

**City Council Building
Chattanooga, Tennessee
July 22, 2008
6:00 p.m.**

Chairman Bennett called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gaines, Page, Pierce, Rico, Robinson and Shockley 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 Shockley, followed by invocation.

MINUTE APPROVAL

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

**CAPITAL BUDGET/
SOUTHSIDE PARKING GAR.**

On motion of Councilman Rico, seconded by Councilwoman Berz.

**AN ORDINANCE TO AMEND ORDINANCE NO. 12024
ENTITLED "AN ORDINANCE APPROPRIATING,
AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL
IMPROVEMENTS BUDGET FOR THE FISCAL YEAR
2007/2008" TO PROVIDE FOR THE APPROPRIATION FROM
THE SOUTHSIDE PARKING GARAGE FUND FOR THE
RENOVATION OF THE SOUTHSIDE PARKING GARAGE**

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

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, TO AMEND SECTIONS 2-643 AND 2-644 KNOWN
AS THE HUMAN SERVICES ORDINANCE**
passed second and final reading and was signed in open meeting.

TEMP. R-O-W- USAGE

Councilwoman Robinson stated that she would like for this to be deferred; that after this was discussed earlier in committee meeting, she had received several phone calls from people in the neighborhood, and she needed a better understanding of what is going on; that some are saying the right-of-way has been abandoned but is still a right-of-way and might have some impact on adjoining parcels; that there needs to be further discussion, and this should be deferred for two weeks.

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

**A RESOLUTION AUTHORIZING TODD McCAIN TO USE
TEMPORARILY THE RIGHT-OF-WAY AT MANCHESTER
AVENUES AND GLENN ROAD TO INSTALL A BACK
ENTRANCE AT THE PROPERTY, AS SHOWN ON THE
DRAWING ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
will be deferred for two weeks.

COPS GRANT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT THE COPS FY 2008 TECHNOLOGY PROGRAM (TECH) GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) IN WASHINGTON, D.C. FOR A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED THIRTY-ONE THOUSAND THREE HUNDRED TWENTY-EIGHT DOLLARS (\$631,328.00), FOR A THREE YEAR PERIOD, WITH NO LOCAL MATCHING FUNDS REQUIRED. THE CITY OF CHATTANOOGA WOULD BE ABLE TO OBTAIN ABOUT 366 AIR CARDS AND LICENSES TO BE USED WITH THE LAPTOP COMPUTERS TO COMMUNICATE FIELD REPORTS, ETC. AT A FASTER TRANSMISSION RATE WHILE NOT DISRUPTING 800 MEGAHERTZ RADIO CONTACT. THIS PROGRAM WILL BE IDENTIFIED AS THE "WIRELESS PROJECT".

was adopted.

EDWARD BYRNE
GRANT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT THE 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., IN AN AMOUNT NOT TO EXCEED SIXTY-THREE THOUSAND NINE HUNDRED SIXTY DOLLARS (\$63,960.00), FOR A THREE (3) YEAR PERIOD, WITH NO LOCAL MATCHING FUNDS REQUIRED, WITH THE CITY RECEIVING FIFTY THOUSAND SEVENTEEN DOLLARS (\$50,017.00) AND HAMILTON COUNTY, TENNESSEE, RECEIVING THIRTEEN THOUSAND AND NINE HUNDRED FORTY-THREE DOLLARS (\$13,943.00)

was adopted.

HUD GRANT

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A PARTNERSHIP WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) TO APPLY FOR AND ACCEPT A FEDERAL HOUSING AND URBAN DEVELOPMENT (HUD) GRANT IN AN AMOUNT UP TO SIX HUNDRED SIXTY THOUSAND DOLLARS (\$660,000.00) TO ELIMINATE LEAD HAZARDS IN SELECTED HOMES OCCUPIED BY LOW-TO-MODERATE INCOME RESIDENTS, WHICH GRANT REQUIRES NO LOCAL MATCHING FUNDS

was adopted.

TICKETS DONATION

On motion of Councilman Shockley, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO DONATE FREE CAROUSEL TICKETS TO THE CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY IN SUPPORT OF ITS SUMMER READING PROGRAM TO BE GIVEN TO ALL YOUNG READERS WHO COMPLETE THEIR READING GOALS

was adopted.

URBAN FORESTRY GRANT

On motion of Councilman Shockley, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, ACCEPT AN URBAN AND COMMUNITY FORESTRY ASSISTANCE PROGRAM GRANT FROM THE TENNESSEE AGRICULTURAL ENHANCEMENT PROGRAM THROUGH THE TENNESSEE DIVISION OF FORESTRY IN AN AMOUNT UP TO AND INCLUDING TWENTY THOUSAND DOLLARS (\$20,000.00)

was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE CHATTANOOGA
DOWNTOWN REDEVELOPMENT CORPORATION (“CDRC”)
MAY ENTER INTO A CONTRACT WITH TWH ARCHITECTS
FOR ARCHITECTURAL SERVICES RELATING TO REPAIR OF
THE PASSAGE AT A COST NOT TO EXCEED THE STATE FEE
SCHEDULE**
was adopted.

OVERTIME REPORT

Overtime for the period ending July 3, 2008, was reported in the amount of \$87,951.31. Overtime for the period ending July 10, 2008, was reported in the amount of \$14,094.49.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❖ **JIMMY L. YEARBY**—Family Medical Leave for Crew Worker, effective 7/7—8/25/08.
- ❖ **WELFORD M. SYDNOR, JR.**—Promotion to Equipment Operator 3, Range 8, \$31,021.00, effective 7/11/08.
- ❖ **DAVID F. DELANEY**—Return from FMLA, effective 7/14/08.
- ❖ **RAY HARRINGTON**—Promotion to Water Quality Technician 2, Range 14, \$43,292.62 annually, effective 5/23/08.
- ❖ **CARL WAYNE BOYD**—Promotion to Water Quality Technician 2, Range 14, \$43,292.62 annually, effective 5/23/08.
- ❖ **JAMES H. FRANCIS, JR.**—Family Medical Leave for Equipment Operator 4, effective 7/16/08—10/08/08.

PERSONNEL (CONT'D)

- ❖ **JACKSON H. BENNETT, JR.**—Promotion to Traffic Operations Manager, Range 24, \$58,000.00 annually, effective 6/30/08.
- ❖ **GENEAL LEWIS**—Family Medical Leave for Equipment Operator 3, effective 7/04/08—9/26/08.

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **MICHELLE TIMMONS**—Resignation of Police Officer, effective 7/18/08.

FINANCE/TREASURER'S OFFICE:

- ❖ **MELANIE EVERETT**—Return from FMLA, effective 7/21/08.

PERSONNEL DEPARTMENT:

- ❖ **STELLA RAYMER**—Resignation of Human Resource Generalist, effective 7/09/08.
- ❖ **LINDA MANNING**—Intermittent Leave of Absence of Executive Assistant, effective 6/01/08—8/31/08.

NEIGHBORHOOD SERVICES:

- ❖ **DENNIS TATE**—Termination of Neighborhood Relations Specialist, effective 7/1/08.
- ❖ **DARIUS SWOOPE**—Resignation of Project Specialist, effective 7/31/08.

PURCHASE

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchase was approved for use by the Department of Public Works:

ACCELA, INC. (Single Source Purchase Requisition R0111576)

Software Maintenance

\$34,182.00

REFUND

On motion of Councilwoman Gaines, seconded by Councilman Page, the City Finance Administrator was authorized to make the following refund of gross receipts tax:

KENCO GROUP INC. -- \$2,544.19

LIQUOR LICENSE

A Liquor License was granted to **Danny Keith Henry** d/b/a Henry's EZ Liquor, located at **5012 Highway 58 N., Chattanooga, TN 37416** and was duly signed by five City Council members.

BOARD APPOINTMENTS

BEER AND WRECKER BOARD:

On motion of Councilman Benson, seconded by Councilman Page:

- ❖ Re-Appointment of **PHILLIP SALLEE**, term expiring **August 1, 2011**, representing District 4.

BD. APPOINTMENTS(CONT'D)

NORTH SHORE REVIEW BOARD:

On motion of Councilwoman Robinson, seconded by Councilman Pierce:

- ❖ Appointment of **CLIFFORD BETTS** to complete the unexpired three year term of **WILL WOMACK**, with term expiring **May 4, 2011**, representing District I.

Councilwoman Bennett expressed appreciation for the service of Mr. Womack, stating that he and his wife were moving away because of family reasons.

CITY ATTORNEY

Councilman Benson reminded the Council of the Personnel Hearing for **Lawrence Goodine** that is scheduled for **Monday, July 28th at 9:00 A.M.** Councilman Benson stated that this would be a very unusual hearing, and he thought the entire Council should serve. He stated that he did not want to serve if there would be only three panel members. The panel members presently are Councilpersons Bennett, Benson, Pierce, Rico, and Robinson. Councilman Benson maintained that one might see five members on the calendar but seeing five members actually present was a different thing.

Councilman Rico asked Councilman Benson if he only wanted four, with Councilman Benson retorting that if Councilman Rico was not on the panel that four would be okay! Councilman Benson emphasized that we need as many as possible—not just three members, with Councilman Rico stating that was prejudice.

City Attorney Nelson noted that presently Councilpersons Bennett, Benson, Pierce, Rico and Robinson are to serve on the panel.

Councilman Page indicated that he would try to be present but that he could not commit. Councilwoman Berz stated that she would not be able to serve because of Supreme Court training. Councilwoman Gaines indicated that she had a neighborhood conflict. Councilman Shockley agreed to serve.

Chairman Bennett urged all that could to be present, with Councilwoman Gaines stating that she would serve as an alternate.

VOLKSWAGEN INVOLVMENT

Chairman Bennett noted that a lot of people were still excited about the Volkswagen announcement and wanted to know what they could do and how they could be involved; that the Sister Cities Association and the Multicultural Affairs Office were particularly interested. She wanted to know if we had people to whom these people could send information and if would be Dan Johnson or Richard Beeland; that there was a lot of interest right now.

Mr. Johnson stated that they could send their information to the Mayor's Office, either he or Mr. Beeland, but he did not want job applications.

Chairman Bennett stated that there was a lot of energy and people wanting to serve and be in the information "loop"; that she would have them get in touch with Mr. Beeland.

MTAS MEETINGS

Chairman Bennett mentioned that we have reviewed some of the MTAS information concerning committees and also Charter Amendments; that she would send some items for discussion from MTAS to each Councilmember.

COMMITTEES

Councilman Benson reminded everyone of the **Legal and Legislative Committee meeting scheduled for Tuesday, July 29th at 3:00 p.m.** The items for discussion are the Wrecker Ordinance; Proposed Charter Amendments; the Internal Auditor Position; and Rules of the Council. Councilman Benson asked Attorney Nelson if he was ready with Charter Amendments. Attorney Nelson stated that the Council would have to tell him which amendments they would like.

Councilwoman Berz scheduled a meeting of the **Budget and Finance/Personnel Committee for Tuesday, July 29th immediately following the Education, Arts and Culture Committee.** The purpose of this meeting is to further discuss the Last Chance Agreement.

COMMITTEES (CONT'D)

Councilman Page reminded everyone of the **Economic Development Committee meeting on July 29th**. He explained that Mr. Joe Ferguson would be her to give a MAGLEV update; that he was scheduled to immediately follow the Education, Arts and Culture Committee but that he would like to be able to give Mr. Ferguson a time certain to be present—that this was not at Mr. Ferguson's request, but Councilman Page felt that it was just professional courtesy to let someone know when to be present. It was decided that this committee would convene at **4:15 P.M.**

Councilwoman Robinson reminded everyone of the **Education, Arts and Culture Committee meeting to immediately follow the Economic Development Committee on Tuesday, July 29th**. The purpose of this meeting is to discuss the Public Art Program.

STEPHEN WEST

Mr. West was present and addressed the Council regarding uniforms that the Council had passed for the Public Works Department. He presented a petition that had been signed by City Employees of City Wide Services and also had with him one of the shirts. He stated that they were trying to wear a different attire because it is so hot; that the uniform shirts are 100% polyester—they are hot and attract insects to them (such as bees). He agreed that the uniforms are good for safety, and the employees were not objecting to this—that they knew this was a uniform and good for safety, but they were complaining about the insects (particularly bees) and the shirts being hot. He stated that he had talked to Justin Holland and Adm. Leach and Mr. Templeton; that Justin had told him they had had no complaints so Mr. West had gotten a petition up that would show that it is a problem. He asked that they be able to just wear a vest for the summer, when the temperature is over 85 degrees; that the vests have holes in them where they can get air when they are working; that in the summertime (right now) they would like to be allowed to just wear the vests. He called attention to the gray shirt that he was wearing tonight, which everyone wore before the uniforms.

Chairman Bennett noted that the petition was being passed around among Councilmembers.

STEPHEN WEST (CONT'D)

Councilman Pierce questioned if this was something that the Council had jurisdiction over or if it were a Departmental problem?

Attorney Nelson responded that the Council does not dictate what anyone wears; that this was primarily a problem of management and Administration needed to address this; that the Council does not design uniforms for any city employees, which includes firemen and policemen.

Councilwoman Gaines asked that the Administrator of Public Works give some comments as to the way he feels about the uniform; that he could also have his supervisor come forward.

Adm. Leach stated that Mr. West approached him about the uniforms and that they had a good discussion; that he (Adm. Leach) was not out in the field and did not know the conditions; that we wanted to have a safe working environment. He went on to say that Mr. Templeton, the City Wide Services Director, had discussed this with the staff and employees and had also done research on this—that there are Class I and Class II requirements; that we could take a look at the petition and see who fits into these classes. He went on to say that these shirts are designed to “wick” away sweat, and he did not think they would be in jeopardy with bees because we do have bug repellent.

Mr. Templeton, City Wide Services Director, thanked the Council, stating that City Wide Services’ approach is high visibility and concern for the safety of each employee; that the shirts are made of micro-mesh material. In going over the petition, he noted that there were 42 signatures and out of the 42, 40 had checked a box stating whether their objections were because of the heat or insects; that 27 names on the list were in and out of air conditioning all day; that 10 names on the list were in air-conditioned vehicles all day long; that actually only 5 people were on the ground. He went on to say that one of the things about this shirt is that the employees wear another shirt under it, causing it not to “wick” the perspiration. He explained that these shirts were not designed to wear with another shirt. He added that BFI and Waste Management do this same thing for their workers.

STEPHEN WEST (CONT'D)

Councilman Benson asked Mr. Templeton if the City paid for these shirts and was told “yes”. He went on to say that one of the problems seemed to be insects—that the vest they were wanting to wear would attract insects also. He asked if the City was being asked to pay for these vests?

Mr. West responded that the City has the vests already, and they were not asking for them to buy vests; that the shirts are good, but while it is hot, they would like to be able to wear the vests because they have holes in them that give them air; that they wear 100% cotton shirts under the vests, which soak up water—that they just wanted to be able to wear the vests while it is so hot; that he had talked to Mr. Templeton and Mr. Leach and Mr. Leach had said that maybe they could do something about this but now he was saying they could not do anything about this; that they just wanted someone to be on their side when heat is involved and some people are allergic to bees.

Councilman Benson urged him to leave the bees out of the discussion because both the shirt and the vest would attract insects. Mr. West stated that they got more bee stings with the shirts than the vests.

Councilman Page stated that he would like to listen to Mr. Templeton.

Mr. Templeton stated that the vests do not meeting the ANSI standards for the tasks performed in the fields.

Councilman Page stated that never would he thought he would be overwhelmed by a problem with shirts in Public Works!

Mr. Templeton added that they encouraged frequent short breaks in extreme heat and even furnished Power Aid drinks; that they give advisory caution under extreme heat conditions and urge them to drink plenty of water and make sure no one has any problems; that they have worked in 100 degrees with no problems.

STEPHEN WEST (CONT'D)

Councilwoman Berz stated that obviously we are not supposed to dictate policy but that she would like to see the difference between the two (shirts and vests) in regards as to what standards they do or do not meet.

Mr. Templeton responded that the vests do not meet ANSI standards as it relates to safety.

Chairman Bennett stated that this is not a matter that the Council has any authority over; that it is not a matter of policy or finances; that the Council certainly cares, but the burden falls on Administration.

Adm. Leach noted that in looking at the documents that set standards, we have two classes—that Class I includes parking lot attendants and sidewalk management; that Class II includes a fairly long list of workers, and the activity for Class II requires this garment.

Chairman Bennett thanked Mr. West for bringing this to the Council's attention.

Adm. Leach added that Mr. West had been good to work with; that they might disagree on this issue but safety was paramount.

TODD McCAIN

Mr. McCain attempted to address the Council concerning his temporary usage that had been deferred for two weeks. He stated that he did not have a chance to speak before this was deferred.

Councilman Pierce questioned if we would have to listen to this again—that we had heard it in committee; that it had been deferred; and we would hear it all again in two weeks.

Chairman Bennett noted that he had had an opportunity to speak in committee, and the opposition had not had an opportunity to speak.

Mr. McCain stated that he had been told it was okay in committee and had gotten a “thumbs up” on this.

TODD McCAIN (CONT'D)

Chairman Bennett stated that there would be a proper time for this to come up; that in two weeks Mr. McCain would be allowed to present his application.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, July 29, 2008, 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)**