

City Council Building  
Chattanooga, Tennessee  
March 17, 2009  
6:00 p.m.

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

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

Following the Pledge of Allegiance, Councilman Benson gave invocation.

#### **MINUTE APPROVAL**

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

#### **ADOPT AND ENACT A NEW CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE  
CITY OF CHATTANOOGA, TENNESSEE, INCLUDING THE  
CHATTANOOGA ZONING ORDINANCE; PROVIDING FOR THE REPEAL  
OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A  
PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER  
OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE  
AND THIS ORDINANCE SHALL BECOME EFFECTIVE**  
passed second and final reading.

**AMEND ZONING ORDINANCE**

On motion of Councilwoman Gaines, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, ARTICLE V, SECTION 1210 TO  
DEFINE OPEN SPACE FOR RESIDENTIAL PLANNED UNIT DEVELOPMENT**  
passed second and final reading.

**AMEND ZONING ORDINANCE**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VI,  
SECTIONS 204(A) AND (E) TO INCLUDE R-3 RESIDENTIAL ZONE WITHIN  
THE SPECIAL EXCEPTIONS PROCESS FOR TWO-FAMILY DWELLINGS**  
passed second and final reading.

**CLOSE AND ABANDON**

**MR-2007-070: ONS Partnership**

On motion of Councilman Rico, seconded by Councilman Page,  
**AN ORDINANCE CLOSING AND ABANDONING A STORM AND  
SANITARY EASEMENT ON A TRACT OF LAND LOCATED AT 200  
MANUFACTURERS ROAD, MORE PARTICULARLY DESCRIBED HEREIN  
AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE**  
passed second and final reading.

**CLOSE AND ABANDON**

**MR-2009-004: Tammy Hass**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN  
THE NORTH LINE OF THE 2700 BLOCK OF EAST 17<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**  
passed second and final reading.

**CLOSE AND ABANDON**

**MR-2009-005: Tammy Hass**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN THE SOUTH LINE OF THE 2700 BLOCK OF EAST 17<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**

passed second and final reading.

**REZONING**

**2009-021: Mike Hedges**

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 PART OF THE TRACTS OF LAND LOCATED IN THE 3300 AND 3400 BLOCKS OF CHANDLER PLACE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM M-2 LIGHT INDUSTRIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading.

**AMEND CONDITION**

**2009-022: Mike Price MAP Engineers**

On motion of Councilman Gilbert, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONCITION #13 IMPOSED IN ORDINANCE NO. 12111 ON PROPERTY LOCATED AT 7624, 7626, 7628 AND 7630 STANDIFER GAP ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading.

**DUES PAYMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING PAYMENT TO THE UNITED STATES CONFERENCE OF MAYORS FOR 2009 DUES IN THE AMOUNT OF TWELVE THOUSAND TWO HUNDRED FORTY-TWO DOLLARS (\$12,242.00)**  
was adopted.

**ACCEPT DONATION**

On motion of Councilman Gilbert, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT A DONATION FROM THE BENWOOD FOUNDATION AND THE LYNDBURST FOUNDATION IN THE AMOUNT OF EIGHTEEN THOUSAND FOUR HUNDRED FIFTY-THREE AND 60/100 DOLLARS (\$18,453.60) TO BE USED FOR THE ADMINISTRATIVE COSTS OF THE CHATTANOOGA PUBLIC ART PROGRAM**  
was adopted.

**AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIE CITY AQUATIC CLUB TO RENT THE WARNER PARK SWIMMING POOL FOR THE PURPOSES OF THE CHATTANOOGA INVITATIONAL SWIMMING MEET TO BE HELD JUNE 5-7, 2009, FOR THE AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**  
was adopted.

**AGREEMENT**

On motion of Councilwoman Gaines, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIC CITY AQUATIC CLUB TO RENT THE WARNER PARK SWIMMING POOL FOR THE PURPOSES OF PRACTICE FROM MAY 18, 2009 THROUGH AUGUST 8, 2009, FOR THE AMOUNT OF TWO THOUSAND DOLLARS (\$2,000.00)**  
was adopted.

LEASE AGREEMENT

MR-2008-030: City of Chattanooga c/o Dan Thornton

On motion of Councilman Rico, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH BARRY GARRISON FOR PROPERTY LOCATED AT 5522 CLEAR CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO MAINTAIN A GARDEN ON THE PROPERTY**

was adopted.

OVERTIME

Overtime for the week ending March 12, 2009 totaled \$70,003.64.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **BENJAMIN TODD RICHARDS** – Retirement (Disability), Police Officer, effective March 5, 2009.
- **CLYDE D. SMITH** – Retirement, Police Property Technician, effective March 13, 2009.
- **GEORGE RICHART** – Resignation, Police Officer, effective March 13, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **MATTHEW MCELHANEY** – Family Medical Leave, Firefighter Senior, effective February 27, 2009.
- **DARRELL BURT** – Family Medical Leave, Fire Captain, effective February 27, 2009.

### PERSONNEL (Continued)

- **RANDY STARGIN, JR.** – Suspension (6 days without pay), Firefighter Senior, effective March 4-13, 2009.

#### PUBLIC WORKS DEPARTMENT:

- **ALONZO TRAMMELL, JR.** – Retirement, Equipment Operator 2, City Wide Services, effective March 31, 2009.
- **JEFFREY M. MOORE** – Return to Duty from Family Medical Leave, Equipment Operator 4, City Wide Services, effective March 9, 2009.
- **ROY K. COTHRAN, JR.** – Suspension (3 days without pay), Crew Supervisor 2, City Wide Services, effective March 11-13, 2009.

### EMERGENCY PURCHASE

The emergency purchase of Transformer Repair for the Public Works Department, on R0120228 to Electric Power Board of Chattanooga in the amount of \$12,670.51 was duly reported and signed in open meeting.

### DONATION

Lee Norris stated a year ago the Public Works Department had the opportunity to partner with a local firm in the application of green asphalt on North Terrace Road off I-24. He stated another opportunity to partner with another firm has presented itself; that the firm is going to donate equipment and manpower to assist in resurfacing Mountain Creek, Pineville and Moccasin Bend Roads. He stated it will involve a new method of paving not used in Chattanooga to-date; that it is much better than the experience with chip seal last year. He stated they are working on a partnership with another firm to resurface Norcross Road, Altamont and Atlanta; that the firm working with them on Mountain Creek is Talley Construction and reported the estimated value as a partner is \$44,000.

Chairman Bennett stated people on Mountain Creek Road are very excited and noted that she is, too!

## DONATION (Continued)

Mr. Norris stated it is important to note in these days of declining resources there has to be an attempt to stretch what is allocated.

Chairman Bennett stated the question most people ask is that it is not just about cost but quality. Mr. Norris acknowledged "absolutely".

Councilman Page inquired as to the technology.

Mr. Norris stated on Mountain Creek and Pineville Roads there will be an ultra thin asphalt overlay; that it goes on very thin but is very dense and when it is finished it will look like normal asphalt.

Councilwoman Robinson stated that she is glad to hear that Norcross, Altamont and Atlanta are also on the list. She asked if there is any idea as to when.

Mr. Norris responded they are still negotiating as the other firm has another type of surfacing material they are looking at using and are still forming the stages of partnership.

Councilman Pierce asked if the department has had any personal experience with some of the locations that have done this in the past.

Mr. Norris stated when they talked to them they went out and looked at a job in another county and it was very, very promising; that a lot of research has been done on this type of asphalt and it is recommended by the Federal Highway Administration as an alternative to the old way. He stated TDOT recognizes it as an appropriate pavement for cities' roads and they feel comfortable with it.

Councilman Gilbert inquired about the product. Mr. Norris stated that they do not want to limit the department to any one standard of paving; that there are several alternate paving methods they are still exploring; that some fall in the same cost category as the ultra and micro-surfacing; that some are less expensive. He stated they do not want to limit their options.

Councilman Page inquired as to the incentive for Talley Construction doing this?

Mr. Norris responded that one of the partners manufactures the mix, plus there is a new technique we are trying to get that is being used in this area of Tennessee and North Georgia.

Chairman Bennett inquired as to the riding expectancy of this surface, as well as the maintenance.

**DONATION (Continued)**

Mr. Norris stated that they are trying to get to a level where they can treat the roads before they start deteriorating; that they are looking at a life span of the ultra thin surfacing of 12-20 years depending on the amount of traffic.

**HOTEL PERMIT**

On motion of Councilman Pierce, seconded by Councilwoman Gaines, the following hotel permit was approved:

**COURTYARD BY MARRIOTT** – 200, Chestnut Street, Chattanooga, TN

**PURCHASES**

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

GENERAL SERVICES DEPARTMENT:

**MOUNTAIN CITY SERVICES (Best Quote)**  
**R0119521 AND R0119836**

HVAC Services

\$5,529.36

**JAT OIL**  
**R0120377**

Bulk Fuel Loading

\$10,508.71

**DANIELS ELECTRONICS LTD**  
**R0120085**

Radios per State Wide Contract SWC-4034725; TCA 6-56-304.6

\$18,054.00



**PURCHASES (Continued)**

PUBLIC WORKS DEPARTMENT

**ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) Single Source  
R0119143**

ESRI Software Maintenance per TCA 6-56-304.2

\$27,959.17

**RAM TOOL & SUPPLY and MSC INDUSTRIAL SUPPLY (Best bids)  
R0118550/B000580**

*Small Hand Tools (These vendors are located on opposite sides of town. Awarding two contracts will help promote fuel efficiency and better utilization of worker man hours by allowing the work crews to go to the nearest supplier.)*

**APALACHEE POLE COMPANY (Lowest and best bid)  
R0118813/B0005811**

Wooden Poles

\$4,690.00 (Based on unit prices bid)

INFORMATION SERVICES DIVISION

**OPEN TEXT (Single source)  
R0119774**

Maintenance and Support Services per TCA 6-56-304.6

\$15,652.77

### REJECT ALL BIDS

On motion of Councilwoman Gaines, seconded by Councilman Pierce, all bids were rejected for the Inventory Scanner System, R0119150/B0005822. The specifications will be revised and the requirement re-advertised or, if feasible, the purchase will be made using an existing Tennessee state contract.

### BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following Board appointment was approved:

#### BOARD OF ZONING APPEALS:

- Appointment of **LAVORN "SONNY" MOORE** for a term ending March 17, 2012 representing District 7.

### CERTIFICATION FROM ELECTION COMMISSION

City Attorney McMahan stated the Clerk of Council has received the certification report from the Election Commission of the results of the March 3 election, including certificates of election for Mayor Ron Littlefield and Councilmen Sally Robinson, Pam Ladd, Jack Benson, Russell Gilbert, Sr., Carol Berz and Manuel Rico. **(A copy is filed with minute material of this date.)**

Official results of the City of Chattanooga Municipal election of **elected officials** reflect the following:

#### Mayor

Of 99,024 total registered voters, 17,913 voted  
**Ron Littlefield** received 10,234 votes, 57.13%

#### District 2

Of 11,091 total registered voters, 1,999 voted  
**Sally Robinson** received 1,894 votes, 94.75%

#### District 3

Of 12,128 total registered voters, 2,578 voted  
**Pam Ladd** received 1,310 votes, 50.81%

**CERTIFICATION FROM ELECTION COMMISSION**  
**(Continued)**

**District 4**

Of 12,426 total registered voters, 1,762 voted  
**Jack Benson** received 1,680 votes, 95.35%

**District 5**

Of 11,160 total registered voters, 1,553 voted  
**Russell Gilbert, Sr.** received 1,519 votes, 97.81%

**District 6**

Of 11,176 total registered voters, 2,292 voted  
**Carol Berz** received 1,583 votes, 69.07%

**District 7**

Of 8,993 registered voters, 1,150 voted  
**Manuel Rico** received 685 votes, 59.57%

**HEARING: CHRIS WALKER**

City Attorney McMahan reminded Council members of the Chris Walker hearing scheduled for Monday, March 23 beginning at 9 a.m. and noted Councilwoman Gaines would serve as Chairman.

Councilwoman Gaines stated that the Clerk of Council made her aware today that she was serving as Chairman. She stated that she was confused because she thought she was the alternate. She stated that she also heard that she was Chairman for the April 6 hearing, again noting that she did not know she was the Chair for the April 23 hearing.

Councilwoman Bennett advised that she would not be available to serve on the panel for the March 23 hearing.

Councilwoman Gaines then indicated that she would serve as Chair.

The panel for the March 23 hearing for Chris Walker consists of Councilmen Gaines (Chair), Pierce and Robinson; Councilman Benson volunteered as Alternate.

### AUTHORIZATION TO FILE SUIT

City Attorney McMahan stated during this afternoon's attorney/client meeting the Council was briefed about why it is felt it is necessary to file suit with respect to the construction problem at the 21<sup>st</sup> Century Waterfront. He asked for authorization to file suit on behalf of the city and that previous authorization has been received from the Chattanooga Downtown Redevelopment Corporation to file on their behalf to sue Hargreaves Associates, Inc. for architectural services, RiverCity Company, the construction manager, and Continental Construction, the prime contractor, and any other entity or individual who might be responsible for any of the apparent damages incurred during the process, including all reasonable and necessary expenses relating thereto.

**On motion of Councilman Rico, seconded by Councilwoman Gaines, the City Attorney was duly authorized to file suit as requested; Councilwoman Bennett recused herself from voting as she is presently a member of the RiverCity Board.**

### AMEND ZONING ORDINANCE

Councilman Benson stated that he meant to bring this issue to the Legal and Legislative Committee today but there was not enough time to do so. He stated that he feels the Council did an injustice last week and it was not really anyone's fault on the podium. He stated it would not be injustice if a part of the zoning ordinance is amended. He stated last week an engineer/architect appeared before us representing a surgeon in town, Dr. Phillipose, who wanted to zone this partial land between Joiner and Ziegler. He stated the matter went through Planning and was recommended for approval; then during Council meeting Mr. VanWinkle presented a lot of good reasons why we should not rezone because of traffic problems. He stated the Council listened intently and at that time asked the architect to defer the matter 60 days with the reasoning when he originally talked to Dr. Phillipose about zoning he told me he was going to buy all the property and if he could not get the back part zoned, which was 50,000 square footage, he wanted to build his medical office of 9,6000 square feet facing Ziegler. He distributed maps of the site and noted there is O-1 on two sides, as well as R-4 with an office on another and O-1 behind the site.

Councilman Benson stated Dr. Phillipose came to his office today and he told him he would cut the request off where the incline is and informed him; that he (Benson) attempted to get a 60 day delay but it did not go through because his (Phillipose's) architect said government was too slow about making a decision and the Council rejected it and he (Benson) voted with them. He stated there would not be that many cars coming out of a 9,600 square foot office space.

## AMEND ZONING ORDINANCE (Continued)

Councilman Benson stated that Councilman Rico was in his office when Dr. Philippose came by, as well as Greg Haynes, who noted Dr. Philippose could come back in one month for rezoning of that little parcel. He stated the way the zoning ordinance is written if someone comes in and asks for rezoning and are denied they have to wait nine months; that for any portion of that land he can not ask for rezoning of any portion of it. He stated if the Council stops and thinks about it, it is really not fair and inflicts injustice on that man. He stated Dr. Philippose already owns the property and will have to pay taxes nine months and then come back and ask for what is really a reasonable alternative and Greg said everything around it is O-1.

City Attorney McMahan stated that an ordinance could be crafted; that if it is changed materially from the first request they might be able to come back; that it is a matter of the Council's discretion. He stated he could draft an ordinance to allow them to come back with a materially different plan than presented.

Councilman Benson stated the key word is "materially different"; that this man has to pay another \$700 to come back. He stated if his representative had been patient it is his thought it might have worked out; that VanWinkle would have been satisfied that not that many cars would be coming out which was the only reason it was rejected. He stated he would like to get this before the Council again and if it is okay he would like to ask City Attorney McMahan or whomever he assigns to come back with something to make this more just.

Chairman Bennett asked Councilman Rico if he had any objection to discussion of the matter in next week's Public Works Committee meeting. Councilman Rico agreed.

Councilman Benson stated he would work with Messrs. Haynes and VanWinkle; that the amended project should reduce substantially the number of cars.

City Attorney McMahan stated since this is a zoning amendment it would have to go to Planning.

Councilman Benson stated the process would be slow but not nine months.

City Attorney McMahan stated not only the amendment but the other proposal to change the ordinance would have to go to Planning, as well.

Councilman Benson stated it would be about 60 days to change the Ordinance and another 60 to come back for a total of 120 days.

## AMEND ZONING ORDINANCE (Continued)

Councilman Rico asked if the Council could undo what was done last week.

City Attorney McMahan responded he would be more prepared to discuss the matter next week; that the Council is probably bound by the ordinance not to be able to do that.

Councilman Benson stated for the sake of future fairness this is being done because the engineer was not patient; that we are trying to hold someone hostage when they are not really trying to get zoned what they originally tried to get zoned.

Councilman Page stated that it is great to look at the ordinance and clarified for the record that the reason he voted against the request last week was that it was very largely stated that it was against the community plan and he did not know if the change would be that way, as well.

Councilman Benson stated that was another thing as it is not against the community plan; it is against the plan on the northern side. He stated this man is asking for that down where the community plan already has office on both sides and across the street. He stated Mr. Haynes will tell you it is not against the plan.

Councilman Page stated if that is the case if we erred in the presentation by our own Regional Planning Agency and it was stated it error that it was against the plan there may be justification for looking at the ordinance.

Councilwoman Robinson asked if the Council wanted to rescind something we have done would *Robert's Rules of Order* apply; that a person on the prevailing side could rescind their vote.

City Attorney McMahan stated Councilwoman Robinson is correct as that is normally the rule; that the problem is that *Robert's Rules* is a procedural mechanism and zoning is basically a law, a legal issue, and he has some questions of his own where *Robert's Rules* could overstep a law. He stated he would research the matter and be prepared more fully next Tuesday.

Councilman Benson expressed appreciation to the Council for making a good effort to correct a wrong.

Councilman Rico chimed in that the Council "should have listened to him"!

## COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, March 24** immediately following discussion of the agenda.

Councilman Page stated that the **Economic Development Committee would meet on Tuesday, March 31 following Legal and Legislative** for continuation of strategic planning by the Council. He stated Ochs Center representatives would be present to make comments.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, March 24 following Public Works** for a discussion regarding First Tee.

Councilman Benson stated Judge Bailey will be present at the **Legal and Legislative Committee on Tuesday, March 31** to present the issue of the need for an area juvenile detention center.

## HEARING: MAURICE HORTON

Councilwoman Gaines reminded Council panel members Benson, Gilbert and Robinson of the hearing for Maurice Horton scheduled for Monday, April 6 beginning at 9 a.m.

## NEXT WEEK'S AGENDA: MARCH 24, 2009

Chairman Bennett stated two resolutions have been added to next week's agenda regarding: "***A Resolution authorizing the Mayor to execute an airport operation service contract with the Chattanooga Metropolitan Airport Authority with respect to refunding existing airport bonds***" and "***A Resolution imploring the Hamilton County Board of Education to consider a stand alone vocational/technical school near the center of population of Hamilton County.***" She read through the remainder of the agenda for the following week, which has been spread upon the minutes:

### Ordinances – First Reading:

- a) An ordinance rescinding Ordinance No. 11090 (Case No. MR-2000-189) which closed and abandoned the 400 and 500 blocks of Walnut Street and the 100 and 200 blocks of 5<sup>th</sup> Street, as shown on the map attached hereto and made a part hereof by reference. **(Companion to Item 6(d) below.)**

NEXT WEEK'S AGENDA: MARCH 24, 2009  
(Continued)

- b) MR-2006-037 Paul Mallchok (Close & Abandon). An ordinance closing and abandoning a portion of the 4200 block of Kelly's Ferry Road, 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 – see alternate version. Recommended for denial by Public Works.)**

MR-2006-037 Paul Mallchok (Close & Abandon). An ordinance closing and abandoning a portion of the 4200 block of Kelly's Ferry Road, 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.)**

- c) MR-2006-043 Jimmy Allen, c/o Charles Campbell Construction (Close & Abandon). An ordinance closing and abandoning an opened alley located on the south line of the 300 block of West 25<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. **(Recommended for denial by Planning and Public Works.)**

- d) MR-2009-011 Provident Life and Accident Insurance Company (Close & Abandon). An ordinance closing and abandoning the 200 block of East 5<sup>th</sup> Street, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning, Staff, or Public Works – see alternate versions.)**

MR-2009-011 Provident Life and Accident Insurance Company (Close & Abandon). An ordinance closing and abandoning the 200 block of East 5<sup>th</sup> Street, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**

MR-2009-011 Provident Life and Accident Insurance Company (Close & Abandon). An ordinance closing and abandoning the 200 block of East 5<sup>th</sup> Street, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Staff and Public Works.)**



NEXT WEEK'S AGENDA: MARCH 24, 2009  
(Continued)

Resolutions:

- a) A resolution authorizing the Administrator of the Department of Parks and Recreation to award Contract No. R-07-005, Warner Park Ball Field Complex, Phase II Landscaping, to Outdoor, Inc. in the amount of \$49,321.64, plus a contingency amount of \$9,865.00, for a total contract amount not to exceed \$59,185.64.
- b) A resolution authorizing the Chief of Police to apply for and accept a grant from the City of Knoxville in the amount of \$5,641.00 to be used for the investigation of gang and gun related crimes.
- c) A resolution authorizing the Mayor to execute an Interlocal Agreement with the Health, Educational, and Housing Facility Board of the City of Chattanooga, the Industrial Development Board of the City of Chattanooga, and any other interested governmental entities relative to the construction of a Training Facility on the Volkswagen site.
- d) A resolution authorizing Ann Weeks, on behalf of South Broad Redevelopment Group, Inc., to use temporarily the 2400 through 3500 blocks of Broad Street to attach banners within the right-of-way, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- e) A resolution authorizing Office Coordinators, Inc. to use temporarily the right-of-way at 1518 Rossville Avenue to install a sign, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- f) MR-2009-050 City of Chattanooga, c/o Dan Thornton (Acquisition). A resolution authorizing the acquisition of a tract of land located at 6710 Standifer Gap Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from the Jeanette Armstrong Love Trust for the amount of \$150,000.00, plus reasonable closing costs; and authorizing the Director of General Services to execute any and all documents necessary to acquire said property. **(Added by permission of Council Chair Bennett.)**
- g) A resolution authorizing the Mayor to execute an Interlocal Agreement with Hamilton County relative to GIS addressing in an amount not to exceed \$62,000.00. **(Added by permission of Council Chair Bennett.)**
- h) A resolution authorizing the Director of General Services to enter into an agreement with Motorola, Inc. to purchase under the State contract radio communication equipment in an amount not to exceed \$1,995,872.00. **(Added by permission of Council Chair Bennett.)**

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, March 24, 2009 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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