

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
AUGUST 22, 2006
1:15 P.M.**

Chairman Pierce call the Special 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 Shirley Crownover, Assistant Clerk to the Council, were also present.

Councilman Pierce called the meeting to order stating the purpose of the meeting was to accept the Bid for the Electric Power Board proposal. He inquired of Attorney Nelson if we needed to hear from the Bond Board. Attorney Nelson responded that we were authorized up to \$60,000,000, but it would be appropriate for the Bond Board to say what the bonds are for.

Carlos Smith, General Counsel, explained that the first Resolution is for \$40,000,000, and the proceeds will be used for the development of a new substation, Enterprise South, and a new District Center Complex; also additional software. This is a 25year bond with 4.3871% interest rate. The second Resolution deals with refunding bonds that were authorized in 2000, originally in the amount of \$40 million. We take bonds with higher interest rates and place those in a bond fund, which allows for a savings in the interest rate amounting to \$1,500,000 for the Electric Power Board.

Mr. Smith had Mr. Eaves, Kevin Thompson, and Greg Sculley, Bond Counsel, with him.

Councilman Benson asked if this was increasing the total bond indebtedness, asking about the new Electric Power Board building. Mr. Smith explained that the new building was being financed with the cash flow of the Electric Power Board.

EPB REVENUE BONDS

On motion of Councilman Franklin, seconded by Councilman Rico,
**A RESOLUTION AWARDING FORTY MILLION DOLLARS
(\$40,000,000) ELECTRIC SYSTEM REVENUE BONDS, SERIES
2006 A TO MERRILL LYNCH**
was adopted.

EPB REVENUE BONDS

On motion of Councilman Franklin, seconded by Councilman Rico,
**A RESOLUTION AWARDING TWENTY-THREE MILLION FOUR
HUNDRED THIRTY THOUSAND DOLLARS (\$23,430,000)
ELECTRIC SYSTEM REVENUE BONDS, SERIES 2006 B TO
MORGAN KEEGAN**
was adopted.

ADJOURNMENT

Chairman Pierce adjourned the Special meeting of the Chattanooga City Council.

CHAIRMAN

CLERK OF COUNCIL

**City Council Building
Chattanooga, Tennessee
August 22, 2006
6:00 P.M.**

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 Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Franklin, followed by invocation.

MINUTE APPROVAL

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

**CHARTER CHANGE
ELECTRIC POWER BD.**

Councilman Benson noted that Ordinances (a) and (b) were discussed in committee and come with a recommendation.

CHARTER CHANGE (CONT'D)

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO REPEAL THE PROVISIONS REGARDING THE APPOINTMENT OF MEMBERS OF THE ELECTRIC POER BOARD AND PROVIDING THAT THE MAYOR SHALL APPOINT SUCH MEMBERS, SUBJECT TO CONFIRMATION BY THE CITY COUNCIL, AND TO PERMIT THE ELECTRIC POWER BOARD TO ELECT ITS OWN CHAIR AND VICE CHAIR

was substituted. On motion of Councilman Rico, seconded by Councilwoman Rutherford, the Ordinance passed second and final reading and was signed in open meeting.

CHARTER CHANGE
CITY ENGINEER POSITION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO DELETE THE CITY ENGINEER POSITION FROM THOSE CHARTER OFFICIALS WHO MUST BE APPOINTED AFTER THE ELECTION OF THE MAYOR

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

APPROPRIATION;
FRONT PORCH ALLIANCE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND, OFFICE OF FAITH BASED INITIATIVE, TO FRONT PORCH ALLIANCE THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR SUMMER YOUTH PROGRAMS
passed second and final reading and was signed in open meeting.

REZONING

2003-085 (Oscar T. Hurley)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7210 JARNIGAN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the Ordinance passed second and final reading and was signed in open meeting.

FOZ APPROPRIATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE APPROPRIATING FROM THE P415 F06006 ZOO IMPROVEMENTS FUND TO FRIENDS OF THE ZOO, INC. THE BALANCE OF THE 2006 FUND IN THE APPROXIMATE AMOUNT OF TWO HUNDRED FIFTY THOUSAND (\$250,000.00) FOR ZOO IMPROVEMENTS

passed first reading.

AMEND CITY CODE
MOTOR VEHICLE OPER.

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE I, BY ADDING SECTION 24-47, RELATIVE TO FINANCIAL RESPONSIBILITY FOR OPERATION OF MOTOR VEHICLES
passed first reading.

REPEAL ORD. 11833
CHARTER PROVISIONS
ELECTED OFFICIALS

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE TO REPEAL ORDINANCE NO. 11833, ENCAPTIONED, "AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO MAKE APPLICABLE ONLY TO POPULARLY ELECTED OFFICIALS OF THE CITY THE PROVISIONS PROHIBITING FEDERAL, STATE AND COUNTY EMPLOYEES FROM HOLDING OFFICE UNDER THE CITY GOVERNMENT AND HAVING AN INTEREST IN ANY CONTRACT WITH THE CITY"
passed first reading.

CHARTER CHANGE
ELECTED OFFICIALS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREFOR, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO MAKE APPLICABLE ONLY TO POPULARLY ELECTED OFFICIALS OF THE CITY THE PROVISIONS PROHIBITING FEDERAL, STATE AND COUNTY EMPLOYEES FROM HOLDING OFFICE UNDER THE CITY GOVERNMENT AND HAVING AN INTEREST IN ANY CONTRACT WITH THE CITY

passed first reading.

CHARTER CHANGE
COUNCIL'S SALARY

Chairman Pierce stated that this was an Ordinance that should have been discussed in committee, but he had not had time to review it and had asked that it be discussed in open meeting. He noted that there were actually two Ordinances and one Ordinance concerning the Council salary is asking that the public have the right to adjust the wages up to 30%; the second Ordinance is asking for each Councilperson to be accountable for at least two and one-half posted hours in order to earn their keep. He asked that the Ordinances be voted up or down.

Councilman Benson stated that he wanted to make it clear—that one Ordinance was to change the basis of calculating salaries from 15% to 30% for the incoming Council.

Chairman Pierce indicated that that was wrong—that it was not 30% but up to 30%.

COUNCIL'S SALARY(CONT'D)

Attorney Nelson explained that originally it was 30% and Councilman Pierce had asked that it be worded in the Ordinance to say "up to 30%".

Councilman Benson stated that whatever percentage is voted on that it should be that percentage, if it is 30%, of a 40-hour work week, which would require 12 hours of posted time for public duty at the Council office on a weekly basis. He stated that there were two different versions, and he was speaking against both.

Councilman Pierce noted that Councilman Benson had proposed one of the Ordinances and was now opposing it.

Councilman Rico asked if it said up to 30%, who would make the determination of the percentage. Chairman Pierce responded that this Council would determine how much percentage should be received—that it would determine the incoming Council's salary.

Councilman Franklin confirmed that it would be the incoming Council, and this Council would have the opportunity to vote for up to 30%, after which the next Council would determine the percentage.

Chairman Pierce noted that this was discussed last week, and we were attempting to set an open-ended salary—that this puts a "ceiling" on it; that this particular Council could conceivably raise the next Council's salary by only 5%--that we could do that—then the next Council could raise it another 10% if they so desired—that it would be the option of the Council. He stated that this was nothing to be fearful of—that he just wanted to put it on the ballot and give the people the decision on whether the salary should be raised.

Councilman Benson stated that as a Council, we should not be instituting any bad referendum—that this was self-serving, whether it was real or perceived, and there was no documentation to say that if you drive up salaries you will also drive up the quality of the people who are serving; that he thought this would be counter-productive, and you would not get more quality people—that there was no correlation between the amount of salary paid and the quality of work. He went on to say that Knoxville and Nashville were below us, and there was nothing to say that we should change our salary from \$20,000 to \$40,000. He stated that this was bad legislation, and we should not ask the people to vote on something of this nature.

COUNCIL SALARY(CONT'D)

Councilman Benson continued, stating that the Council should be an enlightened group that gave guidance to the Public and should not be asking the Public to set career salaries.

Chairman Pierce stated that he knew of no legislative group that had to be “on a clock”; that some Councilmembers were able to spend more time in the office than others.

Councilman Benson, at this point, suggested that Chairman Pierce was not acting in the capacity of a Council Chairman.

Chairman Pierce continued, stating that no elected official had to “punch a time clock”—that this was the most ridiculous thing that he had ever seen presented.

Councilman Page stated that this was an embarrassing discussion—that this Council should be talking about economic development, bringing jobs to the City, and the minimum wage rather than raising our own salaries—that something of this nature would completely change the face of City government—that making this a position of a paid individual devoted to City government would institutionalize government, and the position would no longer be part-time and would potentially enhance the benefits of the Council, and he found this fearful. He went on to say that 30% of the Mayor’s salary would be a 50% increase in a Councilperson’s pay on top of paid benefits—that this would amount to \$50,000 a year each for taxpayers to pay for the Council’s salary, and he found this to be exorbitant; that many people don’t make what the Council makes now on a full-time job, and this is just part-time; that many of these same people don’t have insurance, and the Council has insurance, on top of the salary. He stated that he thought the Council was compensated well and that we should be public servants.

He continued, stating that he was fearful—that when you look at surveys, Nashville and Knoxville don’t make as much as we do and the Mayor of Charlotte, North Carolina, does not make what the Council makes, plus insurance. He stated that he was concerned about this discussion and would vote against both Ordinances. He continued, stating that Chairman Pierce had done so much in working for the original Charter, which was masterful, and now to see that he was wanting to change the face of City Government was disappointing to him.

COUNCIL SALARY (CONT'D)

Councilwoman Robinson stated that we don't need career politicians; that she thought a turn-over was healthy; that if the salary stays the same, we will recycle people rather than having people serve for 30 years. **She made the motion to deny carrying this any further. This was seconded by Councilman Page.**

Councilman Rico stated that he took pride in his position; that a lot of people he had spoken to thought that we were a bunch of clowns to even discuss this; that most people think the Council makes too much anyway and that he hated to discuss this because of the perception.

Chairman Pierce stated that he wanted to make one last comment; that he had been here since the conception of this form of government—that he had been here from day one and knew what the Council's duties were and how they should be performed; that this was 16 years ago, and the tasks had increased; that he did not want any comparison with any other city—that these were his desires and his knowledge; that he knew where this came from, and the salary was originally set by a committee and was open-ended; that a committee made the suggestion and no one on the committee even knew what a Councilperson was and what the full extent of their duties would be. He questioned whether the Council realized their duties and what was expected of them. He stated that he thought the Council needed to decide what the salary range should be rather than just accepting the same that was originally set by a committee, who did not understand the scope of a Councilperson's responsibility and just decided that it should be 15% of the Mayor's salary.

Councilwoman Rutherford stated that she always seemed to be the maverick; that next to Chairman Pierce, she had served the longest of any other Councilperson, and she had seen her responsibilities change. She stated that the Council does a 24-7 job—that she got phone calls in the “wee” hours of the morning and also late at night, and she tried to always make herself available. She agreed that 15% was just “plucked” out of the air and was based on no Study and was not a good figure. She stated that she had served two and one-half terms and had been happy to work for the amount the Council was getting; that if this passes we would expect reasonable compensation, whether it be 5% more or 30% more—that it would be up to the Council to decide.

COUNCIL SALARY(CONT'D)

Councilwoman Rutherford went on to say that she was fortunate to have served with David DiStefano, who was the father of young children and also John Taylor, who was the father of young children, and they brought to the Council perspectives that we don't now have. She stated that we would not attract young people with the salary that we are now earning; that John Taylor did not run again because of business reasons—that he could not afford to stay on the City Council. She reiterated that we needed youth on the Council and urged to let the people vote on the responsibility that we carry.

Councilman Franklin stated that he would like to ask the City Attorney a historical question. He wanted to know how the 15% came about—was it arbitrary or based on some other factor?

Attorney Nelson responded that he could not tell him; that the 15% was formulated in a Court Order in 1989 and was never questioned by either side at that time; that no independent Study was made; that it seemed reasonable at that time.

Councilman Franklin continued, noting that Attorney Nelson served during the old form of government in 1971 and asked if there was ever any vote on a raise for the City Commission.

Attorney Nelson responded that he was here in 1968, and the City Commissioners were making \$18,000, and the Mayor was making \$24,000, and it stayed that way until the 1980's—that city employees were making more than their bosses.

Councilman Franklin noted that it was then a full-time position. He stated that a few things needed to be considered; that we are elected officials and know the level of our responsibility, and he did not think that this decision should make the Council be viewed as clowns; that it is the Council's responsibility to have some vision as to what it takes to serve in public office, and the Council's position should not be downplayed; that Councilwoman Rutherford made an interesting comment—that he was not married and was the youngest one on the Council, but he did have kids; that the Council's level of responsibility had grown, and he referred to it as full-time responsibility for part-time pay; that all had acquiesced to that. He went on to say that we have the responsibility to attract quality individuals that have families so that they can afford to serve.

COUNCIL SALARY(CONT'D)

Councilwoman Franklin continued, stating that he did not think a higher salary would attract anyone who did not have good moral values. At this point he stated that he expected to have Councilman Rico's attention, prompting Councilman Rico to say that he was listening—he just did not agree. Councilwoman Franklin stated that he was not shedding any bad light on anyone's opinion—that all were entitled to their opinion, but we had to draw the line and make the best assessment as to what our particular feelings are.

Councilwoman Bennett stated that she was making preparation for a Personnel committee meeting in a couple of weeks; that city experts in Personnel stated that there are tools to be used in determining Council benefits at a market rate; that she was glad we were talking about this because the Council needs to understand what their jobs are; that she was not sure about the two documents that had been prepared and was not comfortable with either one. She went on to say that she would like to see some flexibility in the Charter that would allow a general expense rather than having to document every mile; that under the current Charter, we can't make any changes because such an expense would have to be counted as salary. She stated that she did not know how to build this in—flexibility with accountability.

Attorney Nelson noted that we had a motion and second on the floor and questioned what the motion was.

Councilman Benson stated that the motion was to deny both of these Ordinance changes.

Attorney Nelson noted that the caption had not been read and there was nothing to pass on first reading tonight.

Councilman Franklin stated that he would like to offer an alternative motion and to vote this up or down.

Chairman Pierce noted that the Clerk had read nothing for the Council to vote on—that there was no matter on the floor and asked that she read the "Punch the Clock" Ordinance first.

COUNCIL SALARY(CONT'D)

Councilwoman Rutherford stated that she was leaving and thought this would be a “moot” point.

Councilman Benson stated that he would move to table this.

It was noted that we can't take another motion because we already had a motion on the table. **Councilwoman Robinson stated that she would withdraw her premature motion.**

Chairman Pierce stated that this had to be voted on tonight because of the timeframe. Attorney Nelson agreed, adding that it would have to be tonight without pushing it to the last day, and we would be talking about October 7th as the 61st day, which was not really possible for the Clerk to advertise properly—that we were at the “end of the string” tonight.

Councilman Benson made the motion to withdraw the Ordinance that involved the time issue. This was seconded by Councilman Franklin. Councilman Benson also made the motion to withdraw the other Ordinance, seconded by Councilman Rico. It was noted that this Ordinance was not on the floor. The Clerk was asked to read the Ordinance.

On motion of Councilman Rico, seconded by Councilman Page,
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO AUTHORIZE THE CITY COUNCIL MEMBERS' SALARY TO BE INCREASED UP TO THIRTY PERCENT (30%) OF THE MAYOR'S SALARY
was denied on roll call vote as follows:

COUNCIL SALARY
(CONT'D)

COUNCILWOMAN BENNETT	“Yes”
COUNCILMAN BENSON	“Yes”
COUNCILMAN FRANKLIN	“No”
COUNCILWOMAN GAINES	“No”
COUNCILMAN PAGE	“Yes”
COUNCILMAN RICO	“Yes”
COUNCILWOMAN ROBINSON	“Yes”
COUNCILWOMAN RUTHERFORD	“No”
CHAIRMAN PIERCE	“No”

The motion to deny carried.

(COUNCILWOMAN RUTHERFORD LEFT THE MEETING AT THIS TIME).

Councilman Rico noted that Resolutions (a), (b), and (c) were discussed in Public Works Committee and come with a recommendation for approval.

AMEND RES. 24457
AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AMENDING RESOLUTION NO. 24457,
ADOPTED MAY 31, 2005, RELATIVE TO THE AGREEMENT
FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY
LANDFILL, PROJECT NO. SNL 33-0273, WITH THE STATE OF
TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY
DELETING “NOT TO EXCEED FIVE MILLION SEVEN
HUNDRED SIX THOUSAND TWO HUNDRED EIGHTY
DOLLARS (\$5,706,280.00)” AND SUBSTITUTING IN LIEU
THEREOF “NOT TO EXCEED FIVE MILLION EIGHT
HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED TWO
DOLLARS (\$5,851,702.00)”

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN
AGREEMENT WITH EARTHWORX, LLC RELATIVE TO
CONTRACT NO. S-06-009-101, STORMWATER AS-FOUND
GIS PROGRAM – PHASE IV, IN AN AMOUNT NOT TO
EXCEED NINE HUNDRED TWENTY-FIVE THOUSAND
DOLLARS (\$925,000.00)

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH TOWER CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. R-04-004-202, SITE WORK AT ST. ELMO PASSIVE PARK, IN AN AMOUNT NOT TO EXCEED SEVENTY-EIGHT THOUSAND FIVE HUNDRED FIFTY-NINE AND 48/100 DOLLARS (\$78,559.48), PLUS A FIVE THOUSAND DOLLAR (\$5,000.00) CONTINGENCY, FOR A TOTAL AMOUNT NOT TO EXCEED EIGHTY-THREE THOUSAND FIVE HUNDRED FIFTY-NINE AND 48/100 DOLLARS (\$83,559.48)

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE AN AGREEMENT WITH SOUTHERN BREWERS FESTIVAL TO UTILIZE ROSS'S LANDING FOR THE SOUTHERN BREWERS FESTIVAL TO TAKE PLACE AUGUST 25, 2006 THROUGH AUGUST 27, 2006

was adopted.

OVERTIME

Overtime for the week ending August 18, 2006 totaled \$82,773.88.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **NICHELLE WOODRUFF**—Termination of Senior Firefighter, effective 8/25/06.
- **GEORGE RATLEDGE**—Extended Leave for Senior Firefighter, effective 8/22/06—9/22/06.

CHATTANOOGA POLICE DEPARTMENT:

- **KARL FIELDS**— 14-Day Suspension without pay for Police Officer, effective 8/25/06.
- **JEFFREY BALLARD**—14-Day Suspension without pay for Police Officer, effective 8/18/06.
- **SHELIA MARIE BLANKENSHIP & LYND SAY NICOLE GONZALEZ**— Hire as Communication Officers, Pay Grade 11/1, \$27,194.00 annually, effective 8/16/06.
- **TODD P. FLOYD**—Resignation of Police Officer, effective 8/16/06.

PUBLIC WORKS DEPARTMENT:

- **MATTHEW K. ASKEW**—3-Day Suspension without pay for Concrete Worker, effective 8/8/06—8/10/06.
- **AARON M. DAVIS**—3-Day Suspension without pay for Crew Supervisor Senior, effective 8/8/06—8/10/06.
- **WILLIAM C. BOYD**—FMLA for Heavy Equipment Operator, effective 8/8/06—10/31/06.

HOTEL PERMIT

On motion of Councilman Franklin, seconded by Councilman Benson, the following Hotel Permit was approved:

AMERICA'S BEST VALUE INN – 103 Patten Chapel Rd., Chattanooga, TN.

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds for tax year 2005:

BASF CORPORATION -- \$8,217.38

BRYN-MAWR PARTNERSHIP -- \$1,190.00

LYNNE FAUSSET -- \$1,231.68

PURCHASE

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson, the following purchase was approved for use by General Services Division:

ESTES EQUIPMENT COMPANY, INC. (Lowest and best bid meeting specs.)

Requisition R0091112/B0003355

Fuel Dispensing Equipment for Fleet Management

\$20,280.00

HEARING

Attorney Nelson scheduled a hearing for **NICHELLE D. ERVIN-WOODRUFF**, who had been terminated from the Fire Dept., for **Monday, September 11th at 9:00 A.M.**, with a panel consisting of **Councilmen Pierce, Gaines & Rico**, with **Councilman Franklin** being the alternate.

COMMITTEES

Councilwoman Bennett scheduled a **Personnel Committee meeting for Tuesday, September 5 at 3:00 P.M.**

Councilman Benson reminded everyone of the **Legal and Legislative Committee meeting scheduled for Tuesday, August 29th at 3:00 P.M.**

Councilman Franklin scheduled a **Safety Committee meeting for Tuesday, August 29th at 4:00 P.M.**

Councilwoman Gaines scheduled a **Parks and Recreation Committee meeting to immediately follow the Legal and Legislative Committee meeting on Tuesday, August 29th.**

JULIA DEAN

Ms. Dean addressed the Council, introducing herself as the President of the Police Officers' Union and also a Sergeant with the Chattanooga Police Department. She stated that she realized at this point in time that she was not addressing an agenda matter; that there was a feeling of frustration here tonight; that she was a large optimist and felt that City Government was here to guide and help; that what she felt a few minutes back was that she was totally ignored when she asked to speak. She stated that she had spent 19 years with the Police Dept. and tried to do what she was supposed to do and that she had asked to be recognized and the Council had acted like she did not exist. She stated that she could not dismiss her feelings and that she represented 240 police officers from Sergeant on down, and she was very frustrated with the way things had been handled. She stated that their only recourse was with the Council and now she found they could not come and talk to the Council and asked where this left them? She ended by saying that she felt that not recognizing her and another person who had wished to speak earlier was a disservice.

JULIA DEAN (CONT'D)

Chairman Pierce explained to her that we have a place on the agenda for persons such as herself to speak; that on zoning issues we do recognize people; that at the time she wanted to speak, the Council was having an open discussion between Council people; that it was an open discussion of pros and cons—that the Council had learned how to disagree and agree, and the discussion tonight was good, and he hoped the Council had not given the wrong signal. He explained that the Council was very often looked upon as a “rubber stamp”, and this discussion tonight was a good example of what goes on in committee meetings; that today we had no time to discuss this matter in committee. He stated that he did not disrespect Ms. Dean or the other lady and appreciated them being here.

Ms. Dean stated that the spot they were given on the Agenda did not allow them to discuss what was being discussed on the Agenda at the time.

Chairman Pierce reiterated that these type discussions are normally held in committee meetings; that he heard her when she asked to speak, and he asked other Council members if she should have the right to speak then and no one replied.

Ms. Dean stated that a couple of weeks ago she approached Councilman Franklin out in the hall and asked him how to get recognized at a Council meeting when a particular situation came up, whether pro or con, and he advised her that she should stand during the discussion, and she would be recognized; that she was not told it was only for zoning discussions; that the Council had much more to consider than just zoning matters; that there were other situations that had an impact on citizens' lives also, and it was the indication she got that she would be allowed to speak; that she felt if there were issues on the agenda that impacted individuals that they should be allowed to be recognized to speak. She asked if she was wrong in assuming this or if she did not understand the procedures.

JULIA DEAN (CONT'D)

Chairman Pierce stated that if there was a police issue that it could go to committee; that they should contact the Chairman of the Safety Committee, and it would be fully discussed. He added that the Council could not allow everyone to “vent” their frustrations on everything they did not approve of. He stated that he had had several calls about the cameras we are talking about, and he did not feel a full discussion was needed for him to decide how to vote.

Councilman Franklin wished to make a point, explaining to Sgt. Dean that it was not an issue of not allowing her to speak; that this particular item was a late add-on; that in addition there was no discussion in committee, and it actually got to the council floor; that there was an opportunity for individuals in the City to speak at the end of the agenda; that he was sorry that Sgt. Dean did not understand this, concerning not allowing her to speak; that this issue had come up before and Chairman Pierce had “tweaked” it, and Chairman Pierce elected to bring it to the Council meeting or normally it would have been in committee. He stated there was no intent to ignore Sgt. Dean and if that was her impression, he was sorry.

YOLANDA MONTGOMERY

Ms. Montgomery addressed the Council, stating that she had written to Chief Parks and had gotten no reply; that she had finally gone to the NAACP; that a guy named Harold Williams on Jenkins Rd. was “cloning” her phone and had been doing this for six years; that she was trying to get a warrant and block the phone calls; that it had gone too far and was getting deadly. She stated that she was trying to get a lawyer, but Mr. Wolfe was stalling.

Chairman Pierce explained to her that she needed to talk to the Attorney General; that Chief Parks can’t issue a warrant.

Ms. Montgomery responded that she had been trying since July. Chairman Pierce reiterated that Chief Parks can’t issue a warrant. Ms. Montgomery wanted him to tell her why he could not issue a warrant. She stated that the Judge kept telling her he could not take sides, and this was getting deadly.

YOLANDA MONTGOMERY
(CONT'D)

Chairman Pierce stated there was nothing the Council could do—that she needs to report this to the Police.

Ms. Montgomery responded that they just laugh at her; that she had surgery and had been “computerized”; that she was afraid for her life.

Chairman Pierce stated that he did not know what else we could do; that Chief Vaughn was present tonight.

Chief Vaughn stated that he was not familiar with the facts of the case but did not think there were any grounds to issue a warrant. He urged Ms. Montgomery to not take the law into her own hands.

Ms. Montgomery stated that she was just trying to defend herself. Chief Vaughn urged her to not take any pro-active actions.

Chairman Pierce stated that he knew Ms. Montgomery and would talk to her further at his office; that the Council wished her well.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga City Council until Tuesday, August 29, 2006 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)**

