

City Council Building  
Chattanooga, Tennessee  
March 24, 2009  
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 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 Gilbert gave invocation.

### **MINUTE APPROVAL**

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

### **RESCIND ORDINANCE NO. 11090**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**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**  
passed first reading.

### **CLOSE AND ABANDON**

#### **MR-2006-037: Paul Mallchok**

Adm. Steve Leach explained that this matter was discussed today and that MR-2006-037 is a closure request that was made in 2006. He stated this request and the one following (MR-2006-043) were both handled three years ago by Planning and did not move forward and has been "sitting on the books" all this time. He stated that he spoke with Messrs. Mallchok and Allen and both indicated they had no interest in pursuing the request. He stated in order to close the record, denial of both are requested.

**CLOSE AND ABANDON (Continued)**

On motion of Councilman Pierce, seconded by Councilman Rico,  
**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**  
was denied.

**CLOSE AND ABANDON**

**MR-2006-043: Jimmy Allen c/o Charles Campbell Construction**

On motion of Councilman Rico, seconded by Councilman Pierce,  
**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**  
was denied.

**CLOSE AND ABANDON**

**MR-2009-011: Provident Life & Accident Insurance Co. c/o Richard Meadows**

On motion of Councilman Benson, seconded by Councilman Rico,  
**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**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2009-018: Eastman Construction Company**

Representatives for the applicant were present; there was no opposition in attendance.

CLOSE AND ABANDON (Continued)

On motion of Councilman Gilbert, seconded by Councilwoman Gaines,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED NORTH OF AND PARALLEL TO THE NORTH LINE OF THE 2500  
BLOCK OF MCCRAE 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**  
passed first reading.

CONTRACT

Councilman Benson stated that it is his thought this resolution calls attention to the many improvements this money will help to bring at Warner Park. He stated that he drove by the Park today and it is beautiful and should be the "jewel of the city", now, with the way it looks! He complimented those involved for having the foresight to make this investment as it will bring a lot of returns in revenue from softball coming in the city.

On motion of Councilman Gilbert, seconded by Councilman Rico,  
**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 FORTY-NINE  
THOUSAND THREE HUNDRED TWENTY-ONE AND 64/100 DOLLARS  
(\$49,321.64), PLUS A CONTINGENCY AMOUNT OF NINE THOUSAND  
EIGHT HUNDRED SIXTY-FIVE DOLLARS (\$9,865.00), FOR A TOTAL  
CONTRACT AMOUNT NOT TO EXCEED FIFTY-NINE THOUSAND ONE  
HUNDRED EIGHTY-FIVE AND 64/100 DOLLARS (\$59,185.64)**  
was adopted.

GRANT

On motion of Councilwoman Robinson, 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 FIVE THOUSAND SIX HUNDRED FORTY-ONE DOLLARS  
(\$5,641.00) TO BE USED FOR THE INVESTIGATION AND PROSECUTION  
OF GANG AND GUN RELATED CRIMES**  
was adopted.

**INTERLOCAL AGREEMENT**

Councilman Rico stated Resolutions c – h were discussed in Public Works Committee today and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**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**

was adopted.

**TEMPORARY USE**

Councilwoman Robinson stated that she wanted the record to reflect the efforts this group is making; that this is a wonderful example of a group of volunteers who give unselfishly of their time to improve that part of our city and they are wonderful partners for the city. She expressed thanks to Rev. Ann Weeks for her leadership, as well as all other members of the South Broad Redevelopment Group.

On motion of Councilman Rico, seconded by Councilman Pierce,  
**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**

was adopted.

**TEMPORARY USE**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**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**

was adopted.

**ACQUISITION OF LAND**

**MR-2009-050: City of Chattanooga c/o Dan Thornton**

On motion of Councilman Benson, seconded by Councilwoman Berz,  
**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 ONE HUNDRED FIFTY THOUSAND DOLLARS (\$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**

was adopted.

**INTERLOCAL AGREEMENT**

On motion of Councilwoman Berz, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY RELATIVE TO GIS ADDRESSING IN AN AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND DOLLARS (\$62,000.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. TO PURCHASE UNDER THE STATE CONTRACT RADIO COMMUNICATIONS EQUIPMENT IN AN AMOUNT NOT TO EXCEED ONE MILLION NINE HUNDRED NINETY-FIVE THOUSAND EIGHT HUNDRED SEVENTY-TWO DOLLARS (\$1,995,872.00)**

was adopted.

**TECHNICAL VOCATIONAL SCHOOL**

Councilman Benson stated this has been in the minds of a lot of people for a long time and clarified that the purpose of this Resolution is not to detract from any vocational or technical opportunities presently offered in the school system. He stated this would make it more accessible and centered in the core city of the center of population.

## TECHNICAL VOCATIONAL SCHOOLS (Continued)

Councilman Benson stated that there is an even greater need today since there is a larger demand for trained, skilled workers and should have been done years ago. He stated when Kirkman was closed the money gained by the Board of Education from Kirkman was to be used to place a vocational/technical school in the center of the city that would be accessible by a majority of the population; that it was delayed and the money was used through the years for other needs. He stated the words “...*Imploring the Hamilton County Board of Education to study and consider establishing a stand-alone technical vocational school near the center of population in Hamilton County*” is not to do anything to detract from what is being done; that it supplements things that need to be done.

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,  
**A RESOLUTION IMPLORING THE HAMILTON COUNTY BOARD OF  
EDUCATION TO STUDY AND CONSIDER ESTABLISHING A STAND-  
ALONE TECHNICAL VOCATIONAL SCHOOL NEAR THE CENTER OF  
POPULATION OF HAMILTON COUNTY**  
was adopted.

## CONTRACT

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,  
**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**  
was adopted.

## ACCEPT BID

On motion of Councilman Benson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING ACCEPTANCE OF A BID OF EASTMAN  
CONSTRUCTION IN AN AMOUNT NOT TO EXCEED SIXTY SEVEN  
THOUSAND THREE HUNDRED NINETY DOLLARS (\$67,390.00) FOR THE  
RENOVATION OF HERITAGE HOUSE**  
was adopted.

## OVERTIME

Overtime for the week ending March 19, 2009 totaled \$11,270.87.

## PERSONNEL

The following personnel matters were reported for the **Education, Arts and Culture Department**:

- **RAYMOND W. ROBINSON** – Resignation, Business Manager, Civic Facilities, effective January 29, 2009.
- **MATTHEW MCGLASSON** – Promotion, Business Manger, Civic Facilities, Range 20, \$45,833.00 annually, effective March 27, 2009.

## HOTEL PERMITS

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

**HAMPTON INN** – 6145 Wier Way, Ooltewah, TN

**BEST WESTERN ROYAL INN** – 3644 Cummings Highway, Chattanooga, TN

## BOARD APPOINTMENTS

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

### **ENTERPRISE CENTER BOARD OF DIRECTORS:**

- Correction of term expiration for **PATSY HAZLEWOOD**, for a tem expiring at the annual meeting in 2011 (generally in April) or otherwise as provided in the Bylaws of The Enterprise Center (previously submitted as a term expiring January 27, 2012).
- Re-appointment of **RON LOVING** for a term expiring at the annual meeting in 2012 (generally in April), or otherwise in accordance with the Bylaws of The Enterprise Center.

## BOARD APPOINTMENTS

On motion of Councilwoman Gaines, seconded by Councilwoman Berz, the following Board re-appointments were approved:

**BOARD APPOINTMENTS (Continued)**

**CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY BOARD:**

- Re-appointment of *MOSES FREEMAN* and *ROBERT MCKAMEY* for terms expiring March 24, 2012.

**PURCHASES**

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

CHATTANOOGA FIRE DEPARTMENT:

**TACTICAL FIRE EQUIPMENT (Best bid)**

**R0118563/B0005781**

Purchase of Contract for Fire House (*MES, Inc. submitted a lower bid; however, their delivery on the 2.5 hose is 23 weeks. Tactical Fire Equipment can deliver the entire order in four-to-six weeks.*)

\$15,329.74

FINANCE DEPARTMENT:

**CARL CORPORATION OF INWOOD (Single source)**

**R0120159**

Purchase of Annual Maintenance Contract per TCA 6-56-304.6

\$10,412.84

GENERAL SERVICES DIVISION:

**JAT OIL, INC. (Only Company who can supply this service)**

**R0118500/B0005780**

Purchase of Blanket Contract Fuel Supply (*The price offered on this contract is \$.02 under JAT Oil's terminal posting price; the city's annual estimated usage for Diesel is 29,000 gallons and for Gasoline is 8,800. A Fleet Management employee drove a tanker to Benton Oil*



**PURCHASES (Continued)**

*Services' terminal to determine if the city's tankers could load bulk fuel there; Benton does not have bulk fuel dispensers, only standard station pumps. Loading at their facilities would take several hours.)*

\$423,360.00 (Estimated annual amount)

**WITHDRAWAL OF PUD's**

City Attorney McMahan stated he is in receipt of a stream of e-mails from Greg Haynes regarding Stringers Ridge for a number of pending PUD case files. He stated the applicant, Jimmy Hudson, has requested that PUD cases 2008-018, 2008-019, 2008-020, 2008-021 and 2008-0024 all be withdrawn.

**On motion of Councilwoman Robinson, seconded by Councilwoman Berz, PUD Cases 2008-018, 019, 020, 021 and 024 were duly withdrawn at the request of the applicant.**

**RESULTS OF HEARING: CHRIS WALKER**

City Attorney McMahan reported that a hearing was held for Chris Walker on yesterday with Councilmen Robinson, Pierce and Gaines serving on the panel, with Councilwoman Gaines as Chair. He stated the action of the panel was to reinstate Ms. Walker to her position with all benefits subject to the following conditions: six month probationary period ending September 18, 2009; she will be entitled to unused FMLA September 18, 2008 through September 18, 2009. He continued by stating at the time of the hearing the employee had exhausted all personal leave time; however, she will accrue personal leave time as of the date of reinstatement. He stated Ms. Walker will be entitled to back pay to December 4, 2008, the date which she was able to return to work following her surgery, less any amounts paid to her for short-term disability and unemployment benefits. He stated the short-term disability and unemployment offsets will be confirmed with City Benefits and the State.

**HEARING: MAURICE HORTON**

City Attorney McMahan reminded Council members of the personnel hearing for Maurice Horton scheduled for Monday, March 30 beginning at 9:00 a.m. with Councilmen Berz (Chair), Bennett and Rico. Councilwoman Robinson noted she would not be available to serve as alternate.

## COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 31, immediately following the agenda session.** He stated Judge Suzanne Bailey will be present to make a request of the Council.

Councilwoman Berz stated the **Budget and Finance Committee is scheduled to meet on Tuesday, March 31 at 1:30 p.m.** regarding strategic planning.

Councilman Gilbert stated the Parks and Recreation Committee will meet on Tuesday, March 31 following Legal and Legislative for a discussion exploring what can be done for youth.

Councilman Page cancelled the meeting of the Economic Development Committee previously scheduled for Tuesday, March 31.

Councilwoman Robinson asked for clarification as to whether "all bases have been covered" in referencing the report from the Ochs Center. Councilwoman Berz clarified that the meeting is scheduled for 1:30 on next Tuesday, March 31.

## COUNCILWOMAN-ELECT PAM LADD

Councilman Page recognized the presence of Councilwoman-Elect Pam Ladd and jokingly added that she has been "wrestling the baton from him"! He stated they have been having great transitional meetings and talking about a lot of things to assure nothing "falls through the cracks" so she will "hit the street running". He stated she will make a great Councilwoman!

Councilman Gilbert added that he has worked with Councilwoman-Elect Ladd and noted that she works hard for the community and will make a great Council person.

## NEXT WEEK'S AGENDA: MARCH 31, 2009

Chairman Bennett stated a special presentation would be given by Chattanooga Leadership in reference to their "Children Changing Chattanooga" Essay Contest. She indicated ordinances approved tonight on first reading would be up for second and final readings next week. She read through the remainder of the agenda, which has been spread upon the minutes:

NEXT WEEK'S AGENDA: MARCH 31, 2009  
(Continued)

Resolutions:

- a) A resolution authorizing Harry W. McKeldin to use temporarily 807 Market Street to install an awning and railing, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- b) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. S-06-003, Friars Poe Branch Hydrologic and Hydraulic Study with Arcadis, Inc. for the amount of \$68,000.00, for a revised contract amount not to exceed \$167,000.00.
- c) A resolution authorizing F. Mitchell Bell, on behalf of Sweet Peppers Deli, to use temporarily 403 Broad Street to install a sign that will project into the City right-of-way along with a fence, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- d) A resolution authorizing Brian Murphy to use temporarily the right-of-way of 100 West M. L. King Boulevard to install a sign, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- e) A resolution authorizing Daniel Lindley to use temporarily 29 East Main Street to install a sign, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- f) A resolution authorizing Jeffrey Tarr to temporarily use the right-of-way for 6 East 14<sup>th</sup> Street to install a sign, as shown on the drawings attached hereto and made a part hereof by reference.
- g) A resolution authorizing James Eldridge to temporarily use 336 Tremont Street to install a fence, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- h) A resolution authorizing the acceptance of a grant from Target in the amount of \$2,000.00 for the purpose of buying cameras for the Chattanooga Police Department's DUI officers.
- i) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with the consulting firm of Barney & Worth, Inc. to revise the 2003 Public Art Plan, with funding provided by the Lyndhurst Foundation.

**NEXT WEEK'S AGENDA: MARCH 31, 2009**  
**(Continued)**

- j) A resolution authorizing the Administrator of the Department of Parks and Recreation to execute a 25 year Ground Lease with a rental rate of \$1.00 per year, with The First Tee of Chattanooga, Inc. and a shared use agreement with The First Tee of Chattanooga, Inc., University of Tennessee-Chattanooga, and University of Chattanooga Foundation, Inc., for the use of property commonly known as the Old Hickory Valley Golf Course.
  
- k) MR-2008-213 City of Chattanooga c/o Dan Thornton. A resolution authorizing the acquisition of a tract of land located at 4501 St. Elmo Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from the St. Elmo Improvement League for the amount of delinquent taxes owed, plus reasonable closing costs; and authorizing the Director of General Services to execute any and all documents necessary to acquire said property.

**ADJOURNMENT**

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, March 31, 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)