

**City Council Building  
Chattanooga, Tennessee  
October 14, 2008  
6:00 p.m.**

Vice Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gaines, Page, Pierce and Rico present; Councilwomen Bennett and Robinson were with the group of City leaders visiting Greenville-Spartanburg; Councilman Shockley was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

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

Following the Pledge of Allegiance, City Attorney Nelson gave 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.

#### **BOY SCOUT 223**

Vice Chairman Benson recognized the presence of members of Boy Scout Troop 223.

#### **AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 5, SECTION 5-75(b), REGARDING EXCEPTIONS TO THE  
DISTANCE RESTRICTIONS FOR THE SALE OF BEER OR OTHER BEVERAGES  
OF LIKE ALCOHOLIC CONTENT TO THE AREA OF WARNER PARK  
OCCUPIED BY THE CHATTANOOGA ZOO AND TO REMOVE EASTGATE  
PLAZA FROM THE EXCEPTIONS LISTED IN SECTION 5-75(b)**  
passed second and final reading and was signed in open meeting.

## AMEND CITY CODE

Vice Chairman Benson stated that this matter was discussed this afternoon and in previous months and months!

On motion of Councilman Pierce, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, TO  
AMEND SECTIONS 35-146 THROUGH 35-180 KNOWN AS THE TRAFFIC  
INCIDENT MANAGEMENT SERVICE ORDINANCE**  
passed first reading.

## CLOSE AND ABANDON

**MR-2008-112: City of Chattanooga c/o Dan Thornton**

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE  
FORMER EASTERN RIGHT-OF-WAY OF THE 400 BLOCK OF CHERRY  
STREET AND THE SOUTHERN RIGHT-OF-WAY OF THE 100 BLOCK OF  
EAST 4<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS  
SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## REZONING

**2008-114: Mehdi Malekzadeh**

Pursuant to notice of public hearing, the request of Mehdi Malekzadeh to rezone a tract of land located at 6709 Shallowford Road came on to be heard.

Vice Chairman Benson stated that a request for a six month deferral has been requested by the petitioner until a road is completed for a better perspective as to how this would be affected.

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 6709 SHALLOWFORD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL  
ZONE TO R-4 SPECIAL ZONE**  
was tabled for six months (April 14, 2009) at the request of the applicant.

## CLOSE AND ABANDON

### **MR-2008-130: C & L Rentals, LLC**

The applicant was present; there was no opposition.

**Mr. Leslie** with C & L Rentals asked that this matter be deferred for sixty days while they talk with public works about the conditions. He stated the property has no structure on it and there is no reason to put in 50 feet for fire engines; that there are no structures or fire hydrants back there. He stated he is not sure why fire trucks would go in when they are trying to clear out the area.

Councilman Pierce asked if Mr. Leslie has talked with public works about the conditions.

Mr. Leslie responded that is what he needs to find out as he had no notice about this.

Dennis Malone, Assistant City Engineer, stated that the conditions were included because of the turn at the end of the roadway; that they have asked to abandon the road half way between two streets and to do that they would have to have the property ending at the roadway.

Councilman Pierce asked if it would end at the roadway or alley.

Mr. Malone clarified "road way, actually".

Mr. Leslie stated that it is his understanding that he was trying to get it all closed.

Mr. Malone stated there is no building, now; that they have bought up all the property and could put buildings there in the future.

Mr. Leslie stated that it was his understanding if they built something the turning radius would be put in at that stage.

City Attorney Nelson stated that the problem with that is that this is R-1 and when Mr. Leslie goes back for a building permit he would not have to come back before this body; that if we are going to require something now is the time we have to do it.

Mr. Leslie stated that is why he is asking for a sixty day deferral for an opportunity to talk with public works.

### CLOSE AND ABANDON (Continued)

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE  
2400 BLOCK OF 10<sup>TH</sup> AVENUE, THE 2500 BLOCK OF EAST 24<sup>TH</sup> STREET,  
AND PORTIONS OF AN UNOPENED ALLEY LOCATED OFF OF SAID  
BLOCK OF EAST 24<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN  
AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled 56 days (December 9) at the request of the applicant.

### CLOSE AND ABANDON

**MR-2008-137: Jacqueline C. Smith**

The applicant was present; there was no opposition in attendance.

Vice Chairman Benson stated that this matter was discussed thoroughly in committee today and the applicants were told to try to work out something; that he thought something had been work out and now there is a stumbling block.

**James Smith** stated he and his wife are in a mess; that they are new to the area and just moved into Tennessee from Louisiana and are not totally familiar with procedure. He stated they got into the situation and was sold this property and house and everything with it is totally wrong! He stated he never was told about anything and was told the exact opposite, from water issues, easement to property lines – many things! He stated they now have found out the house has about ten-to-twelve feet of driveway and mailbox that is not on their property; that they are already on an easement they were told had already been closed by the city, by the real estate agent and developer and have come to the city to make economic application for usage of a portion now thought to be closed. He stated they did that and brought it “all to a head” and now find out the house is not even totally, completely on property they were sold and paid for! He stated they are at the point that they are not real sure what direction they should go; that they are trying to get an easement closed they were told was closed and abandoned when they moved in; that it was a “dead issue” with no problems and now there are problems! He stated they found out they have a partial property already on this easement and asked what do they do as they are in the middle and stuck!

### CLOSE AND ABANDON (Continued)

**Jacqueline Smith** stated there has been misrepresentation all the way down the line; that they are retired and put all their pay into this. She stated they were told this was not a flood zone and have put ten loads of fill in the back yard; that they feel like total victims. She stated what she loves are the people of Chattanooga and there are times she wishes they had not come to Chattanooga; that it has been a total nightmare since they moved into the house!

Mr. Smith stated they have used all their money and all they could borrow and they are now up against it and on fixed income and are "beating their heads against a stone wall".

Councilwoman Berz asked how long the Smiths have lived in the house.

Mrs. Smith stated they have been in since they closed on the house on April 14.

Councilwoman Berz asked the Smiths if they have a warranty deed and the response was "yes".

Mrs. Smith stated there was no definition of the property lines on the deed and it all goes back to the survey which was not part of the deed. She stated when they went back to find the deed they were told they had to go back to the survey, noting that they do have the survey.

Councilwoman Berz stated in committee meeting today there was talk a long time about some way to be a win-win.

City Attorney Nelson asked the Smiths if they have title insurance, to which the response was "yes". He asked if they have notified them and Mrs. Smith responded "no". He then advised that it would be a good idea; that they would be "on the hook" if they gave a clear title, to which Mrs. Smith responded "yes".

Councilman Page stated a lot of time was spent this afternoon in committee talking about this situation and noted the Council certainly wants to do the right thing and try to help. He stated it was his understanding that we almost came to a conclusion and is prepared to read it tonight at Councilman Benson's request and work with them but is not sure if we want to defer at this point to ask that more time be given.

City Attorney Nelson stated that there is a problem with one of the two considerations.

### CLOSE AND ABANDON (Continued)

Councilman Page stated in that case he is prepared to make a motion to defer; that when we came out of committee Councilman Benson and others, along with public works, met to resolve the matter, reiterating that he is prepared to defer for some period of time.

Vice Chairman Benson asked what the deferral will do; that he is concerned about the Smiths and inquired whether they are in jeopardy.

City Attorney Nelson responded "no"; that they will be in status quo; that we are trying to help but it will take a little bit of time to do that.

Vice Chairman Benson asked if the developer or his representative to make comment at this time.

**Atty. John Anderson** spoke on behalf of "Gibby" Gilbert, the developer. He stated that a letter has been sent to the Council giving the time line for how things unfolded and the abandonment of the original portion of Hewitt Lane. He stated what has been proposed is a compromise so that everyone could be "on the same page" to get a resolution for the Smiths, for the City and Mr. Gilbert. He stated that he wants the Council to understand that Mr. Gilbert did not sell the lot to the Smiths; that he sold to the builder who built the house who then sold to the Smith; that the same is true of Lot 12 to the south and lots 20 and 21 across the street. He stated the proposal would have been that the northern ten feet of the platted but unopened right-of-way shown on the plat and plat book 84, Page 7 would be abandoned by the city and given to the Smiths, which would expand their lot and help resolve the issue as it relates to encroachment of the driveway. He stated this would clarify the condition in Ordinances 11704 and 11705 as to what connectivity means. He stated by doing that the platted right-of-way shown on the plat at Shady Oak subdivision is 40-50 feet and the right-of-way of Hewitt, west of the property owned by the developer (Gilbert), is only 40 feet wide which would match up to the 40 feet wide platted right-of-way that would remain in Shady Oaks subdivision and would provide, if necessary, a second access point.

Atty. Anderson stated that he is still not sure whether 2008-184 is before the Council tonight but Planning announced it would be considered by the Council yesterday; that he does not know if it came from Staff or Public Works Staff, noting that it is unusual to be at Planning one day and the Council the next.

### CLOSE AND ABANDON (Continued)

Atty. Anderson stated he thought the compromise by giving up ten feet leaving the platted unopened right-of-way allows the city to address the Smith's problem without abandoning all of the right-of-way and not having to get into a continuing dispute over attempts to rescind abandonment of old Hewitt Lane that was done three years ago. He stated it was his understanding there had been some discussion about shifting the whole right-of-way south, however, that would involve another property owner not before the Council and that property owner would have to come to agree to give up the ten feet that would bring another person "into the mix". He stated that he does not know if there is any leverage for that property owner to want to do that; that he does not know the answer. He stated shrinking the right-of-way to 40 feet presented a solution for all parties.

Vice Chairman Benson asked if Mr. Anderson is saying if the city gives up ten feet of right-of-way to the Smiths that would solve the Smith's problem.

Atty. Anderson responded "think so"; that he does not represent the Smiths and is present on behalf of Mr. Gilbert.

Councilman Pierce stated if Councilman Page would put a motion on the floor he would second it.

**Councilman Page** stated he is prepared to make a motion to make sure that both parties sit down again and include the appropriate Council person, City Attorney and Public Works to see if a solution can be negotiated that works for everyone. He stated if that can not be done the Council has to make a decision; that this is really convoluted and does not think it can be done here tonight. At this point he **made the motion to defer the matter five weeks (November 18)**.

Vice Chairman Benson stated that the Smith feel some people in the City have not been sensitive to their needs. He welcomed them to the city and expressed sorrow for the bad time they have had here since Katrina.

Mrs. Smith stated that a survey was done by the city and (she) does not know who ordered it. She stated in the process of making a decision she would like to see the results of the survey that was done a week ago; that she would like to see what they came up with in the process of determining property lines.

Dennis Malone responded "that can be done".

### CLOSE AND ABANDON (Continued)

On motion of Councilman Page, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING THE RIGHT-OF-WAY DESIGNATED FOR BUILDING OF CONNECTIVITY TO HEWITT LANE PER CONDITIONS OF PRIOR ORDINANCE NO. 11705 LOCATED ON THE WEST LINE OF THE 1700 BLOCK OF HOLLY OAK LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
was deferred five weeks (November 18).

### REZONING

#### **2008-151: Mary Ann Wood**

Pursuant to notice of public hearing, the request of Mary Ann Wood to rezone a portion of a tract of land located at 336 and 338 East View Drive came on to be heard.

There was no opposition in attendance.

On motion of Councilman Page, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PORTION OF A TRACT OF LAND LOCATED AT 336 AND 338 EAST VIEW DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

### REZONING

#### **2008-154: Marcus Womble**

Pursuant to notice of public hearing, the request of Marcus Womble to rezone a tract of land located at 4913 Kirkland Avenue came on to be heard.

The applicant was present; opposition was present but later withdrew.



## REZONING (Continued)

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this matter was reviewed by Planning and Staff with a recommendation for approval with conditions. He stated the request is for R-3 to allow use of an existing house for residential use and the current zone does not allow residential use. He stated there is only one residential structure at the end of Kirkland and is surrounded by the M-1 zone on all sides with R-2 to the south. He stated the first request was for R-1 and inspection suggested R-3 for a more appropriate "fit" next to a higher intensity zone as it might also encourage future development residentially in this area and this request is supported by the Alton Park Plan. Photos of the condition of the existing house were shown by PowerPoint and it was explained that the two conditions reflect "reuse of the existing structure and maintaining as a single-family residence".

**Charles Shropshire** was present representing the applicant and stated all they want to do is get it okay to fix the house to live in; that they want to make sure it is done right and it will not be a "who shot John" structure or any thing like that. He stated they do not want to do something that is wrong as they want this house to look better than any house in Alton Park! He stated they had already started work on it, ran into a few problems and had to wait until they could see if they would get an "okay". He stated the only problem is the road; that it is a good road and the grass was cut today; that all they are asking the city to do is clean it where they can get back and forth as it is a hindrance to the mailman and garbage collection; that this will stop a whole lot of dumping as it is used for a city dump right now. He stated they want to stop all of that and would appreciate approval.

At this point the person in opposition waived his opposition.

Vice Chairman Benson stated that he often wondered why M-3 could not be used for R-2; that it could if it were commercial.

Mr. Haynes stated if it were C-2 he could use it.

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 4913 KIRKLAND AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE, FROM M-1  
MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO  
CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2008-157: James Thornton**

Pursuant to notice of public hearing, the request of James Thornton to rezone a tract of land located at 2017 Dodson Avenue, came on to be heard.

There was no opposition in attendance.

On motion of Councilwoman Gaines, seconded by Councilman Page,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2017 DODSON AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE, FROM M-2 LIGHT  
INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2008-158: Phyllis Williams**

Pursuant to notice of public hearing, the request of Phyllis Williams to rezone a tract of land located at 1109 East 11<sup>th</sup> Street came on to be heard.

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1109 EAST 11<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL  
ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## QUITCLAIM DEED

Councilman Pierce inquired as to whether parks and recreation are in a position to develop the property once it is taken back.

Paul Page stated that the parks and recreation department would have equipment put out there and the definition of a park has not been determined.

### QUITCLAIM DEED (Continued)

Mr. Page stated they are trying to get the building down and are applying for a grant; that they would have to carry the deed to the property to go through with the grant. He stated that he understands there is great emotion involving this issue; that there may be soccer fields or a baseball field; that we will not get numbers on the grant for ten months.

Vice Chairman Benson stated that he understand this does not go into effect unless the grant is received.

Mr. Page responded that we have to sign a quit claim and it will not be signed until the grant is received; that we would do it and the county accept it.

Vice Chairman Benson wanted clarification that the city is not getting itself into an obligation to pay in full, 100 percent.

Mr. Page responded "no".

**Milton Jackson**, President of Stop Pollution in Chattanooga stated that he would like for the city to get with the community before turning this property over to the county; that the property is polluted and there is no need for any playground to be there. He stated that the property is full of Benzoin and all kinds of chemicals and when it rains feces floods the whole area, the manhole cover comes three feet off the ground and the whole area becomes contaminated. He stated the city should look more into this because he does not want kids out playing on this property; that it is a beautiful area but it is contaminated. He stated when the Creek was being cleaned and there was a good rain, the water ran back into the Creek and they wondered what happened; that the underground current runs northwest and catches a lot of pollution; that it is filled with herbicides and pesticides.

Councilwoman Berz addressed Paul Page stating that Mr. Jackson has valid concerns and she is just hearing about them. She asked if this is the old Charles A. Bell School.

Paul Page responded that it is the old Bell School and they are applying for an EPA grant that will alleviate this; that there is a required stipulation that a meeting be held with TDEC and every other condition to make sure they will not be in violation.

Councilwoman Berz stated that there is contamination out there and if we have not met with the community to assure this will be a total cleanup we are at fault and should have done that.

### QUITCLAIM DEED (Continued)

Councilwoman Berz stated what she understands is that there is EPA intervention in this and we have to meet all sorts of standards to make sure the area is safe and Mr. Jackson should have been told that. She stated that she remembers discussing the Bell School and hearing that it was full of asbestos; that the most expensive part of the project is tearing it down and the land itself would need some help. She asked Mr. Page if there is some plan to get together with the citizens to make sure they understand there will be no danger to their children.

Mr. Page responded that Commissioner Mackey held a meeting and to what extent they have been notified in a public meeting with the people in the community he is not certain; that it was discussed at length as he has been to several meetings where there have been 15-20 people talking about it. He stated right now we need to get the building down and the asbestos in it and that is what this resolution will do; that EPA will not let them move on the ground doing something unless everyone in the community knows what it is. He stated he would be glad to call Dr. Mackey and involve Councilman Rico to make sure whatever meetings have to be held involve everyone and it is perfectly logical to do that.

Councilwoman Berz stated that it does seem appropriate.

Councilman Pierce stated the building has to be brought down; that this is the first phase of what we are trying to get down. He asked if Mr. Jackson has any objection to just going ahead and removing the building prior to development by parks and recreation. He stated at this point we are "stuck" with a building that needs to come down as it can not be used for anything; that if the county is willing to join in with the Brownfield grant it is his thought we need to take advantage of it.

Mr. Jackson stated that his concern is about the land itself; that the building has asbestos and some lead and knows that as fact because he inspected it with one of the consultants out of Atlanta-Clark University and others; that he knows Dr. Blair and some of the guys with EPA. He stated he realizes the building needs to come down and is 100 percent with it coming down.

Councilman Pierce stated that is all we are trying to do at this point and after that he would join with him and deal with the issue of the land once the building comes down.

Mr. Jackson stated that they need to know the steps that will take place and does not want anything to "slide in on them".

### QUITCLAIM DEED (Continued)

Councilman Pierce stated there would be plenty of time to discuss the issue.

Councilwoman Gaines stated Councilman Pierce has said it all and wanted to take this opportunity to thank Mr. Jackson for his many years of service; that she can remember his involvement with EPA and this area which brings up memories of Deborah Matthews, also. In addressing Paul Page, she stated that it was her thought that in some of the meetings with Commissioner Mackey it would be a great idea to include Mr. Jackson so that he can be part of what is taking place. She also inquired as to whether Mr. Jackson is comfortable at this point with the building coming down.

Mr. Jackson responded "yes"; that he would work with them; that there was a meeting last week and he was not invited.

Councilwoman Gaines asked that both gentlemen share contact information.

Vice Chairman Benson thanked Mr. Jackson for bringing the matter to the Council's attention.

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A QUITCLAIM DEED CONVEYING A TRACT OF LAND LOCATED AT 3501 CENTRAL AVENUE, TAX MAP NO. 155M-A-001, TO HAMILTON COUNTY FOR REMEDIATION, WITH HAMILTON COUNTY RE-CONVEYING THE PROPERTY TO THE CITY AFTER COMPLETION OF THE REMEDIATION FOR USE AS A PARK AND PLAYGROUND FOR THE RESIDENTS OF ALTON PARK**

was adopted.

### DECLARE SURPLUS

On motion of Councilman Rico, seconded by Councilwoman Gaines,

**A RESOLUTION DECLARING A CITY POLICE DEPARTMENT SURVEILLANCE VAN AS SURPLUS PROPERTY, AUTHORIZING THE PURCHASING AGENT TO SELL SAID VAN TO TACTICAL TECHNOLOGIES, INC. FOR A CONSIDERATION OF ONE DOLLAR (\$1.00), AND AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A DONATION OF EQUIPMENT FROM TACTICAL TECHNOLOGIES, INC. WITH A TOTAL RETAIL VALUE OF FOUR THOUSAND SEVEN HUNDRED THIRTEEN DOLLARS (\$4,713.00)**

was tabled one week.

## MEMORANDUM OF UNDERSTANDING

On motion of Councilwoman Gaines, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CHATTANOOGA EASTSIDE TASK FORCE FOR USE OF THE AVONDALE, CARVER AND GLENWOOD RECREATION CENTERS TO PROVIDE POSITIVE CULTURAL PROGRAMS AND ACTIVITIES FOR THE AREA YOUTH AS PART OF THE EAST CHATTANOOGA WEED AND SEED PROGRAM**  
was adopted.

## CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-022-201, ASHLAND TERRACE PAVING AND MILLING (END OF TDOT PROJECT TO HIXSON PIKE INCLUDING NORCROSS ROAD), TO TALLEY CONSTRUCTION COMPANY, INC., USING UNIT PRICES AND ADJUSTMENT FACTORS ESTABLISHED PER THE TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. CNE-385, WITH A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00)**  
was adopted.

## AGREEMENT

On motion of Councilman Rico, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH S&ME, INC. RELATIVE TO CONTRACT NO. E-06-006-302, NORTHPOINT BOULEVARD EXTENSION PHASE 2 AND 3, FOR PROFESSIONAL SERVICES, IN AN AMOUNT NOT TO EXCEED NINE THOUSAND DOLLARS (\$9,000.00)**  
was adopted.

### AGREEMENT

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH S&ME, INC. RELATIVE TO CONTRACT NO. E-03-028-301, HAMILL ROAD IMPROVEMENTS PHASE 1, FOR CONSTRUCTION TESTING SERVICES, IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND DOLLARS (\$7,000.00)**

was adopted.

### TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING RYAN DILLARD TO USE TEMPORARILY THE RIGHT-OF-WAY (SIDEWALK) AT 401 NORTH MARKET STREET AND MANNING STREET, TO REPLACE EXISTING AWNINGS AND INSTALL SIGNAGE AND NON-PERMANENT PLANTERS, AS SHOWN ON THE ATTACHED DRAWINGS, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

### TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING TIMOTHY DUNN TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY BEGINNING AT THE INTERSECTION OF LAUREL LANE AND OCHS HIGHWAY, AS SHOWN ON THE ATTACHED MAPS, TO USE AS A PRIVATE DRIVEWAY INTO THE BACK OF APPLICANT'S PROPERTY, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

### OVERTIME

Vice Chairman Benson acknowledged that this is the third week there has not been an overtime report. He expressed hope that a four week overtime report will be reported next week.

### PERSONNEL

The following personnel matters were reported for the various departments:

## PERSONNEL (Continued)

### PUBLIC WORKS DEPARTMENT:

- **LESLIE O'HARE** – Hire, GIS Specialist, Engineering Water Quality Division, Range 13, \$35,744.00 annually, effective October 20, 2008.
- **JAMES H. FRANCIS, JR.** – Leave of Absence, Equipment Operator 4, City Wide Services, effective October 9-27, 2008.

### CHATTANOOGA FIRE DEPARTMENT:

- **ADAM COUCH, TRACY SMITH** – Promotion, Lieutenant, Range FD3, \$43,358.00 annually, effective October 10, 2008.
- **THOMAS MONTGOMERY** – Promotion, Captain, Range FD4, \$49,132.00 annually, effective October 10, 2008.
- **EVAN C. WILLMORE** – Family Medical Leave, Captain, effective August 18 – November 10, 2008.

### CHATTANOOGA POLICE DEPARTMENT:

- **GROVER L. WILSON** – Return to duty from Military, Police Officer, effective September 30, 2008.
- **THOMAS WHITFIELD** – Termination, Police Cadet, effective October 6, 2008.

### PARKS AND RECREATION DEPARTMENT:

- **MICHAEL E. TODD** – Voluntary Demotion, Recreation Specialist, Range 9, \$42,471.00 annually, effective October 10, 2008.

### MAYOR'S OFFICE:

- **MATTHEW LEA** – Return from Family Medical Leave, Assistant to Mayor, effective October 13, 2008.



## HOTEL PERMITS

On motion of Councilwoman Gaines, seconded by Councilwoman Berz, the following hotel permits were approved:

**SUPER 8** – 7024 McCutcheon Road, Chattanooga, TN

**HAMPTON INN** – 7013 Shallowford Road, Chattanooga, TN

**RAMADA LTD** – 2361 Shallowford Village Drive, Chattanooga, TN

**HAMILTON INN** – 6860 Lee Highway, Chattanooga, TN

## CHALLENGE COIN AWARDS

Chief Mike Williams gave an update on the Challenge Coin presentations and reported that Officers Josh May, Brian Wood, Daniel Francis and Jamie Riddle received awards. He stated Dispatcher Rusha Lansden was presented the award, as well as today's presentation to Officers Fletcher, Kerns, Narramore and Griffith.

Vice Chairman Benson commended Chief Williams and especially the officers for being recognized for their service to the community stating that it is nice to know we have officers who come to citizens' needs when they are involved in criminal acts.

Councilman Pierce commended the Police Department for the work they are doing in East Lake and Highland Park as far as "his" prostitutes are concerned. He stated that he "claims" them because he has personally been trying to work it himself for the last 45 days and has been going out every morning from 4 a.m. – 7 a.m. and has not once called the police department. He stated it is something he can not stop working at and has to continue as he has lived in the East Lake area all his life. He stated in looking through some of his past records back in 1998 he was sitting at the same corner of 28<sup>th</sup> and Rossville dealing with "his" prostitutes and is still there! He expressed appreciation to Chief Williams for what his department has done.

Chief Williams stated when he worked patrol he first worked Rossville around 28<sup>th</sup> Street and they were doing it then! He stated in this most recent vice and Fox Zone officers arrested 19 prostitutes; that some people do not understand when a call is sent in and they say a prostitute is walking down the street, just by walking down the street they can not arrest them.

## CHALLENGE COIN AWARDS (Continued)

Chief Williams stated that they can stop and talk to them and tell them to leave and then the citizens call in and say the office did not do anything. He stated that is what the undercover operations are for – to catch them in the act and make an arrest. He expressed thanks to Councilman Pierce for his work.

## 2301 CLUB

Councilwoman Gaines stated that she received several calls about 2301 at Milner Street and asked if Chief Williams has any information to share. She stated the last report she heard was that he would be looking at some of the calls and violations to determine whether the business should be open.

Chief Williams stated that they are already putting something together to present to the Courts from their license and then ultimately as a nuisance because of all the violence that has taken place. He stated that the excuse from the owner was that some of the violence did not take place on his property, but it all originated there and happened all around it. He stated they are putting together a case for Civil Court on that right now.

Councilwoman Gaines stated there is a nursing home in the immediate area three steps away and elderly people are there; that they have called and are very concerned.

Chief Williams responded that they will be looking into that in a few days.

## BOARD APPOINTMENTS

### **BOARD OF ELECTRICAL EXAMINERS:**

- On motion of Councilwoman Gaines, seconded by Councilman Pierce, **DR. RICHARD BROWN** was appointed as the Electrical Educator for a four year term filling the expired term of Mr. C.E. Gibson, III, for a term expiring October 14, 2012.

### **CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY BOARD OF TRUSTEES:**

- On motion of Councilwoman Gaines, seconded by Councilman Rico, the joint reappointment of **CHARLES LONGER, MD.** for a term expiring November 1, 2011 was approved.

## DEPARTMENTAL PURCHASES

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

**MAR-VEL INTERNATIONAL (Best bid)**  
**R0113142/B0005515**

Mich Helmets & Accessories (*Craig's Firearm Supply, the lowest bidder, requested their bid be withdrawn due to a bidding error; they failed to include in their bid price all the assembly equipment required in the specifications*)

\$35,828.40

On motion of Councilman Rico, seconded by Councilwoman Gaines the following purchase was approved for use by the Bicentennial Library:

**CBS MANAGEMENT (Lowest and best bid)**  
**R0113245/B0005498**

Annual Blanket Agreement for Janitorial Services

\$16,680 per year

Councilman Pierce inquired as to whether the county has any input in this or if this is solely the city's responsibility.

Vickie Haley, Deputy Finance Administrator, responded that she was not aware of anything with the county; that all library activities flow through the city. She stated that the county funds it, however the city does all of their accounting functions.

Vice Chairman Benson stated that he wonders what the county does as it is a joint facility.

Ms. Haley responded "they fund it and that is it".

On motion of Councilman Rico, seconded by Councilwoman Gaines the following purchase was approved for use by the Air Pollution Control Bureau:

**DEPARTMENTAL PURCHASES (Continued)**

**IKON Office Solutions (Lowest and best bid)**

**R0114010**

Multifunction Color Copier Lease

\$11,184.00

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

**ROAD KARE INTERNATIONAL LP (Best bid)**

**R0114159/B0005548**

Speed Cushions (*Although the TAG International bid was the lowest, the product they offered was speed bumps, which were much smaller than speed cushion and did not meet the bid specifications*)

\$64,596.00 Based on unit prices bid/item

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

**COLEMAN TECHNOLOGIES, INC. (Single source)**

**R0114841**

Cisco System Hardware and Software

\$13,290.25

**REQUEST FOR HEARING**

City Attorney Nelson reported that he has received a request for a hearing but has not had a chance to confer with the department to see if the person is eligible. He stated the matter would be put off until next week.

## CAR WASHES FOR CITY AUTOMOBILES

Paul Page stated that he was asked to bring up the matter of the car washes tonight, noting that the contract was tabled from last week and is due to expire on the twentieth. He stated that we are talking about anyone who drives a car to their home will keep it clean inside and out; that other automobiles are shared with other people who will be given a voucher to get it clean and washed inside and out six-to-eight times a year, if that is permissible. He stated the big fire trucks are kept clean by the fire department and public works personnel clean their trucks. He stated if this is permissible he would "move" on that.

Councilman Page complimented Mr. Page for following up on the matter, stating that he really believes individual responsibility is important; that we are just protecting our taxpayers' money for people to be able to see that city people are taking care of their equipment. He stated that they have the personal benefits of driving the automobiles, again expressing appreciation for the follow-up and report.

Mr. Page stated that he spoke with a gentleman in the fire department who acknowledged that he was proud to clean his car because he gets to drive it home and thinks we are moving in the right direction.

## COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, October 21 immediately following discussion of agenda items**. He stated the Committee's agenda would involve identity theft compliance.

Councilwoman Berz stated that she was asked to follow up on the auditor issue and wanted to report that she has spoken with the city attorney and will be speaking with several other people about the auditor's situation and the history of it. She stated probably week after next she would come back with something for the Council.

## ATTY. MICHAEL MCGOVERN

**Atty. Michael McGovern** stated that he was present with members of the towing industry, noting that it has been a very long and "rocky road" for the Council. He stated he was present to express appreciation from his clients for the efforts the Council has put into this.

**ATTY. MICHAEL MCGOVERN (Continued)**

Atty. McGovern stated they have been through many drafts and there is still fine tuning that needs to be done and inconsistencies as far as some specifications with reference to the air cushion recovery system, as well as inconsistencies in other places in the ordinance. He stated between now and the next reading he would work with the city attorney's office to get it fine tuned, reiterating that his prime purpose for being present is to thank the Council for their hard work on this ordinance.

Vice Chairman Benson expressed appreciation to Atty. McGovern for his presence and stated that the Council would try to refine and continue to make it better. He stated the city attorney met with a large group in the assembly room today and the matter would be addressed on second reading next week. He stated that the document is not perfect and is subject to change as problems evolve and as new things arise.

Atty. McGovern stated that the session today was helpful to hash out some of the fine tuning details; that as Vice Chairman Benson stated it will not be perfect but we are a long way from where we started.

Vice Chairman Benson commended everyone in the industry and noted that he was told when this started that it would be the roughest issue he would ever get into and it has not been; that it has been hard but everyone has been very polite and very educationally helpful.

**ADJOURNMENT**

Vice Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, October 21, 2008 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)**