

**SPECIAL COUNCIL MEETING**  
**City Council Building**  
**Chattanooga, Tennessee**  
**February 23, 2010**  
**1:00 p.m.**

Chairman Benson called the special meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, Rico, Robinson and Scott present; Councilmen McGary and Murphy were not in attendance. City Attorney Michael McMahan and Council Clerk Carol O'Neal were also present.

**BONDS ISSUANCE**

Adm. Madison stated today's bonds were sold through competitive bid in the price of \$6,840,000.00 for bonds that are to finance a portion of the budget that was passed in FY 2010. She stated the Council might recall a couple months ago we sold in excess of \$40 million dollars in bonds to refinance a portion of the existing fund, as well as some governmental projects. She stated this piece was held out separately to take advantage of funding under the stimulus funding to allow us to issue tax exempt bonds for private activities, specifically in our case the Volkswagen project to honor our commit under the Memorandum of Understanding (MOU). She stated the \$6,840,000.00 specifically relates to funding that was authorized under the stimulus dollars to issue tax exempt bonds at a lower financing cost for activities that would otherwise be taxable funds.

At this point, Adm. Madison recognized Asst. Adm. Vickie Haley and Frieda Kitchen of the Finance Department for their hard work on this and wanted everyone to know how important their involvement was. She also acknowledged Lauren Lowe, Consultant with Public Financial Management, Inc., and Bond Counsel Craig Scully of Katten Muchin Rosenman LLP.

Adm. Madison stated that the rates are something the Council would be proud of; that the last three bond sales began at a lower and lower interest rate; that it has gone from 3.8 to 3.6 and is now at a 3.36 interest rate.

## BONDS ISSUANCE (Continued)

Chairman Benson asked if we are selling at that rate. Adm. Madison confirmed "we are selling at that rate".

Councilwoman Scott stated that she wanted to get a reaffirmation of where we are in regard to the obligations we had to Volkswagen that this is helping to satisfy. She asked if we think we have pretty much paid out or have a mechanism through this to meet our obligations for what our obligations are.

Adm. Madison stated as far as she is aware, based upon those items that are quantified in the MOU, this will cover all those costs. She stated there are some items under the MOU that puts responsibilities in place that are not necessarily quantified; that at this point she is not aware of any additional but there could be that possibility. She stated that her understanding is this Council and possibly Hamilton County has limited its local funds to \$40 million, which is \$20 million per share.

On motion of Councilwoman Robinson, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING SIX MILLION EIGHT HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$6,840,000.00) CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION BONDS, SERIES 2010C (RECOVERY ZONE FACILITY BONDS) AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO.**

was adopted.

## MEETING RECESS

Chairman Benson recessed the meeting of the Chattanooga Council until 6:00 p.m. tonight, Tuesday, February 23, 2010.

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

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
February 23, 2010  
6:00 P.M.**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, 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 Councilwoman Berz, followed by invocation.

**MINUTE APPROVAL**

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

**CANDLELIGHTERS  
COUNCILMAN GILBERT**

Councilman Gilbert came to the podium for this Special Presentation. He stated that on February 13<sup>th</sup>, they had “angels” who helped a young lady (who was present and in a wheelchair) by building a ramp. He recognized two of his neighbors, **Sarah Lott and Joe Seay**, who had looked for ways to help this young lady and came up with the “Candlelighters”, a non-profit organization that helps chronically ill kids. He went on to say that they have Golf Tournaments in order to raise money to help kids, and they had built a Ramp for this young lady. Councilman Gilbert stated that he wanted to honor these people today and called out the following names: **Wayne Walker**, affiliated with the Candlelighters and the Fraternal Order of Firefighters; **Kelly Simmons**, Fraternal Order of Firefighters; **Darrell Burt**, Fraternal Order of Firefighters; **James Spurling**, Chattanooga Firefighter; **Rusty Rymer**, Local 820; **Zachary Hodge**, Boy Scout; and **Jared Burt**, Boy Scout. Councilman Gilbert noted that the two Boy Scouts were kids and that meant a lot to him—kids helping kids; that this ramp was built on a very cold day. Certificates were presented to each of these people and were read by Councilman Gilbert. The angels for Washington Hills were Sarah Lott and Joe Seay.

Chairman Benson expressed his appreciation for these volunteers who had served, stating that volunteerism makes this country better.

**MEDALS OF HEROISM**  
**CHIEF RANDY PARKER**

Chief Parker was present to recognize firemen who had acted heroically at a recent tragic fire on Bonny Oaks Drive where two young children lost their lives. Those firemen who were recognized were **Nick Sewell** and Medals of Heroism were presented to **Josh Burchard, Rick Meier** (who was not able to attend) and **Darin Honeycutt**.

**ALBANIA DELEGATION**

Chairman Benson expressed his delight at having the Albania Delegation as our guests, stating that Mayor Littlefield would greet them to our city. Mayor Littlefield welcomed them and asked the delegation to come forward. The spokesperson for the group stated that they were pleased to be in Chattanooga and were having a three-week visit. There were seven members of the group. She noted that Albania was a small country and the people present were high level State representatives; that they had visited four other cities and their experience had been a great one. She thanked the City Council for recognizing them. Mayor Littlefield asked that she introduce each delegate. He then expressed our gratitude for sharing a few minutes with them, stating that he was pleased to have them here; that Chattanooga had become an international city, and we were glad to have these people here; that we had also had visitors from China this week—that it had been a very international week. Chairman Benson also expressed his thanks.

**AMEND BUDGET ORDINANCE**

On motion of Councilman McGary, seconded by Councilwoman Berz,

**AN ORDINANCE TO AMEND ORDINANCE NO. 12329,  
ENTITLED “AN ORDINANCE APPROPRIATING,  
AUTHORIZING OR ALLOCAING FUNDS TO THE CAPITAL  
IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2009/2010  
AND TO AMEND THE FISCAL YEAR 2009/2010 BUDGET  
ORDINANCE NO. 12288 AND TO AMEND THE 2008/2009  
CAPITAL BUDGET NO. 12161, “SO AS TO PROVIDE FOR  
CERTAIN CHANGES IN REVENUES IN SECTIONS 1 AND 3,  
AND PROVIDE FOR CERTAIN CHANGES IN APORPRIATIONS  
IN SECTION 4**

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

Chairman Benson explained that the following set of Ordinances were discussed in committee, and he welcomed all to attend these meetings.

**AMEND CITY CODE/  
SIGN PERMIT FEES**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 3, SECTION 3-7, RELATIVE TO SIGN  
PERMIT FEES**  
passed first reading.

**AMEND CITY CODE/  
BUILDING PERMITS**

Councilman Murphy explained that any fee changes pertaining to building construction needed to be amended to have an effective date of July 1, 2010; that he would make this same motion for amendment on every other Ordinance in respect to building and construction.

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 10, SECTIONS 10-3(f), 10-4 and 10-32,  
RELATIVE TO BUILDING PERMIT & OTHER FEES**  
was amended. On motion of Councilman Murphy, seconded by Councilman Rico, the Ordinance passed first reading.

**AMEND CITY CODE/  
ADULT ENTER. FEES  
& HOTEL FEES**

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 11, SECTION 11-190, RELATIVE TO HOTEL  
PERMIT FEES AND SECTIONS 11-429(a) and 11-431(b),  
RELATIVE TO ADULT ENTERTAINMENT LICENSE FEES**  
passed first reading.

**AMEND CITY CODE/  
ELECTRICAL FEES**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY  
CODE, CHAPTER 14, SECTION 14-15, RELATIVE TO  
ELECTRICAL PERMIT FEES**  
was amended to reflect the effective date of July 1, 2010. On motion of Councilman  
Murphy, seconded by Councilwoman Ladd, the Ordinance passed first reading.

**AMEND CITY CODE/  
FIRE DEPT. FEES**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 16, BY ADDING A NEW SECTION 16-29  
RELATIVE TO FEES FOR FIRE DEPARTMENT SERVICES**  
passed first reading.

**AMEND CITY CODE/  
VET FEES & LEAVES**

**Councilwoman Robinson made the motion that this Ordinance be passed. This was  
seconded by Councilman Rico.**

Councilwoman Scott was concerned about the issue of animal pick-up and stated that she  
could not vote tonight on this particular thing. She asked that this be deferred for one  
week.

**At this point, Councilwoman Robinson and Councilman Rico withdrew their  
previous motions.**

On motion of Councilwoman Scott, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY  
CODE, CHAPTER 18, SECTIONS 18-49(d) AND (e), RELATIVE  
TO GARBAGE SERVICE FEES FOR VETERINARY CLINICS  
AND TO AMEND SECTION 18-124, RELATIVE TO FEES FOR  
THE DUMPING BRUSH AND LEAVES, AND FEES FOR THE  
SALE OF WOOD CHIPS AND LEAF COMPOST**  
was deferred for two weeks, pending information from McKamey Animal Services.

**AMEND CITY CODE/  
GAS PERMIT FEES**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 19, SECTION 19-36(a), RELATIVE TO GAS  
PERMIT FEES**  
was amended to reflect the effective date of July 1, 2010. On motion of Councilman  
Murphy, seconded by Councilman Rico, the Ordinance passed first reading.

**AMEND CITY CODE/  
MECHANICAL PERMITS**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 22.5, SECTIONS 22.5-3(a) AND (f) RELATIVE  
TO MECHANICAL PERMIT FEES**  
was amended to reflect the effective date of July 1, 2010. On motion of Councilwoman  
Robinson, seconded by Councilman McGary, the Ordinance passed first reading.

**AMEND CITY CODE/  
VEHICLE FEES**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, SECTIONS 24-392, 24-393, AND 24-395,  
RELATIVE TO VEHICLE LICENSE FEES**  
**is to be deferred for two weeks.**

**AMEND CITY CODE/  
PARKING PERMITS**

Councilwoman Scott stated that she thought this was to be reviewed by John VanWinkle.  
Attorney McMahan noted that this fee would be raised to \$15.00 a day.

**AMEND CITY CODE/  
PARKING PERMITS  
(CONT'D)**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, SECTIONS 24-104, 24-330, AND 24-384,  
RELATIVE TO FEES FOR SPECIAL EVENTS PERMITS,  
TEMPORARY RESERVED COMMERCIAL PARKING PERMITS,  
AND SPECIAL PARKING PERMITS**

passed first reading with Councilman Murphy voting “no”.

**AMEND CITY CODE/  
PARKING FINES**

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, SECTION 24-304, RELATIVE TO  
PARKING FINES**

**is to be amended due to a typographical error.** On motion of Councilwoman Robinson, seconded by Councilwoman Ladd, this Ordinance passed first reading.

**AMEND CITY CODE/  
PLUMBING FEES**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 27, SECTIONS 27-3(a) AND 27-3(d),  
RELATIVE TO PLUMBING PERMIT FEES**

**is to be amended to reflect the effective date of July 1, 2010.** On motion of Councilwoman Robinson, seconded by Councilwoman Scott, the Ordinance passed First Reading.



**AMEND CITY CODE/  
MEMORIAL/TIVOLI**

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 2, ARTICLE VI, SECTIONS 585 AND 586,  
ESTABLISHING PRESERVATION FEES AND RENTAL FEES  
FOR USAGE OF THE SOLIDERS AND SAILORS MEMORIAL  
AUDITORIUM, TIVOLI THEATER AND COMMUNITY  
THEATER FACILITES**

passed first reading.

**AMEND CITY CODE/  
LANDFILL FEES**

On motion of Councilman Murphy, seconded by Councilwoman Scott,  
**AN ORDINANCE TO MANED PART II, CHATTANOOGA CITY  
CODE, CHAPTER 18, SECTION 18-123, RELATIVE TO  
LANDFILL FEES**

**will be deferred for two weeks due to setting different rates involving victims of crimes and no rational basis from the Staff.**

**MIKE PRICE**

Chairman Benson stated that before we left Ordinances, that Mike Price would like to clear up a matter. He called Mr. Price to the podium. Mr. Price stated that he was on the Blue Ribbon Committee, and he thought there had been an oversight—that he guessed the Council was sorry to have to see him again. He explained that this was in regards to a recommendation that came out of the Blue Ribbon Committee that fees be extended to March 1st; that because of timeline constraints, the Committee realized that they were not quite ready and recommended to the City Council that the fees be due June 1st; that the City Attorney says that this involves only credits, and this was not the Committee's intent—that the intent was no penalties or late fees until June 1<sup>st</sup> to allow time to get the correct amount in—that this could create a nightmare.

Attorney McMahan stated that if this was the Council's desire, he could bring an Ordinance next week to act on this. Chairman Benson verified that there would be no penalty charged until June 1<sup>st</sup>.

**On motion of Councilwoman Robinson, seconded by Councilman Gilbert, this was deemed to be reasonable and Attorney McMahan will prepare the Ordinance.**

**MIKE PRICE (CONT'D)**

Councilwoman Scott asked if the Council could get this information in time to read it before it is passed. Attorney McMahan stated that he would have this prepared by tomorrow.

Councilwoman Ladd stated that it was her understanding that the Council voted on a time to move the appeal process. She wanted to know if this still stood? Chairman Benson explained that everyone would appeal and the office would be flooded; that we needed to keep this in the realm of sincerity. Councilwoman Ladd asked if the original Ordinance still stood? Chairman Benson explained that we were asking for no penalty if paid by June 1<sup>st</sup>.

Councilwoman Berz stated that just as a point of clarification—that she agreed with Mr. Price but wanted to know from Ms. Madison if this meant that none of the fees were due until June 1st and there would be no penalty? Ms. Madison responded that the due date does not change, but we are giving a longer grace period. Councilwoman Berz wanted to know what this did to the revenue. Ms. Madison noted that it would impact the cash flow and Water Quality Fund. Councilwoman Berz wanted to know if it would affect our negotiations relative to a good faith Bond rating? Ms. Madison indicated that she thought we were okay with this.

Councilwoman Scott stated that she would like this Ordinance to be worded so that the common man and common woman could interpret it and that it be posted on the website; that she wanted to make sure that people understand, and she thought it would be helpful to have it on the website so that everything is clear; that she thought it was most important that people understood.

**AGREEMENT**

On motion of Councilman Gilbert, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH ALLIED MECHANICAL CONSTRUCTORS, LLC, TO INSTALL TWO (2) TEN (10) TON HEATING AND COOLING UNITS ON TOP OF THE WASHINGTON HILLS RECREATION CENTER BUILDING, IN AN AMOUNT NOT TO EXCEED FIFTY-ONE THOUSAND TWO HUNDRED SIXTY DOLLARS (\$51,260.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Murphy, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIC CITY AQUATIC CLUB TO RENT THE WARNER PARK SWIMMING POOL FOR PURPOSES OF PRACTICE, IN THE AMOUNT OF TWO THOUSAND DOLLARS (\$2,000.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIC CITY AQUATIC CLUB TO RENT THE WARNER PARK SWIMMING POOL FOR PURPOSES OF THE CHATTANOOGA INVITATIONAL SWIMMING MEET, IN THE AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**

was adopted.

**AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PERSONNEL TO ENTER INTO AN ADMINISTRATIVE SERVICES AGREEMENT WITH BLUE CROSS/BLUE SHIELD OF TENNESSEE RELATIVE TO INSURANCE BENEFITS OF CERTAIN RETIREES BEGINNING MARCH 1, 2010**

was adopted.

**U.S. CENSUS**

On motion of Councilman McGary, seconded by Councilman Gilbert,

**A RESOLUTION ENCOURAGING CHATTANOOGA RESIDENTS TO PARTICIPATE FULLY IN THE U.S. CENSUS 2010**

was adopted.

**OVERTIME**

Overtime for the week ending February 18, 2010, totaled \$17,789.61.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PARKS AND RECREATION DEPARTMENT:**

- ❖ **KEVIN AMOS**—Two Days Suspension without pay for Park Ranger, effective 2/10, 13/2010.
- ❖ **MICHAEL DOUGLAS**—Four Days Suspension without pay for Recreation Specialist, 2/2-5/2010.
- ❖ **MICHAEL DOUGLAS**—Termination of Recreation Specialist—effective 2/8/2010.
- ❖ **VICKY HICKS**—FMLA for Crew Worker 1, effective 2/15-5/10/2010.

**PUBLIC WORKS DEPARTMENT:**

- ❖ **MICHAEL SHANE BARGER**—Resignation of Equipment Operator, effective 2/24/10.
- ❖ **SUSAN A. GIDDENS**—Dismissal of Adm. Support Ass't, effective 2/12/10.
- ❖ **FRANK BALES**—Five Day Suspension without pay of Plant Operator 2, effective 2/12—18/2010.
- ❖ **FRANK BALES**—FMLA for Plant Operator 2, effective 1/24—2/2/2010.
- ❖ **MICHAEL GRAVETT**—Two Days Suspension without pay for Equipment Operator 5, effective 1/27—28/2010.
- ❖ **JESSE PENDERGRAPH**—Seven Days Suspension without pay for Equipment Operator 5, effective 2/1-9/2010.
- ❖ **RANDALL CARD**—Hire as Plans Review Specialist 2, Range 12, \$32,000 annually, effective 1/29/2010.
- ❖ **JERRY MARSHALL, JR.**—Resignation of Electrician 1, effective 2/18/10.

**PERSONNEL (CONT'D):**

**CHATTANOOGA POLICE DEPT.:**

- ❖ **HARRISON SANTIAGO**—Hire as Police Service Technician, Range 4, \$22,050.00 annually, effective 2/12/10.
- ❖ **REGINA GREER**—Voluntary Demotion to Police Records Technician, \$34,000.00 annually, effective 2/26/10.

**REFUNDS**

On motion of Councilman McGary, seconded by Councilwoman Ladd, the Finance Administrator was authorized to make the following refunds of water quality fees and/or property taxes:

<b>INTOWN SUITES GUNBARREL RD.</b>	\$4,101.37
<b>ARCADE, INC.</b>	\$14,690.93
<b>ARCADE, INC.</b>	\$ 2,012.97

**PURCHASES**

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchases were approved for use by the various departments:

**PUBLIC WORKS DEPARTMENT:**

**CHART ENERGY & CHEMICALS (Best Bid Meeting Specs)**  
**Requisition No. 21648**

Two Replacement Reversing Heat Exchangers

\$406,400.00

**ENVIRONMENTAL SYSTEM RESEARCH INSTITUTE, INC. (Single Source Purchase) Requisition No. 23014**

Blanket Contract for Software Maintenance

\$103,013.29

**PURCHASES (CONT'D)**

**GENERAL SERVICES DEPT.:**

**ARAMARK (Lowest Overall Bidder Meeting Specs.)**  
**Requisition R0127602**

Contract for Floor Mats, Shop Towels and Dust Mops

\$11,000 per year approximately

**CHATTANOOGA FIRE DEPT.:**

**MES (Lowest and Best Bid Meeting Specs.)**  
**Requisition R22846**

Rescue Rope and Equipment

\$14,470.72

**CHATTANOOGA POLICE DEPT.:**

**MOTOROLA, INC. OF KNOXVILLE, TN (Single Source Purchase)**  
**Requisition R23014**

Motorola Radios & Accessories

\$247,416.40

**HEARING:/**  
**MICHAEL DOUGLAS**

Attorney McMahan stated that he had just received the appeal for Michael Douglas, and he would bring it back next week.

**COUNCILMAN MURPHY**  
**FEE ADJUSTMENTS**

Councilman Murphy acknowledged that there were several fee adjustments that have been deferred for two weeks. One deals with McKamey Animal Center. He asked if it were the wish of the Council to deal with this in Legal and Legislative Committee two weeks from now or if the Council wanted to deal with it on an individual basis. If it is to be in committee, he would need to make sure that the relative people are present.

**COUNCILMAN MCGARY**  
**LOCAL PREFERENCE**

Councilman McGary thanked Councilman Murphy for putting the above item in committee. He went on to say that two weeks ago the Council dealt with the Local Preference Ordinance and needed more discussion; that he had talked to Paul Page to see what could be done in the Purchasing Manual; that Councilwoman Ladd had made a suggestion that it be in the Manual that Paul Page is updating; that we now have an Ordinance with 13 stipulations, and he had asked Mr. Page if he could place all 14 stipulations in the Manual, and Mr. Page said that this would be no problem. He stated that the proponents had been made aware of this, and they had no objection. He stated that he felt the opposition, also, would be satisfied; that there would not be an Ordinance, but it would be in the Purchasing Manual. He stated that this way, both sides would be appeased, and we would no longer have to bring this up and address it as a Council—that it would be in the Purchasing Manual. **Councilman McGary made the motion that we withdraw this Local Preference Ordinance and place all 14 items in the Purchasing Manual. This was seconded by Councilwoman Berz.**

Councilman Rico stated that he would need to look at the 14 items. He asked Councilman McGary if he had talked to Roger Tuder about this and Councilman McGary indicated that he had.

Mr. Tuder was present and approached the podium. He stated that his address was 1020 Westbridge Lane and that he worked with the Associated General Contractors (AGC). He stated that he was not sure about this; that he actually had not seen anything that Mr. Page has written; that in conversations in committee, we had talked about the language—“may” versus “shall”. He stated that he would prefer an opportunity to review Mr. Page’s language before his leadership would endorse this—that they needed to look at it and review it.

**LOCAL PREF. (CONT'D):**

Councilwoman Ladd stated that the one concern she had was acting on this tonight; that she would appreciate talking to the parties involved, and she did not see making a request here tonight and was hesitant; that she did not want anyone to feel slighted; that it is on the agenda next week and two of our Councilmembers will be absent; that it could be deferred so that all could have a chance to vote and would give an opportunity to see the wording in the manual. She suggested letting it run its course until next week.

Councilwoman Scott stated that her question was that she had seen parts of this and would like to read it in its entirety.

Councilman McGary stated that he was not talking about the proposed manual but the one that currently exists; that everyone bidding with the City has to be aware of the manual; that there is no new language—that it is the current Purchasing Manual, and the language is already in the manual and in the Ordinance; that all 14 items would be in the manual, and he did have a full copy of the manual.

Councilman Murphy stated that he did appreciate that two members would be out of town, and this thing has gone through twice by now, and he would not mind being done with it; however there are pros and cons, and people feel passionately about this, and it has been advertised for next week and that is when it should be and everyone should make sure they are here; that it was premature to deal with this tonight and drags us out even more.

Chairman Benson stated that we can defer this until next week, and it can come before us the following week—that it can be deferred or voted up or down.

Councilman McGary asked Mr. Tuder if it were not true that the individuals he represented did not want this to become an Ordinance? Mr. Tuder responded that it would present a challenge when they go outside the City, mentioning reciprocity. He told how the issue of the “coin flip” came up; that when two bids result in a “tie” bid they are talked about as being equivalent—that a “tie” is equal in value and if one is local and one out of the State; if both are in-state and are equal in value, then there could be a coin toss; that the language, as he read it, did not speak of a “tie” bid but an equivalent bid. Councilman McGary stated that his question remained “Did the organization that Mr. Tuder represented want to see Local Preference as an Ordinance?” Mr. Tuder responded “We are not in favor of this”.



**LOCAL PREFERENCE**  
**(CONT'D)**

Councilman McGary stated that he had made a motion that this not be a Local Preference Ordinance but attribute it to the Purchasing Operating Manual—that the Ordinance be dropped and this placed in the Manual.

Councilman Rico stated that this was advertised for next week, and it should go on as advertised.

Attorney McMahan stated that it would be subject to the Chairman's direction or ruling.

Chairman Benson stated that if it were subject to his ruling then he would say that it goes on the schedule for next week.

Councilman Gilbert stated that if it were deferred, he and Councilman McGary would have the opportunity to vote rather than it being voted up or down next week.

Councilwoman Berz stated that she was picking up where Councilwoman Ladd left off—that either way it goes, the full Council needs to be here to vote; that she would want it deferred for next week. Chairman Benson stated that it is not being deferred next week. Councilwoman Berz noted that the two who would defer it next week won't be there.

Councilman Rico stated "Let me say this—you two guys (Councilman McGary and Councilman Gilbert) knew you would not be here next week; that we could have voted it up or down last week, and it was voted to be deferred—that you knew you would not be here next week".

Chairman Benson stated that it would be on next week's agenda unless plans change.

**COMMITTEES**

Councilman Rico reminded everyone of the **Public Works Committee** scheduled to immediately follow the Agenda Meeting on **Tuesday, March 2<sup>nd</sup>**.

Councilman Murphy reminded everyone of the **Legal and Legislative Committee** to immediately follow the Public Works Committee on **Tuesday, March 2<sup>nd</sup>**.

Councilwoman Ladd announced that there would be a **Safety Committee meeting on Tuesday, March 9<sup>th</sup>, immediately following the Agenda Session** to hear the Police Report.

Councilman Gilbert scheduled a **Parks and Recreation Committee meeting for March 9<sup>th</sup> to follow the Legal and Legislative Committee.**

**NEXT WEEK'S AGENDA**

Chairman Benson stated that next week's agenda was discussed earlier this afternoon during the agenda session.

**MONTY BELL**

**Mr. Bell** approached the Council stating that he resided in Chattanooga; that his occupation was Professional Broadcast Journalist, but he was unemployed. He stated that back in July he submitted copies of a letter to everyone; that Councilwoman Berz and Robinson made a time to see him, but the meeting was postponed, and it was never rescheduled. He stated that he was speaking for the homeless here tonight—that it was very important; that he had just been released from one month's incarceration; that he had been a guest on the Pulse to discuss his homeless situation; that he was detained and incarcerated after that appearance, and he was not sure why. He stated that he was a victim of "Judge Shopping" and some horrendous things had occurred. He mentioned his project of holding the Chattanooga Elite to a Letter Grade; that during his incarceration, he was happy to see that Councilwoman Berz was aware, as was her daughter Jenni. He stated that Judge Shopping was a problem, and he also had a problem with the Police Department and attorneys. He again mentioned his incarceration and the interest of Councilwoman Berz and Councilman McGary. He stated that when he was incarcerated that he incurred horrific things and became infected with an illness because of being incarcerated in a horrendous and filthy place. He stated that he had tried to produce quality broadcasting and had affidavits of complaints.

At this time, Mr. Bell's time was up and Councilman Benson asked him to please get to his point—that if it were a problem with the County Workhouse, then he should go to the County. Mr. Bell responded that he was arrested by a City Officer. Councilman Benson explained that the City just borrows the Workhouse; that if it is a problem with the judges, he needs to go to the County. Mr. Bell still maintained that it was a City Police Officer who arrested him and used disgusting language. Councilman Benson suggested that Mr. Bell talk to the Police Captain that was present tonight and take his other concerns to the County. Mr. Bell stated that that was a great suggestion, but he wanted to make his position clear—that he was not here to discuss the workhouse. Chairman Benson reminded Mr. Bell that he had already exceeded his time limit and told him to talk to the Police Captain.

Councilman Murphy related to Mr. Bell that he had returned his call, and the people there were unable to find him.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, March 2<sup>nd</sup>, 2010 at 6:00 P.M.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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

