

**City Council Building  
Chattanooga, Tennessee  
January 6, 2009  
6:00 p.m.**

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Page, Pierce, Rico and Robinson present; Councilwoman Gaines was absent due to illness. City Attorney Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Page gave invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: LOOKOUT VALLEY LIONS CLUB**

Chairman Bennett stated that a very special young man will be recognized this evening.

**Janice Atkinson** and **Joe Graham** were present representing the Lookout Valley Lions Club. Ms. Atkinson asked Brandon Layne to come forward.

Joe Graham stated the Lookout Valley Lions Club has fundraising all year long and their fundraiser at Christmastime is to give food baskets and toys to the children and this year several bicycles were given. He stated there were eighteen (18) bicycles among the toys this year; that Brandon took it upon himself to do a community services project to raise as much as he could toward bicycles and raised \$525 going door-to-door asking for donations. He stated the Lions Club bought the bicycles and passed them out to needy families, which is why the Lions Club wanted to recognize him for the wonderful thing he did for the community.

**SPECIAL PRESENTATION: LOOKOUT VALLEY LIONS CLUB (Continued)**

**Brandon Layne** stated he is a student at Boyd Buchanan and every nine weeks as part of Bible Class requirements students have community service hours to do; that his grandmother knew someone in the Lions Club and was told about this and he thought it was a great idea. He stated that it made him feel good to know that other kids would have a good Christmas!

Chairman Bennett stated that she works with the Lions Club and helps them do whatever they tell her to do in getting the baskets filled; that they do a wonderful job each year in serving more and more needy families.

Mr. Graham stated along with other organizations 110 families were assisted with a food box with donations of canned goods and other items worth over \$100 and they try to spend \$25-\$30 on each child. He stated all the presents are wrapped and opened on Christmas day; that there is not just food but gifts for the children, as well.

Chairman Bennett stated this year Brandon raised over \$500 to buy sixteen-or-seventeen bicycles, which is so phenomenal! She stated this is a great example for other communities. She stated the Lookout Valley Lions Club is such a cohesive group and are really there for one another. She stated they wanted to share this with the Council.

At this point, Brandon was given a standing ovation by all in attendance.

**(Chairman Bennett left the meeting at this point to have photos taken with Brandon Layne and representatives of the Lookout Valley Lions Club. Vice Chairman Bennett assumed the Chair.)**

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilman Page,  
**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II,  
SECTION 2-542(5), SO AS TO REMOVE THE RESTRICTION THAT A  
REQUIREMENTS CONTRACT NOT BE LET FOR A PERIOD IN EXCESS OF  
ONE (1) YEAR**  
passed first reading.

## REZONING

**2008-175: Jerry Hagan**

Opposition was in attendance.

Vice Chairman Benson stated this matter came out of Planning with a recommendation for approval contingent upon whether the eight Dutch Colonial Style homeowners in the neighborhood were in agreement with the new use. He stated two homeowners are present tonight and the community objects to it.

**Garnett Bradley** of 7372 Applegate stated that he lives next door to the subject for rezoning and presented a petition signed by all the residents except one requiring that the property remain O-1 and not change to R-4.

On motion of Councilman Benson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7374 APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

was denied.

## REZONING

**2008-190: Margaret Weinzettel**

**(Chairman Bennett returned to the Chair at this point.)**

A representative for the applicant was present; opposition was in attendance.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this matter was discussed last month for rezoning to R-3MD on an existing duplex that is currently zoned R-2. He stated across the street is single family and most of the zoning in the area is R-1. He stated the request for R-3MD is to add a third unit within the same building and Planning recommends denial. He stated the matter was reviewed at the November meeting and Staff met with the applicant since then to look at details and proposals. He stated Staff does not really have a problem with adding a third unit as it would not create that much impact with residents, however, changing the zone is what causes the most concern and it is felt a precedent would be set.

## REZONING (Continued)

Mr. Haynes stated should the Council approve the request, Staff suggests to add a condition limiting the property to three units only and not anything greater. He stated R-3MD allows four units and the applicant wants to add one. He stated that the applicant offered more restrictions and conditions and would like for Mike Price explain them; that with the conditions the Staff is more comfortable with no more than three units.

**Mike Price** stated he was at Planning and was listening to the request and found he would have voted for it based upon what he understood was going on. He stated the applicant had not been before such a body before and was not prepared for public speaking; that he felt it was a good case but the applicant was not able to articulate her request for everyone to understand. He stated that he called and offered advice and help and has met with Councilwomen Bennett and Robinson. He stated there is a spot zone next to Dawn School in the middle of R-1; that there are presently two units being rented and the applicant is interested in adding a third. It was shown by PowerPoint where the third apartment would be built on the existing property; that if anyone drives by the property it looks like single family with two garages on the side and two in the back. He stated that they asked if R-2 with no conditions is better than having R-3MD with conditions to add one unit. He stated (1) a condition could be added that the garages on the property stay garages and put four pull-in parking spaces and there would be no cars parked that would be visible. He stated (2) a condition could be added that the house retain the R-1 single family character and (3) that the garages can not be closed up to add additional bedroom space; (4) the parking spaces would be maintained and (5) that parking could not be in the front yard and would have to be located in the back. He stated due to the "L" shape of the property parking would not be seen from the road and, lastly, additional trees would be planted. He stated the question comes in to play whether R-2 with no conditions is better than R-3MD; that both are spot zones but R-3MD adding one unit with conditions is better than where we stand today.

Mr. Price stated one more caveat would be added -- the applicant has agreed once the third unit has been constructed the matter would be brought back through rezoning to downzone to R-1 and the spot zone goes away; that it would simply be grandfathered-in under R-1 so as not to worry somewhere down the road this will be used as precedent setting zoning for someone to come in. He added that the Council has the power over any zoning request whether it passes or fails and it is his thought based on what is proposed that was not part of the zoning request he would wager if this went back before Planning it would pass as they would see the merits of what is being asked.

## **REZONING (Continued)**

Councilman Pierce stated he can sympathize with what was presented but in looking at the next request (d), which is an almost similar plan, both were denied at Planning and (he) would say they are both spot zones. He stated if he votes for one he would be inclined to vote for the other one without conditions; that it puts him in a position he does not know he could support at this point.

Mr. Price stated that the difference in this request and (d) is that (d) is going from R-1 to create a spot zone and with this one there is already a spot zone and simply changing the zoning of the spot.

Councilman Benson stated that this is the most creative proposal he has ever heard! He stated what is being said is it is already a spot zone which would make it vulnerable to other spots around and is taking it out of the spot zone. He stated he has never heard such a diabolical plan in getting it zoned R-3MD and then agree to come in and ask for downzoning to R-1! He stated that he understands what Mr. Price is trying to do as it is creative and hope it will be used more times; that it might have to be put in writing to go back to R-1 and then there will be no spot over there. He asked if that can be placed in the conditions reinforcing it.

Councilman Pierce asked City Attorney McMahan to respond on this. Chairman Bennett stated that the Council has had the discussion regarding spot zoning before.

City Attorney McMahan stated there is no Tennessee precedent for doing this; that there is no Tennessee precedence he is aware of to cover this situation.

Councilman Page asked if the City Attorney could say more about what that means.

City Attorney McMahan stated the concept of conditions of zoning is on the outer edges of zoning law; that if you establish conditions on zones it has to be done basically for the benefit of the public, at least mitigating some particular parcel; that there is obviously no way to enforce this person to come back and zone to R-1. He stated if they do they do, and if they do not they do not. He stated if they were to do that and down zone to R-1 there would be three people living in a triplex and some place down the road (he would guarantee) there would be a problem with three people living in a triplex in R-1 which would end up being a problem in and of itself, in his judgment.

## REZONING (Continued)

Councilwoman Robinson echoed what Councilman Benson stated in reference to the clever and interesting proposition. She stated the thing that troubles her, expressing belief she could speak for herself and Councilwoman Bennett, is the fact it is an existing spot zone and if it is rezoned it compounds it. She stated spot zoning is what it already is with no guarantee it could return to R-1, which troubles her. She stated it would set a precedent in an area where, yes, it is R-1 but there are duplexes nearby and for those reasons and the phone calls she has received from neighbors across the street she opposes this and would have to vote to deny.

On motion of Councilwoman Robinson, 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 907 ALTAMONT 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 TO R-3MD MODERATE DENSITY ZONE**  
was denied.

## REZONING

### **2008-194: Trudy Mott**

The applicant was present; there was no opposition.

Mr. Haynes stated this request is similar to the previous one; that the only difference is the property is zoned R-1 and the applicant wants to rezone to R-3MD. He stated the current building is built to have four units; that the other two units have lost their legal nonconforming status and currently there are two units. He stated the applicant would like to rezone to bring three units so they can renovate the third unit and bring into use. An aerial photo was shown of the area and the structure, noting that it is surrounded by R-1 single family detached housing. He stated Planning recommends denial and added if the Council considers approving this, he suggested that it be limited to the three units. He stated this structure was built to be different than a single family residence as it is not a single family building and was built as a four unit complex. He stated for whatever reason it lost the use of two units, however, there is still a four unit structure. He stated it can legally be used as a duplex and they want to add another unit for a three unit dwelling.

## REZONING (Continued)

Councilman Pierce stated in terms of the area we have downzoned duplexes across the city from R-2 to R-1 and it is very difficult for those people to convert those buildings into single family units when they were built as duplexes. He asked if there is a compromise in this particular instance and why it is being downzoned in the first place from R-2 to R-1.

Mr. Haynes stated there are two reasons when downzoning is done; that one reason is to get everything on an even "playing field"; that duplexes that have not been used for years is not legal use and by downzoning to R-1 if they want to use it as a duplex again they would have to go back through the public process and get the neighborhood to support or deny. He stated the other reason is to have the opportunity to convert to single family use. He stated it is the same situation, here; that one of the main purposes of planning and zoning is to try to find ways to make different land uses as compatible as possible provided there is not a lot of opposition.

Councilman Pierce inquired as to whether this is considered spot zoning. Mr. Haynes responded "yes".

**Thomas Mott** of 3208 Curtis Street stated he is not requesting this be rezoned; that the electrical inspector came out to inspect the electrical work who said it was zoned improperly and that we needed to have it zoned properly. He stated he has not asked for anything; that he was just following the procedure to make it correct.

Chairman Bennett asked if Mr. Mott is saying he does not want to add to the units.

Mr. Mott responded that he is not going to add anything; that he plans to add a roof and not do anything as the structure is already there. He stated the electrical inspector told him it was not zoned properly and he (Mott) went to Planning; that he just bought it from GMAC at the time and he is just doing what he has been told. He stated initially he did not request anything; that he bought it, titled it and did everything, reiterating he did not request this as he was told it was improperly zoned just as anyone on the Council would do if something was wrong with their home. He stated he has not requested any personal change or anything, but just doing what he was told to do.

## REZONING (Continued)

Adm. Steve Leach expressed appreciation for the circumstances involving this request and noted this happens frequently around the city when someone has purchased property with good intentions and think there are three-to-four units when in fact it is zoned single family; that they then go for upgrades and find out from the inspectors that it does not conform to zoning, which is what happened in this situation. He stated this property does not conform to single family zoning.

Chairman Bennett asked if that information is available to the buyer when property is purchased; that the Council has heard this in a couple cases prior.

Adm. Leach stated he would have to defer to the real estate authority (Councilwoman Robinson); that he is not sure why antennas did not go up with the title folks.

Councilwoman Robinson stated that zoning does appear in the multiple listing service if this were handled by a real estate firm; that it would appear in the tax records and in other information available as a matter of public record.

Mr. Mott stated that it is not a single family A-frame; that it is a quadriplex. He stated that it has three units boarded up sitting in the city that he would have to keep painted for the next 100 years and the city would not benefit from this.

Councilman Pierce asked if there is no action on this on the part of the Council would it prevent Mr. Mott from going on operating it as it has been in the past.

City Attorney McMahan responded that the problem is to have legal non-conforming use and Mr. Mott has an R-3MD application in an R-1 zone; that if a unit has been left vacant for 120 days the capacity to rent that unit is lost. He referenced the three meter boxes on the house.

Adm. Leach stated at this point if Mr. Mott wants to use it as a multiple family unit and the zone is classified as R-1 single family.

Councilman Pierce asked if at one time four meters were approved. Adm. Leach responded "undoubtedly".

Councilman Benson stated this is a real hardship on this gentleman; that he can not speak for the rest of Planning; that when he voted to deny he felt Mr. Mott could continue to operate under the grandfather clause.



## REZONING (Continued)

Councilman Benson stated it is built and everything and he would not want to turn him down tonight without giving everyone on the Council an opportunity to look at this situation. He stated this is a real hardship and does not believe Mr. Mott knew it was this type situation.

Councilwoman Berz stated it is her understanding the property has been vacant for more than 100 days and automatically went back to R-1.

Mr. Mott stated two landlords had to evict a lady who stayed there and they wound up selling it and going into foreclosure; that he had to spend \$1,000 to get her evicted and still wound up paying her to leave, noting that they had to call the police to get her out! He stated there was no electricity and kerosene had been used. He stated he used a generator to get the job finished and when they purchased it the 120 days came into effect; that it costs \$1,450 every month with the property sitting there and they are paying city taxes. He stated they have had water turned on and there are three-to-four meters there and everything, which was already on the property.

Councilwoman Berz stated that she remembers that from the previous discussion; that it is her thought the 100 days started running when it was no longer used as a duplex. She commended Mr. Mott for what he has done and asked if he did a search to see if the property was properly zoned when he bought it.

Mr. Mott responded "no"; that he thought the title company did that which is why he purchased it through GMAC.

Councilwoman Berz inquired as to whether he has title insurance. Mr. Mott responded "yes"; that he has a warranty on it. He stated GMAC bought it and when David Diamond died his wife liquidated everything after that. He stated he purchased it through GMAC from his wife. He stated he has upgraded the property, cut trees in the area and people have told him they were glad they have done this. He stated he has installed new vinyl windows and has tried to rent it; that the windows have been broken out and has had to replace them three times and is currently having to replace them a fourth time!

**Councilman Page** stated it is his thought he is prepared to have the matter withdrawn; that he is not sure any action tonight can be beneficial to anyone. He **made the motion to have the applicant withdraw this request.**

Councilwoman Robinson stated that she does not know if we want to do that; that it should be the applicant's choice.

## **REZONING (Continued)**

Councilman Benson stated if this is withdrawn he would have to pay another \$200-300 to bring it back. Mr. Mott stated that he paid \$150.00

Councilman Benson stated Mr. Mott would have to pay the amount again if it is withdrawn and chooses to bring it back; that it is his thought to have it deferred indefinitely.

Councilman Pierce stated that he would not suggest withdrawal; that it is his thought we have the authority to ask his money be reimbursed because he was led by the city's authorities to get the zoning.

Adm. Leach stated he has been through several of these in his career and suggested that the matter be deferred one week in an effort to look at it to see if there would be any harm to the community to rezone it to duplex or R-3MD; that it is his choice to make. He stated we could meter him tomorrow if it meets Code; that if there are multiple users in this structure he does need zoning.

**Councilman Rico and Benson made the motion to defer the matter one week.**

**At this time, Councilman Page withdrew his previous motion for withdrawal.**

On motion of Councilman Rico, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1203 ROCKWAY 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-3MD MODERATE DENSITY ZONE**  
was deferred one week.

## **RANDALL L. NELSON**

Chairman Bennett expressed that all on the Council and staff would miss Randy. Newly appointed City Attorney Mike McMahan quickly added, "me too"!

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION RECOGNIZING, HONORING, AND COMMENDING RANDALL L. NELSON FOR HIS OUTSTANDING LEGAL SERVICE AND ACCOMPLISHMENTS DURING HIS SERVICE AS SPECIAL COUNSEL AND AS CITY ATTORNEY FOR THE CITY OF CHATTANOOGA, TENNESSEE**  
was adopted.

**PERSONAL SERVICES CONTRACT**

Councilwoman Robinson clarified that the city's portion of this contract is \$13,866.

On motion of Councilwoman Berz, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH TOWNSEND ATELIER, LLC FOR COORDINATOR OF PUBLIC ART SERVICES IN AN AMOUNT NOT TO EXCEED FORTY-ONE THOUSAND SIX HUNDRED DOLLARS (\$41,600.00) BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2009, TWO-THIRDS OF WHICH IS PRIVATELY FUNDED, WITH THE OPTION TO RENEW THE CONTRACT FOR ONE (1) ADDITIONAL ONE (1) YEAR TERM**

was adopted; on roll call vote:

<b>BENSON</b>	Abstain
<b>BERZ</b>	"Yes"
<b>GILBERT</b>	"Yes"
<b>PAGE</b>	"Yes"
<b>PIERCE</b>	"No"
<b>RICO</b>	"No"
<b>ROBINSON</b>	"Yes"
<b>BENNETT</b>	"Yes"

**GRANT**

On motion of Councilwoman Berz, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO APPLY FOR AND, IF AWARDED, ACCEPT AN ENVIRONMENTAL PROTECTION AGENCY GRANT IN THE AMOUNT OF FOURTEEN THOUSAND SEVEN HUNDRED FORTY-ONE DOLLARS (\$14,741.00) FOR THE "RIDE DON'T DRIVE" PROGRAM FOR FUNDING OF FOUR (4) WORKSHOPS WITH LOCAL BUSINESS LEADERS AND A CONTINUATION OF THE BIKE2LUNCH PROGRAM FROM JULY 1, 2009 TO JUNE 30, 2010, WITH A REQUIRED IN-KIND MATCH WHICH WILL BE PROVIDED BY PRIVATE RESOURCES**

was adopted.

## QUITCLAIM DEED

Councilman Page questioned the use of the name "Provident", noting that it is his thought it should read "UNUM".

Paul Page stated that Dan Johnson asked him the same thing; that it is his thought it is correct as "Provident".

Councilwoman Robinson inquired as to what is stated on the original deed.

Councilman Page asked Mr. Page to check to make sure; that the Council would go on and pass it tonight.

Mr. Page stated it is his thought it is correct.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE, ON BEHALF OF THE CITY, A QUITCLAIM DEED IN FAVOR OF PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY AND GIVEN PURSUANT TO ORDINANCE NO. 12172 (CASE NO. MR-2008-112), PASSED BY THE CITY COUNCIL ON OCTOBER 21, 2008, 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**

was adopted.

## AMEND AGREEMENT

On motion of Councilman Rico, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE, ON BEHALF OF THE CITY, AN AMENDMENT TO THE CITY'S MANAGEMENT AGREEMENT WITH CHATTANOOGA HOUSING AUTHORITY ("CHA") RELATIVE TO DOGWOOD MANOR APARTMENTS WHICH REQUIRES CHA TO COMPLY WITH THE TERMS, CONDITIONS, AND REPORTING REQUIREMENTS AS SET FORTH IN THE AFFORDABLE HOUSING PROGRAM ("AHP") AGREEMENT BY AND AMONG THE FEDERAL HOME LOAN BANK OF ATLANTA, THE CITY, AND REGIONS BANK, AND FOR THE CITY TO ASSUME THE ROLE OF PROJECT SPONSOR UNDER THE AHP AGREEMENT, AS AMENDED, AND BE RESPONSIBLE FOR ALL LONG-TERM MONITORING INFORMATION AND OTHER REPORTING REQUIREMENTS REQUIRED BY THE AHP AGREEMENT**

was adopted.

## GRANT

On motion of Councilman Rico, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE CITY OF KNOXVILLE IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) TO BE USED FOR THE INVESTIGATION AND PROSECUTION OF GANG AND GUN RELATED CRIMES**

was adopted.

## ALLOCATION

On motion of Councilwoman Berz, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ALLOCATE EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) FOR FISCAL YEAR 2008-2009 NEIGHBORHOOD PARTNERS PROJECTS, A LIST OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AUTHORIZING AGREEMENTS WITH NEIGHBORHOOD ORGANIZATIONS FOR SAME, AND AUTHORIZING ANY UNSPENT FUNDS BEING USED FOR ADDITIONAL NEIGHBORHOOD PARTNERS PROJECTS AND RELATED ACTIVITIES AND INITIATIVES**

was adopted.

## PARTNERSHIP

On motion of Councilwoman Berz, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A PARTNERSHIP WITH THE CHATTANOOGA GIRLS LEADERSHIP ACADEMY AND THE YOUNG WOMEN'S LEADERSHIP ACADEMY FOUNDATION TO IMPLEMENT THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) PROGRAM FOR GIRLS, WHICH REQUIRES NO APPROPRIATION OF FUNDS TO IMPLEMENT SAID PROGRAM**

was adopted.

**EMINENT DOMAIN**

On motion of Councilwoman Robinson, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST DANNY WATKINS FOR A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT AT 5106 HIXSON PIKE, TAX MAP NO. 110B-A-002.01, TRACT NO. 01, RELATIVE TO CONTRACT NO. E-06-006-202, NORTH POINT BOULEVARD EXTENSION PROJECT PHASE 2 AND 3**  
was adopted.

**EMINENT DOMAIN**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST JOHN A. NOLAN AND SUZANNE NOLAN FOR PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS AT 1112 OAK STREET, TAX MAP NO. 146H-G-018, TRACT NO. 018, RELATIVE TO CONTRACT NO. W-05-007-202, WARNER PARK/ENGEL STADIUM PARALLEL INTERCEPTOR SEWER PROJECT**  
was adopted.

**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 ARCADIS U.S., INC. RELATIVE TO CONTRACT NO. R-07-005-102, WARNER PARK PARKING LOT ADDITION, IN AN AMOUNT NOT TO EXCEED SEVENTY-EIGHT THOUSAND FIVE HUNDRED TWENTY-NINE DOLLARS (\$78,529.00)**  
was adopted.

**CONTRACT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-009-201, JEFFERSON PARK SIDEWALK CONTRACT, TO TENNESSEE DIRTWORKS, INC. IN THE AMOUNT OF TWO HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED SEVENTY-TWO AND 20/100 DOLLARS (\$224,972.20), PLUS A CONTINGENCY AMOUNT OF TWENTY-TWO THOUSAND FOUR HUNDRED NINETY-SEVEN AND 80/100 (\$22,497.80), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$247,470.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-05-007-103, DESIGN OF SURFACE STORMWATER RUNOFF PONDS AT WARNER PARK/ENGEL STADIUM, WITH ARCADIS, U.S., INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-SIX THOUSAND SIX HUNDRED EIGHTY-FIVE DOLLARS (\$46,685.00), FOR A REVISED AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$234,225.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR CONSTRUCTION OF THE AIRPORT ROAD PUMP STATION, FORCE MAIN, AND AIRPORT CONNECTOR SEWER IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-THREE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$193,150.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ARCADIS, U.S., INC. FOR ENGINEERING SERVICES FOR THE MOCCASIN BEND WASTEWATER TREATMENT PLANT ODOR CONTROL PROJECT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FORTY-ONE THOUSAND DOLLARS (\$441,000.00)**

was adopted.

**AMEND CONTRACT**

On motion of Councilman Page, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPROVE AMENDMENT 2 TO CONTRACT NO. P0022829, BENEFICIAL USE OF CLASS A AND/OR CLASS B BIOSOLIDS FROM MOCCASIN BEND WASTEWATER TREATMENT PLANT, WITH RECYCLE, LLC TO CHANGE THE WAY IN WHICH FUEL ADJUSTMENT IS CALCULATED**

was adopted.

### AMEND CONTRACT

On motion of Councilman Rico, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPROVE AMENDMENT 1 TO CONTRACT NO. P0022820, TRANSFER, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE AND CONSTRUCTION WASTE, WITH CHATTANOOGA TRANSFER, LLC TO CHANGE THE WAY IN WHICH FUEL ADJUSTMENT IS CALCULATED**

was adopted.

### TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING JOHN WISE TO USE TEMPORARILY 25 CHEROKEE BOULEVARD TO INSTALL AWNINGS WITH GRAPHICS OVER THE FRONT DOOR, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

### PROPERTY

**MR-2008-211: City of Chattanooga c/o Dan Thornton**

On motion of Councilman Rico, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE GENERAL SERVICES DIVISION TO NEGOTIATE THE PURCHASE OR LEASE OF PROPERTY LOCATED AT 332 EAST MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM M. L. KING BOULEVARD COMMUNITY DEVELOPMENT CORPORATION AND, ONCE NEGOTIATED, AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCOMPLISH SAID PURCHASE OR LEASE**

was adopted.

### OVERTIME

Overtime for the week ending December 18, 2008 totaled \$60,875.41, the week ending December 24, 2008 totaled \$9,014.04 and the week ending December 31, 2008 totaled \$65,867.68 for a total of \$136,757.13 for the three weeks.



## PERSONNEL

The following personnel matters were reported for the various departments:

### FINANCE DEPARTMENT:

- **SYDNEY W. SPENCER** – Deceased, Accountant 1, effective December 9, 2008.

### CHATTANOOGA FIRE DEPARTMENT:

- **RICHARD S. MARTIN** – Retirement, Firefighter, effective December 20, 2008.

### PARKS AND RECREATION DEPARTMENT:

- **KIMBERLY STEWART** – Employment, Recreation Facility Manager 2, Range 15, \$39,502.00 annually, effective December 15, 2008.
- **JOHN D. ALLEN, III** – Resignation, Recreational Division Manager, effective December 6, 2008.

### CHATTANOOGA HUMAN SERVICES:

- **DENISHA TILLISON** – Termination, Teacher Assistant, effective December 12, 2008.

### CHATTANOOGA FIRE DEPARTMENT:

- **BRADFORD RANSOM** – Military Leave, Firefighter, effective December 22, 2008 – May 29, 2009.
- **FREDDY LEAMON** – Retirement, Captain, effective December 26, 2008.
- **MICHAEL W. GASAWAY** – Retirement, Captain, effective December 23, 2008.

## PERSONNEL (Continued)

### CHATTANOOGA POLICE DEPARTMENT:

- **ANGELA STAMPER** – Resignation, Communications Officer, effective December 17, 2008.
- **ELIZABETH BUSH** – Retirement, Police Records Technician, effective December 18, 2008.
- **APRIL BOLTON** – Return from Medical Leave, Police Officer, effective December 16, 2008.
- **SARAH E. FULLER** – Return from Medical Leave, Police Officer, effective December 8, 2008.
- **JENNIFER ROBERTS** – Return from Medical Leave, Police Records Technician, effective December 5, 2008.
- **ANNETTE JOHNSON** – Retirement, Police Records Technician, effective December 29, 2008.
- **CHARLA JOHNSTON** – Return from Medical Leave, Police Records Technician, effective December 29, 2008.
- **CALEB AARON BROOKS** – Return from Military Leave, Police Officer, effective January 2, 2009.

### PUBLIC WORKS DEPARTMENT:

- **SIGMUND BLATT** -- Retirement, Crew Worker 1, City Wide Services, effective December 31, 2008.
- **BOBBY WOODS** – Retirement, Crew Worker 1, City Wide Services, effective December 31, 2008.
- **GRADY E. SHOOK** – Leave of Absence, Crew Worker 2, City Wide Services, effective December 1-31, 2008.
- **MACKERK C. STRICKLAND, JR.** – Employment, Crew Worker 1, City Wide Services, Range 2, \$21,200.00 annually, effective December 4, 2008.

### PERSONNEL (Continued)

- **WILLIAM D. BLAKE** – Return from Medical Leave, Equipment Operator 3, City Wide Services, effective November 24, 2008.
- **KARI LAWMAN** – Hire, Engineering Contracts Tech., Engineering, Range 11, \$32,500.00 annually, effective December 5, 2008.
- **KYLE X. JONES** – Family Medical Leave, Crew Worker 1, City Wide Services, effective December 22, 2008 – March 16, 2009.
- **ERIC BOOKER** – Promotion, Engineering Coordinator, Engineering, Range 21, \$48,124.00 annually, effective December 5, 2008.

### NEIGHBORHOOD SERVICES DEPARTMENT:

- **CHARLES A. HUGHLEY** -- Retirement, Code Enforcement Inspector 1, effective December 31, 2008.

### STORMWATER CONCERNS

Councilman Benson stated he has been besieged by voice mail calls about stormwater problems in East Brainerd and commended Adm. Leach ahead of time for the good job his department would do tomorrow with all the stormwater problems. He expressed that he felt sorry for him as the water is bad out there, now, and does not know if it is as bad in other districts.

Adm. Leach stated that they have done a lot ahead of time to try to get out to see that some of the stormwater facilities are clear; that this time of the year is worse due to the leaves and limbs, confirming that it will be a difficult day tomorrow!

Councilman Benson stated one caller stated that the water is up to her windows and is coming into her house.

Adm. Leach inquired as to which Creek that would be coming from.

Councilman Benson responded that it is off Graysville Road.

**HOTEL PERMITS**

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

**COMFORT SUITES** – 2431 Williams Street, Chattanooga, TN

**DAYS INN** – 901 Carter Street, Chattanooga, TN

**DAYS IN – TIFTONIA** – 3801 Cummings Highway, Chattanooga, TN

**HILTON GARDEN INN** – 311 Chestnut Street, Chattanooga, TN

**KNIGHTS INN** – 6914 Shallowford Road, Chattanooga, TN

**REFUND**

On motion of Councilman Rico, seconded by Councilman Page, the Administrator of Finance was authorized to issue the following refund of real property tax due to exemption as of 1/1/05 by the TSBOE on 25% of land and buildings for the years 2005, 2006 and 2007 on map number 148D-E-022:

<b>TENNESSEE VALLEY BUILDING CORP.</b>	\$2,636.59
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**REFUNDS**

On motion of Councilman Rico, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refunds of water quality fees and/or property taxes:

<b>DANIEL WAXENBERG</b>	\$1,381.97
<b>WELLS FARGO BANK</b>	1,085.25
<b>LISA JONES</b>	1,115.53
<b>DEAN CONSTRUCTION LLC</b>	1,155.72
<b>ERNEST COWAN</b>	1,078.65
<b>SUSAN GLENN</b>	1,619.79
<b>U.S. BANK</b>	1,179.94

**REFUNDS (Continued)**

RANDY GULLEDGE	1,069.40
CHARLES GEARHISER	1,743.65
NATHAN RADER	1,060.48
DEUTSCHE BANK NATIONAL	1,553.73
ALLEN DICKERSON	1,213.52
MIKE KWASNIK	2,106.43
MELVIN CHAPMAN	<u>1,228.38</u>
<b>TOTAL:</b>	<b>\$18,592.44</b>

**PURCHASES**

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

MAYOR'S OFFICE, INFORMATION SYSTEMS:

**ORACLE CORPORATION (Single source)**

**R0116638**

Annual Oracle Software Maintenance Agreement, January 31, 2009 – January 30, 2010 (per TCA 6-56-304.6)

\$115,975.23

**INSIGHT PUBLIC SECTOR (Lowest and best overall evaluated bidder)**

**R0111608**

Blanket Agreement of Network Endpoint Security Software Services, January 7, 2009 – January 6, 2010

**(Price information available and filed with minute material of this date)**

**PURCHASES (Continued)**

PUBLIC WORKS DEPARTMENT:

**SUPERIOR WATER SERVICES, INC. (Lowest and best bid)**  
**R0113734/B0005536**

Cooling Tower and Hot Water Systems Maintenance

\$8,424.00

**BOBCAT OF CHATTANOOGA (Lowest and best bid)**  
**R0116247/B0005646**

\$129,509.22

CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY:

**BB&T HUFFAKER AND TRIMBLE (Best bid)**  
**R0115895/B0005630**

Property Insurance Coverage for three (3) years beginning January 7, 2009 through January 6, 2012.

\$26,747 per year  
(\$80,241.00 over 3 year period)

PARKS AND RECREATION DEPARTMENT:

**DAL-KAWA-CYCLE (Lowest and best bid)**  
**R0115676/B0005623**

Three (3) Utility Vehicles

\$23,844.72

### EMERGENCY PURCHASE

The emergency purchase of Comprehensive Property and Boiler/Machinery Insurance for the General Services Division from Arthur J. Gallagher & Company on R0117442 in the amount of \$295,711.00 was duly reported and signed in open meeting.

### HEARING: ALONZO LEWIS

City Attorney McMahan reminded Council members of the hearing for Alonzo Lewis scheduled for Monday, January 12 beginning at 9 a.m. He stated of the original three panel members it appears Councilmen Berz and Page have conflicts and can not serve. He stated Councilwoman Bennett is the alternate and will serve and another Council member is needed. At this point Councilman Rico volunteered to serve. **He clarified that the panel will now consist of Councilmen Pierce, Bennett and Rico, with Councilwoman Robinson as alternate.**

### HEARING: GARY LANSDEN

City Attorney McMahan reported that a request for hearing has been received from Gary Lansden regarding his dismissal from Public Works.

**A hearing for Mr. Lansden was scheduled for Monday, February 16 beginning at 9 a.m. with Councilmen Benson (Chair), Gilbert and Pierce; Councilman Page volunteered as alternate.**

### PENDING LAWSUITS

City Attorney McMahan stated at 5:30 p.m. this afternoon the Council was given recommendations on two pending lawsuits; that he intends to proceed as recommended unless there is a decision to bring the matter to a vote.

### EARLY VOTING

Councilman Page stated in Committee meeting this afternoon we talked about the cost of the city election in April and next week the matter would be discussed further. He stated that he wanted to make comments about the Northgate early voting as he would not be present next week and wanted to make his comments part of the public record.

## **EARLY VOTING (Continued)**

Councilman Page stated that he recognizes the expense of additional early voting locations and the discussion about where it should be in the next coming election; that he strongly suggests the Northgate early voting location stay in effect for various reasons, primarily (1) it is a very busy early voting location and it is his thought if it is looked into it will be found that is one of the top locations if not the top; (2) people have a history of voting there for a number of years and he is concerned if there is no early voting at Northgate and only at the Election Commission people will not go because they do not know where it is and would restrict and decrease the number of votes. He highly recommended the location be continued in the city election this coming spring.

Councilwoman Robinson acknowledged agreement with Councilman Page's comments.

Councilwoman Berz expressed agreement with Councilman Page's comments, as well, noting that a lot of people go there. She suggested that the matter be discussed when she gives her Committee report later in the meeting.

Councilman Benson stated that he wanted to settle it tonight so the Election Commission would know what will take place as it costs us \$17,000+ a precinct and if we close Hixson and Brainerd we will save \$34,000. He stated the Election Commission is centrally located in the center and parking is better than at Northgate.

Councilwoman Berz stated that the Council can not vote on this tonight as it is her thought the City Attorney has to prepare a resolution for us; that a decision will be made next week and the City Attorney has asked that we do that.

Chairman Bennett stated that data is to be brought back to the Council, as well.

Councilman Pierce stated that it is his thought that all Council persons feel just as proud of their areas as the other (Council person). He stated that he definitely wants to put a "pitch in" for the inner city which consists of the area between the Ridge and the mountains. He stated we have not previously had early voters go to the Election Commission and it is his thought with the growing population in the downtown area it is almost mandatory we consider a location within this area.

Councilman Page stated because he would not be present next week and just for the record the reason he brought up the Northgate voting precinct was because he wanted to have that publicly stated because he would not be present to speak to it next week.



## DISTRICT 3 MAYOR'S MEETING

Councilman Page announced that the District 3 Mayor's meeting has been rescheduled for January 29 at 5:30 p.m. at the Civic Center and asked that everyone make note of that.

## COMMITTEES

Councilman page stated an Economic Development Committee was held today and heard from David Eichenthal of the Ochs Center who will be invited back for a follow-up in thirty days.

Councilwoman Berz announced a meeting of the **Budget and Finance Committee on Tuesday, January 13** for a thorough discussion for decision making regarding the Council's Internal Auditor position, the employee overtime ordinance amendment and funding for early voting for the 2009 Municipal Elections. She stated that it is her thought what Councilman Page said was very important and asked that he e-mail his concerns to her, noting that she would be happy to read his comments into the record. She stated that she has distributed information on each of the issues.

Councilman Benson stated the **Legal and Legislative Committee is scheduled to meet on Tuesday, January 13** to take up the sign ordinance amendment, noting that he has been asked to do that by the attorney representing the party that feels the ordinance has a negative effect upon her business enterprise.

In the absence of Councilwoman Gaines, Chairman Bennett announced that the **Safety Committee would meet on Tuesday, January 13 immediately following the Budget and Finance Committee.**

## NEXT WEEK'S AGENDA: JANUARY 13, 2009

Chairman Bennett perused next week's agenda and added all ordinances approved on first reading will be heard on second reading next week with the exception of the cases involving Jerry Hagan, Margaret Weinzettel and Trudy Mott. She read through the remainder of the agenda which has been spread upon the minutes:

### Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 5, Sections 5-75(b) and (c), to prohibit issuance of permits for the sale of beer or other alcoholic beverages near day care centers.

**NEXT WEEK'S AGENDA: JANUARY 13, 2009**  
**(Continued)**

- b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Sections 122, 124, 152, 154, and 164, to provide for changes to RT-1 Residential Townhouse Zone, RZ-1 Zero Lot Line Residential Zone, and R-T/Z Residential Townhouse/Zero Lot Line Zone.

- c) MR-2008-208 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1400 block of East 36<sup>th</sup> Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works.)**

MR-2008-208 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1400 block of East 36<sup>th</sup> Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning or Public Works.)**

- d) MR-2008-219 Jason Davis (Close & Abandon). An ordinance closing and abandoning an unnamed alley located at the south line of the 1400 block of Farleigh Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works.)**

MR-2008-219 Jason Davis (Close & Abandon). An ordinance closing and abandoning an unnamed alley located at the south line of the 1400 block of Farleigh Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning or Public Works.)**

- e) MR-2008-222 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1600 block of North Orchard Knob Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works.)**

MR-2008-222 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1600 block of North Orchard Knob Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning or Public Works.)**

Councilman Pierce stated in reference to this closure, he is not sure if there are any questions from the neighborhood and would be contacting the neighborhood association.

**NEXT WEEK'S AGENDA: JANUARY 13, 2009**  
**(Continued)**

Councilman Pierce stated the request is to close a street in the middle of a neighborhood and the street has already been dead-ended in the past. He stated that he knows the city did what was in their best interest to accomplish what they want, however, the neighborhood may have concerns. He stated if they do not have a problem with it, neither does he.

**Resolutions:**

- a) A resolution authorizing payment to Hamilton County, Tennessee, for the City's portion of insurance premiums for the period of December 20, 2008 through December 19, 2009 for jointly owned and insured properties in an amount not to exceed \$10,773.08 according to the attached list of premium breakdowns.
- b) A resolution authorizing the purchase of a right-of-way and temporary construction easement from L. B. Austin, III at 5110 Hixson Pike, Parcel No. 110B-A-001, Tract No. 02, relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Project Phase 2 and 3, for an amount not to exceed \$32,599.00.
- c) A resolution authorizing the purchase of a right-of-way and temporary construction easement from L. B. Austin, IV at 2105 Northpoint Boulevard, Parcel No. 110B-A-002.06, Tract No. 03, relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Project Phase 2 and 3, for an amount not to exceed \$15,750.00.
- d) A resolution authorizing the Administrator of the Department of Public Works to approve Amendment 1 to the agreement with the Water Environment Federation for a follow-up audit, which amendment increases the agreement price by \$3,550.00, for a total revised agreement price not to exceed \$23,950.00.
- e) A resolution authorizing the Administrator of the Department of Public Works to approve Amendment 2 to the Engineering Services contract with Dr. Larry Moore, which amendment increases the contract price by \$9,900.00, for a revised total contract price not to exceed \$34,900.00.
- f) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-05-007-301, Warner Park Combined Sewer Overflow, with TS Geosciences, LLC, d/b/a Tri-State Geosciences, LLC, a subsidiary of Gallet and Associates, which change order increases the contract amount by \$5,000.00, for a revised contract amount not to exceed \$11,000.00.

### **PATRICK KELLEY**

**Patrick Kelley** of 7836 Opal Drive stated that he wanted to make a couple points and (1) expressed agreement with the entire Council to make voting as expansive as possible. He also expressed agreement with Councilman Pierce in thinking "outside the box" to add a precinct downtown for more accessibility to the inner city and those without viable transportation. He continued to make his second point by expressing appreciation to Mr. Eichenthal, noting that he is a fan of his work. He stated the statistics mentioned are startling with thirteen percent of African Americans having Degrees, fifty percent of males are unemployed and only eight percent in civil service. He indicated that we are an anomaly based on the upswing we have in tourism and knows Mr. Eichenthal will follow-up with the Council as to how the information will be used as far as setting up some "think tanks" as far as empowerment is concerned and will not isolate East Chattanooga, Avondale, or the Riverside areas as problem areas of the community without any type of care given to creating opportunities for those areas.

Councilwoman Berz stated one of the things we are talking about is strategic planning and looking at our own priorities; that we are getting copies of the information from the Ochs Center. She stated we are getting information at the same time everyone else is getting it; that we are going into "our thing" about where decisions need to be made. She stated Mr. Kelley talked about particular areas as problematic in a number of the study areas and noted that Councilwoman Robinson has previously mentioned this is an area we really need to look at as not going unheeded. She expressed appreciation to Mr. Kelley for bringing that up.

### **MEETING RECESS**

Chairman Bennett recessed the meeting of the Chattanooga Council until Thursday, January 8, 2009 at 12:00 noon.

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

**City Council Building  
Chattanooga, Tennessee  
January 8, 2009  
12:00 p.m.**

Chairman Bennett called the recessed meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gaines, Gilbert, Pierce, Rico and Robinson present; Councilman Page was absent due to personal commitment. City Attorney Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal, were also present.

### **BONDS RESOLUTION**

Adm. Daisy Madison expressed thanks to the Council for recessing and reconvening to accept the lowest bid on the sale of \$45,415,000.00 of bonds. She stated the bonds will be used to finance various construction projects for public works, parks and recreation, police and fire related projects and some peripheral projects related to the Volkswagen facility. She stated eleven bids were received in a very competitive situation; that the total true interest on the bonds for the lowest bid is Morgan Keegan and Company, Inc. at 3.816 percent. She pointed out that the rate is as low as or even lower than the last bond issue that was done in 2006 and in the current market it is an exceptional bond sale for the city.

Adm. Madison recognized Craig Scully and Lauren Lowe, the Finance staff and thanked them for their hard work, as well as Sherryl Appleberry, Dan Johnson and Richard Beeland who all worked together to make this happen. She stated the biggest accomplishment the city has done in achieving this competitive situation is the upgrade of the city's bond rating by Standard and Poor's; that the Mayor's Office and all on the Finance staff were very instrumental in making that happen.

Chairman Bennett expressed thanks to all for their good and hard work.

On motion of Councilman Pierce, seconded by Councilman Rico,

**A RESOLUTION AMENDING RESOLUTION NO. 25746 AND  
AUTHORIZING FORTY FIVE MILLION FOUR HUNDRED FIFTEEN  
THOUSAND DOLLARS (\$45,415,000.00) CITY OF CHATTANOOGA,  
TENNESSEE GENERAL OBLIGATION BONDS, SERIES 2009 AND  
AUTHORIZING CERTAIN ACTIONS RELATED THERETO**

was adopted; **on roll call vote:**

**BONDS RESOLUTION (Continued)**

BENSON	"Yes"
BERZ	"Yes"
GAINES	"Yes"
GILBERT	"Yes"
PIERCE	"Yes"
RICO	"Yes"
ROBINSON	"Yes"
BENNETT	"Yes"

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, January 13, 2009 at 6:00 p.m.

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CHAIRMAN

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CLERK OF COUNCIL