

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
July 25, 2006**

Chairman Pierce called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Assistant Clerk to the Council Shirley Crownover, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Bennett, followed by invocation.

MINUTE APPROVAL

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

FRANCHISE/COVISTA

On motion of Councilman Benson, seconded by Councilwoman Rutherford,
**AN ORDINANCE GRANTING UNTO COVISTA
COMMUNICATIONS A FRANCHISE TO INSTALL AND
MAINTAIN FIBER OPTIC CABLES IN CERTAIN RIGHTS-OF-
WAY IN THE CITY OF CHATTANOOGA, TO PROVIDE
TELECOMMUNICATION SERVICES, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

(2006-110 Melissa Bradley)

Jerry Pace, Director of Development Services with the Regional Planning Agency, stated that he had received a letter asking to defer this matter for 90 days or until **October 24, 2006**.

Councilwoman Bennett noted that the date of the hearing was already posted in the neighborhood and asked if this posting would be updated. Mr. Pace indicated that they could do this.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 601 TREMONT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred for 90 days (**Until October 24, 2006**).

REZONING

(2006-122—B. PAUL HATCHER & BAMBI L. HATCHER)

Councilwoman Gaines asked that this be tabled a few minutes, maybe 30, until a representative from the Highland Park Neighborhood Association could be present to address opposition. She stated that he was on his way.

Chairman Pierce asked if any opposition was present.

At this point **Jeff Cannon of the Neighborhood Association arrived**, and the applicant was able to make his presentation.

Mr. Hatcher noted that this was good timing and began addressing the Council concerning a Restaurant and Grill at 1412 McCallie Ave., which is to be rezoned from C-5 to C-2. He explained that at an Association Meeting last Thursday there was overwhelming support in favor of this proposal; that 26 households were represented and a petition was generated with 40 names. He stated that he did not realize that there was further opposition and that the lady who was here at the last Council meeting seemed to be in agreement.

REZONING (CONT'D)

Chairman Pierce noted that we listened to the applicant last week and that now he would like to listen to the opposition.

Mr. Tim Houghton was the first speaker in opposition. He stated that he lived on Bailey Ave. and had been in Highland Park over 30 years; that he had heard there would be a Neighborhood Watch meeting where a rezoning would be discussed; that he would like to correct the fallacy that there was no opposition; that signatures had been gathered by neighborhood people in a very short time; that there were still people who did not know about this; that they had 161 signatures that were in opposition to this spot zoning and allowing a tenant to open a Pizzeria with a full bar. He asked the Council to take these 161 signatures into consideration.

Lenny Harrison of 2008 E. 12th Street spoke next in opposition, stating that he had lived in Highland Park for 25 years. He read a prepared statement showing concern about the applicant being able to establish a restaurant and full bar. He, too, indicated that people had not had the time to know about this and that the same process had not been followed as in the past, and they had no idea that the City Council was coming so close to voting on this. He stated that a Restaurant would be great; however many people had bought houses in Highland Park as it presently is, and he asked the Council to realize that there is substantial opposition. He went on to say that he was at the meeting Thursday night, as were several people with a vested interest in their neighborhood; that they had tried with their petition to get some kind of input. He stated that the neighborhood was not fully recognized and many did not know about this; that there was some support at the meeting. He also asked the Council to consider the 161 people who did not support this. He thanked the Council for allowing him to speak.

Joe Ford was the next speaker, stating that he had lived in Highland Park for 30 years and had seen many great improvements and thought that they were continuing to improve; that they had something good going and asked the Council to make a decision to keep the neighborhood like it was; that this is what the neighborhood wants and a number of people had signed the petition, and he was asking the Council to take a stand and make their voice known about the neighborhood that they loved. He stated that he did not think this establishment would help them. He lived at 1910 Bennett Ave.

REZONING (CONT'D)

Jeff Cannon spoke next as spokesman for the Highland Park Neighborhood Association. He apologized for not being here earlier. He stated that he was approached about the restaurant and looked at it as spot zoning; that he went in front of the Zoning Agency and presented his case; that no special meeting was set for the neighborhood. He stated that he was out of town at the last Council meeting and had heard that there was opposition. He stated that the neighborhood had talked about this and put out fliers throughout the neighborhood as a whole and had gotten amazing response and Thursday night was the largest meeting that they had had. He stated that he had only been in the neighborhood a few years and relied on Judith Schorr; that after the Thursday night meeting they had come away thinking that this proposal would not be as bad as they thought; that they had to sit down and look at this as a group and that he had talked with Judith Schorr; that Mrs. Schorr saw the overwhelming support and stated that because of this, she would not oppose it; that he had not signed any petition and felt that this could be worked out. He went on to say that they met as a neighborhood board and then went to those who were opposed and asked them if they felt better about this, noting that there would be no adult-oriented entertainment. He stated that no one was trying to “con” anyone, and he apologized for not being at the last meeting.

Councilman Benson stated that he had worked for 23 years in this area; that he looked at the names on the petition and that one of those in opposition lived on Bennett Ave.; that he did not think he saw any names on McCallie Ave.; that the names he noticed lived in Oak Grove, Hemlock and Ridgedale; that if it is going to be this universal that no neighborhood could be pleased. He reiterated that he saw no names from McCallie Ave. and questioned how you could ever get a neighborhood united with this many involved.

Mr. Cannon stated that they had the boundaries set at Duncan Ave. and really most of the support for this came from Duncan Ave.

Councilman Benson stated that it seemed the streets closest to this were for it and those further away were against it.

Mr. Pace added that the neighborhood organization, as they understood it, went from McCallie to Main and from Holtzclaw to Willow; that Bennett Ave. went through the center; that the 2000 block of Bennett started at Willow.

Councilwoman Bennett noted that the people in this neighborhood worked hard for the two-way streets and had diligently protected their community. She asked if there would be any significant buffer.

REZONING (CONT'D)

Mr. Pace explained that the Staff recommended denial of this; however it was supported by the Planning Commission. He explained that the Planning Commission approved the Plan for this neighborhood in 1996 and things have changed since then; that this neighborhood had been brought back from the days of drugs and prostitution; that the Staff supported the Plan that was 12 years old and maybe the Plan should be updated.

Councilwoman Bennett wanted to know if there were any special conditions. Mr. Pace responded “yes” and read the condition “*that this rezoning shall be subject to no adult-oriented establishments as listed in the C-5 Zone, except for sell of beer and alcoholic beverages*”.

Councilwoman Rutherford stated that she knew how difficult it was to get this rezoned to C-5 in the first place; that Judith Schorr had called her and was overwhelmed that this was going to be rezoned back to C-2. She went on to say that she was not impressed with the petition because the people lived too far away. She questioned if this could just allow the sale of beer and not alcohol.

Mr. Pace indicated that this condition would be up to the Council. Councilwoman Rutherford stated that she thought this would make the neighborhood feel better. Mr. Pace indicated that the license for beer and the license for alcohol are two different licenses. Councilwoman Rutherford stated that she would like this rezoned so that alcohol would not be allowed; that she could vote for this if just the sale of beer was allowed but would be against it if it were both alcohol and beer.

Chairman Pierce stated that if we rezoned this to C-2, then the applicant had every right to apply for a Liquor License; that he thought State law would supersede a City Ordinance.

Councilwoman Rutherford felt that if the Council put this stipulation in, that the State would look long and hard at this.

Mr. Hatcher indicated that he would lose his tenant if alcohol were not allowed.

Councilwoman Rutherford noted that both she and Chairman Pierce were here when we got this down-zoned to C-5; that we have to respect the neighborhood and selling beer only was the only compromise she would make.

REZONING (CONT'D)

Councilwoman Gaines stated first of all she would like to say that she attended the meeting last week; that Mr. Pace was also there, as well as 90 other people; that Mr. Pace did talk about spot zoning, and the Chairman got a show of hands—that only about six or seven citizens were against this, and they were caught off-guard by the opposition; that she felt they had walked away in unity at this meeting, including Mrs. Schorr. She stated that she had received many phone calls about this issue and no one was in opposition; that everyone was pretty much in accord to go ahead and allow this zoning but to re-visit the Plan; that the Plan needed to be re-tweaked. She stated that she did not know about the item that Councilwoman Rutherford had introduced and asked if there was any legal answer to this.

Attorney Nelson stated that he did not know if we had ever split between beer and alcohol and did not know what stand the State would take on this. He reiterated that he did not every recall us doing one like this.

Councilman Page stated that he did not know if we could split hairs like this and say that beer is not alcohol; that if Councilwoman Gaines was moving to approve this that he would second her motion.

Councilwoman Rutherford stated that she was a real expert on establishments selling alcohol; that she would not have experienced all the problems she had on Brainerd Rd. if it were not for the sale of “hard” liquor; that she thought you could “split a hair” over this.

On motion of Councilwoman Gaines, seconded by Councilman Page,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMEMDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1412 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading with Councilwoman Rutherford voting “No”.

One of those in opposition responded to Councilwoman Gaines’ comment that the support at the meeting was overwhelming. He stated that when you get a “gang mentality” you always can get a “yes”. He stated that he thought all of this was pretty deceptive.

Councilman Page noted that Resolutions (a) and (b) were discussed in committee and come with a recommendation for approval.

**AGREEMENT/IN LIEU
OF AD VALOREM TAXES**

On motion of Councilman Page, seconded by Councilman Rico,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE EAST TECH COMPANY/ROGER W. LAYNE PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

was adopted.

**AGREEMENT/IN LIEU
AD VALOREM TAXES**

On motion of Councilman Page, seconded by Councilman Franklin,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE UNITED PACKERS OF CHATTANOOGA, LLC/COCA-COLA BOTTLING COMPANY UNITED-EAST, LLC PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

was adopted.

VICKIE HALEY

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING VICKIE HALEY, ASSISTANT CITY FINANCE OFFICER, TO SIGN VOUCHERS, REQUISITIONS AND OTHER NECESSARY DOCUMENTS FOR AND ON BEHALF OF THE FINANCE DEPARTMENT EFFECTIVE AS OF MAY 2, 2006

was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF
GARY M. SIVLEY AS SPECIAL POLICEMAN (UNARMED) FOR
THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC
WORKS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION ACCEPTING THE BEST BID FROM AND
AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER
INTO AN AGREEMENT WITH INTEGRATED NETWORKING
TECHNOLOGIES, LLC (INTEC) FOR STRUCTURED CABLING
RELATIVE TO THE CITY HALL RENOVATIONS PROJECT IN
AN AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND
SIX HUNDRED NINETY-NINE AND 81/100 DOLLARS (\$98,699.81)**

was adopted.

**REAL ESTATE SALES
AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION ACCEPTING THE PROPOSAL FROM, AND
AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER
INTO A REAL ESTATE SALES AGREEMENT WITH, THE
VINCIT GROUP FOR THE SALE AND DEVELOPMENT OF
PROPERTY AT THE CORNER OF FOURTH STREET, GEORGIA
AVENUE, AND LINDSAY STREET, IDENTIFIED AS STATE TAX
MAP NOS. 135M-H-002, 034, 001, AND 005, AND AUTHORIZING
THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS TO
CONVEY SAID PROPERTY, SUBJECT TO CERTAIN
CONDITIONS**

was adopted.

Councilman Rico mentioned that Resolutions (g) and (h) were discussed in committee and come with a recommendation for approval.

GRANT ASSIST. PROGRAM

On motion of Councilwoman Rutherford, seconded by Councilman Rico,

**A RESOLUTION AMENDING RESOLUTION NO. 24719
RELATIVE TO APPLICATION FOR AN URBAN AND
COMMUNITY FORESTRY GRANT ASSISTANCE PROGRAM
GRANT TO PROVIDE FOR AN AMOUNT UP TO AND
INCLUDING TWENTY THOUSAND DOLLARS (\$20,000.00)
WITH EQUAL MATCHING FUNDS FROM THE PUBLIC WORKS
FY 2007 GENERAL FUND**

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH HAMILTON COUNTY FOR THE
HAMILTON COUNTY COURTS COMMUNITY SERVICE
PROGRAM TO PICK UP LITTER ALONG CITY RIGHTS-OF-
WAY USING FIRST-TIME, NON-VIOLENT OFFENDERS FOR
2006-2007**

was adopted.

OVERTIME

Overtime for the week ending July 21, 2006, totaled \$66,505.16.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **JAMES J. SWILLEY**—Promotion to Construction Inspector, Pay Grade 13/2, \$27,677 annually, effective 6/23/06.
- **BARRY L. CHILDRESS**—Return from FMLA of Crew Worker, effective 7/20/06
- **DAVID A. DAVIS**—Resignation of Heavy Equipment Operator, effective 7/10/06.
- **JAMES A. HANEY**—Retirement of Painter, effective 7/18/06.
- **H. STAN CAMPBELL**—Three days suspension without pay for Sr. Crew Supervisor, effective 7/19/06—7/21/06.
- **JESSEY L. HARVEY, JR.**—Three days suspension without pay for Sr. Crew Worker, effective 7/25/06—7/27-06.
- **JERRY W. HAYES**—Three days suspension without pay for Crew Worker, effective 7/25/06—7/27/06.

CHATTANOOGA FIRE DEPARTMENT:

- **DOUG RANDOLPH**—Retirement of Fire Captain, effective 7/23/06.

MULTICULTURAL AFFAIRS OFFICE:

- **AMANDA STOFAN**—Hire as Compliance Officer, Pay Grade 17/6, \$43,083.00 annually, effective 7/21/06.

PERSONNEL (CONT'D)

CHATTANOOGA POLICE DEPARTMENT:

- **CHRISTOPHER M. HARRIS & MATTHEW G. SMITH**—Resignation of Police Officers, effective 7/20/06.
- **MARONICA N. GIBSON & MARGARET A. HOO**—Hire as Communications Officers, Pay Grade 11/1, \$27,194.00 annually, effective 7/21/06.
- **MARCUS EASLEY**—Declined Promotion to Sergeant of Police Officer, effective 7/21/06.

FINANCE DEPARTMENT:

- **SYDNEY W. SPENCER**—Hire as Accountant, Pay Grade 17/3, \$37,978.00 annually, effective 7/21/06.

Councilman Franklin made mention of the fact that Marcus Easley had declined promotion to Sergeant and wanted to know if this position had been replaced. Chief Vaughn responded that the position had not yet been replaced but should be in the next couple of weeks.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchases were approved for use by the Public Works Department:

WASCON, INC. (Lowest and best bid meeting specs.)

Requisition R0090961/B0003335

Yeomans Pump Parts

\$19,765.00

R & R ENVIRONMENTAL (Best bid meeting City specs.)

Requisition R0090830/B0003324

Line and Tank Cleaning

\$30,000.00

PURCHASES (CONT'D)

US FILTER DAVIS PROCESS (Lowest and best bid meeting specs.)
Requisition R0091078/B0003352

Liquid Calcium Nitrate

\$264,550 annually

REJECT ALL BIDS
Requisition R0089692/B0003186

Rental Equipment (Will Re-Advertise)

CURRENT TECHNOLOGIES, INC. (Lowest and best bid meeting specs.)
Requisition R0090831/B0003326

Vibration Analysis and Infrared Thermographic Services

\$30,000 annually

PIPING SUPPLY COMPANY (Lowest and complete bid meeting specs.)
Requisition R0090605/B0003299

Sewer Pipe and Related Material

\$30,000 annually

MTR OF GEORGIA, INC. (Low and best bid meeting specs.)
Requisition R0090129/B0003247

Disposal of Tires

\$12,002.90

PURCHASES (CONT'D)

TRAFFIC LOGIX (Increasing the total Contract Amount by \$250)
Requisition R0087902/P0024199

Rubber Speed Cushions

Increase contract amount from \$37,750 to \$38,000
Due to a change made from original contract.

HOTEL PERMITS

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

FAIRFIELD INN BY MARRIOTT—2350 Shallowford Village Drive

COURTYARD BY MARRIOTT—2210 Bams Drive

MAINSTAY SUITES—7030 Amin Drive

QUALITY SUITES—7324 Shallowford Road

MICROTEL CHATTANOOGA—7014 McCutcheon Rd.

PETIT HOUSE—109 Ochs Highway

COUNTRY INN & SUITES BY CARLSON—3725 Modern Industries Blvd.

TENNESSEE RIVER PLACE, LLC—1410 O'Grady Drive

COMFORT INN & SUITES—3117 Parker Lane

PURCHASE

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

ROBOTRONICS, INC. (Single Source Purchase)
Requisition R0091567

Fire Education Robots

\$17,863.00

EMERGENCY PURCHASE

G T DISTRIBUTORS (Justified Emergency Purchase)
Requisition R0091645

Ammunition—Training Division

\$46,443.50

This Emergency Purchase was approved and signed in open meeting as stipulated by Ordinance 5608, Section 3. (Memorandum describing circumstances is filed with minute material of this date).

Councilman Benson jokingly suggested issuing only one bullet—like Barney Fife.

PURCHASES

On motion of Councilman Franklin, seconded by Councilwoman Gaines, the following purchases were approved for use by the Mayor's Office:

PRO CHEMICAL, INC. (Lowest and best bid meeting specs)
Requisition R0090411/B0003291

Truck Wash Chemicals for Fleet Management

\$18,000

PURCHASES (CONT'D)

OUTSOURCE STAFFING & CAROLYN'S TEMPORARY SERVICE (Best Bid meeting specs.)

Requisition R0089991/B0003283

Citywide Temporary Employment Services

Outsource--\$120,000 (Primary Contract)
Carolyn's--\$ 46,300 (Back-Up Contract)

AMERIPRIDE UNIFORM SERVICES (Lowest and best bid meeting specs.)

Requisition R0088727/B0003277

Uniform Rental Requirements Contract

\$9,065.00

AIRNET GROUP (Lowest and best bid meeting specs.)

Requisition R0090542/B0003298

Web Hosting 7 E-Mail Listserv for Information Services Division

\$11,770.00

COMMITTEE MEETINGS

Chairman Pierce indicated that he was disappointed in the way committee meetings are handled. He stated that this was something the Council needed to address and to get control; that sometimes committee meetings run longer than the scheduled time, and we should set a tentative overtime, like ten minutes. He stated that the way we are acting now does not look professional and urged Councilmembers to think about this. He stated that he was not trying to set any rules.

COMMITTEE MEETINGS
(CONT'D)

Councilman Benson stated that he realized this was a problem; that one of the reasons is because the Legal and Legislative Committee is crammed with so many issues that need to be thoroughly discussed, but the agenda is so packed with too many items. He stated that we did not have this problem when this committee met every week. He stated that he would suggest, in order to have a good, smooth tempo and not be rushed like we have been lately, to start the meeting at 2:00 P.M. rather than 3:00 P.M. He went on to say that in looking at next week we have a big agenda and just having one hour every other week is difficult. His suggestion would be to start at 2:00 P.M. every other week or 3:00 P.M. each week.

Councilman Franklin stated that the problem was a scheduling issue; that he knew his Safety Committee meeting went 30 minutes over today; however they might not meet but once a month. He stated that we need to consider the items that need to be discussed and see if a power point presentation is necessary; that some issues take longer than others and committees may run over. He stated that the Council needed to think about this because some committees do not need to meet every week and committees need to do a better job with what is on their agenda.

Councilwoman Rutherford noted that last week the Legal and Legislative Committee listened to an issue that the Council can do nothing about and cannot handle—that the issue was not a City Council issue, and she had invited guests to explain our Public Arts Program, and they had to wait out in the lobby for 30 minutes. She stated that this was not an appropriate way to treat visitors when we are discussing an issue that we can't do anything about anyway. She stated that she thought the Legal and Legislative Committee was working quite well just meeting every other week if we just discuss items we can do something about.

Councilman Franklin stated that the issue Councilwoman Rutherford was referring too last week was not on the agenda. Councilman Benson stated that Councilman Franklin asked him to put this matter on the Legal and Legislative Committee agenda. Councilman Franklin stated that at the Council meeting this group asked for a legal opinion on something that the Council could handle; that they were later told that they would have to obtain an attorney; that this involved a sensitive issue about addressing, and we had to get the people to understand.

COMMITTEE MEETINGS
(CONT'D)

Chairman Pierce stated that he, too, wished each Councilperson would realize the problem and look at this a week ahead of time and see on the agenda any items that might need to be heard in their committee. He stated that Councilman Benson “let” everybody “load” on to his committee; that we know tonight what is on next week’s Council agenda.

Councilman Benson stated that he was the only Councilperson who puts out a committee meeting agenda, and he would try to send this agenda ahead of time. He reiterated that his committee needed to be given enough time to cover everything with either meeting weekly or starting every other week at 2:00 P.M.

Chairman Pierce stated that every time Councilman Benson got a telephone call from a citizen with a complaint that he would put them on his agenda for his committee meeting. He added that he would talk to Councilman Benson later about this. Councilman Benson stated that he agreed with Chairman Pierce.

Councilwoman Bennett stated that she did like having an agenda to keep everything in place; that the agendas need to be prepared a week in advance so that people making presentations can do due diligence; that she thought we needed agendas for all committee meetings that could be issued to department heads so that our discussions can be effective.

Councilwoman Robinson stated that it seemed a couple of committees needed to meet on a regular basis—Public Works Committee and Legal and Legislative Committee because they are so busy. She suggested that the Chairmen of these two committees let the other Councilmembers know a week ahead what will be on their agenda, thereby making it unnecessary to meet every week but still have the flexibility and not be restricted to every other week.

Attorney Nelson stated that there was one other thing that needed to be addressed; that was how matters get on the agenda; that some of our Administrators don’t know how the items get on the agenda, and Councilpersons don’t know the items are coming up. He stated that he would like to consider each week the Councilmembers looking at the Council agenda and seeing if there was anything on it that their committee would have jurisdiction over and then bring the matter to committee along with communicating with the Administrator so that all would be on the same page.

COMMITTEE MEETINGS
(CONT'D)

Chairman Pierce agreed that we needed to relate to the Administrative Staff how items are brought on the agenda; that Administrators need to know which Councilperson chairs their department; this way we could insure that items get on the agenda and Councilpersons should be responsible for checking the Council agenda.

Attorney Nelson noted that the Administrators would be the first one to know that no items would be coming before the Council and if there were items, then they could communicate with the proper Committee Chairman.

Councilwoman Rutherford stated that the reason she thought Legal and Legislative Committee should just meet every other week was so other committees would also have a time to meet. She stated that she felt Councilman Benson had done a wonderful job with just meeting every other week and to her knowledge, last week was the only time that his committee had been excessively long; that we need to keep his committee just meeting every other week so that other committees can have an opportunity to meet; that she thought if we tightened the agenda up that the problem would be solved.

Chairman Pierce urged everyone to think about this, stating that he would like everyone to be satisfied but did not think this was possible. He asked that Councilman Benson get better control over everybody wanting on his agenda; that some matters had priority.

Councilman Benson stated that when another Councilperson wanted something on his Legal and Legislative Committee that it was always a priority to them, and it was hard for him to separate what was a priority and what was not.

COMMITTEES

Councilman Benson reminded Councilmembers of the **Legal and Legislative Committee meeting scheduled for August 1, 2006 at 3:00 p.m.**

Councilwoman Gaines scheduled a meeting of the **Parks and Recreation Committee following the Legal and Legislative Committee meeting on August 1, 2006.**

Councilman Page reported on the Town Hall meeting that Councilwomen Bennett and Robinson and himself participated in, giving a special thanks to Mayor Littlefield and the Administrative Staff. He stated that it helped to have them there to answer questions.

COMMITTEES (CONT'D)

Councilman Rico scheduled a meeting of the **Public Works Committee on Tuesday August 8, 2006.**

Councilwoman Robinson asked that everyone remember the “National Night Out”, which will be held on August 1, 2006. She noted that a number of Councilmembers will have neighborhood gatherings, and it was her hope that we could have a quick Council meeting on that night in order to allow for Councilmembers to meet with their neighborhoods.

Councilwoman Rutherford stated that the “thorn” had no report.

ERNEST PHILLIPS

Mr. Ernest Phillips of 631 Grand Mountain Drive, Chattanooga, Tennessee addressed the Council. He stated that his reason for appearing was because he bid on a project for Public Works that was voted on tonight, and he did not feel the process had a level of fairness according to City regulations and possibly was not in accordance with the State of Tennessee. He stated that he had called the Purchasing Department to get results—that there were three bidders, and he was not the low bidder; that he had asked to look at the bids and was told he could not see them, which struck him as odd.

Attorney Nelson stated that Tennessee Open Records policy applies to residents of Tennessee and that this man’s business was in Georgia; that when their office was asked if Mr. Phillips was entitled to see the records, he was told that Mr. Phillips was a resident of Georgia and not a resident of Tennessee; therefore we were under no duty to show them.

Mr. Phillips retorted, “Obviously, you made an error”; that the City voted on a \$30,000 project, and he wanted to know what his recourse was.

Councilwoman Rutherford pointed out to him that he was not the low bidder and therefore it should not be an issue.

ERNEST PHILLIPS (CONT'D)

Mr. Phillips stated that he wanted to examine the bids and see the qualifications; that he did not think the others had technically submitted the appropriate records. He stated that he had been in this business for 27 years and the low bidder had only been in business for two years—that it was like the difference between hamburger and steak! He stated that he wanted to look at the bids so that he could point out the merits of his company; that Purchasing would tell him nothing.

Chairman Pierce informed Mr. Phillips that this was discussed in committee meeting prior to the Council voting tonight. He also added that he would have thought Mr. Phillips would have asked to be recognized when this was voted on tonight.

Mr. Phillips responded that he was told he could not get on the agenda; that he was here at that time. He added that he approached Attorney Nelson before the meeting, and he told him that the only time he would be allowed to speak was right now.

Chairman Pierce stated that all he could suggest would be for Mr. Phillips to talk to an attorney; that our City Attorney was not here to give him advice.

Attorney Nelson offered that he could take his driver's license to the Purchasing Department in order to be able to look at open records and could see if that would satisfy him. Mr. Phillips stated that it would not satisfy him. Attorney Nelson stated that it appeared Mr. Phillips had all ready made up his mind.

Mr. Phillips stated that he was at the Purchasing Department at 1:30 today, and they did not tell him about the committee meeting. He asked if the Council was telling him his recourse was to hire an attorney.

Chairman Pierce stated that the Council had already passed on this at this point—unless we were asked to reinstate it.

Mr. Phillips stated that he would like for someone to make a motion to reverse this action and allow State Law to take effect and let him present his case.

Councilwoman Rutherford explained that Administration had already studied this bid and had come to the conclusion that it was the best bid, and the Council has to depend on what Administration recommends.

At this point Chairman Pierce notified Mr. Phillips that he was only allowed three minutes, and he had already taken six.

ARTHUR WATLEY, JR.

Mr. Watley addressed the Council, stating that he was in the 8th District and dealt with children; that he had been working at Woodmore Elementary School without any help; that he was asking for promises to be kept that were made to 187 kids; that they had buses and had went to the City and asked for lights; that there were lights there when he was a child, but they had been taken down, and they were promised new lights and power; that he had taken this to Parks and Recreation, and they had given him a letter saying that they would stop maintaining the field. He stated that he had contributed a ton of his own money; that he had been to the Mayor, Councilmembers, the Board of Education, and JoAnn Favors; that the current Administration had changed and so had their promise. He continued, stating that they had no lights, nor power, and were trying to be self-sufficient; that there had been gang wars for the last 8 years, and we need to keep these kids active everyday, and it is hard on limited money; that they needed to be provided with helmets and shoulder pads.

Councilman Franklin thanked Mr. Watley, stating that he was familiar with their plight and that what Mr. Watley was saying was true; that this had been promised a couple of years ago when Montague Park was closed and Jerry Mitchell was in charge; that they were told lights would be provided for Little League Sports and Middle School fields. He went on to say that Mr. Watley and his group talked to the Woodmore School principal and wanted to know who was responsible; that this group had said they would maintain the field as to clean-up; that when Administration changed it was an opportunity for the ball to be dropped; that it was not Mr. Watley's fault. He went on to say that Mr. Watley had done a good job; that he was self-supporting and provided a good service in keeping our kids active; that to make a long story short, they were promised lights, and he did not know what actually happened; that they had done due diligence. He suggested some kind of follow-up with Parks and Recreation to see who dropped the ball. He asked that Mr. Watley get with Mr. Zehnder of Parks and Recreation; that they had signed permission from the principal of Woodmore School and Dr. Register.

Councilwoman Rutherford questioned why this problem was at City Council and asked Mr. Watley if he had spoken with Commissioner Beck.

Mr. Watley responded that he had spoken with him also; however he was in the middle of a campaign; that he had helped them a lot but now he was focusing on being re-elected; that he was just as good as Ms. Favors. He stated that the basic thing they could use was getting power to run a concession stand; that they had to carry kids to other facilities, and they wondered why they did not have the same facilities as others.

Councilwoman Rutherford explained that this was not the City's responsibility—that it was the County's.

ARTHUR WATLEY (CONT'D)

Councilman Rico added that the best time to approach Commissioner Beck would be when he was running for election.

Councilwoman Bennett asked about "Stop the Madness". Councilwoman Rutherford stated that this was a County issue and not a City one; however Councilman Franklin felt that the lights were a City concern. Councilwoman Rutherford stated that she would urge Mr. Watley to go see Commissioner Beck tonight.

Councilwoman Robinson wanted to know where the lights went, with Councilman Franklin still maintaining that the lights were under our purview. Mr. Watley added that they were promised power out there.

Councilman Franklin stated that he was not sure we provided power; that this was something Mr. Watley should discuss with the Electric Power Board and the Hamilton County School System; that they could call EPB on Mr. Watley's behalf.

Mr. Watley responded that EPB was talking about a fee, which they did not have.

Chairman Pierce asked if there was an original agreement with the City to install lights. Councilman Franklin responded that there was some reference to installing them; that the poles were already there.

Mr. Watley added that the poles were over 30 years old; that initially they were just trying to get bulbs, but the poles should be replaced.

Councilman Franklin told Mr. Watley that we could not promise them electricity and power; however there did need to be a follow-up about the lights.

Mr. Watley stated that Mayor Corker promised them lights would be there.

Councilman Franklin asked Mr. Watley to talk to Mr. DePriest with the Electric Power Board, with Councilwoman Robinson adding that he needed to get the schools involved as well.

ARTHUR WATLEY (CONT'D)

Councilwoman Gaines stated that she would like to give Mr. Watley some direction. She suggested that he talk with Gary Waters; that he should call Mr. Waters at 209-8600 and that Mr. Waters should be able to give him some direction; that this is really a County School Board issue. She urged him to talk to Mr. Waters and see if he could help him. She stated that he might be able to work this out.

Chairman Pierce stated that if Mr. Watley had to come back to Parks and Recreation that Councilwoman Gaines would set this up with Larry Zehnder.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga City Council until Tuesday, August 1, 2006.

CHAIRMAN

CLERK OF COUNCIL

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

