

**City Council Building  
Chattanooga, Tennessee  
September 21, 2010  
5:45 p.m. Special Meeting**

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

**BONDS**

Admin. Daisy Madison stated a month-or-so-ago a Resolution was presented to terminate what was felt necessary for the swaption, under which option came due October 1 which would impact the financial arrangement of the city with respect to the 2002 Industrial Development Board's (IDB) revenue bonds. She stated the swaption is an agreement entered into between the IDB, the CDRC and the city of Chattanooga as parties involved whereby Wachovia Bank, now Wells Fargo, gave slightly over \$3 million to the city to use to finance public works projects, specifically in this case was the River Pier garage; that in exchange Wachovia retained the option in October 2010 to exercise its right to enter into a swaption arrangement whereby the debit that was subject to the swaption, which was \$59.6 million dollars, would be forced into an available rate whereby the city would then pay the fixed rate debt. She stated they exercised that option a couple or three weeks ago in recognizing that should that happen the city would be in a situation where it would have much more experience than under a varied rate arrangement. She noted there is a \$15.6 million dollar termination fee.

Admin. Madison stated at the same time of terminating the swaption we refinanced the national amount of bonds associated with the swaption which is \$59.6 million dollars. She stated on yesterday, in working with the underwriters, we engaged in a negotiated bond sale; that Morgan-Keegan sold the bonds to reap the refinancing bonds in a par amount of \$66.9 million dollars at a premium of \$7.8 million dollars, for a total of \$74.8 million dollars and a true interest rate of 3.0137, which is about 50 basis points less than the last new money issued that the city issued a year ago. She stated the \$74.8 million dollars will be used to refinance the \$59.6 million dollars of 2000 bonds still outstanding and pay Wachovia (Wells Fargo) a \$15.6 million dollar termination fee.

## **BONDS (Continued)**

Councilwoman Scott stated that it appears to be a very difficult situation we are put in due to the circumstances that led to this; that it seems we have two personally unacceptable options; however, it is her thought in this case we need to rely on those individuals who have been consulted and have examined this issue with regard to the best possible result moneywise. She stated even though this \$15.6 million dollar termination fee is awful, for those that have done an analysis we need probably to go along with their recommendations noting she will be voting to accept this as written.

Councilman Benson asked if the swaption was made in 2000. Admin. Madison responded "2004".

Councilman Benson then stated David Eichenthal had the job at that time, to which Admin. Madison responded "correct".

Councilman Benson stated if the economy had not gone down it would not have been a bad deal back then; Admin. Madison responded "exactly".

Councilman Benson noted that he and Councilwoman Robinson were part of the vote at that time and it was a "gamble" back then. He stated unfortunately there is not a lot of money in the market and essentially that is what hurt this swaption situation.

Admin. Madison responded "right" and that is what made it not as attractive; that it leaves us at a break even (point).

Councilman Benson asked if the \$74.8 million is what we are talking about now. Admin. Madison stated \$74.8 million is not the par amount of bonds; that the par amount of bonds is \$67 million and about \$7.8 million in premiums.

Councilman Benson stated the termination amount was \$15.6, to which Admin. Madison responded "correct".

Councilman Benson stated we do not have any choice. Admin. Madison responded "not a more favorable choice".

At this point Councilman Benson called for the question.

**BONDS (Continued)**

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,  
**A RESOLUTION OF THE CITY OF CHATTANOOGA, TENNESSEE,  
APPROVING THE TERMS OF BONDS TO BE ISSUED BY THE INDUSTRIAL  
DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA; APPROVING  
THE TERMINATION OF A CERTAIN TRANSACTION UNDER THE MASTER  
AGREEMENT BETWEEN WACHOVIA BANK NATIONAL ASSOCIATION  
AND CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION  
OF THE CITY OF CHATTANOOGA, TENNESSEE; AND PAYING THE  
TERMINATION FEE RELATED THERETO AND AUTHORIZING CERTAIN  
ACTIONS RELATING THERETO**

Was adopted.

Following the adoption of the Resolution Admin. Madison recognized persons who worked on this: Fredia Kitchen, Director of Budget; Vickie Haley, Deputy City Finance Officer; Lauren Lowe Shelton, Financial Advisor with Public Financial Management out of Memphis; and Craig Scully of Katten Muchin Rosenman, LLP in New York. She stated a lot of staff assisted, as well as the City Attorney.

**MEETING RECESS**

Chairman Rico recessed the meeting of the Chattanooga Council until 6:00 p.m.

**City Council Building  
Chattanooga, Tennessee  
September 21, 2010  
6:00 p.m.**

Chairman Rico called the recessed meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance invocation was given by Councilman McGary.

### **MINUTE APPROVAL**

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

### **AMEND ZONING ORDINANCE**

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, DIVISION 10, MXU – MIXED USE  
ZONE, SECTION 38-133, AREA REQUIREMENTS, SUBSECTION (3)  
REGARDING THE MINIMUM LOT SIZE IN THE MXU MIXED USE ZONE**

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted “no”**.

### **REZONING**

**2010-111: Joseph L. Parks**

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PART OF A  
TRACT OF LAND LOCATED AT 3904 CUMMINGS ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO  
MXU MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

### AMEND ZONING ORDINANCE

On motion of Councilwoman Ladd, seconded by Councilwoman Scott,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-527 SPECIAL EXCEPTIONS FOR NIGHTCLUBS OR SIMILAR USES, TO IMPOSE A NINETY (90) DAY MORATORIUM ON THE GRANTING OF ANY SPECIAL PERMITS IN ORDER FOR THE COUNCIL TO DISCUSS SPECIAL CONDITIONS WHICH MAY BE IMPOSED ON USES UNDER THIS SECTION**

Passed first reading.

### AMEND RESOLUTION 26116

Councilwoman Scott explained for the benefit of the public that Resolutions (a) – (d) are related to the requirements to pay for the required closing and maintenance of a landfill, noting there is a lot of money that has to be spent on this which is a State requirement and asked Admin. Leach if she were correct. Admin. Lead responded “correct”.

Councilwoman Scott stated we have no control over that; that it is dictated to us.

On motion of Councilman Murphy, seconded by Councilwoman Berz,  
**A RESOLUTION AMENDING RESOLUTION NO. 26116 ADOPTED OCTOBER 20, 2009, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE NORTH HAWTHORNE/WOOD RECYCLING SOLID WASTE PROCESSING UNIT, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED THIRTY-TWO THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS (\$32,371.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY-NINE DOLLARS (\$32,759.00)”**

Was adopted.

### AMEND RESOLUTION 26114

Councilwoman Benson stated this money is not coming from the operating budget; that it is from the Enterprise Fund which is a part of the fees that are collected from the money for sewage.

**AMEND RESOLUTION 26114 (Continued)**

City Attorney McMahan clarified that it is for the landfill to which Councilman Benson stated it is part of the Enterprise Fund.

On motion of Councilwoman Ladd, seconded by Councilwoman Scott,  
**A RESOLUTION AMENDING RESOLUTION NO. 26114, ADOPTED OCTOBER 20, 2009. RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CAPPING OF BIRCHWOOD WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED SIX MILLION THREE HUNDRED ELEVEN THOUSAND NINE HUNDRED TWO DOLLARS (\$6,311,902.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED SIX MILLION THREE HUNDRED EIGHTY-THREE THOUSAND EIGHT HUNDRED TWO DOLLARS 9\$6,383,802.00)”**

Was adopted.

**AMEND RESOLUTION 26117**

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**A RESOLUTION AMENDING RESOLUTION NO. 26117, ADOPTED OCTOBER 20, 2009, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, LATERAL EXPANSION, AREA 3, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED SIX MILLION SEVEN HUNDRED TWELVE THOUSAND EIGHT HUNDRED TEN DOLLARS (\$6,712,810.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED SIX MILLION SEVEN HUNDRED NINETY-THREE THOUSAND THREE HUNDRED SIXTY-FOUR DOLLARS (\$6,793,364.00)”**

Was adopted.

**AMEND RESOLUTION 26115**

On motion of Councilwoman Ladd, seconded by Councilman Murphy,  
**A RESOLUTION AMENDING RESOLUTION 26115, ADOPTED OCTOBER 20, 2009, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE SUMMIT SANITARY LANDFILL WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED TWO MILLION EIGHT HUNDRED THIRTY-TWO THOUSAND SIX HUNDRED FIFTY-SEVEN DOLLARS (\$2,832,657.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED TWO MILLION SEVEN HUNDRED FIFTEEN THOUSAND SEVEN HUNDRED SEVENTY-THREE DOLLARS (\$2,715,773.00)”**

Was adopted.

**AD VALOREM TAXES**

**Councilman Murphy made the motion to move Resolutions (m) and (n) forward on the agenda; Councilman McGary seconded the motion; the motion carried.**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE IBI, LLC/APPLIED THERMAL COATINGS, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

Was adopted.

**AD VALOREM TAXES**

On motion of Councilwoman Robinson, seconded by Councilman McGary,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE WM. WRIGLEY JR. COMPANY PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

Was adopted; **Councilman Murphy abstained.**

**TEMPORARY USE**

On motion of Councilman McGary, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING DORRIS P. SHOBER ON BEHALF OF LUPI'S PIZZA PIES TO US TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 406 BROAD STREET FOR THE PLACEMENT OF A CANOPY OVER A PORTION OF THE RIGHT-OF-WAY AND TWO IRON BENCHES AND TWO FLOWER URNS, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

**CONTRACT**

On motion of Councilman McGary, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-09-002-203, CITY SIDEWALK CONTRACT-SOUTHSIDE AREA, TO INTEGRATED PROPERTIES, LLC, IN THE AMOUNT OF ELEVEN THOUSAND EIGHT HUNDRED TWENTY-FOUR AND 50/100 DOLLARS (\$11,824.50), WITH A CONTINGENCY AMOUNT OF ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00), FOR AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND TWENTY-FOUR AND 50/100 DOLLARS (\$13,024.50)**

Was adopted.

**CONTRACT**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-028-204, HAMILL ROAD IMPROVEMENTS - HIGHWAY 153 TO HIXSON PIKE, PHASE 4, TO BROWN BROTHERS, INC., IN THE AMOUNT OF FIVE HUNDRED NINE THOUSAND THIRTEEN DOLLARS (\$509,013.00), WITH A CONTINGENCY AMOUNT OF FIFTY-ONE THOUSAND DOLLARS (\$51,000.00), FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED SIXTY THOUSAND THIRTEEN DOLLARS (\$560,013.00)**

Was adopted.

**AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TRACK CONNECTION PROPOSAL LETTER AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR RAILROAD TRACT CONNECTION AND REALIGNMENT TO SERVICE ENTERPRISE SOUTH INDUSTRIAL PARK ON PROPERTY LOCATED BETWEEN NOAH REID ROAD AND ENTERPRISE SOUTH INDUSTRIAL PARK, AS SHOWN ON THE ATTACHED MAPS, AND JOINTLY OWNED BY THE CITY OF CHATTANOOGA AND HAMILTON COUNTY AND MANAGED BY THE HAMILTON COUNTY RAILROAD AUTHORITY**

Was adopted; **Councilwoman Berz abstained.**

**DECLARE SURPLUS/SALE AUTHORIZATION**

**MR-2010-129: City of Chattanooga c/o Dan Thornton**

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,

**A RESOLUTION DECLARING THE PROPERTY AS SURPLUS AND AUTHORIZING THE SALE OF EASTSIDE UTILITY DISTRICT FROM HAMILTON COUNTY AND THE CITY OF CHATTANOOGA, AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AND EXECUTE AN "OFFER TO PURCHASE," AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A DEED AND OTHER NECESSARY CLOSING DOCUMENTS CONVEYING SAID PROPERTY TO EASTSIDE UTILITY DISTRICT UPON PAYMENT OF THE SALE PRICE, LOCATED AT TRACT 20, ENTERPRISE SOUTH INDUSTRIAL PARK (ESIP), WHICH FRONTS HICKORY VALLEY ROAD, MORE PARTICULARLY DESCRIBED HEREIN**

Was adopted.

**AMEND AGREEMENT**

Councilwoman Scott explained that this is federal money and not (money) out of the general operational budget.

On motion of Councilwoman Robinson, seconded by Councilman Murphy,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AMEND THE AGREEMENT WITH GLOBAL IMPACT CONSTRUCTION SERVICES, INC. RELATIVE TO THE NEIGHBORHOOD STABILIZATION PROGRAM TO INCREASE THE CONTRACT AMOUNT BY FIFTEEN THOUSAND DOLLARS (\$15,000.00), FOR A REVISED TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00)**

Was adopted.

### AMEND AGREEMENT

Councilwoman Scott stated she would have to abstain on this vote.

On motion of Councilman Murphy, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AMEND THE AGREEMENT WITH CHATTANOOGA NEIGHBORHOOD ENTERPRISE RELATIVE TO CERTAIN NEIGHBORHOOD STABILIZATION PROGRAM ACTIVITIES TO INCREASE THE CONTRACT AMOUNT BY ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), FOR A REVISED TOTAL AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,370,000.00)**

Was adopted; **Councilwoman Scott abstained.**

### TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING RAECHEL CRUMLEY ON BEHALF OF BENCHMARK PHYSICAL THERAPY TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 8823 PRODUCTION LANE AT ITS INTERSECTION WITH MOUNTAIN VIEW ROAD FOR THE PLACEMENT OF SIGNAGE, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

### OVERTIME

Overtime for the week ending September 16, 2010 totaled \$4,833.17.

### PERSONNEL

The following personnel matters were reported for the various departments:

#### **PUBLIC WORKS DEPARTMENT:**

- **JEROME MARK WIGGINS** – Retirement, Crew Worker 3, City Wide Services, effective August 31, 2010.

### **PERSONNEL (Continued)**

- **ROBERT A. SAYLORS** – Resignation, Equipment Operator 5, City Wide Services, effective September 29, 2010.
- **LUTHER SULLIVAN** – Rehire, Equipment Operator 4, City Wide Services, Range 10, \$28,137.00 annually, effective September 3, 2010.
- **MICHAEL R. COMPTON, SR.** – Hire, Equipment Operator 4, City Wide Services, Range 10, \$28,137.00 annually, effective August 27, 2010.
- **MARC A. GUNTER** – Hire, Tree Trimmer, City Wide Services, Range 9, \$26,798.00 annually, effective September 7, 2010.
- **TIM BROOKS** – Suspension (30 days without pay), Equipment Operator 5, City Landfill, effective September 3 – October 1, 2010.
- **LISA GRASHAM** – Hire, Chemist, Moccasin Bend, Range 17, \$44,592.00 annually, effective August 13, 2010.
- **TOREY D. HICKS** – Resignation, Crew Worker 2, City Wide Services, effective September 17, 2010.
- **ANITA T. WARE** – Suspension (one day without pay), Administrative Support Assistant 1, City Wide Services, effective September 7, 2010.
- **ROBERT A. SMITH, JR.** – Reinstatement, Equipment Operator 3, City Wide Services, Range 8, \$23,298.28 annually, effective September 3, 2010.

### **PARKS AND RECREATION DEPARTMENT:**

- **ERIC SLEDGE** – Suspension (17 days without pay), Crew Worker 1 effective August 27 – September 20, 2010.
- **CYNTHIA A. GATES** – Resignation, Recreation Division Manager, effective September 14, 2010.
- **AHMAD WILLIS** – Voluntary Demotion, Recreation Specialist, Range 09, \$28,667.30 annually, effective September 17, 2010.

**PERSONNEL (Continued)**

**FINANCE DEPARTMENT:**

- **SCOTT MATSINGER** – Promotion, Accountant 2, Range 21, \$49,280.00 annually, effective August 27, 2010.

**CHATTANOOGA POLICE DEPARTMENT:**

- **EDWARD TINNEY** – Resignation, Police Officer, effective September 13, 2010.
- **ADAM JOHNSON, RANDALL S. PAULSEN** – Resignation, Police Cadet, effective September 14, 2010.
- **ROBERT CANTER** – Resignation, Police Cadet, effective September 15, 2010.

**PURCHASES**

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

**PUBLIC WORKS DEPARTMENT:**

**ECO-TECH, INC. (Best bid)**

**R31651**

Dezurik Plug Valves with Electric Operators

\$54,440.00

**QED ENVIRONMTNAL SYSTEMS (Lowest and best bid)**

**R32184**

Auto Pumps

\$82,851.40

**PURCHASES (Continued)**

**CHATTANOOGA FIRE DEPARTMENT:**

**BEELER IMPRESSION PRODUCTS (Lower and better bid)**  
**R32522/300550**

Mobile Resource Tracking Accountability System

\$31,632.83

**CHATTANOOGA HUMAN SERVICES DEPARTMENT:**

**EVATT CONSTRUCTION, INC. (Best and lowest bid)**  
**R31959**

Skilled Maintenance Labor

\$25,000.00 – Annual approximation

**HEARING: MICHAEL DOUGLAS**

City Attorney McMahan reminded Council members of the hearing for Michael Douglas scheduled for Monday, September 27, 2010 beginning at 4 p.m. with Councilmen Murphy (Chair), Ladd and Benson; Councilman Gilbert will serve as Alternate.

**BOARD APPOINTMENT**

**COUNCIL AUDIT COMMITTEE:**

Councilwoman Berz requested Council approval of the appointment of Henry A. Hoss to the Council Audit Committee to take the place of a retiring member.

On motion of Councilwoman Berz, seconded by Councilman Benson the appointment of **HENRY A. HOSS** was approved.

## COMMITTEES

Councilwoman Ladd stated **the Public Works Committee is scheduled to meet on Tuesday, September 28 immediately following the agenda session.**

Councilman Murphy announced that the Legal and Legislative Committee will not meet on Tuesday, September 28.

## NEXT WEEK'S AGENDA: SEPTEMBER 28, 2010

Chairman Rico stated the agenda for September 28, 2010 was discussed earlier during the Agenda Session.

## STONEY BURNS

**Stoney Burns** stated he was present last week and distributed paper work regarding his job as a former Firefighter and was told that the Council would get back with him this week.

Chairman Rico suggested that Mr. Burns would be better suited by speaking with Fire Chief Flint about this.

City Attorney McMahan stated if the Council wants more information Chief Flint is aware of the situation; that the matter does involve a health issue and is a HIPAA protected matter, noting that the Council should be careful about questions and responses. He reiterated that Chief Flint is familiar with this issue.

Mr. Burns expressed his thanks to the Council.

## ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, September 28, 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)**