by the Finance and Administration Department:

**CENTRAL COMMUNICATIONS & ELECTRONICS, INC. (Single source)**  
**R0072315**

Intercom System per TCA 6-56-304-2

\$16,872.00

**HEARING: ANTHONY CHATMAN**

City Attorney Nelson stated a joint request had been received to postpone the hearing for Anthony Chatman scheduled for Monday at 3 p.m. with Councilmen Page, Franklin and Littlefield and Councilman Benson as alternate. He stated both sides have passed the allowable time to request continuance. He stated the Council is still required to hear the request, however, it is up to the Council to allow it to be passed again.

Chairman Franklin clarified that the Council does not have to pass it.

Councilman Littlefield indicated that he would be out next Monday and the alternate (Benson) would have to be a part of the panel.

Councilman Page inquired as to the future dates.

City Attorney Nelson stated that the Council has been asked to do that next week; that the Council has not gotten that far and there has not been an agreement to pass it, yet.

### HEARING: ANTHONY CHATMAN (Continued)

City Attorney Nelson stated the hearing is set for Monday at 3 p.m. and the Council has been asked not to schedule the date until the next Council meeting, December 16.

Councilman Page asked if this would be setting a precedent.

City Attorney Nelson stated he did not say anything like that.

Councilman Page stated that he does not want to get into a situation where there is an indefinite postponement; that each side has one postponement request and we have gone through that. He asked if both sides have agreed to postpone again.

City Attorney Nelson stated both agree for postponement but the Council has not.

Councilman Page stated there is still the question of whether we get into setting a precedent or not.

Councilman Pierce stated in his opinion the attorneys pass these cases and continue to lose witnesses. He stated if the case went to court they would have to go ahead and stick to a date; that they keep asking for postponement from week-to-week-to-week.

Councilman Benson asked for clarification that the hearing is scheduled for December 15.

**Councilman Pierce** responded "or it can go to Chancery Court". At this point he **made the motion to have the hearing as scheduled on December 15 at 3 p.m.; Councilman Benson seconded the motion; the motion carried.**

City Attorney Nelson confirmed that the hearing would remain as scheduled for Monday, December 15 at 3 p.m. with Councilmen Page, Franklin and Benson serving as the panel.

### DISTRICT 4 COMMUNITY MEETING

Councilman Benson thanked all City administrators that appeared and responded to concerns at the District 4 meeting. He stated there was a good turnout and good response from people. He stated the next District 4 meeting would be held in April with a date to be determined; that District 4 community meetings are held twice a year.

### COMMITTEES

Councilman Littlefield stated there would be one more **Legal and Legislative Committee meeting this year on next Tuesday, December 16 at 3 p.m. that will be held jointly with the Economic Development Committee.**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, January 6, 2004 at 4 p.m.**

Councilman Page confirmed that the **Economic Development Committee would meet jointly with Legal and Legislative on Tuesday, December 16 at 3 p.m.**

Councilwoman Robinson stated the Chattanooga Parks, Recreation, Arts and Culture Department won five state awards for recreation programs in Knoxville during the recent State Conference. She stated the Department has great programs going on in the City during the Christmas season with several exhibits at the Zoo and Christmas activities at the Brainerd, South Chattanooga and Eastgate Senior Citizen Centers, as well as a clinic with the UTC Lady Mocs for young girls aged 7-9.

### INQUIRY: STATUS OF POLICE ACADEMY CONTRACT

Councilman Perce stated a while back the Council discussed the police exit interview and talked about getting some type of contract signed prior to persons going into the police academy. He stated that way the City would be able to maintain new officers. He admitted that this was not his idea to bring this up tonight. He stated that he was called by a reporter today and was reminded of this and felt an obligation to raise the issue. He stated at one given time he did raise the question and Chief Dotson addressed the Council and expressed his thought that the police department was close to a crisis and it was rebutted by administration the next day. He stated this is something the City Attorney said he would get together.

City Attorney Nelson stated that he has run across a number of issues that require discussion in Committee as to what the Council would like to do. He stated besides the issue of whether we do this in the first place and we probably can, but whether the courts will enforce or restrict and it is a matter that needs to be discussed. He stated this is similar to non-competitive agreements. He stated the second issue is what excuse would be permitted so as to let an officer "off the hook", whether it is his physical ability, a family matter or another location.

**INQUIRY: STATUS OF POLICE ACADEMY**  
**CONTRACT (Continued)**

City Attorney Nelson stated the third issue would be how much time the Council would want to require an officer to work for the city, whether three, four or five years, and finally, another issue would be quantification of cost of training. He stated we know how much we pay while they are in training, whether it would cover all the City's costs; that we would have to come up with a method of quantifying that before we can get someone to agree to pay us back.

Councilman Littlefield stated that UT has a stipend arrangement; that the State put on a price of tuition and if a person left before the time allotted they would have to pay back the portion they had not worked out. He stated perhaps we could without a great deal of difficulty come up with a price tag and value; that the City Attorney raised good valid questions and the matter could be discussed in the Safety or Legal and Legislative Committees. He stated it is expensive and time consuming to take up the position other people would otherwise take if they leave after a year; that we would have wasted a position because we can only train so many at one time. He stated it would be a good part of their employment commitment to sign an agreement.

Councilman Pierce stated he was sure that has not been discussed that much and we do need to find a way to "tweak" it. He stated the next academy starts on next Friday and asked if it is possible to come up with some type of tentative agreement for signing prior to "tweaking" it going into the academy; that they do not need to sign it after the academy but prior to.

City Attorney Nelson stated he could put something together, no doubt about that. He stated it would be without the guidance of the Council on some of the points.

At this point it was indicated that the academy would begin this Friday.

Councilman Pierce then asked if the academy could be put off a week as it is that important we deal with it up front.

City Attorney Nelson stated it is not mere paperwork but a matter of what the Council wants on the paper. He stated we do not have a Resolution or Ordinance currently "on the books" which authorizes the police department to do that kind of thing; that it would be pushing it pretty hard for this Friday.

Councilman Benson stated that he really supports this effort and thinks nothing is insurmountable and we can work it out. He stated that he did not think it appropriate to rush into this before they start this close to starting this academy.

**INQUIRY: STATUS OF POLICE ACADEMY**  
**CONTRACT (Continued)**

Councilman Benson stated that he could see the Council take a more deliberate look to see what other cities have found to be successful and come back with something for the next academy. He stated he would feel paranoid if something was put right in his face the day before!

Councilman Page stated that he was thinking along the same "lines" as Councilman Benson; that this is really an important issue and needs to be constructed. He stated with the academy starting Friday he does not think the timing is good; that he sees this as a well thought through issue and would like to look at what other cities are doing. He stated there is no use in "reinventing the wheel" with this one; that it is a good idea but with the academy beginning Friday it is too late to push it through.

**Councilman Lively** stated Councilmen Benson and Page said what he wanted to say; that there will be other academies and rather than rush and not have what we want, we should take our time and come up with something both the people and City could live with. At this point he **scheduled a meeting of the Safety Committee for Tuesday, January 6, 2004.**

Councilman Littlefield stated the individuals would not be commissioned until they finish the academy; that they might be asked to make an agreement when they reach the end of the academy. He stated he does not think it is too much to ask at that point as a term for continuing employment to work a certain number of years.

Councilman Pierce stated all he was asking was to serve some notice we would be asking them to sign this agreement. He stated they do not have to sign it; that this is the biggest academy we have had as there are about fifty (in this academy) and there is a lot of risk there.

Councilman Benson stated that he really respects motivation, but to send them through and then say they will have to sign this agreement to be hired he does not think is fair to these people. He stated it is his thought for the next academy there would be a forewarning before application. He stated they don't know the conditions and we don't know the conditions for a contractual severance policy.

Councilman Pierce asked what is wrong with asking them to sign an agreement, regardless whether they sign it or not. He stated if there is an agreement written within the next six weeks they will already be in the academy and at that point they would not have a reason to want to exit the City.

**INQUIRY: STATUS OF POLICE ACADEMY  
CONTRACT (Continued)**

Councilman Pierce stated that he is sure everyone would sign it. He stated this is nothing that will be "held over their heads" other than trying to protect our investment. He stated he couldn't see continuing to wait.

Councilman Littlefield stated that we could get into the details later.

Councilman Hakeem stated that it should be noted whether anyone would be asked who is about to go into the academy, there is no commitment or legal concern and no pressure on people to sign anything. He stated it was truly his thought that we should give it some time and look at the next academy; whatever the group comes up with.

Chairman Franklin asked City Attorney Nelson to put together the information for the Council's perusal.

**DISTRICT 7 CHRISTMAS PARTY**

Councilman Taylor again invited everyone to the District 7 Christmas Party scheduled for Thursday, December 11 at 6 p.m. at Alexian Court in St. Elmo. He stated invitations have been extended to all department heads, staff and the neighborhood associations and he is looking for everyone to come! He stated this is District 7's way of thanking everyone for their hard work during the year.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, December 16, 2003 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)**