

**City Council Building
Chattanooga, Tennessee
April 7, 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, former City Attorney Randall Nelson gave invocation.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: PROCLAMATION:
"NATIONAL FAIR HOUSING MONTH"**

Mayor Littlefield introduced Beverly Cosley, Director of the Office of Multicultural Affairs.

Mrs. Cosley stated April is "Fair Housing Month" and marks the 41st Anniversary of the Fair Housing Act. She stated a number of people are present today that represent various organizations, advocates of fair housing, which is very important to the City of Chattanooga and its citizens in making sure each receives fair housing.

SPECIAL PRESENTATION: PROCLAMATION:
"NATIONAL FAIR HOUSING MONTH" (Continued)

Prior to presentation of the Proclamation, Mrs. Cosley recognized persons in attendance in support which included: Linda Sartain, Manager of Homeownership, Chattanooga Neighborhood Enterprise (CNE); Nickie Schwartkopf, President – Chattanooga Association of Realtors; Francie Ryder, Executive Office – Chattanooga Association of Realtors; Nathan Waldorf, Chairman - Multicultural Diversity Committee of the Chattanooga Association of Realtors; Jill McLean, Member - Mortgage Bankers Association; Eddie Holmes, Chairman – Chattanooga Housing Authority and representing NAACP; Anthony Sammons, Deputy Administrator, Neighborhood Services; Janet Perfetti, Human Rights Human Relations Committee Member – OMA Board; Bill Gardner, Human Rights Human Relations Committee Member - OMA Board; Jay Piercy, Compliance Officer – OMA Staff ; and Nicole Gwyn, Administrative Assistant – OMA Staff.

Mrs. Cosley recognized persons of other partner organizations who were unable to attend which included: Chattanooga Apartment Association - Theresa Biggs, President; Legal Aid of East Tennessee – Russell Fowler, Director; Tennessee Human Rights Chattanooga Office – Barbara Gardner; Chattanooga Community Housing Development Organization – Rayburn Traugher; Hope for the Inner City – Paul Green and the Urban League of Greater Chattanooga – Warren Logan, CEO.

At this point, Mayor Littlefield read the Proclamation, which has been spread upon the minutes:

P r o c l a m a t i o n

Whereas: April 11, 2009 marks the 41st anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which declares a national policy of fair housing throughout the United States and makes any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, national origin or familial status illegal.

Whereas: The City of Chattanooga and its Office of Multicultural Affairs, working with other local housing organizations, associations, businesses and concerned individuals, is committed to promote the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure its citizens of their right to fair housing.

SPECIAL PRESENTATION: PROCLAMATION:
"NATIONAL FAIR HOUSING MONTH" (Continued)

Whereas: The enactment of the federal Fair Housing Act on April 11, 1968 came only after a long and difficult journey as it failed to garner a strong majority for its passage. President Lyndon Johnson seized the national tragedy of Dr. Martin Luther King's death on April 4, 1968 to urge the bill's expedited passage as a fitting memorial to Dr. King's life work.

Whereas: Equal housing opportunity is a condition of life in our City of Chattanooga, Hamilton County that can and should be achieved.

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim the month of April, 2009 as

Fair Housing Month

And Furthermore, be it resolved the City of Chattanooga commence a year-long commemoration of the U.S. Fair Housing Law in Chattanooga, Tennessee and urge all citizens to wholeheartedly recognize this celebration throughout the year.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 1st day of April, 2009

Ron Littlefield, Mayor

Mayor Littlefield expressed thanks to everyone, especially the agency representatives present, who help to make this a reality for our whole community.

RECOGNITION OF RANDALL L. NELSON

Mayor Littlefield stated Randy Nelson, our long time former City Attorney, is present. He stated that he wanted to make a presentation that is not on the agenda that started a few months ago. He stated he wanted to complete it with proper pomp and ceremony; that he wanted to honor and give him a proper send off into retirement.

RECOGNITION OF RANDALL L. NELSON
(Continued)

Mayor Littlefield stated that the shadow boxed Proclamation was done some weeks ago but he did not have an opportunity to give him (Nelson) a proper presentation of our feelings, love and respect for the times he saw this city through. He stated prior to the meeting they reminisced about the lawsuits the City had been through, the changes in government and all of the trials and tribulations that have occurred over the last several decades when Randy was Assistant City Attorney for quite some time and until recently, City Attorney. He stated a two-page Proclamation has been prepared and noted that he could not put into words our feelings and respect for Randy, but two pages were all he could get in a frame! He stated that he wanted Randy to remember us fondly and the times he had with both the City Commission and the Council form of government.

At this point everyone in attendance stood and gave Mr. Nelson a standing ovation! The two-page Proclamation has been spread upon the minutes:

P r o c l a m a t i o n

**RECOGNIZING AND HONORING
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**

WHEREAS, Randall L. Nelson began his legal career working with Eugene N. Collins immediately after obtaining his law degree from the University of Tennessee at Knoxville in the Spring of 1968; and,

WHEREAS, Randall L. Nelson served as Special Counsel for the City of Chattanooga, Tennessee for twenty-two (22) years in the law offices of Eugene N. Collins and Associates from April 1968 through August 6, 1990; and,

WHEREAS, on July 10, 1990, Mayor Gene Roberts submitted his Reorganization Plan with Randall L. Nelson as City Attorney to the Chattanooga City Council. Attorney Nelson was then interviewed by the Chattanooga City Council on July 24, 1990 and that body approved Mayor Roberts' appointment unanimously on August 7, 1990. City Attorney Nelson has continued to work in that position for Mayors Jon Kinsey, Bob Corker, and Ron Littlefield and for all members of the Chattanooga City Council who have served on that body since his appointment; and,

RECOGNITION OF RANDALL L. NELSON
(Continued)

WHEREAS, Randall L. Nelson was the first City Attorney to represent both the Mayor and City Council under the Mayor and City Council government we have enjoyed for the past eighteen (18) years; and,

WHEREAS, Randall L. Nelson and Special Counsel chosen by him have superbly represented the City of Chattanooga in the Chattanooga City Court, the Circuit Courts of Hamilton County, the Chancery Courts of Hamilton County, the Tennessee Court of Appeals, the Tennessee Supreme Court, the federal courts of the Eastern District of Tennessee, the Sixth Circuit Court of Appeals, and the United States Supreme Court since his appointment as City Attorney; and,

WHEREAS, Randall L. Nelson has had the distinction of representing the City of Chattanooga in the United States District Court for the Eastern District of Tennessee, the United States Sixth Circuit Court of Appeals, and in argument before the United States Supreme Court regarding objections to the use of municipal facilities for the play “Hair” in the case of *Southeastern Promotion, Ltd. v. Conrad, et al.*, 420 U.S. 546 (1975), which was a significant First Amendment lawsuit studied by law school students for more than thirty (30) years; and,

WHEREAS, Randall L. Nelson has served this community as a founding member of the Board of Directors of the Chattanooga Memorial Auditorium and Tivoli Theatre and has later served as Legal Counsel for that Board from 1975 through 1992; and,

WHEREAS, Randall L. Nelson has served this community as one of four (4) founding members of the Board of Directors of the Tivoli Auditorium Promotional Association (TAPA, Inc.) from 1989 through 2008; and,

WHEREAS, Randall L. Nelson has served as Legal Counsel for the Industrial Development Board of the City of Chattanooga from 1984 through 2008; and,

WHEREAS, Randall L. Nelson has served as Legal Counsel for the Health, Educational, and Housing Facility Board of the City of Chattanooga from 1998 through 2008; and,

WHEREAS, Randall L. Nelson has earned an AV® Peer Review Rating from *Martindale-Hubbell*. Martindale-Hubbell ratings reflect the confidential opinions of members of the Bar and Judiciary. This highest possible rating of AV® is an affirmation of Mr. Nelson’s professional and ethical standards; and,

WHEREAS, Randall L. Nelson has given outstanding legal service and professional advice to the City of Chattanooga and this community for more than forty (40) years;

RECOGNITION OF RANDALL L. NELSON
(Continued)

NOW, THEREFORE,

BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF CHATTANOOGA, TENNESSEE, that Randall L. Nelson be and is hereby recognized, honored, and commended for his outstanding legal service to the citizens, taxpayers, and elected officials of the City of Chattanooga and his consistent expertise in the field of municipal law while serving as Special Counsel and City Attorney during the past forty (40) years.

IN WITNESS THEREOF,
I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
16th day of December, 2008

Randy Nelson acknowledged that the presentation caught him by surprise and noted when he gave the invocation he noticed all the smiling faces and remarked about how he, too, had the same feeling during supper tonight – that he was among old friends. He expressed thanks to everyone in the room and noted that only Mayor Littlefield, Councilman Pierce and Carol O’Neal are comparable in the years of service and have outlasted him! He again expressed thanks.

Chairman Bennett came to the lectern at this time and presented Mr. Nelson with a mounted eagle on behalf of the Chattanooga Council, noting that she could not think of a more fitting symbol of his service other than an American eagle.

Mr. Nelson expressed grateful thanks to the Council.

PRESENTATION TO COUNCILMEN GAINES AND
PAGE

Chairman Bennett stated that we have two outgoing Council members who have served this Council with distinction and asked Vice Chairman Benson to join her at the lectern.

Vice Chairman Benson expressed how much members on the Council have treasured their association with Councilmen Gaines and Page and the contributions they have made to this city, noting that it is not something that can be measured mentally or with the heart. He presented each with an eagle in flight and expressed appreciation to both for their service.

**PRESENTATION TO COUNCILMEN GAINES AND
PAGE (Continued)**

Chairman Bennett expressed to both that it has been a pleasure to serve with them and thanked them for their service.

Councilwoman Gaines thanked members of the Council and noted that she was quite surprised but is not shy! She thanked members of both the legislative and executive staff, noting that it has been great and that she was going to miss them. She expressed appreciation for all that has been for her, being a "newbie" on the city's end after coming from the county. She stated she has been on the Council for three years and everyone has made her feel at home. She stated she has never seen such a cohesive body and noted to the public that "what you see is what you get". She stated a lot of times there are nine members of a body and everyone moves in different directions, again noting that everyone made her feel very much at home and very professional. She stated this is the most professional group she has ever worked with and thanked Mayor Littlefield for what he has done for her and for his kindness; that during her first week he opened the door to his office to her.

Councilman Page stated that he could look at Council members and see what he has learned from every one; that he can honestly say that he has learned something from every person on the Council today and yesterday. He stated he has become a better person by participating in city government and it has been a real growth experience for him. He thanked Mayor Littlefield, expressed hope that his wife gets much better and acknowledged that the Mayor's staff has been just wonderful. He stated that he is leaving the city with a tremendous number of super people in government! He stated everyone has been very special to him and he will not say goodbye as he will be reading about them in the newspaper!

CLOSE AND ABANDON

MR-2008-155: Grady H. Dagnan

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
UNOPENED 300 BLOCK OF DELAWANNA TERRACE, 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.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A BUFFER ZONE PROTECTION PLAN GRANT FROM THE TENNESSEE DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF ONE HUNDRED NINETY-TWO THOUSAND FOUR HUNDRED TEN AND 17/100 DOLLARS (\$192,410.17) FOR THE PURPOSE OF PURCHASING EQUIPMENT FOR THE DEPARTMENT TO PREPARE FOR ANY INCIDENT AT A CRITICAL INFRASTRUCTURE SITE
was adopted.

GRANT

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY RELATIVE TO A GRANT FROM THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, REQUESTED BY HAMILTON COUNTY FOR ENTERPRISE SOUTH INDUSTRIAL PARK RAIL IMPROVEMENTS, AND AUTHORIZING THE PAYMENT OF ONE-HALF (1/2) OF THE REQUIRED LOCAL MATCH IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000.00) FROM THE CITY
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE AN AGREEMENT WITH AND ACCEPT A DONATION FROM BI-LO, LLC IN THE AMOUNT OF SIXTEEN THOUSAND DOLLARS (\$16,000.00) TO SPONSOR TWELVE (12) FREE YOUTH CAMPS, PLUS FIVE (5) SPECIALTY WEEKLONG YOUTH SUMMER CAMPS AND A TEEN BASKETBALL LEAGUE
was adopted.

TEMPORARY USE

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING BOB BROWN, ON BEHALF OF THE HICKORY CREEK TOWNHOMES ASSOCIATION, TO USE TEMPORARILY THE 2400 BLOCK OF HICKORY VALLEY ROAD TO BEAUTIFY AND INSTALL A SIGN IN THE SUBDIVISION FRONT ENTRANCE ISLAND, AS

TEMPORARY USE (Continued)

**SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING MITCH PATEL, ON BEHALF OF HAMPTON
INN TO USE TEMPORARILY THE 400 BLOCK OF CHESTNUT STREET FOR
CANOPIES AND PARAPETS THAT OVERHANG INTO THE RIGHT-OF-
WAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITION**
was adopted.

INTERLOCAL AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
**A REOLUTION AUTHORIZING THE MAYOR AND THE ADMINISTRATOR
OF PARKS AND RECREATION TO ENTER INTO AN INTERLOCAL
AGREEMENT WITH HAMILTON COUNTY TO PURCHASE AND INSTALL A
PLAYGROUND FOR THE CITY AT THE JOHN A. PATTEN RECREATION
CENTER, WITH THE CITY CONTRIBUTING THIRTY THOUSAND DOLLARS
(\$30,000.00) TOWARDS THE TOTAL ESTIMATED COST OF ONE HUNDRED
THOUSAND DOLLARS (\$100,000.00) FOR THIS PLAYGROUND**
was adopted.

REQUEST ASSISTANCE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**A RESOLUTION REQUESTING THE ASSISTANCE OF THE GOVERNOR, THE
LEGISLATURE, AND THE DEPARTMENT OF CHILDREN'S SERVICES TO
ESTABLISH A JUVENILE TREATMENT FACILITY IN THE HAMILTON
COUNTY AREA**
was adopted.

MISSION STATEMENT

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

Councilman Gilbert stated that this matter was discussed earlier today and encouraged everyone to vote for it. He stated that the Council needs to look forward for the year for an opportunity to help and develop youth in a positive way, expressing hope that everyone agrees.

Councilman Benson stated that this document is not really ready for official approval; that the way it is written is something much less than we should want to have impact with. He stated he can not vote for it at this time and **in the form of a motion stated he would vote to defer it until wordsmithing is done to get it right.**

Councilwoman Berz stated that the Council has done a lot of work since January and this is a beginning; that she would hate for the Council to denigrate in anyway the beginning and indicated that we can always add to it. She stated that it is her thought the mission is very important and read, *"The mission of the Chattanooga Council is to make ethical policy decisions that serve the public in a just, sustainable ad balanced way to ensure the general welfare of all our community"*. She stated this is the first step; that the Council wants to really look at the issues to *"mitigate crime by addressing matters of youth programming to ensure the ongoing integrity of the City's infrastructure, and to help foster communication within government and with the community at-large"*. She stated that the Council only deals with policy not implementation and the city is doing an outstanding job of implementing some of the goals already. She stated it is her thought this shows the Council and city are "on the same page" working together and also allows for a method of checks and balances which is what occurs in a democracy. She expressed hope the Council will vote for this.

Councilman Pierce asked for clarification if Councilman Benson made a motion to defer.

Chairman Bennett acknowledged that there was no second to the motion to defer.

At this point Councilman Pierce seconded Councilman Benson's motion to defer the matter.

Councilman Benson stated this is a two-page document that is poorly written and he would not want this city to send it as an example to other cities as our mission. He stated he would prefer to defer it and do it right; that someone needs to "stay after school" and work on this.

MISSION STATEMENT (Continued)

On roll call vote on Councilman Benson and Pierce's motion and second to defer:

Benson	Yes
Berz	No
Gaines	Yes
Gilbert	No
Page	Yes
Pierce	Yes
Rico	No
Robinson	Yes
Bennett	No

The motion carried by a 5 (for) – 4 (no) vote.

Councilman Page stated that he wanted to make a comment about the vote. He stated that it is his thought it is a good idea to defer as it is an important thing for the Council to be totally together on. He stated there should not be any split vote on this as this is the mission statement for the entire Council. He stated to rush through it would be in error on our part, even though he will not be on the Council for the final vote. He encouraged Council members to take the time necessary to be together on this issue as it is not something they would want to have two sides on. He stated that was the reason for his vote to defer, even though he will not be able to vote.

Councilwoman Robinson stated it is interesting that all nine on the Council had a long discussion this afternoon in Committee and everyone is in agreement this is a wonderful initiative for the Council. She stated that the vote tonight says only that we want to burnish it and make it shine and be an example. She stated the difference is that it is not one of substance, simply one of style.

MISSION STATEMENT (Continued)

Councilwoman Robinson stated she would defer to her educator colleague who spent his life in our schools calling us to that higher standard of rhetoric and making our thoughts very clear when we adopt this, and it will be unanimous she is sure, within a week or two. At this point she inquired as to when the vote would be and asked that it be discussed now.

Councilman Gilbert agreed that a day needs to be set to actually get this done so as not to delay.

Councilwoman Berz expressed agreement with Councilwoman Robinson's comments, noting that we are all of one mind. She stated the City Attorney's office wrote this and did it very quickly for us, agreeing that it is not the substance, it is the style. She stated a deadline was set in Committee and she can get together with the City Attorney again and get it in the right language. She asked that those who have problems with the style to please put that in writing to the City Attorney so they can correct it and not lose the substance. She stated the other thing needed is to set a time certain we will have this done; that in all fairness we should make it several weeks so they can have a chance to get it in proper form so everyone will feel comfortable with it. She stated she does not want a bunch of hearsay, but to put it in writing whether it is the form there is disagreement with or if they want to edit it.

Councilwoman Gaines stated that we need to wait until a new Council comes in on a lot of these things. She stated she is leaving and does not have a lot of say as she only has another week; that in reference to the budget sessions a new Council will be sworn in on April 20 and it is her personal feeling the next Council should make a lot of the decisions.

Councilman Benson stated that he wanted to make something clear; that he has worked with the City Attorney's office as Chairman of Legal and Legislative for eight years and does not know who wrote this statement in the city attorney's office. He gave praise for the way everything else has been written as there has never been a problem; that the problem might be coming from us and we are not making it clear and to take whatever time it takes to make it clear. He stated he would be calling the city attorney as he has marked some things on his copy that need to be changed. He stated as far as he is concerned whether with the new or old Council he wants it done right if it comes out under the Council's name.

MISSION STATEMENT (Continued)

On motion of Councilman Benson, seconded by Councilman Pierce,
**A RESOLUTION ACCEPTING AND ADOPTING A MISSION STATEMENT,
GOALS, AND OBJECTIVES FOR THE FISCAL YEAR 2010 BUDGET**
was deferred until April 28.

RESCIND RESOLUTION 25853

On motion of Councilman Rico, seconded by Councilman Gilbert,
**A RESOLUTION RESCINDING RESOLUTION NO. 25853 WHICH
AWARDED CONTRACT NO. R-07-005, WARNER PARK BALL FIELD
COMPLEX, PHASE II LANDSCAPING, TO OUTDOOR, INC., AND
AUTHORIZING THE AWARD OF SAID CONTRACT TO OOLTEWAH
NURSERY IN THE AMOUNT OF FIFTY-THREE THOUSAND EIGHT HUNDRED
SEVENTY-SIX AND 55/100 DOLLARS (\$53,876.55), PLUS A
CONTINGENCY AMOUNT OF TEN THOUSAND SEVEN HUNDRED
SEVENTY-FIVE AND 31/100 DOLLARS (\$10,775.31), FOR A TOTAL
AMOUNT NOT TO EXCEED SIXTY-FOUR THOUSAND SIX HUNDRED FIFTY-
ONE AND 86/100 DOLLARS (\$65,651.86)**
was adopted.

OVERTIME

Overtime for the week ending April 2, 2009 totaled \$6,760.14.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **MARIO CUNNINGHAM** – Extension of Military Leave, Police Officer, effective March 12, 2009 – March 11, 2010.
- **JEFFREY IRVIN** – Resignation, Police Cadet, effective March 25, 2009.
- **JAMIE RIDDLE** – Return to Duty (from Medical Leave), Police Officer, Range P2, \$36,720.72 annually, effective April 3, 2009.

PERSONNEL (Continued)

INFORMATION SERVICES:

- **DAVID HOOPER** – Hire, IT Business Project Analyst, Range 25, \$72,000.00 annually, effective March 31, 2009.
- **DOUGLAS ST. JOHN** – Resignation, Telecommunications Coordinator, effective April 3, 2009.

PUBLIC WORKS DEPARTMENT, LAND DEVELOPMENT OFFICE:

HARRY SCOTT SAGRAVES – Hire, Construction Inspector 1, Range 14, \$42,000.00 annually, effective March 23, 2009.

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refunds:

AMERICAN STAGE COMPANY LLC -- \$2,658.30 due to an E&R for 2008 per Amended Report from TMA Audit.

GEORGIAN BANK -- \$9,317.77 – Assessment reduced by Assessor’s Office due to sites not corrected per finished units.

REJECT ALL BIDS

On motion of Councilman Rico, seconded by Councilman Page, all bids were rejected per R0119309 for purchase of outdoor advertising. Specifications will be revised and a new request for proposals will be advertised.

PURCHASES

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

PURCHASES (Continued)

PARKS AND RECREATION DEPARTMENT:

SOUTHERN ATHLETIC FIELDS (Lower and better bid)
R0119776/B0005870

Annual Blanket Contract for Sure Dry for Softball Fields

\$11,000.00 Estimated cost annually

SOUTHERN ATHLETIC FIELDS (Lowest and best bid)
R0119786/B0005872

Annual Blanket Contract for Marking Marble Dust for Softball Fields

\$10,000.00 Estimated cost annually

GENERAL SERVICES DIVISION:

WORLDWIDE EQUIPMENT INC.
R0120416

Vehicle Body Repair Including Parts (*Payment for body repairs to a wrecked and damaged Public Works vehicle per Work Orders OW36241 dated January 31, 2009 and WO36600 dated February 27, 2009.*)

\$38,447.98

JAT OIL
R0120521, R0120808, R0121108

Purchase of Bulk Fuel

\$22,796.58

PURCHASES (Continued)

PUBLIC WORKS DEPARTMENT:

ADS ENVIRONMENTAL SERVICES (Best proposal)
R0114862/B0005582

Flow and Rain Gauge Monitoring Services

\$250,000.00 Estimated cost annually

VULCAN ALUMINUM (Lowest and best bid)
R0119047/B0005856

Aluminum Sign Blanks

\$38,481.20

GEOTIVITY INC.
P0025431

Payment of Flow and Rain Gauge Service (Received before Contract)

\$38,055.50

RESULTS OF HEARING: MAURICE HORTON

City Attorney McMahan reported the results of yesterday's termination hearing for Maurice Horton with Councilmen Gaines, Gilbert and Benson. He stated the panel voted to return Mr. Horton to work with back pay and benefits.

ELECTION OF COUNCIL CHAIRMAN/VICE CHAIRMAN

City Attorney McMahan stated that he needed to know when to place on the Council's agenda the election of officers for Council Chairman and Vice Chairman as provided for by *City Charter*, whether to place it on the first meeting of the new Council on April 21 or the second meeting on April 28.

**ELECTION OF COUNCIL CHAIRMAN/VICE
CHAIRMAN (Continued)**

Councilman Page stated from a logistical standpoint he does not see how the Council can function if there is no Chairman and **made the motion that the election take place on the first meeting (April 21); Councilman Rico seconded the motion; the motion carried.**

COUNCIL MEETING/ELECTION NIGHT

Councilman Benson stated that he wanted to make certain there would be enough Council members present next week.

Chairman Bennett stated that she and Councilman Pierce will be at the polls and reminded Council members that next Tuesday is zoning night and we need to make certain five council members will be present.

Councilman Page stated there is a good possibility he can not be present next week and wanted to make sure that is known. He suggested that the Council not meet and noted it might be necessary to meet due to already existing advertisement.

Councilman Benson stated that the zoning requests have been advertised and there has been a "big stir" from people in his district; that we need to have five people that can be here and even if Councilman Page were not here there would still be five members present.

Chairman Bennett asked if anyone else would not be present to which there was no response (other than she and Councilmen Page and Pierce's absence). She stated it will not be a "full house" but enough to go on with Council business. She reminded everyone that tomorrow (April 8) would be the last day for early voting and that the election is next Tuesday (April 14).

Councilwoman Gaines inquired as to who would not be present next week.

Chairman Bennett clarified that she and Councilmen Page and Pierce would not be present.

Councilwoman Gaines stated that she just wanted to make sure!

Councilman Page clarified that he would try to be present next week as he is not sure at this point.

PERSONAL THANKS!

Councilman Page stated with next week being the last Council meeting and two members for sure will not be present, Chairman Bennett and Councilman Pierce, he wanted to take this opportunity to personally thank them for the work they have done. He stated that he has learned a lot from Councilman Pierce and the role of this Council; that he has never seen a person who could confront every issue with such straight forward honesty and wanted to thank him publicly as this is perhaps his (Page's) last night serving with him (Pierce).

Councilman Page stated Linda Bennett has provided leadership and diligently worked and tried to change this Council in a positive way, particularly by taking more of a role in budget presentation. He stated he has never seen a Council Chairman take notes at every meeting and she always carries her book with her! He stated that her follow-up is superb and she is a diligent worker. He thanked her for her leadership and noted how much he has enjoyed working with her. He acknowledged that everyone on the Council are "fine guys, too" but wanted to publicly thank those two individuals.

COMMITTEES

Councilwoman Robinson scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, April 14 immediately following Legal and Legislative** for an update on the Department's programs.

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, April 14 immediately following discussion of agenda items**. He stated that he has received a request from the Taxi Board to open up the ordinance again and noted that Councilman Rico is on the Board and is familiar with the request. He stated they have come a long, long way and are now at the point to get it done right and the matter would be considered next week. He asked the City Attorney to bring back a revision in the Taxi Ordinance removing those members of the industry from the Board since the Chancellor wrote an injunction to prevent them from voting on anything as it is a conflict of interest; that it is his thought it was the Chancellor! He stated they have come to him and told him they would like to have an Advisory Board of the industry set up to work at different times to advise Board members.

Councilman Rico responded affirmatively that Councilman Benson's comments were correct.

COMMITTEES (Continued)

Councilman Benson expressed appreciation for Councilman Rico's acknowledgement, noting that they have come a long way to this point and the judicial ruling helped make it so.

LETTER FROM STATE COMMISSIONER NICELY

Chairman Bennett stated that the Council has received a very nice letter from State Commissioner Nicely complimenting Councilman Benson and this Council for the work on the Wrecker Ordinance.

Councilman Benson stated that the letter was addressed to Mayor Littlefield complimenting him and asked that he please tell the Council they did a great job on the Wrecker Ordinance, which is now titled the Traffic Incident Management Ordinance. He stated that Commissioner Nicely did say it has been used as an example throughout the rest of the state and other urban cities. He stated that he is pleased with the commendation for all the Council members.

BUDGET HEARINGS

Councilwoman Berz reminded Council members of the budget hearings scheduled for April 16 and 17 beginning at 9 a.m. She stated the date of April 15 has been added beginning at 9 a.m. but she is not certain of the ending time. It was later clarified that the time for the April 15 sessions would be from 9 a.m. – 3 p.m. She stated the change in the previous dates were not the fault of Daisy Madison but conflicts with Council members' schedules.

NEXT WEEK'S AGENDA: APRIL 14, 2009

Chairman Bennett stated that the one ordinance on first reading tonight will be considered for final reading next week. At this point she read through the remainder of the agenda, which has been spread upon the minutes:

Ordinances – First Reading:

- a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article II to revise the definitions of "Bed and Breakfast" and "Boarding House" and amending Article V, Sections 302(2) and 404(2) to provide for lot area requirements for bed and breakfast establishments in R-3 Residential Zone and R-4 Special Zone.

NEXT WEEK'S AGENDA: APRIL 14, 2009
(Continued)

- b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article II by deleting the definitions of "Guest House," "Motor Camp," and "Tourist Home" and adding a definition for "Short-Term Vacation Rental," and amending Article V, Sections 201 and 401, to include Short-Term Vacation Rental as a permitted use.
- c) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Articles V and VI by providing for a Revocable Special Exceptions Permit for Non-Profit Heritage Educational Facilities and to allow said use in certain zones.
- d) 2008-114 Mehdi Malekzadeh (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 6709 Shallowford Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Deferred from 10-14-08. Recommended for denial by Planning.)**
- e) 2009-020 A. C. Properties, Inc. (From M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 1908 Cowart Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning – see alternate version.)**

2009-020 A. C. Properties, Inc. (From M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 1908 Cowart Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- f) 2009-026 Ray A. Smith (from R-4 to R-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 328 Browns Ferry Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-4 Special Zone to R-2 Residential Zone. **(Recommended for approval by Planning.)**

NEXT WEEK'S AGENDA: APRIL 14, 2009
(Continued)

g) 2009-027 Tina Harvey Crawford (from R-1 & M-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 400 Garden Road, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, from R-1 Residential Zone and M-1 Manufacturing Zone to R-4 Special Zone. **(Recommended for denial by Planning, but recommended for a Special Exceptions Permit – see Resolution 7(e) below.)**

h) 2009-029 W. C. Helton (from R-3 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 200 East 37th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-3 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2009-029 W. C. Helton (from R-3 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 200 East 37th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-3 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

i) 2009-034 Robert Hall (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 1101 Greens Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff – see alternate version.)**

2009-034 Robert Hall (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 1101 Greens Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to **O-1 Office Zone**, subject to certain conditions. **(Recommended for denial by Planning. Recommended for approval by Staff.)**

NEXT WEEK'S AGENDA: APRIL 14, 2009
(Continued)

- j) 2009-035 Flourney Development Company (Lift Conditions). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 12184 (Case No. 2008-179) on tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, 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 – see alternate version.)**

2009-035 Flourney Development Company (Lift Conditions). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to amend the conditions imposed in Ordinance No. 12184 (Case No. 2008-179) on tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, 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.)**

- k) 2009-036 Thomas A. Austin (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 2123 Hamill Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Recommended for denial by Planning, but recommended for O-1 Office Zone – see alternate version.)**

2009-036 Thomas A. Austin (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 2123 Hamill Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to **O-1 Office Zone**. **(Recommended for approval by Planning.)**

Resolutions:

- a) A resolution authorizing the Chief of Police to apply for and accept a grant from the Governor's Highway Safety Office in the amount of \$300,000.00 which will be used to purchase radar detectors and pay overtime for traffic enforcement with no local matching funds required.

NEXT WEEK'S AGENDA: APRIL 14, 2009
(Continued)

- b) A resolution authorizing acceptance of permanent conservation easements from Hixson Medical Partners, LLC and Hixson Development Partners, LLC through the Trust for Public Land on portions of Lots 1 and 2, Morning Pointe Subdivision, as set forth in Exhibit A attached hereto and made a part hereof by reference, to be used as part of the Chattanooga Greenway System, and expressing the gratitude of the Mayor and City Council for said easements.
- c) A resolution authorizing the award of Contract No. E-08-002-201, 2008 City Sidewalks Requirements Contract – CDBG, in the amount of \$268,508.00, plus a contingency amount of \$31,492.00, for a total amount not to exceed \$300,000.00.
- d) A resolution adopting the Shallowford Road: Standifer Gap Road to Hickory Valley Road Policy, attached hereto and made a part hereof by reference.
- e) 2009-027 Tina Harvey Crawford (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for Non-Profit Heritage Educational Facility on a tract of land located at 400 Garden Road, 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. See Ordinance 6(g) above.)**
- f) 2009-039 Signature Investments, LLC (Prelim. & Final PUD). A resolution approving a revised proposed Preliminary and Final Residential Planned Unit Development Special Exceptions Permit for a Planned Unit Development known as Longholm at Riverview Planned Unit Development, Lots 1-32, on tracts of land located in the 1100 and 1200 blocks of Longholm Court, 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.)**
- g) 2009-043 City of Chattanooga, c/o Dan Thornton (Declare Surplus). A resolution declaring as surplus property on part of a tract of land located in the 500 block of Stringer Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, and authorizing correction of the legal description of said property. **(Recommended for approval by Planning.)**
- h) 2009-045 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing the Director of General Services to enter into a Lease Agreement with Heather Wagner for property known as the “Little Greenhouse” located at 451 West Main Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, to maintain a greenhouse on the property. **(Recommended for approval by Planning.)**

MAHMOOD ABDULLAH

Mahmood Abdullah, present on behalf of the Chattanooga Community Council, registered his complaint with reference to HUD's investigation of his building located at 202 West 38th Street. He stated an inspector approved his property for opening and an electrical inspector came out and said his disapproval did not have anything to do with what the building inspector did and, in return, sent another building inspector. He stated that he is certain the matter is on the Council members' desks and would like to have the problem solved; that if it is not on their desks now it should be soon. He stated fair housing issues should be on Council members' desks, as well, as there have been some complaints about fair housing. He stated that he wanted to bring the matter to the Council's attention and noted that he doubted that the man (inspector) was wrong. He expressed hope that with the new Council things will be done and people will be served in the right way for them to be "real" with it. He stated his business has been down a long time and it is time for justice to be served, noting that that is all he is asking for. He stated that he comes in peace to ask that the Council seriously look at it and give their best judgment.

Chairman Bennett stated if this has something to do with fair housing it should be directed to someone within administration.

City Attorney McMahan stated that the matter has been directed to his office and he would provide updates on it to Council members.

MAXINE COUSIN

Maxine Cousin stated that she has been before the Council many times and gave up coming because she could see no justice in any of this "stuff". At this point she read from a prepared statement which has been requested to be spread upon the minutes: *"More than 25 years ago, my father was murdered in the Chattanooga city jail. I have been here many times requesting help from the old City Commissioners and the new City Council. I am again requesting that because of Tom Kennedy's interference in the Wadie Suttles case that the case be reopened so that this terrible thing can be properly dealt with and properly solved or resolved. I believe that some people got together and made some corrupt deals on this case. What they really did was sold him and us to the highest bidder. I have not seen a dime of any so-called settlement and I want this nightmare to end. The people who sold us out had no authority and no right. They don't speak for me or my family. So their dealings are no more than corruption – highway robbery; everything that I am entitled to – justice for my father, restitution and compensation for my family I want every bit of it. Any further discussion about this matter or any more handing out money on the Wadie Suttles case has to stop unless you talk to me".* (A copy of Ms. Cousin's statement is filed with minute material of this date.)

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, April 14, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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