

**City Council Building
Chattanooga, Tennessee
December 16, 2008
6:00 p.m.**

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gaines, Gilbert, Page, Pierce, Rico and Robinson present. 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, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the minutes of the previous meeting were approved as published.

**SPECIAL PRESENTATION: MCKAMEY ANIMAL
CENTER UPDATE**

Dr. Amanda Wojtalik-Courter stated that the McKamey Center has been open since July 1, five months, and has serviced over 28,000 animals, placed over 900 actively in homes, 300 into rescue and foster situations and 150 returned to owners. She stated they are really excited about the work they are doing and have been incredibly blessed in November, alone, with over 2500 volunteer hours. She stated they had startup lumps and bumps, however a lot has smoothed over as they continue to grow. She stated they have done a great deal of outreach and education through their volunteers, which is their very best resource; that they have responded to a lot of community needs as people are moving and animals transitioning into new homes. She stated they are proud of the reduction in the number of animals entering the center; that they have a Foster Coordinator that works with families having to surrender pets to assure they are matching pets with the families that actually take them, which reduces costs at the Center and stress on the surrendering family and animal. She stated they are trying to keep costs low and hope to be able to come back in a few months with even more good news! She stated it is a continual process and looks forward to continuing to serve the city.

SPECIAL PRESENTATION: 'FAST DAY'
PROCLAMATION

Mayor Littlefield stated the Community Kitchen has the "Fast Day" celebration that is perennially popular. He stated that he has a great deal of respect for the Community Kitchen as they undertake special programs and special fund raising events throughout the year. As he prepared to read the Proclamation, he asked Charlie Hughes, Executive Director, to come forward. (The Proclamation has been spread upon the minutes.)

Proclamation

WHEREAS: The City of Chattanooga takes pleasure in paying tribute to those special organizations who have dedicated themselves to the betterment of our community; and

WHEREAS: The Chattanooga Community Kitchen serves the homeless and needy of our area by providing a feeding program, job training, shelters, clothing, housing, basic needs and much more; and

WHEREAS: The Community Kitchen relies on area individuals, churches, and businesses for support, and especially on Fast Day in particular, to provide the support for these programs; and

WHEREAS: The Community Kitchen serves over 120,000 meals each year and helps thousands with employment and housing needs; and

WHEREAS: The Community Kitchen is an important part of our community and serves our area's most vulnerable citizens and once a year, requests the residents of Chattanooga to fast for a day and donate the cost of one day's meal to those less fortunate.

Now Therefore, I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim Tuesday, December 16, 2008 as

City Wide Fast Day

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
16th day of December, 2008

Ron Littlefield, Mayor

SPECIAL PRESENTATION: 'FAST DAY'
PROCLAMATION (Continued)

Charlie Hughes thanked the Mayor and Council and noted most, if not all Council members, have been to the Kitchen to see what has been done and has helped them. He stated the "Fast Day" goal is \$450,000, which carries them over the next year. He stated thus far \$350,000 has been raised and are about \$24,000 behind where they were last year, which is not encouraging to them. He stated in talking with the Case Manager, there have been about twenty people a week coming in looking for jobs, about fifty percent in emergency housing in Chattanooga and the remaining percentage living on the streets. He stated it is a difficult thing and they are having less than a fifty percent success rate in getting jobs. He stated they are serving 100 more meals a day than six months ago and domestic violence requests for assistance is up 100 percent. He thanked the Council for contributing \$250,000 to enable them to open a new center; that construction is underway and it is exciting to see the improvements in the whole building.

SPECIAL PRESENTATION: CERTIFICATE OF
APPRECIATION TO CHARLES HUGHLEY

Adm. Beverly Johnson asked Charles Hughley and Neighborhood Services staff to join her at the podium. She stated she was present tonight with happiness and regret as the city is about to lose a long time member of not just the Neighborhood Services staff, but city government, as Charles has been around longer than she is old – about 39 years!!! She stated he has had the opportunity to work under Mayors Kelly, Rose, Roberts, Kinsey, Corker and Littlefield, as well as an opportunity to work with former City Judge Walter Williams. She stated tonight she has come to honor Charles' tenure with city government and wanted to show appreciation to him by presenting a Certificate of Appreciation for all the years he has served. She stated she has learned three new things about him: 1. He is a licensed minister; 2. He is a certified auto mechanic; and 3. He is a trained cook! She stated he has three new professions he can take on once leaving us and is a very resourceful person. At this point she read and presented a Certificate of Appreciation to him: ***'In recognition of his valuable contribution to the citizens of Chattanooga and his career devotion to the betterment of our city'***.

Mayor Littlefield noted that Mr. Hughley worked with seven Mayors, including Mayor Bender.

City Attorney Nelson added that he also worked with Mayor Dean Peterson who had a two-to-three week period in there.

**SPECIAL PRESENTATION: CERTIFICATE OF
APPRECIATION TO CHARLES HUGHLEY (Continued)**

Mayor Littlefield exclaimed "eight Mayors"! He stated that he and Charles worked together as city employees and ate together at the Avondale meeting last night. He stated Charles has had a lot of health challenges lately but kept faith and kept working; that he is glad he has an opportunity to go and take it easy. He informed him that he has a lot of volunteer things he is recruiting people into doing and congratulated him on the good work he has done.

Walter Williams stated that he received an e-mail that this presentation would take place tonight and had to find the time to come and say a few words to the person he has known all his life. He stated they grew up together four doors from each other in College Hill Courts; that he had an opportunity to bring in on his staff at City Court and he did so willingly and Charles did a superb job! He congratulated Charles, noting that he deserved his retirement.

Charles Hughley stated that this is a joyful and sad time; that all of his life has been in public service. He stated one Mayor was left out – Mayor Kelley from the sixties. He stated he volunteers quite a bit and if there is a place on a city panel he would enjoy that. In expressing thanks, he stated he would certainly not stop now, would get his leg back in shape and would be back again!

Councilman Pierce stated after serving under so many Mayors, he asked Charles if he realized the last qualifying date is Thursday.

Mr. Hughley responded "I got your message"!

Chairman Bennett congratulated Mr. Hughley on his long and distinguished service to this community.

JOINT APPOINTMENT: MICHAEL A. MCMAHAN

At this point, Councilman Page made the motion to move Resolution (n) forward on the agenda; Councilwoman Gaines seconded the motion; the motion carried.

Councilman Page stated that he would not be present when City Attorney Nelson has his final words; that he wanted to have an opportunity to express his admiration and appreciation for his leadership, knowledge, fairness and friendship. He stated that he has been absolutely outstanding and lives in his district, again expressing appreciation for his friendship and wisdom.

JOINT APPOINTMENT: MICHAEL A. MCMAHAN
(Continued)

City Attorney Nelson stated that he can remember a much younger candidate coming to his front door eight years ago and noted that it comes from his heart that it has been a pleasure to work with Councilman Page and all on the Council.

Councilwoman Robinson stated that she knows this is the last Council meeting for this year and when we come back we will have a new attorney with us; that we may have to bring our retiring City Attorney back and "roast" him a little!

On motion of Councilman Benson, seconded by Councilwoman Gaines,
A RESOLUTION APPOINTING, JOINTLY WITH THE MAYOR, MICHAEL A. MCMAHAN AS CITY ATTORNEY, EFFECTIVE JANUARY 1, 2009 TO FILL THE UNEXPIRED TERM OF RANDALL L. NELSON AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED

was adopted.

Chairman Bennett welcomed Mr. McMahan as the incoming new City Attorney.

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VI, HEIGHT AND AREA EXCEPTIONS, TO CREATE UNIFORMITY IN THE LISTED REQUIREMENTS AND TO INCLUDE GUIDELINES FOR MOVEMENT OF SINGLE-FAMILY RESIDENCES AS SET OUT BY RECENT CHANGES IN TENNESSEE LAW

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

AMEND ZONING ORDINANCE

On motion of Councilwoman Berz, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VI, HEIGHT AND AREA EXCEPTIONS, SECTION 106, TO CLARIFY THE LOT OF RECORD REQUIREMENTS FOR DUPLEX DEVELOPMENT IN THE R-3MD MODERATE DENSITY ZONE

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

CLOSE AND ABANDON

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

On motion of Councilman Rico, seconded by Councilman Pierce,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 2400 BLOCK OF 10TH AVENUE, THE 2500 BLOCK OF EAST 24TH STREET, AND PORTIONS OF AN UNOPENED ALLEY LOCATED OFF OF SAID BLOCK OF EAST 24TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2008-161: City of Chattanooga/RPA

On motion of Councilwoman Gaines, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC PROPERTIES WITHIN THE HIGHLAND PARK NEIGHBORHOOD, MORE PARTICULARLY DESCRIBED HEREIN AND IN THE ZONING STUDY ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE, R-3MD MODERATE DENSITY ZONE, AND R-4 SPECIAL ZONE TO R-1 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE WITH CONDITIONS, AND R-4 SPECIAL ZONE WITH CONDITIONS, SUBJECT TO SAID ZONING STUDY
passed second and final reading and was signed in open meeting.

REZONING

2008-162: Ernest C. Noll

Councilwoman Robinson inquired as to the urban residential zone and legislation concerning the overlay zone.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that Staff wanted time to defer the matter until the regulations were in place as the property needed setbacks; that they are trying to make it easier for structures in the urban zone and match the setbacks in the neighborhoods. He stated the standard now is 25 feet and they are trying to get a standard in place.

REZONING (Continued)

Mr. Haynes stated the only question is whether further variances are needed to make this property comply with the RT-1 zone.

Councilwoman Robinson asked if the Staff had a recommendation.

Mr. Haynes responded that Staff wanted to defer the matter until the regulations are in place.

Councilwoman Robinson inquired as to whether there is any idea as to when the regulations will be ready.

Mr. Haynes stated that the matter was taken to Planning this month but they were not ready as questions were raised. He stated they expect to have it before Planning in January or possibly February.

Councilwoman Robinson asked if the applicant was in attendance tonight; the applicant responded "yes".

Councilwoman asked if it would be a hardship to wait until the regulations were ready as Planning is still working on this; that the zone is not quite ready for "prime time".

Ernest Noll stated that the house is already built; that he has a variance on the setback when it was built to start with.

Mr. Haynes stated the Staff's only issue is that it was already built and built as a duplex.

Mr. Noll stated that it was built as a townhouse; that Planning told him he could start building when it was thought the area was going C-7, and then it went back after it was built and was put on hold.

Mr. Haynes stated the variance required a 25 foot setback and the property has a 20 foot setback or something close; that RT-1 requires a 40 foot setback unless there is landscaping and that would be difficult since there is a driveway. He stated what they were trying to do was work around this; that Staff supports what he wants to do; that it is appropriate to subdivide to sell as townhouses; that they are trying to make sure the zoning did not "snag" him (Noll).

REZONING (Continued)

Councilwoman Robinson stated that this is a very sensitive area; that the whole area is C-7 and the entire area is going through so much revitalization. She expressed hope that the RT-1 can be ready soon from Planning and Councilman Benson would be proud to take it up in Committee.

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 222 OLIVER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-3 RESIDENTIAL ZONE TO R-1 RESIDENTIAL TOWNHOUSE ZONE
passed second and final reading and was signed in open meeting.

REZONING

2008-163: Tennessee Temple University

On motion of Councilman Rico, seconded by Councilman Page,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 910 SOUTH BEECH STREET AND 2003 ANDERSON AVENUE, 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 second and final reading and was signed in open meeting.

REZONING

2008-195: Horvah Associates c/o John Combs

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 300 BLOCKS OF CHESTNUT AND BROAD STREETS, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2008-196: John Anderson

On motion of Councilwoman Berz, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 2906 SILVERDALE ROAD AND 2809 AND 2815
WALKER ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE AND R-4
SPECIAL ZONE TO O-1 OFFICE ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2008-199: Jeff Cannon

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 26 EAST MAIN STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM
M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE,
SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2008-201: Marlene and Thomas Cain

Councilwoman Robinson stated when this matter was approved on first reading the conditions were read into the record: *use of the existing structure and use as a craft store and residence.*

Mr. Haynes responded "correct".

REZONING (Continued)

On motion of Councilman Rico, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1308 HANOVER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

(Councilman Page excused himself from the meeting at this point.)

GRANT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE LYNDBURST FOUNDATION RELATIVE TO CONTRACT NO. E-07-009. JEFFERSON PARK PROJECT, FOR THE REVITALIZATION OF JEFFERSON HEIGHTS PARK IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-07-018-201, TO P&C CONSTRUCTION, INC. RELATIVE TO THE PASSAGE REPAIR CONTRACT, IN THE AMOUNT OF ONE MILLION ONE HUNDRED SIXTY FIVE THOUSAND DOLLARS (\$1,165,000.00), PLUS A CONTINGENCY AMOUNT OF ONE HUNDRED SIXTEEN THOUSAND FIVE HUNDRED DOLLARS (\$116,500.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED EIGHTY ONE THOUSAND FIVE HUNDRED AND NO/100 (\$1,281,500.00)

was adopted.

AGREEMENT

Councilwoman Berz stated that she was led to believe we were still working on this and inquired as to the environmental impact and alternate transportation piece.

AGREEMENT (Continued)

Adm. Steve Leach stated that they are working on the issue about the environmental impact; that it would probably be a supplement to this. He stated CARTA has been working with Volkswagen and there may or may not be a price. He stated the environmental price will likely come as we make improvements on the intersection; that we have to do an environmental evaluation on the ones that have to be improved. He stated of all the 36 places three have rail crossings and portions will have to have an environmental study to go with them.

Councilwoman Berz stated that she has a concern about it as it is a whole lot of road and it seems we could rearrange a way of people getting there. She stated it seems cheaper to buy a number of electric buses than it does rearranging roads and intersections. She expressed whether we were putting the "cart before the horse". Adm. Leach responded "no".

Councilwoman Berz stated that she wanted to make sure of what we are doing and wondered if it could be done differently.

Adm. Leach stated critical intersections have been identified and they have already had to modify two that they knew of early on for construction. He stated they are trying to figure out what they have and knows there are issues in the county and there are already issues in the city; that there will likely be issues no matter what. He stated the turning lines and signals are all issues; that we need to figure out if we have the right alignments or right signal system at each intersection. He stated he does not disagree about the part about secondary means of getting folks to work there as that is important and, in fact, the Volkswagen folks have a parking area remote to the site and plans to bus folks into the site; that they are already doing that with the construction folks.

Councilwoman Berz stated that the Volkswagen folks are very environmentally conscious as are we, and asked that we consider when we do impact studies of anything – traffic or whatever – that we do understand what we are doing; that part of the impact across the board is the impact on environment. She stated we can talk about it as she is not in disagreement.

Adm. Leach stated when we do major projects it is subject to many environmental checks; that we have had road delays for construction due to "hot spot" announcements and when we do there is a process in place for major construction. He stated that he understands Councilwoman Berz' concerns very clearly.

AGREEMENT (Continued)

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 VOLKERT & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-08-024-101, FOR TRAFFIC ENGINEERING SERVICES TO CONDUCT A TRAFFIC IMPACT STUDY FOR THIRTY-SIX (36) INTERSECTIONS AND THREE (3) RAIL CROSSINGS NEAR THE VOLKSWAGEN FACILITY AT ENTERPRISE SOUTH INDUSTRIAL PARK IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-SIX THOUSAND THREE HUNDRED DOLLARS (\$166,300.00) AND TO ACCEPT FUNDS FROM HAMILTON COUNTY GOVERNMENT FOR THEIR PARTICIPATION IN THE CONTRACT
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A CONTRACT FOR ARCHITECT SERVICES TO BILLINGSLEY ARCHITECTURE FOR RE-ROOFING THE POLICE ANNEX BUILDING AND SERVICE CENTER PENTHOUSE, HVAC MODIFICATIONS FOR THE SERVICE CENTER, SECOND FLOOR, AND OFFICE BUILD-OUT FOR THE SERVICE CENTER, SECOND FLOOR, FOR A TOTAL AMOUNT NOT TO EXCEED TWELVE THOUSAND EIGHT HUNDRED DOLLARS (\$12,800.00)
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO A CONTRACT WITH ETS TO PROCESS CREDIT AND DEBIT CARD TRANSACTIONS
was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING A PAYMENT TO PIONEER TITLE AGENCY, INC. IN THE AMOUNT OF ONE HUNDRED FORTY-EIGHT THOUSAND NINE HUNDRED SIXTY-SEVEN AND 50/100 DOLLARS (\$148,967.50) FOR THE CITY'S ONE-HALF OF THE PURCHASE OF TITLE INSURANCE FOR THE VOLKSWAGEN SITE, FOR WHICH THE TOTAL PRICE IS \$297,935.00 WITH THE OTHER ONE-HALF TO BE PAID BY HAMILTON COUNTY
was adopted.

PAYMENT AUTHORIZATION

Councilmen Berz and Rico made the initial motion to adopt this resolution.

Councilman Benson stated that he was in a dilemma and explained in Legal and Legislative Committee today when he heard an explanation for what this \$66,981 will be spent for he felt it was a very worthy expenditure at that time, and then less than an hour later he heard a disturbing financial prognosis of possibly what is facing this city. He stated it was disturbing to him when it was realized we have to establish priorities of necessities and we will probably have to if the economy continues the way it is. He stated that it concerns him whether this is a wise move and thinks there are possibly other avenues to accomplish what he thinks this will do; that it is a good investment to get MTAS here to work with our managers and personnel, there is no question about it, but he is not so certain this is something we have to pay this amount of money for right now as there are other avenues that could accomplish this same thing. He stated it is his thought rather than pay this amount for a consultant to come in here we should look to the scores of others who could help us, possibly a retired Human Resources corporate executive and he knows of one who recently retired from an insurance company going into this very business. He stated that he has unreadiness about voting for this tonight until we put this expenditure in light with other things we were told about at 5:30 today that we might have to cut; that he would prefer to defer and then look at the whole picture Mr. Johnson brought up to us tonight and see if this is the only way we can accomplish the quality of management we feel we need to have here in Chattanooga.

Councilman Benson made the motion to defer/table the matter; Councilman Pierce seconded the motion.

Dan Johnson, Chief of Staff, expressed agreement with Councilman Benson regarding the need to evaluate everything and they have been going through that process for weeks, but it is his belief the expenditure on training personnel/supervisors is of high importance. He stated that he would really like for this expenditure to be approved; that it has been considered and is thought necessary at this time to do. He stated they are going through the process of identifying areas that can be safely cut.

Councilman Benson stated his problem has to do with another way to get management and employees trained without spending this type of money to bring in consultants; that he can give the name of a person who recently retired from Blue Cross specializing in what he had done there.

PAYMENT AUTHORIZATION (Continued)

Councilman Rico expressed that “you get what you pay for” and there probably is another way; that it is his thought Personnel would know this is probably the best way.

On roll call vote to defer/table:

BENSON	“Yes”
BERZ	“No”
GAINES	“No”
GILBERT	“Yes”
PIERCE	“Yes”
RICO	“No”
ROBINSON	“No”
BENNETT	“No”

The motion failed.

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT FOR ON-GOING TRAINING CONDUCTED BY THE UNIVERSITY OF TENNESSEE MUNICIPAL TECHNICAL ADVISORY SERVICES (MTAS) FOR THE PERIOD OF DECEMBER 31, 2008 TO DECEMBER 31, 2009 IN THE AMOUNT OF SIXTY-SIX THOUSAND NINE HUNDRED EIGHTY-ONE DOLLARS (\$66,981.00)
was adopted; Councilman Benson voted “no”.

AMEND AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A SECOND AMENDMENT TO ITS AGREEMENT WITH LOSE AND ASSOCIATES TO PROVIDE LANDSCAPE SERVICES TO PHASE II OF THE WARNER PARK BALLFIELD COMPLEX PROJECT, WHICH AMENDMENT INCREASES THE AMOUNT OF THE CONTRACT BY NINE THOUSAND FIVE HUNDRED DOLLARS (\$9,500.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED NINETY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$294,500.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH PALMERTREE CONSTRUCTION COMPANY, LLC FOR CONSTRUCTION OF A BARN AT GREENWAY FARMS IN THE AMOUNT OF TWO HUNDRED THIRTY-TWO THOUSAND ONE HUNDRED NINETY-THREE DOLLARS (\$232,193.00), PLUS A FIVE PERCENT (5%) CONTINGENCY AMOUNT OF ELEVEN THOUSAND SIX HUNDRED NINE AND 65/100 DOLLARS (\$11,609.65), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-THREE THOUSAND EIGHT HUNDRED TWO AND 65/100 DOLLARS (\$243,802.65)

was adopted.

DECLARE SURPLUS

On motion of Councilman Rico, seconded by Councilman Benson,
A RESOLUTION DECLARING SURPLUS TWO (2) VEHICLES DESCRIBED HEREIN, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY SAID VEHICLES TO ANIMAL CARE TRUST d/b/a/ MCKAMEY ANIMAL CARE AND ADOPTION CENTER, INC.

was adopted.

DECLARE SURPLUS

On motion of councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION DECLARING SURPLUS TEN (10) LIGHT BARS, AND AUTHORIZING SAME TO BE DONATED TO THE HAMILTON COUNTY RESCUE SERVICE

was adopted.

PAYMENT AUTHORIZATION

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT TO DEANE F. ALLEN IN THE AMOUNT OF THIRTEEN THOUSAND THREE HUNDRED SIXTY-FIVE AND 09/100 DOLLARS (\$13,365.09) FOR AN ADDITIONAL EASEMENT ON PROPERTY LOCATED AT 0 APISON PIKE, PARCEL NO. 140-160.07, RELATIVE TO THE SUMMIT BALLFIELD COMPLEX PROJECT

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BRIGHTBRIDGE, INC. (FORMERLY SOUTHEAST LOCAL DEVELOPMENT CORPORATION) FOR ADMINISTRATION OF SECTION 108 GUARANTEE LOAN FUNDS FROM THE UNITED STATES UNDER THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING C&L RENTALS, LLC TO USE TEMPORARILY THE RIGHTS-OF-WAY AT THE INTERSECTIONS OF EAST 24TH STREET AND DODDS AVENUE AND 25TH STREET AND DODDS AVENUE, TO INSTALL TWO (2) CONTROL GATES TO RESTRICT DUMPING AND PREVENT OTHER ILLEGAL ACTIVITIES ON THE UNDEVELOPED AREA, AS SHOWN ON THE DRAWING AND SITE PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT ON THE PASSAGE

Councilman Pierce stated that he wanted to go back to Resolution (b) to discuss the \$1.5 million for completion of repair to The Passage.

Adm. Leach stated we are rebuilding The Passage so we can actually use it again; that it has been closed for months, now. He stated this contract would actually repair the walls, the base pool, and electrical system and get it back in first class condition.

Councilman Pierce asked if the work has been approved yet.

Adm. Leach responded "no"; that some preliminary evaluations have been done and they have looked at some of the material; that there have been some ultrasound-type tests done on the site to assist in figuring out what we have to do on the wall and electrical systems to make sure and understand what we want fixed.

Councilman Pierce inquired about the amount of contingency. Adm. Leach stated the contingency amount is usually ten percent.

CONTRACT ON THE PASSAGE (Continued)

Councilman Pierce stated in looking at Resolution (i) the contingency is only five percent and asked why. Adm. Leach responded that he could not answer that one.

Councilman Pierce stated it is common practice when we put a contingency amount in the contract it leads the way to make the contractor's cost what he wants.

Adm. Leach stated the resolution with the five percent contingency might be a simpler project. He stated that they think they know what The Passage issues are and, in this case, it is basically new construction. He stated he is not sure why the five percent amount was chosen; that they normally try to get ten percent.

OVERTIME

Overtime for the week ending December 11, 2008 totaled \$33,963.88.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **JEROME HIGGINS** – Resignation, Crew Supervisor 3, City Wide Services, effective December 9, 2008.
- **ARLEY L. HARVEY** – Suspension (2 days without pay), Equipment Operator 3, City Wide Services, effective December 11-12, 2008.
- **GARY L. LANSDEN** – Dismissal, Crew Worker 1, City Wide Services, effective December 11, 2008.
- **KEELE MAYNOR** – Resignation, Administrative Asst. 1, Land Development, effective December 12, 2008.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **DONALD DAVIS** – Retirement, Captain, effective December 10, 2008.
- **BILL MELHORN** – Retirement, Captain, effective December 12, 2008.

CHATTANOOGA POLICE DEPARTMENT:

BRAD TUCKER – Resignation, Property Technician, effective December 9, 2008.

NEIGHBORHOOD PARTNERS EVENT

Adm. Beverly Johnson reminded Council members of the Neighborhood Partners program scheduled for Thursday at 2 p.m. at Bessie Smith Hall. She expressed awareness that the Council had another event and assured them she would get them out in time. She stated every Council district has an organization that will receive an award and knows Council members would like to be there to help them receive it.

CITY EMPLOYEES' PHARMACY

Adm. Donna Kelley reported that the city employees' pharmacy opened today; that they had some minor bumps but there are success stories; that one employee left happy as she is saving \$128 per month! She stated that she expected a lot of stories like that between now and the grand opening January 5. She expressed thanks to the Council for allowing them to make this available to each employee of the city and an effort to save money, as well.

Councilwoman Berz commended Adm. Kelly on the terrific job she did in making this happen, noting that a lot of hard work went into this "cutting edge" program. She congratulated her and thanked her for doing such a great job!

Adm. Kelley stated that she looks forward to making a much longer report in the future.

Adm. Daisy Madison thanked Ms. Kelly, as well.

HOTEL PERMITS

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

BUDGET INN – 3535 Cummings Highway, Chattanooga, TN

COMFORT INN & SUITES BY CHOICE HOTEL – 3117 Parker Lane, Chattanooga, TN

REFUNDS

On motion of Councilman Pierce, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refund of gross receipts tax and water quality fees and/or property taxes, respectively:

TRIAD CORP. INC. \$1,092.25

WILLIAM M. HAYNES 1,415.00

WICKLIFFE R. SPEARS 1,238.63

PURCHASES

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

HUMAN SERVICES DEPARTMENT:

THS FOOD SERVICE (Best incomplete bid)
R0115746

Requirements Contract for Dry Foods and Kitchen Supplies, December 10, 2008 – December 9, 2009.

(Price information available and filed with minute material)

PURCHASES (Continued)

PROJECT MANAGEMENT SOLUTION (Best bid)

R0116016

Requirements Contract for Disposable Diapers, December 10, 2008 – December 9, 2009.

(Price information available and filed with minute material)

CHATTANOOGA POLICE DEPARTMENT:

TASER INTERNATIONAL, INC. (Single source)

R0116610

Taser Air Cartridges per TCA 6-o56-304.6

\$15,976.00

CHATTANOOGA FIRE DEPARTMENT:

DELL MARKETING (Best proposal)

R0111665

Multimedia Equipment and Installation

\$95,036.20

EMERGENCY PURCHASE

The emergency purchase of emergency heating and air condition system with Metro Services, Inc., for the General Services Department, Building Maintenance, on R0116951 in the amount of \$21,027.00 was duly reported and signed in open meeting.

FAREWELL TO RANDY!

City Attorney Nelson stated when he walked in an hour ago he noticed the second row of seats taken with folks he is very familiar with! At this point the staff from his office stood. He acknowledged them and thanked them for being such a fine staff! He stated that they make up the City Attorney's office and indicated how much of a pleasure it has been to work with them over the last nineteen years and publicly thanked each of them for their support. He wished each and everyone a very happy Merry Christmas and a joyous and prosperous New Year. He expressed thanks and stated he has thoroughly enjoyed serving each of the Council members in this position.

Chairman Bennett stated that this moment is very bittersweet; that all on the Council have learned from Randy and expressed appreciation for his service. She noted how sad it is to see him go, yet everyone understands that persons have to make hard decisions sometime and how highly everyone thinks of him.

Councilman Pierce stated he would not miss the opportunity to say he has enjoyed working with Randy and under him; that he (Pierce) was on the Council when he became City Attorney, shortly after Gene Collins filed the lawsuit, noting that he has been the only City Attorney he has known. He stated that he has not always agreed with him, however he has been an idol to him and expressed appreciation, noting that he could call him any time of the day or night and Mrs. Nelson would always see that he got to the phone. He noted to Mrs. Nelson that he hoped she would not have the problem Councilman Benson's wife had, who has a problem with him staying in the house and makes him come down to the City Council office!

Mrs. Carolyn Nelson cheerily noted that she would send Randy to Bi-Lo to bag groceries!

Councilman Benson stated that he did not know what to say and could only say that he did not want to say nice things about Randy or he would choke up! He expressed thanks to him for leading a good staff, which is the most important thing.

Councilwoman Berz stated when a person comes in the middle of a four year term the learning curve is really big! She stated that she talked with Randy about all sorts of things and took his wisdom to heart; that a couple of times he noted that he could not discuss this situation or that or whatever! She thanked him for mentoring her, for keeping her honest and noted that she looks forward to many years of friendship!

FAREWELL TO RANDY! (Continued)

Councilwoman Gaines echoed statements from other Council members, noting that everyone on the Council consults with the City Attorney for everything! She added that she would miss his mints, too, and to leave them!

Councilman Gilbert stated it has been a pleasure meeting him (Randy) even though he has been on the Council a short while. He expressed hope that he would see him again soon.

Councilman Rico told Mr. Nelson that it was fun working with him as there have been a lot of good times!

COMMITTEES

Councilwoman Berz stated that the **Budget, Finance and Personnel Committee will meet on Tuesday, January 6** following Economic Development. She stated a full agenda will be published ahead of time.

Councilman Benson stated that the **Legal and Legislative Committee will meet on Tuesday, January 13 immediately following discussion of agenda items** for further discussion regarding an amendment to the Sign Ordinance.

Councilwoman Gaines scheduled a meeting of the **Safety Committee for Tuesday, January 20** following Public Works.

In the absence of Councilman Page, Chairman Bennett scheduled a meeting of the **Economic Development Committee for Tuesday, January 6 following Public Works** for a report from the Ochs Center regarding the newly released State of Chattanooga Region Report on Economics.

Councilman Rico stated the **Public Works Committee will meet on Tuesday, January 6 immediately following discussion of agenda items.**

Councilwoman Robinson stated that the Health, Human Services and Housing Opportunities Committee heard a report from the Ochs Center presented by David Eichenthal and after that Rev. Mike Feely, now consulting with the city on matters related to healthy neighborhoods and poverty, offered to help lead us in understanding some of the issues raised in Mr. Eichenthal's report. She stated the entire Council got very involved in the discussion, noting that it is something we can tackle as a group. She stated it was a late meeting and everyone expressed great interest in focusing on this.

COMMITTEES (Continued)

Councilwoman Robinson also indicated to Adm. Beverly Johnson that she would not be able to be present for the Neighborhood Partners Awards Program on Thursday as she would be in attendance at the Mayor's Green Committee for a final report on the health of our city, environmental challenges and what we will be doing as we go forward. She stated she would bring the information to the Council.

JANUARY 6, 2009 AGENDA

Chairman Bennett stated there would not be an agenda available until prior to January 6, shortly after the holiday break. At this point she wished everyone Happy Holidays!

PATRICK KELLOGG

Patrick Kellogg expressed apologies to his parents and others who have invested in him as being a citizen, noting that he has let them down and is looking toward righting wrongs to his family and community. He stated some will say he has the audacity to stand before the Council to ask for assistance in helping the inner city. He stated while community policing is a needed piece of addressing circumstances, it is his belief the lack of livable wage jobs, the immediate inconsistencies of educational/vocational training and recreation activities for adults and youth are the cause for crime in the inner city. He stated his organization, Take Over, could serve as a location to have a safe place, provide assistance and assist residents in completing their high school GED and other services. He stated Take Over is not asking for a hand out but a hand up and would like to perform as a for-profit LLC with a non-profit structure. He stated currently there are over 200 persons who reside in East Chattanooga who have the ability to cut yards, remove leaf debris, wash dishes and clothes and help prepare a meal. He stated they are working on a business plan to outsource functions.

Councilman Benson acknowledged that Mr. Kellogg has a good idea.

Mr. Kellogg stated that he would like for his organization to show the city that crime is not a culture, it is a decision one makes.

TONYA FOGARTY

Tonya Fogarty of 3313 Windsor Court in Brainerd stated all heard from some of the neighborhood groups and business owners from her area; that she is present to talk about seeking help from the Council in reference to two businesses in her neighborhood. He stated both businesses are located on Brainerd Road and she lives in the neighborhood behind it. She stated on weekends the noise continues after 3 a.m. and there is not enough parking to accommodate the clientele, noting that some of the clientele have broken windows and started a fire. She referenced the previous nuisance abatement action and noted that she was present to ask help in soliciting ideas in addressing this whole problem; that she is interested in any idea the Council might have to help them do something. She stated the police department is too overworked to come to every call for noise. She requested that action be taken against the businesses as they show total disregard for the neighborhood and other businesses.

Councilwoman Berz expressed thanks to Ms. Fogarty and the other people who came at 3 p.m. today and who are present tonight. She stated on January 8, 2009 the police department wants to meet with them; that Captain Dunn will be getting in touch with them and noted that she would like for the City Attorney's office to be represented. She stated she wants to sit down and talk about these particular problems and a couple of others of the same extent as she firmly believes people have put up with the noise long enough as it has been over five years in some instances. She stated that she wants the City Attorney's office to help figure out how to legally and permanently help with this; that this is Mike McMahan's first assignment! She expressed thanks to the Hilltop people who came and made an excellent presentation.

MIKE MCMAHAN

Mike McMahan noted that a Proclamation for Randy Nelson would be presented at the reception for him (Randy) on Thursday afternoon. He expressed hope that he would see the Council members at the reception on Thursday.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, January 6, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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