

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
July 29, 2008**

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 Councilwoman Berz, followed by invocation.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION:
BARBY WILSON**

Chairman Bennett noted that we had a Special Presentation tonight and called on Councilman Benson.

Councilman Benson stated that in 2004 some of us, including the Mayor, had a vision and did not know how to bring it about. He asked Dan Alderman to come forward and also the Mayor, Dan Johnson, Marie Chinery, Anita Ebersole and all the others who were present in the interest of the McKamey Center to come to the podium and stand behind Dan at this time.

BARBY WILSON (CONT'D)

Mr. Alderman thanked the Council for their time, stating that McKamey Center had had a good month despite the controversy; that it had been a very positive time for them and also for the animals. He noted that it had been a “long” time getting here and had taken a lot of hard work and leadership, especially noting Councilman Benson, Mayor Littlefield, and Barby Wilson, stating that if it had not been for Barby, this would all have been just a dream—that Ms. Wilson had been referred to as a “Steel Magnolia”, and he thanked Ms. Wilson for her hard work and leadership.

Mayor Littlefield spoke next, stating that he could not say enough about Barby Wilson and the contributions she had made and wished to give her something of a permanent fashion that would tell people along the way of her many contributions; that it is something that we want to display in our wonderful facility that Ms. Wilson so singularly made happen. He mentioned that his son was in town this past weekend, and he took him by the McKamey Center Saturday and that he was amazed. At this point he presented a plaque to Barby that would be taken out to the McKamey Center to be displayed.

Chairman Bennett noted that Ms. Wilson’s friends had worked hard to surprise her.

Ms. Wilson thanked the Council for their tremendous support, stating that there was a group of dedicated people who would make sure that McKamey was the best it could be. She again thanked the Council for their time and support, stating that this was almost as good a day as when she got married!

MICHAEL DAVIS

Mayor Littlefield asked Michael Davis to come to the podium. He stated that Michael was going to leave us and go back to school and before he left, he wanted to present him with one of our Proclamations, which read as follows:

MICHAEL DAVIS (CONT'D)

WHEREAS: Michael Thomas Whitaker Davis of the neighboring Tar Heel State of North Carolina, came to Chattanooga in July, 2004, as a green, untested and unbroken cub reporter, and

WHEREAS: Being promoted to covering the Chattanooga City Council and more importantly, the Mayor's Office, has provided us all with electrifying dispatches from the political front on such subjects as zoning, taxi ordinances, board appointments, and animal control and has earned him distinction usually reserved for Pulitzer, and

WHEREAS: It was none other than his continuing series on the trials and tribulations of one misplaced councilmember, "The Marti Chronicles" which determined the entire fate of the City and endeared him to the city, and

WHEREAS: He observed, while covering the City Council committee meetings, that certain words such as "diabolical" long believed dead, are still alive and well and where it is allowed, but not encouraged, to shoot coyotes in the City of Chattanooga, and

WHEREAS: having conquered the rapidly shrinking field of newspaper journalism, he feels called to more inspiring and financially rewarding endeavors, and

WHEREAS: He has succumbed to the siren call of the dark side and wishes to become proficient in the ever expanding and highly lucrative field of public administration,

As Mayor of the City of Chattanooga, I do hereby proclaim this day, **July 29, 2008, as MICHAEL THOMAS DAVIS DAY**

And to fondly bid him fortune and fame with all his future endeavors.

Mr. Davis thanked the Mayor and stated that he had to get back to his reporting duties.

Councilman Pierce asked Mr. Davis if he was going to apologize to him about reporting his taxes and not attending committee meetings!

Chairman Bennett expressed enjoyment with working with Michael and wished him luck.

AMEND CITY CODE
VEHICLES FOR HIRE

Chairman Bennett noted that this had been added by Councilman Benson and asked if this was a revised Ordinance.

Councilman Benson stated that it was taken up in Legal and Legislative Committee and received a recommendation for approval.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY
CODE, CHAPTER 35, RELATIVE TO VEHICLES FOR HIRE**
passed first reading.

CLOSE & ABANDON

MR-2008-053 (Bob Franklin c/o Girl's Preparatory School)

Councilwoman Berz noted that the Ordinance contained "subject to certain conditions" and wanted to know what these conditions were, noting that there had been lots of discussion about this.

Chairman Bennett stated that she had received an e-mail from the Neighborhood saying that they were waiting on information from Engineering and did not expect this to be on the agenda tonight.

Councilman Page had moved that this be approved but changed his motion.

On motion of Councilman Page, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING THE 700
BLOCK OF FRAZIER AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was deferred for one week.

Councilman Rico stated that he thought one of the conditions was that GPS did not close the road off.

CLOSE & ABANDON(CONT'D)

Councilman Benson asked Mr. Leach if he recalled an arrangement we worked out concerning conditions of Cameron Hill, stating that the same application could be applied to GPS and give them the right to repair the road.

Adm. Leach responded that he was not familiar with Cameron Hill but that he would address Councilwoman Berz' question about conditions—this is retention of all utility easements and routing rights, in perpetuity, at the Utility's discretion. GPS would take possession of the right-of-way through an arrangement through the City Attorney's Office between GPS and the City, and the right-of-way would be passable. Adm. Leach stated that he was surprised at this discussion tonight.

Chairman Bennett stated that there had been a "disconnect" somewhere.

GRANT

On motion of Councilwoman Gaines, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF AWARDED, ACCEPT AN AQUATIC HABITAT PROTECTION PROGRAM GRANT FROM THE TENNESSEE WILDLIFE RESOURCES AGENCY (TWRA) IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR STREAM CLEAN-UP ACTIVITIES ALONG FRIARS BRANCH/SOUTH CHICKAMAUGA CREEK WATERSHED
was adopted.

CONTRACT

On motion of Councilman Page, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-06-006, NORTHPOINT BOULEVARD EXTENSION-PHASES 2 AND 3, TO STEIN CONSTRUCTION COMPANY, INC. IN AN AMOUNT NOT TO EXCEED TWO MILLION ONE HUNDRED NINETY-ONE THOUSAND TWO HUNDRED FIFTY-THREE AND 85/100 DOLLARS (\$2,191,253.85) SUBJECT TO AVAILABILITY FUND
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-04-008-201, LAKE HILLS INTERCEPTOR SEWER RELOCATION, TO HAREN CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF FOUR HUNDRED TEN THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$410,215.00), PLUS A CONTINGENCY AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$450,215.00)

was adopted.

CONTRACT

On motion of Councilman Page, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-028-201, HAMILL ROAD IMPROVEMENTS-HIGHWAY 153 TO HIXSON PIKE-PHASE 1, TO STEIN CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF FIVE HUNDRED EIGHTY-FIVE THOUSAND FIVE HUNDRED FORTY-FOUR AND 85/100 DOLLARS (\$585,544.85), PLUS A CONTINGENCY AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED FORTY-FIVE THOUSAND FORTY-FOUR AND 85/100 DOLLARS (\$645,544.85)

was adopted.

CONTRACT C.O.

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-06-012-201, MAIN STREET STREETScape PHASE I AND 2, WITH YERBEY CONCRETE CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINE THOUSAND FOUR HUNDRED TEN AND 59/100 DOLLARS (\$9,410.59), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED NINE THOUSAND FOUR HUNDRED TEN AND 59/100 DOLLARS (\$409,410.59)

was adopted.

CONTRACT C.O.

On motion of Councilman Page, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-07-014-201, 2007 CITY SIDEWALK REQUIREMENTS CONTRACT, WITH YERBEY CONCRETE CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWO THOUSAND SEVEN HUNDRED SIXTY THREE AND 65/100 DOLLARS (\$2,763.65) FOR A REVISED AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY SEVEN THOUSAND FIVE HUNDRED TWENTY-NINE AND 65/100 DOLLARS (\$267,529.65)

was adopted.

TEMPORARY USAGE

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING NANCY ADAMS (SOUTHERN STAR) TO USE TEMPORARILY THE SIDEWALK TO HANG A SIGN FROM THE BUILDING THAT WILL BE OUT OVER SIDEWALK FROM EDGE OF BUILDING, AS SHOWN ON THE ATTACHED DRAWING

was adopted.

LEASE

On motion of Councilwoman Gaines, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE WITH PURCHASE OPTION WITH CHESTNUT CENTER, LLC FOR USE OF PROPERTY LOCATED AT 730 CHESTNUT STREET AS RETAIL SPACE AND A CONFERENCE CENTER FOR A TERM OF TEN (10) YEARS WITH ANNUAL PAYMENTS IN THE AMOUNTS SHOWN ON THE SCHEDULE ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

OVERTIME REPORT

Overtime for the period ending July 17, 2008, was reported in the amount of \$112,977.99. Overtime for the period ending July 24, 2008, was reported in the amount of \$8,829.67.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **WELFORD M. SYDNOR**—Promotion to Crew Supervisor, Range 14, \$34,201.00 annually, effective 7/11/08
- **RAYMOND L. DECLUE**—Involuntary Demotion of Crew Worker 2, Range 4, \$31,438.00.

CHATTANOOGA POLICE DEPARTMENT:

- **MICHAEL MANSHOLT**—Resignation of Police Officer, effective 7/19/08.
- **AMY WILLIAMS**—FMLA for Admin. Support Asst. 2, effective 7/21/08—9/15/08.
- **SONYA MELENDEZ**—Resignation of School Patrol Officer, effective 7/21/08.
- **MARCIE KEITH-MOORE**—Reinstatement of Police Records Technician, Range 5, \$30,582.00 annually, effective 6/06/08.

PURCHASES

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

BENTLEY SYSTEMS, INC. (Sole Source Purchase)
Requisition #R0111642

Storm Water Software Annual Maintenance Subscription

\$13,410.00

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

BRADLEY TANK & PIPE, LLC (Best bid meeting specs.)
Requisition R0110593/B0005331

Blanket Contract for Redi Rock

(See minute material for pricing)

HOTEL PERMITS

On motion of Councilman Rico, seconded by Councilman Page, the following Hotel Permits were approved:

SLEEP INN—2351 Shallowford Village Drive, Chattanooga, TN 37421

MICROTEL INN—7014 McCutcheon Rd., Chattanooga, TN 37421

QUALITY SUITES—7324 Shallowmeade Lane, Chattanooga, TN 37421

AMERICA'S BEST INN—7717 Lee Highway, Chattanooga, TN 37421

HOTEL REALTY dba COMFORT INN—7620 Hamilton Park Dr., Chattanooga, TN 37421

HOTEL PERMITS (CONT'D)

ECONO LODGE—7421 Bonny Oaks Drive, Chattanooga, TN 37421

FAIRFIELD BY MARRIOTT—2350 Shallowford Village Drive, Chattanooga, TN 37421

HAMPTON INN—1920 Hamill Road, Hixson, TN 37343

DONATIONS

Chief Bobby Dodd of the **CHATTANOOGA POLICE DEPT.** reported the following donations: Donation from Sticky Fingers Corp. of an undetermined amount to be used to fund Police Training Initiatives; Grant from Walmart in the amount of \$5,000; and Two (2) Bicycles from the Highland Park Civic Group. **On motion of Councilman Benson, seconded by Councilman Page, these donations were accepted.**

Councilman Pierce asked Chief Dodd about the interest of the Police Dept. in cutting back on the use of gasoline and the restriction of officers living out of the county. He wanted to know if this was the only savings they were incurring.

Chief Dodd responded that he had not looked at the numbers but would get these to Councilman Pierce.

Councilman Pierce noted that this might be an administrative decision but stated that he saw no significant savings in having an officer drive a car to the county line and then parking it there and wanted to know why these restrictions were in place.

Chief Dodd explained that they had to start someplace and they started with those outside the county and would probably then move to those outside the city limits.

Councilman Pierce indicated that he would like them to look at something else; that his district was a high crime district and needed police to be visible; that in other districts they might save gas by putting two officers to a car. He stated that this might work in a district like Councilman Benson's.

PURCHASE

On motion of Councilwoman Gaines, seconded by Councilman Page, the following purchase was approved for use by the Mayor's Office (Information Services Div.):

NOW SOLUTIONS OF FT. WORTH, TEXAS (Single Source Purchase)
Requisition R0111821

Annual Payroll Software Maintenance & Support for the Human Resources Software License—June 30, 2008 thru December 31, 2008

\$55,000.00.

PURCHASES

On motion of Councilwoman Berz, seconded by Councilman Page, the following purchase was approved for use by the Mayor's Office (General Services/Purchasing Division):

PATE'S HAULING AND DEMOLITION (C.O. increasing present contract)
Requisition R0109736/P0029118

Narrow Bridge Demolition Services

\$13,982.00 original contract
\$ 325.00 change order
\$14,307.00 new contract amount

On motion of Councilwoman Gaines, seconded By Councilwoman Berz, the following purchase was approved for use by the Mayor's Office (General Services/Purchasing Division)

MCGINNIS BROTHERS & KEEFE PLUMBING (Dual Contracts)
Requisition R0107259/B0005140

Requirements Contract for city-wide plumbing services

(See minute material for prices)

**NAT'L NEIGHBORHOOD
ASSOCIATIONS NIGHT**

Chairman Bennett noted that the National Night Across the City would be held next Tuesday, August 5th. She recommended that the Council cut from next week's agenda the "Recognition of Persons Wishing to Address the Council on Non-Agenda Matters", in order to shorten the agenda and try to get through other business quickly to allow councilmembers to attend these meetings.

Councilman Benson disagreed, stating that what citizens brought at this time should be the Council's business; that these people would probably not like to wait a week to voice their concerns.

Chairman Bennett stated that any councilmember that wanted to leave early for this was free to leave.

Councilman Pierce stated that this had not been a problem in previous years.

Councilman Rico stated that he begged to differ.

Chairman Bennett stating that these neighborhood associations were trying to improve their communities and councilmembers needed to be there to support them.

Councilman Benson stated that maybe they did not want councilmembers there since they scheduled this on a Tuesday night. Chairman Bennett reminded him that this was a National event, with Councilwoman Gaines reiterating that it was a National event that was sponsored by the Police Dept.

Councilman Page suggested that Vice Chairman Benson could take Chairman Bennett's place at the proper time, with Councilman Pierce assuring Councilman Benson that he would stay at the meeting with him.

COMMITTEES

In the absence of Councilwoman Robinson, Councilman Shockley announced a meeting of the **Health, Human Services and Housing Opportunities Committee to immediately follow the Public Works Committee on Tuesday, August 5th** to discuss the M. L. King Community Plan. Councilman Pierce asked Ms. Crownover to notify Merri Mai Williamson and Anita Polk Conley about this meeting.

Councilman Shockley also scheduled a meeting of the **Parks and Recreation Committee to immediately follow the Health, Human Services and Housing Opportunities Committee on Tuesday, August 5th** to discuss a permanent easement from Trust for Public Land and a payment authorization to *Chattanooga Parent Magazine* for advertisement.

Councilman Rico scheduled a meeting of the **Public Works Committee on Tuesday, August 5th at 3:00 p.m.** to discuss public works matters for the current and following week; truck traffic; and any other emergency that might come up.

Councilman Page stated that an Economic Development Committee was held earlier today, and the Council received an update on MAGLEV. He stated that everyone was very excited about this moving forward.

Councilman Benson announced that there would be a Council meeting next **Tuesday, August 5th at 1:30 p.m.** with an address by Gay Rochester with the National Towing Association. Someone from the Federal Highway Authority will also be present and the Beer and Wrecker Board members have been invited to be here, as well as members of the Wrecker Industry. Chairman Bennett corrected that it was not a Council meeting but an Educational Meeting.

MIKE GOZA

Mr. Mize Goza with Chattanooga Food and Drink on Brainerd Rd. was present and addressed the Council. He stated that he needed help; that last Saturday night, across the street from his business, there was a problem with a crowd that they did not allow in his establishment; that they congregated on a lot between Starbucks and Applebee's; that there was a shooting; that he had met with Starbucks and Applebee's, and they were trying to get their land owners to post signs. He stated that the incident was frightening for his patrons, and they could not get police officers out there; that he needed help; that they congregate and throw beer bottles out of trunks, and they are out of control, and he did not know what to do.

Councilwoman Berz stated that she had talked to Mr. Beeland about this; that it is private property and the police can't go on private property without invitation or if there were signs that say no trespassing. She stated that the people that owned the property did not want signs.

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Mr. Goza stated that the owner was from Nashville and would not help those leasing from him; that Starbucks said that they would post signs.

Councilwoman Berz noted that a representative from the Police Dept. was present, and she asked what else was needed.

Chief Dodd explained that unless criminal assault was going on, there was little they could do; that it would have to be chained off to keep people from congregating.

Councilwoman Berz stated that this was an ongoing problem for Mr. Goza; that they were doing all kinds of things; that the parking lot was littered on Sunday morning with beer bottles and debris; that she thought Starbucks had cleaned it up.

Mr. Goza stated that it was his staff that cleaned it up for them; that the bottom line was that they needed to get this stopped; that Starbucks could close the lot off.

Councilwoman Berz noted that we had a representative of the Police Dept. here tonight and that Mr. Goza could sit down with him and make sure he covered this with the Police.

MIKE GOZA (CONT'D)

Councilman Benson stated that he thought we had passed an Ordinance that said anything more than ten (10) gathering together could be moved on; that we needed to check this Ordinance because he did not think it required any posting.

Chief Dodd again explained that they could only go on private property if something illegal was going on, such as beer and weapons.

Councilman Benson still felt that there was an Ordinance that said they could be "moved on" if there were more than ten (10) congregating.

Attorney Nelson stated that he remembered discussing this, but he did not think we had adopted anything.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, August 5th 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)**