

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
December 2, 2008**

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

**MINUTE APPROVAL**

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

**CARTA APPROP.**

On of Councilwoman Berz, seconded by Councilwoman Robinson,  
**AN ORDINANCE APPROPRIATING FROM THE CAPITAL  
PROJECTS FUND TO THE CHATTANOOGA AREA REGIONAL  
TRANSIT AUTHORITY (CARTA) AN AMOUNT NOT TO  
EXCEED NINE HUNDRED EIGHTY-FOUR THOUSAND FIVE  
HUNDRED NINETY-TWO DOLLARS (\$984,592.00) TO BE  
USED FOR THE NORTH SHORE GARAGE AND CAPITAL  
NEEDS OF CARTA AND AUTHORIZING THE  
ADMINISTRATOR OF THE DEPARTMENT OF FINANCE TO  
ENTER INTO AN AGREEMENT WITH CARTA TO REIMBURSE  
THE CITY AN AMOUNT NOT TO EXCEED FOUR HUNDRED  
SEVENTY-NINE THOUSAND TWO HUNDRED EIGHTY-EIGHT  
DOLLARS (\$479,288.00) OVER A TERM OF TEN (10) YEARS  
AT AN INTEREST RATE OF FOUR PERCENT (4%)**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**  
**RELATIVE TO SIGNS**

Councilman Benson stated that this was discussed in Legal and Legislative Committee today. Chairman Bennett clarified that there were two different Ordinances and it was the other one that was discussed today.

On motion of Councilwoman Gaines, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 3, SECTIONS 3-6, 3-94, 3-101, 3-102, 3-  
131, AND 3-132, RELATIVE TO SIGNS**  
passed second and final reading and was signed in open meeting.

**AMEND ORD. 11704**  
**PLYMOUTH LANE**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE AMENDING AND MODIFYING ORDINANCE  
NO. 11704 (CASE NO. MR-2005-075) WHICH IS AN  
ORDINANCE CLOSING AND ABANDONING A PORTION OF  
THE 7500 BLOCK OF PLYMOUTH LANE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
**was substituted.** On motion of Councilman Page, seconded by  
Councilman Robinson, the Ordinance passed second and final reading  
and was signed in open meeting.

**AMEND ORD. 11705**  
**HEWITT LANE**

Councilman Benson stated that he thought these changes needed to be made clear—that there had been changes between the first reading and the second reading tonight, and he asked that someone explain these changes.

HEWITT LANE (CONT'D)

Adm. Leach stated that he was the one appointed to do this and that he would go ahead and read the proposed Ordinance.

Councilman Page stated that everyone did need to know what they were doing, but he did not see any reason to review the whole project; that just some of the language in the Ordinance had been changed, and he did not see the purpose in going through the whole thing again.

Adm. Leach felt that he needed to read Section 2 of the Ordinance: **BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to the City retaining a sewer easement for the full width and length of this right-of-way until such time as Shady Oaks Subdivision is replatted to provide for new alignment of the sewer line and utilities previously constructed along the right-of-way of Hewitt Lane. At such time, the City Engineer and Utility Owners shall approve any relocations or modifications of this existing sewer line and utilities within the dedicated right-of-way on the subdivision plat.**

Adm. Leach explained that this provides for the sewer line that already exists; that the City will maintain the existing sewer line in place and a portion into Hewitt Lane; that we will retain the sewer line in Hewitt Lane until Lot 12 wants to relocate.

**Mrs. Jacquelyn Smith** questioned whether Adm. Leach was saying that they would retain a 20 ft. or 50 ft. easement.

Adm. Leach explained that the way this Ordinance reads, the sewer line is for the full length—only the part that is in the right-of-way; that the other portion through to Lot 12 would be 50 ft. He stated that Mrs. Smith's concern was with the next Ordinance coming up.

On motion of Councilwoman Gaines, seconded by Councilman Page,  
**AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 11705 (CASE NO. MR-2005-076) WHICH CLOSED AND ABANDONED A PORTION OF THE DEDICATED RIGHT-OF-WAY WITHIN THE 7500 BLOCK OF HEWITT LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE ATTACHED MAP HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was substituted. On motion of Councilwoman Gaines, seconded by Councilman Gilbert the Ordinance passed second and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2008-137 (Jacquelyn C. Smith)**

Adm. Leach explained that additional language was placed in this Ordinance and proceeded to read Section 2.

Section 2 reads as follows: “**BE IT FURTHER ORDAINED** that this closure and abandonment shall be subject to the City retaining the existing easements for the existing sanitary sewer on lot 12, and that the City, AT&T, and Tennessee-American Water Company retain an easement in the center between lots 11 and 12 for the full length and 20 feet width of this platted right-of-way for future sewer relocation and/or easements for the utilities for existing and future use.”

Adm. Leach stated that at this point, the City would retain the easement that would be essentially the new property line.

On motion of Councilman Pierce, seconded by Councilman Page,

**AN ORDINANCE CLOSING AND ABANDONING THE UNNAMED DEDICATED 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, SUBJECT TO CERTAIN CONDITIONS**

**was substituted.** On motion of Councilman Pierce, seconded by Councilwoman Gaines, the Ordinance passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**  
**LEDS SIGNS**

On motion of Councilman Rico, seconded by Councilman Pierce,

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE SECTION 3-19, TO INCLUDE ADVERTISING SIGN REQUIREMENTS FOR SIGNS CONTAINING LIGHT EMITTING DIODE (LEDS) WITHIN SIGNAGE NEAR STREETS AND ROADWAYS WITHIN THE CITY OF CHATTANOOGA**

passed first reading.

**AMEND CAPITAL BUDGET**  
**VOLKSWAGEN/FIREHALL**

Councilwoman Berz noted that this was discussed in committee meeting today in all aspects.

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND ORDINANCE NOS. 12024 AND 12161 AS AMENDED ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEARS 2007/2008 AND 2008/2009" TO PROVIDE FOR ADDITIONAL FUNDING FROM GENERAL OBLIGATIONS BONDS AND ALLOCATE ADDITIONAL FUNDS TO VOLKSWAGEN SITE IMPROVEMENTS AND FIREHALL CONSTRUCTION AND EQUIPMENT IN THE AMOUNT OF \$5,985,000.00 FOR FY08 AND \$10,702,473.00 FOR FY09**

passed first reading.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) RELATIVE TO THE RAILROAD CROSSING IMPROVEMENT PROJECT AT JERSEY PIKE AND PELICAN DRIVE (RR#736677A) WITH THE CITY'S PARTICIPATION TO BE TEN PERCENT (10%) OF THE PROJECT COST, ESTIMATED TO BE THIRTY THOUSAND DOLLARS (\$30,000.00)**

was adopted.

**CONTRACT C.O.**

On motion of Councilman Rico, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-06-024-201, TUNNEL BOULEVARD SIDEWALK EXTENSION PROJECT, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TEN THOUSAND THREE HUNDRED SIXTEEN AND 38/100 DOLLARS (\$10,316.38), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-EIGHT THOUSAND FOUR HUNDRED FIFTY-ONE AND 23/100 DOLLARS (\$268,451.23), AND RELEASING THE REMAINING CONTINGENCY FUNDS IN THE AMOUNT OF FIFTEEN THOUSAND FOUR HUNDRED NINETY-EIGHT AND 77/100 DOLLARS (\$15,498.77)

was adopted.

**SURPLUS PROPERTY**

Councilman Gilbert noted that this Resolution, as well as the next Resolution, were discussed earlier today in committee.

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

A RESOLUTION DECLARING AS SURPLUS PROPERTY LOCATED AT 400 WEST 45<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

**LEASE AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING A LEASE AGREEMENT BY  
AND BETWEEN THE CITY AND THE UNIVERSITY OF  
TENNESSEE AT CHATTANOOGA FOR THE USE AND  
MANAGEMENT OF THE WARNER PARK INDOOR SOFTBALL  
COMPLEX LOCATED IN THE 1000 BLOCK OF MCCALLIE  
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND  
AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A  
PART HEREOF BY REFERENCE**  
was adopted.

**BONDS SALE**

Councilwoman Berz stated that this was discussed fully at committee meeting today.

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE  
OF AN AMOUNT NOT TO EXCEED FIFTY-ONE MILLION  
DOLLARS (\$51,000,000.00) PRINCIPAL AMOUNT OF THE  
CITY OF CHATTANOOGA, GENERAL OBLIGATION BONDS,  
SERIES 2008**  
was adopted.

**OVERTIME**

Overtime for the week ending November 27, 2008, totaled \$7,979.24.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA POLICE DEPARTMENT:**

- ❖ **KELLIE HANEY**—Hire as Property Technician, GS.7, \$24,306.00 annually, effective 11/21/08.

**PERSONNEL (CONT'D)**

**CHATTANOOGA HUMAN SERVICES DEPARTMENT:**

- ❖ **NORMA WASHINGTON**—Disability Retirement of Teacher, effective 11/06/08.

**HOTEL PERMITS**

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following hotel permits were approved:

**BAYMONT INN & SUITES**—3540 Cummings Highway, Chattanooga, TN 37419

**HOLIDAY INN HOTEL & SUITES**—2345 Shallowford Village Drive, Chattanooga TN 37421

**PURCHASES**

On motion of Councilwoman Gaines, seconded by Councilman Gilbert, the following purchases were approved for the Neighborhood Services Dept. and Finance:

**CHATTANOOGA TMES FREE PRESS (Sole Source Purchase)**  
**Requisition R0113310**

Contract for the Distribution of the Common Ground Newsletter for Neighborhood Services

\$18,564.00

**MUNICIPAL SOFTWARE (Sole Source Purchase)**  
**Requisition R0116389**

Annual Municipal Software Management Agreement

\$10,985.62



**PURCHASES (CONT'D)**

**CARL CORP. (Single Source Purchase)**  
**Requisition R0115542**

Annual Software Maintenance Contract

\$96,700.56

**CITY ATTORNEY**

Attorney Nelson announced that we would approve the Bond Issue Tuesday morning, December 9<sup>th</sup> at 10:00 a.m.; that we would compile the figures and be ready for action by noon and would need to schedule a Special Meeting.

Councilwoman Robinson asked about the possibility of just recessing this meeting. Attorney Nelson explained that under the Charter we can't recess meetings from week to week, and this is the reason we have to have a Special Meeting to approve the sale. This meeting will be held at noon on Tuesday, December 9<sup>th</sup>.

At this point. Chairman Bennett noted that each Councilperson had received a letter from our favorite City Attorney stating that he will be leaving at the end of the year. She stated that we would be sorry to lose him.

Attorney Nelson thanked Chairman Bennett and stated that he meant every word that he had written in his letter to each of the Councilmembers; that he shared a lot of memories with the Council.

Chairman Bennett stated that the Council would have a lot more to say; that we are just now processing this and everyone is shocked.

## COMMITTEES

Councilman Rico scheduled a **Public Works Committee meeting to follow the Agenda Session on Tuesday, December 9<sup>th</sup>**. The meeting will cover Public Works matters for the current and following week and also a discussion regarding the Highland Park Zoning Study.

Councilman Page announced that there would be an **Economic Development Committee meeting to immediately follow Public Works committee on Tuesday, December 9<sup>th</sup>**. A Chattem PILOT will be discussed.

Chairman Bennett announced that there would be a Lookout Valley Christmas Parade on **Saturday, December 13<sup>th</sup>**; that Volkswagen has offered to provide a car for Councilmembers and she urged that each Councilperson let Mrs. O'Neal know if they could attend. The lineup starts at 11:00 a.m. and the parade will be at noon.

Councilman Gilbert noted that **Resolutions (h) and (k)** on next week's agenda were discussed in the Parks and Recreation Committee meeting today.

Councilwoman Gaines scheduled a **Safety Committee meeting for Tuesday, December 16<sup>th</sup> to immediately follow the Legal and Legislative Committee meeting**. She stated that she would provide more information later.

Councilman Benson announced that there would be a **District 4 Neighborhood Meeting at 7:00 P.M. on Thursday, December 4<sup>th</sup> at the Concord Baptist Church**. He stated that he would appreciate the Staff being there as he was expecting from 200 to 300 people to be present.

Councilman Pierce stated that his Christmas Parade would be on Main Street on **Saturday, December 6<sup>th</sup>**; that this would be a 24-hour event and that he and Councilman Rico shared this area and were debating who would be the Grand Marshall; that last year they rode in a BMW Convertible. He stated that he would appreciate everyone coming down that day.

**NEXT WEEK'S AGENDA**

At this point, Chairman Bennett asked that each one turn to next week's agenda. She noted that the Ordinance under final reading had already been discussed. The first Ordinance under First Reading is **Ordinance (a)** and amends the Zoning Ordinance to create uniformity in listed requirements and is a housekeeping item that will be discussed in the **Public Works Committee meeting next week.**

**Ordinance (b)** is a closure and abandonment for C & L Rentals, LLC of a portion of the 2400 Block of 10<sup>th</sup> Ave., the 2500 Block of E. 24<sup>th</sup> St., and portions of an unopened alley located off of E. 24<sup>th</sup> St. This will be covered in the **Public Works Committee meeting next week.**

**Ordinance ©** rezones specific properties within the Highland Park Neighborhood, more particularly described in the Zoning Study and will be discussed in the **Public Works Committee next week.**

**Ordinance (d)** is a rezoning for Ernest C. Noll from R-3 to RT-1 on a tract of land located at 222 Oliver Street.

**Ordinance (e)** is a rezoning for Tennessee Temple University from R-1 to R-4 on tracts of land located at 910 South Beech St. and 203 Anderson Ave.

**Ordinance (f)** is a rezoning for DHW Architects—Memorial Hospital from R-1 to R-4 on tracts of land located in the 2400 Block of Citico Ave., the 800 Block of Wheeler Ave., and the 800 Block of North Chamberlain Ave.

**Ordinance (g)** is a rezoning for Jerry Hagan from O-1 to R-4 on a tract of land located at 7374 Applegate Lane.

**Ordinance (h)** is a rezoning for Kimberly A. Wolf from M-2 to M-1 on a tract of land located at 21 West 28<sup>th</sup> St.

**Ordinance (i)** is a rezoning for Margaret Weintzettel from R-2 to R-3MD on a tract of land located at 907 Altamont Road.

**Ordinance (j)** is a rezoning for Trudy Mott from R-1 to R-3MD on a tract of land located at 1203 Rockway Drive.

**AGENDA (CONT'D)**

**Ordinance (k)** is a rezoning for Horvah Associates from M-1 to C-3 on a tract of land located in the 300 Blocks of Chestnut and Broad Streets.

**Ordinance (l)** is a rezoning for John Anderson from R-2 and R-4 to O-1 on tracts of land located at 2906 Silverdale Road and 2809 and 2815 Walker Road.

**Ordinance (m)** is a rezoning for Jeff Cannon from M-1 to C-3 on a tract of land located at 26 East Main St.

**Ordinance (n)** is a rezoning for Marlene and Thomas Cain from R-2 to C-2 on a tract of land located at 1308 Hanover Street.

**Resolution (a)** authorizes payment to CARTA in an amount not to exceed \$3,312,000.00 for the North Shore Garage.

**Resolution (b)** authorizes a contract with the Urban League of Greater Chattanooga relative to the 2009 Earned Income Tax Credits Campaign in an amount not to exceed \$30,000.00.

**Resolution ©** authorizes the Mayor to execute a contract with TDOT to install a multi-purpose traffic signal at the intersection of SR 153 at Middle Drive to the Fountains of Chattanooga.

**Resolution (d)** authorizes Tamara Dillard to use temporarily the rights-of-way at 401 Market St., Suites A, B, and C to install signs.

**Resolution (e)** is a Street Name Change of the 500 to 599 Block of Wyandot to the 500 to 599 Block of Healthy Street and the 2750 to 2899 Block of Wyandot to the 600 Block of Latimore Street.

**Resolution (f)** is a Tennessee Temple University PUD.

**Resolution (g)** abandons the Final PUD Plan for the City of Chattanooga of the Tennessee Temple University—Highland Park Baptist Church.

**Resolution (h)** regarding a Lease Agreement between the City and Norfolk Southern-Alabama Great Southern Railroad was discussed earlier today in committee.

**AGENDA (CONT'D)**

**Resolution (i)** is a Special Permit for a Residential Home for Handicapped or Aged for Mattie Wilson and Joyce Edmonds on tracts of land located at 2005 and 2009 Daisy St.

**Resolution (j)** is a Preliminary PUD for Windward Properties on tracts of land located in the 4500 Block of Webb Road.

**Resolution (k)** regarding a Lease Agreement between the City and the Chattanooga food Bank for a portion of property located in the 2000 Block of Curtain Pole Road has already been discussed in committee today.

Chairman Bennett noted that this concluded items on the agenda for next week. An agenda is also posted outside and on the website.

At this point, Councilwoman Gaines noted that Councilman Rico had mentioned the Highland Park Study. She wanted to know what would be discussed.

Councilman Rico responded that he had not looked at the Study yet and would get with her after the meeting.

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, December 9, 2008 at 6:00 P.M.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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

