

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
September 25, 2007
6:00 P.M.**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance led by Chairman Page, the invocation was given by Daisy Madison.

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.

APPROPRIATION

On motion of Councilman Benson, seconded by Councilwoman Gaines,
**AN ORDINANCE APPROPRIATING FROM THE DEPARTMENT
OF PARKS AND RECREATION CAPITAL PROJECTS FUND TO
CHATTANOOGA JUNIOR GOLFER'S DEVELOPMENT
PROGRAM; THE FIRST TEE OF CHATTANOOGA, A NON
PROFIT ORGANIZATION, THE AMOUNT OF FORTY-THREE
THOUSAND DOLLARS (\$43,000.00) FOR THE DESIGN AND
ENGINEERING DRAWINGS FOR THE HICKORY VALLEY
PRACTICE GOLF FACILITY**
passed second and final reading and was signed in open meeting.

EPB/SERVICES

On motion of Councilman Rico, seconded by Councilwoman Rutherford, this Resolution was moved forward on the agenda.

Councilman Benson noted that this had been discussed in the Legal and Legislative Committee meeting this afternoon and in previous meetings also and comes with a recommendation from the committee for approval.

Chairman Page also noted that the issue of the Electric Power Board entering into the fiber optics business had been in committee two times and was heard in the Legal and Legislative Committee again today; that this was not a public hearing tonight even though there might be some who would want to speak.

Attorney Nelson added that there had to be 2/3rds vote on this or unanimous approval by six councilmen.

Chairman Page noted that the Council had been unanimous in their vote for it at the end of the Legal and Legislative Committee meeting; that anyone would be welcome to stay until the end of the meeting to present more information.

Councilwoman Robinson noted two additional things that went into the decision-making process—the Electric Power Board had sent out letters to all of their customers and the Electric Power Board meeting of their Board was open to the public, as well; there was ample opportunity for good input.

Councilman Benson agreed that this had been thoroughly discussed, adding that he thought this was just the first reading. It was pointed out to Councilman Benson that this is a Resolution and not an Ordinance that would require second reading.

Councilwoman Bennett added that the Council had received a letter from the Chattanooga Technology Council that encouraged the Council to move forward. She noted that this Council is an independent, non-profit organization, and it was good to have such a neutral body to weigh in and that the Council appreciated this.

Chairman Page stated that this was exciting for the City of Chattanooga, noting that we appreciated Comcast and AT&T and wanted this to be an open market.

EPB/SERVICES (CONT'D)

On motion of Councilman Benson, seconded by Councilwoman Bennett,
**A RESOLUTION OF THE CITY OF CHATTANOOGA,
TENNESSEE, APPROVING AND AUTHORIZING THE
ELECTRIC POWER BOARD OF CHATTANOOGA TO PROVIDE
CERTAIN ADDITIONAL SERVICES**
was adopted.

REZONING

2007-137 (Phillip Mucci)

At this point Councilwoman Gaines moved that this Ordinance be moved forward on the Agenda. This was seconded by Councilwoman Rutherford.

Councilwoman Gaines asked that Justin Steinmann of RPA address the Council.

Mr. Steinmann stated that they were asking for this case to be deferred, and he would give the reason for this; that this area had been downzoned from R-2 to R-1; however this was one of the cases that we did not have specific language to support the rezoning that would allow us to make a determination case by case without it being considered "spot zoning"; that the neighborhood, the Planning Staff and Councilwoman Gaines agreed that the renovation of this duplex would be beneficial. He explained that they were working on a Special Permit process that would allow select R-2 requests to apply for a Special Permit in an R-1 Zone, and they were working on the language, and this should be ready by November 27th. He noted that this would not apply to new structures but to facilities that would be an asset to the neighborhood.

REZONING (CONT'D)

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AT THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1507 KIRBY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE
was deferred for 60 days or until November 27th.

**BUDGET ORD. AMEND./
INTER.SEWER SYSTEM**

On motion of Councilman Rico, seconded by Councilwoman Bennett,
AN ORDINANCE TO AMEND ORDINANCE NO. 11994, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FISCAL YEAR 2007-2008 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, AND ENDING JUNE 30, 2008, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES SO AS TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-15, 31-36, 31-37, 31-40, 31-41 AND 31-43
passed first reading.

CAPITAL BUDGET

Councilwoman Bennett stated that this was reviewed in committee today and comes with a recommendation.

CAPITAL BUDGET (CONT'D)

On motion of Councilwoman Bennett, seconded by Councilman Pierce,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR
ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS
BUDGET FOR THE FISCAL YEAR 2007-2008 TO AMEND THE
FISCAL YEAR 2007-2008 BUDGET ORDINANCE NO. 11944
AND TO AMEND THE FISCAL YEAR 2006 CAPITAL BUDGET
ORDINANCE NO. 11762**
passed first reading.

CLOSE & ABANDON

MR-2007-117 (Long Street, LLC)

On motion of Councilwoman Rutherford, seconded by Councilwoman
Robinson,
**AN ORDINANCE CLOSING AND ABANDONING THE 1000
BLOCK OF LINN STREET, THE 3000 BLOCK OF BROWN
STREET, AN UNOPENED ALLEY BEGINNING ON THE EAST
LINE OF THE 3000 BLOCK OF LONG STREET, AND AN
UNOPENED ALLEY BEGINNING ON THE NORTH LINE OF
THE 1000 BLOCK OF LINN STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**
passed first reading.

POLICE APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF
JOSEPH P. MILLER 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.

GRANT

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE IN THE AMOUNT OF ONE HUNDRED NINETY-EIGHT THOUSAND EIGHT HUNDRED THIRTY-SIX AND 85/100 DOLLARS (\$198,836.85) WHICH WILL BE USED TO PURCHASE ENFORCEMENT EQUIPMENT INCLUDING OVERTIME FOR BOTH DIRECTED ENFORCEMENT AND PHOTO ENFORCEMENT ACTIVITIES TO ASSIST IN THE CHATTANOOGA DRIVES SAFE CAMPAIGN

was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Bennett,

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE IN THE AMOUNT OF SEVENTY-FIVE THOUSAND ONE HUNDRED FIVE AND 62/100 DOLLARS (\$75,105.62) WHICH WILL BE USED TO PURCHASE EQUIPMENT AND TRAILER TO PERFORM ACTIVITIES RELATED TO ROADSIDE SOBRIETY ENFORCEMENT, INCLUDING OVERTIME

was adopted.

FUNDS ACCEPT.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT FUNDS FROM JOE V. WILLIAMS III PROPERTIES FOR RELOCATION OF TRAFFIC CONTROLLER RELATIVE TO CONTRACT NO. T-06-002, THE TWO WAY CONVERSION OF 25TH AND 26TH STREETS IN THE AMOUNT OF EIGHT HUNDRED NINETY-FOUR DOLLARS (\$894.00)

was adopted.

TEMP. USAGE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING AL SHIFLETT TO USE
TEMPORARILY THE 600 BLOCK OF CREST DRIVE TO
INSTALL A FENCE, AS SHOWN ON THE DRAWINGS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

TEMP. USAGE

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING KEN DEFOOR TO USE
TEMPORARILY PART OF SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
TH DRAWINGS ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, FOR PARKING AND INSTALLATION
OF DECORATIVE LIGHTING, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

TEMP. USAGE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING JOE PALMER TO USE
TEMPORARILY PART OF WEST 21ST STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE DRAWINGS ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, TO INSTALL A NEW STRUCTURE
USING THE EXISTING SLAB AND FOOTER, SUBJECT TO
CERTAIN CONDITIONS**
was adopted.

TEMP. USAGE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING ROBERT GENTRY TO USE
TEMPORARILY 200 WEST 2ND STREET TO INSTALL AN
EXTERIOR BENCH ON THE OUTSIDE OF THE BUILDING, AS
SHOWN ON THE DRAWINGS ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**
was adopted.

**MORATORIUM/
BUILDING PERMITS**

On motion of Councilwoman Bennett, seconded by Councilwoman
Robinson,
**A RESOLUTION DECLARING A MORATORIUM ON ISSUING
OF NEW BUILDING PERMITS EXEPT FOR SINGLE-FAMILY
DETACHED RESIDENTIAL STRUCTURES IN AN AREA
HEREIN BELOW DESCRIBED THROUGH OCTOBER 16, 2007**
was adopted, with Councilwoman Rutherford voting “no”.

**MORATORIUM/
ZONING REQUESTS**

On motion of Councilwoman Bennett, seconded by Councilwoman
Robinson,
**A RESOLUTION DECLARING A MORATORIUM ON
SELECTED REZONING REQUESTS IN AN AREA HEREIN
BELOW DESCRIBED THROUGH JANUARY 30, 2008**
was adopted, with Councilwoman Rutherford voting “no”.

SURPLUS

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING CONVEYANCE OF THE SOUTHERN UNOPENED RIGHT-OF-WAY PORTION OF THE 500 BLOCK OF EAST 4TH STREET AND THE EAST UNOPENED RIGHT-OF-WAY PORTION OF THE 400 BLOCK OF GEORGIA AVENUE AS REFERENCED IN CASE NO. MR-2007-118, TAX MAP NO. 135M-H-005, TO RIVER VIEW OF TENNESSEE, LLC AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A QUITCLAIM DEED TO FACILITATE SAID CONVEYANCE

was adopted, with Councilwoman Robinson abstaining.

OVERTIME

Overtime for the week ending September 21, 2007, totaled \$8,560.91.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **BRIAN GILLIAM**—Promotion to Plant Operator, Sr., Pay Grade 12/1, \$29,277.00 annually, effective 9/13/07.
- **DAVID L. WHITE** -Demotion/Transfer to Equipment Operator, Sr., Pay Grade 8/11, \$39,815.00 annually, effective 9/21/07.
- **BOBBY G. CRUTCHER**—Two Days Suspension without pay for Crew Worker, effective 9/06—9/07-07.
- **ALONZO C. LEWIS**—Return from FMLA of Equipment Operator, Sr., effective 9/10/07.
- **DENNIS MARSHALL**—8 Days Suspension without pay for Crew Worker, Sr., effective 9/12—9/25/07.

PERSONNEL (CONT'D):

- **ANTHONY D. SPEARS**—Two days suspension without pay for Crew Worker, effective 9/17-9/18/07.
- **ARTHUR SANDS**—Five Days Suspension without pay for Equipment Operator, effective 9/21,9/24 thru 9/27/07.

CHATTANOOGA HUMAN SERVICES DEPT.:

- **JOAN DUKE**—Resignation of Clerk III, effective 9/3/07.

CHATTANOOGA POLICE DEPT.:

- **PAUL MOUNT**—Resignation of Police Cadet, effective 9/14/07.
- **EDWARD BENCOSME**—Resignation of Communications Officer, effective 9/19/07.
- **ERIC JONES**—Military Leave for Police Officer, effective 9/20—11/30/07.
- **MIKE MATHIS & KEN NEBLETTE**—Promotion to Captain, Pay Grade 4/6, \$60,868.00 annually, effective 9/28/07.
- **KIRK EDISON**—Promotion to Lieutenant, Grade 3/7, \$56,251.00 annually, effective 9/28/07.
- **KIM NOORBERGEN**—Promotion to Lieutenant, Grade 3/5, \$51,969.00 annually, effective 9/28/07.
- **ERIC TUCKER**—Promotion to Lieutenant, Grade 3/4, \$49,827.00 annually, effective 9/28/07.
- **WILMA BROOKS**—Promotion to Sergeant, Grade 2/4, \$43,605.00 annually, effective 9/28/07.
- **JONATHAN BRYANT**—Promotion to Sergeant, Grade 2/3, \$41,734.00 annually, effective 9/28/07.

PERSONNEL (CONT'D)

- **PONDA FOSTER, TOMMY MEEKS & WILLIAM PHILLIPS**—Promotion to Sergeant, Grade 2/5, \$45,475.00 annually, effective 9/28/07.
- **TODD ROYAL**—Promotion to Sergeant, Grade 2/2, \$39,863.00 annually, effective 9/28/07.

Councilman Benson referred to the list of promotions, stating that he was pleased to see a lieutenant and captain who had served under Chief Williams being promoted—that they were fine leaders and officers, and he thought this spoke well for Administration and the Police Dept.

EMERGENCY PURCHASE

An emergency purchase for glass panel replacement on the Holmberg Bridge, Requisition R0102665 for the Parks and Recreation Department from Ross Glass & Aluminum, LLC, in the amount of \$22,627.00, was duly signed in open meeting.

HOTEL PERMITS

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett, the following Hotel Permits were approved:

ECONO LODGE—7421 Bonny Oaks Dr., Chattanooga, TN

GUEST HOUSE INN—2201 Park Drive, Chattanooga, TN

HAMILTON INN—2717 Rossville Blvd., Chattanooga, TN

HOMWOOD SUITES BY HILTON—2250 Center St., Chattanooga, TN

NORTHSIDE MOTEL—442 Cherokee Blvd., Chattanooga, TN

RAMADA LTD.—2361 Shallowford Village Drive, Chattanooga, TN

SUPER 8 MOTEL—5111 Hunter Road, Chattanooga, TN

PURCHASE

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

TENNESSEE FIRE EQUIPMENT (Only bidder meeting specs.)
Requisition R0100644/B0004363

Firefighters' Protective Equipment—12 month contract

\$24,600.00

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett, the following purchase was approved for use by the Chattanooga Police Dept.:

ALL VENDORS MEETING QUALIFICATIONS (BLANKET CONTRACT)
RFQ/R0012424 (See Minute Material for Individual Vendors)

12 Month Contract for Spay & Neuter Services

REFUND

On motion of Councilwoman Bennett, seconded by Councilman Benson, the Administrator of Finance was authorized to make the following refund due to amended report from TMA Post Audit:

PMA HOSPITALITY GROUP dba SUPER 8 MOTEL--\$3,756.46.

BOARD APPOINTMENT

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following Board appointment was approved:

HOSPITAL AUTHORITY BOARD

- Appointment of **Kim White** to fill the unexpired term of Gene Roberts, for a term expiring **November 1, 2009**.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchase was approved for use by the General Services Dept.:

COYNE TEXTILE SERVICE (Lowest Overall bid meeting specs.)
Requisition R0101351/B0004392

Floor Mats, Shop Towels and Dust Mops for the Building Maintenance Division

\$17,453.40

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for use by the General Services Dept.:

EASTGATE CAR WASH, FINISH LINE CAR WASH & PLAZA CAR WASH
(Multiple Contracts that meet specs.)
Requisition R0102100/B0004449

Annual Blanket Contract to cover car wash services for fleet automobiles and light trucks—12 Month Contract

(See Minute material for pricing)

Councilwoman Gaines inquired of Mr. Page if this was an annual contract and wanted to know the initial bid price of the minimum contract. She was told \$56,960.

DISTRICT 6/
REPRESENTATION

Councilman Pierce stated that at this point he would ask that the City Attorney prepare a list of charges concerning District 6 Representative, Councilwoman Marti Rutherford, in order for the Council to be able to proceed on determining the eligibility of Councilwoman Rutherford; that it is now time for action by the Council; that between now and next week, the Council will approve the list and pass it on to Councilwoman Rutherford and/or her attorney. After this has been accomplished, the Council will then be asked to set a date for a hearing, and Councilwoman Rutherford's attorney can defend her. **Councilman Pierce made this in the form of a motion. This was seconded by Councilman Rico.**

Councilman Benson remarked that he did not know about this action; that the Council had received a report from the City Attorney today around 3:30 P.M., and he had only had a chance to read through it and not as well as he wanted to; that Attorney Nelson had reported clearly that evidence was irrefutable—that Councilwoman Rutherford was not eligible to serve at Councilperson for District 6. He went on to say that the Council does not have discretionary powers if that is what Councilman Pierce is asking for and asked that Councilman Pierce summarize his motion as it was a pretty long one, stating that he wanted to know the purpose of this action.

Councilman Pierce responded that the Council has discretion as it relates to Councilwoman Rutherford's eligibility; that in light of how long the lawsuit will take, that he felt it was mandatory that the Council take action at this time; that he had talked to the City Attorney, and the Council does have this right; that if Councilman Benson wanted further clarification, that he could address the City Attorney.

Councilman Benson responded that he would ask Attorney Nelson—that he did spell out “ouster” proceedings; that if the Council takes this action, since Councilwoman Rutherford has brought forth a Declaratory Judgment suit in Circuit Court before City Attorney Nelson filed his suit—if the Council does this, would we be in a better position to obey the law as it is written?

DIST.6 REPRESENTATION
(CONT'D)

Attorney Nelson explained that the City Charter states that the Council can judge eligibility of its members in addition to Tennessee State Law under which these two complaints are filed; that the Council has quasi-judicial powers as well as legislative; that Councilman Pierce is invoking the quasi-judicial powers of the Council.

Councilman Benson wanted to know what the next step would be?

Attorney Nelson explained that he would draft charges to be approved by the Council and Councilwoman Rutherford would be given an opportunity to refute the charges as to the eligibility for termination.

Councilwoman Bennett stated that she had to ask a question and did not know quite how to phrase it; that if we follow the course of action that Councilman Pierce has suggested, will it slow down or complicate what has already been legally done by Attorney Nelson? She also had a question as to the format of the hearing.

Attorney Nelson responded that it would be much like the hearings for City employees.

Councilwoman Bennett wanted to know if this course of action would help or hurt what Attorney Nelson is doing?

Attorney Nelson responded that this issue could be different from either Court; that under the process that he had filed, a burden of proof must exist that exceeds what the Council would need to find—that this was all he could say.

Councilwoman Bennett pointed out that the Council had received a lot of information in the document that Attorney Nelson had provided; that normally with employee public hearings, the Council does not see information prior to the public hearing; that she wanted to make sure we go in a direction that will be fair and objective.

Attorney Nelson stated that he did not understand her question or concern.

DIST. 6 REPRESENTATION
(CONT'D)

Councilwoman Bennett clarified that with employee public hearings, the Council receives little information on the case; that this is an issue where the Council had already received information that Attorney Nelson had filed, and the Council was privy to a lot of information before in this scenario; that she just wanted to make sure that the hearing would be fair.

Attorney Nelson responded that he would have to recuse himself from advising the Council—that he could not fill both roles; that normally a Department presents charges against an employee; that in this case, the burden is on the Council and to that extent, they do know in advance what is going on. He stated that he did not know if this would be a problem.

Councilman Benson stated that from what he read today, that Attorney Nelson's ouster proceedings were filed in Chancery Court, which would be followed by a petition to Circuit Court for a Declaratory Judgment by Councilwoman Rutherford's attorney; that it seemed to him that Attorney Nelson was telling him that his case was "de jure".

Attorney Nelson explained that the Council could act in a quasi-judicial manner, and the Council may or may not determine that Councilwoman Rutherford is eligible.

Councilman Pierce stated that the Council was asking the City Attorney to prepare a list and hopefully the Council could move forward; that we were just taking the first step at this time.

Chairman Page stated that his understanding was that Attorney Nelson is to prepare a list of ineligibility issues that the Council can pursue.

Councilman Pierce added that the Council would look at the list and decide whether or not they wanted to pursue the issue.

Councilwoman Robinson stated that it seemed we already possessed this list in the document that Attorney Nelson had filed with Chancery Court.

Attorney Nelson agreed that he anticipated that the list would be very similar.

DIST. 6 REPRESENTATION
(CONT'D)

Councilwoman Gaines added that she thought the Council was making a motion to take some information and revert back to the Charter as it relates to eligibility.

The foregoing motion that was made by Councilman Pierce and seconded by Councilman Rico was approved by the Council with Councilwoman Rutherford voting “no”.

COMMITTEES

In the absence of Councilman Franklin, Councilwoman Gaines, on his behalf, scheduled a meeting of the **Economic Development Committee to be held Tuesday, October 2nd immediately following the Public Works Committee meeting.**

Councilwoman Bennett inquired as to when the next **Budget, Finance & Personnel Committee meeting** is set and was told **Tuesday, October 16th, immediately following the Public Works Committee meeting.**

Councilman Rico reminded members of the **Public Works Committee meeting scheduled for Tuesday, October 2nd at 3:00 P.M.** He also mentioned a District 7 meeting to be held at **Chattanooga Christian School on Thursday, September 27th at 5:30 P.M.**

LEE TRIPP

Mr. Lee Tripp, a member of the Cedar Hill Community Group and Court Watch, addressed the Council. He wanted to commend them for voting for the fiber optic system for EPB. He stated that he thought they had no idea of what a “history-making” event this was—that it was like putting a man on the moon! He added that in regards to Court Watch that it would speed up information, and they could share with the DA’s a simple thing like immediate information. He mentioned a situation where seven prostitutes were in Court, and it took awhile to charge them on site but with fiber optics it could be done immediately and would not take up court time. He again commended the Council for voting on this.

JEFF BERNTSEN

Mr. Berntsen, with Local 205 S.E.I.U., addressed the Council. He stated that he thought everyone was aware of things that happened at the last Council meeting; that Mr. West had a discussion with the Council concerning Councilwoman Rutherford and also Councilman Rico. He stated that he would like to give the Union's stand on this—that Mr. West had received a written reprimand from Mr. Leach—that the Union's take on this is that Mr. West was exercising freedom of speech—that this cannot go in front of the Council because Mr. West was not demoted; that the accusation that he made a verbal attack against Councilwoman Rutherford is not true—that if Mr. West lived in Georgia, he would be fired, and this was a true statement; that he said she should step down.

As for Councilman Rico, that everyone knew what happened with the Budget and Councilman Rico contended that things he said were taken out of context; that Public Works' people were upset because of some of the things that were said when they were present—that Mr. West was not representing Public Works and had an opinion and has a right to his opinion; that if it were something good, Councilman Rico would be welcome at Public Works and would not be censored.

He went on to say that he had a complaint about the grievance being filed and knew the Council could not rule on this; that Mr. West had been called to Mr. Leach's office and was told he could not talk like that; that he was then called back to the office and given a written notice; that he felt Mr. West had been wronged, and this was against his First Amendment rights.

Councilwoman Rutherford stated that she had issued no complaint about his remarks; that the reprimand was made without her knowledge.

Councilwoman Gaines asked Mr. Berntsen if he had shared this document with the Mayor.

Mr. Berntsen responded that his next step was to go to the Mayor and Mr. Leach—that he had an appointment.

Councilman Rico stated that he had nothing to do with this either; that he believed that a man had a right to talk and as an elected official, we take the shots.

JEFF BERNTSEN (CONT'D)

Councilman Benson mentioned the heat and emotionalism over the Budget, stating that it was tough, but we needed to put this thing to rest and go on about our business; that nothing was said about exercising the right to speak; that people had a right to speak as it relates to the Council's responsibility. He stated that he was sorry this happened and asked Mr. West "to put this to bed".

Councilwoman Gaines stated that she would repeat how important it is to send the Mayor a copy of this document.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga City Council until Tuesday, October 2nd, 2007 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)**