

**City Council Building  
Chattanooga, Tennessee  
December 11, 2012  
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Gilbert, McGary, Rico, Robinson and Scott present; Councilman Murphy joined the meeting later; Councilwoman Berz was absent due to illness. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilman Benson.

**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.

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 2, ARTICLE III, SECTIONS 2-410, 2-411, 2-413, 2-415, AND 2-  
419, RELATIVE TO THE FIRE AND POLICE PENSION FUND**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 16, ARTICLE I, SECTION 16-2, RELATIVE TO AGE OF  
EMPLOYEES OF THE FIRE OR POLICE DEPARTMENT**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 5, SECTION 5-71(e) RELATIVE TO FIRE CODE, BUILDING  
CODE, AND ZONING ORDINANCE COMPLIANCE**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

Councilwoman Scott expressed her thought that this ordinance is not in the best interest of protecting the public and plans to vote against it.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 2, ARTICLE V, SECTION 2-554, RELATIVE TO PURCHASING  
AND COMPETITIVE SEALED PROPOSALS**  
passed first reading; **Councilmen Scott and Gilbert voted "no"**

**AMEND CHARTER**

**Councilman Rico and Benson made the initial motion to approve this ordinance.**

Councilwoman Scott stated one of the most important things that a City Council does is legislate and that is to review the laws and be in full knowledge with approval of what they say; that this particular change includes a very lengthy number of changes to the Charter.

**(COUNCILMAN MURPHY JOINED THE MEETING AT THIS POINT.)**

Councilwoman Scott continued by stating one of the Sections is changing the rules that cover how city judges operate and based on what we heard today the changes were not drafted by the judges and we know they had an opportunity participate in that; however, those changes and the things that were drafted the judges have not seen and it would not be in the best interest of the public for the City Council to vote tonight on *Charter* changes that have not been given to the judges to look at.

## AMEND CHARTER (Continued)

**Councilwoman Scott** recommended that the matter be deferred and is fully aware that the City Council and the City Attorney's office was trying to get this done so that it could go on the ballot before the public in March, however, there really is no reason to speed something through that we are not absolutely positive how it should be. She stated she would rather not legislate at all than legislate in haste and not have full input on this. She **made the motion to defer; Councilman Gilbert seconded the motion.**

Councilwoman Robinson stated she heard everything Councilwoman Scott said, however this is only the first reading and we have been invited by our attorney to carefully peruse the document we have been given and have time to have questions answered and discussion next week before the second vote. She stated she will vote for this.

Councilman Benson stated what Councilwoman Robinson said is exactly correct as it is first reading and we have a week to finish up any communication problems that we might have with the city judges, but we do not have any more time if we are going to get it on the ballot.

City Attorney McMahan responded "that is correct" unless a meeting is scheduled that is not a regular meeting as we have the eleventh and eighteenth and there is not another meeting until January 8 and the law requires it be finished before January 4.

Councilman Benson stated it is his thought this should be passed on first reading.

Chairman Ladd stated during Committee today the city attorney committed to make sure the two city judges will have in hand any changes that had been made and will have ample time for input the coming week.

Councilwoman Scott suggested that the citizens of Chattanooga pay attention to these *Charter* changes and gave an example from ***Title 2, Streets and Sidewalks Generally*** which enables ". . . the city to require owners to construct, reconstruct, maintain and repair sidewalks in front of their property . . ." She stated she read that to mean the city could make a homeowner take care of the sidewalk in front of their house even if it were on the right-of-way; that we were told today the city would not do that. She stated her question is this will come before the public and many other items about the *Charter* for referendum, but when this is on the ballot it will have a short blurb about what it is supposed to be and something in the paper will be published prior to that and the public needs to pay attention and read it.

## AMEND CHARTER (Continued)

Councilwoman Scott stated when the Council approves it tonight as written and approve it next Tuesday as written it will go before the public and those people that just blindly do not pay attention will be voting because most of the time referendum items will be approved as it assumed the council is acting in the public's best interest. She asked that everyone pay attention to that these things say - every single line of them; that when this vote is taken pay attention and please read it because it does affect the public as it is the law of the city of Chattanooga.

Councilman Benson asked that everyone pay attention, as well, as this is not mandatory legislation; that it enables the city to come in and make a property owner who has destroyed a sidewalk correct it; that this just enables the city if they choose to make them repair the sidewalk and pay for the damage they have inflicted as has happened on Ashley Drive in his district. He stated it is not mandatory that the city make every broken sidewalk be paid for by a property owner and that was the implication left; that it is when the owner does something to damage the property a city tax payer has paid for. He stated it needs to be in there and does not need to be misrepresented.

Councilman Murphy pointed out that the very provision Councilwoman Scott finds so troublesome is in the *Charter* now which is the state of being in our *Charter* and nothing about what we are doing will change that. He stated if the next Mayor is a music lover, if we do not change this he is authorized to hire a band, literally, as authorized in the *Charter*. He stated that is quaint and antiquated and it is time we clean up the *Charter*; that this is first reading and we need to move this along.

**Councilman Rico called for the question; Councilwoman Robinson seconded the motion, however Councilwoman Scott opposed.**

Councilwoman Scott asked for a point of order noting her light (to speak) was on before the call for the question arose and should be recognized.

Chairman Ladd clarified a call for the question was called and it has to be considered. Councilwoman Scott asked for a vote on the matter.

**On roll call vote on Councilwoman Scott's point of order on the call for question without acknowledging her (Scott's) light:**

AMEND CHARTER (Continued)

SCOTT	YES
ROBINSON	NO
BENSON	NO
GILBERT	YES
RICO	NO
MCGARY	YES
MURPHY	NO
LADD	NO

The motion failed.

On roll call vote on the motion to defer by Councilmen Scott and Gilbert:

ROBINSON	NO
BENSON	NO
GILBERT	YES
RICO	NO
MCGARY	NO
MURPHY	NO
SCOTT	YES
LADD	NO

The motion failed.

Councilmen Robinson and Rico made the motion and second to approve the ordinance.

**AMEND CHARTER (Continued)**

Councilwoman Scott stated if this was just about a person damaging the sidewalk and forcing them to change it to fix it at their own expense, that would be great, but if it does that is what it ought to say as it does not say that and that is her objection to that particular one, but there are many others like that.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND THE *CHARTER* OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER *CHARTER* PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY'S *CHARTER* BY DELETING ARCHAIC PROVISIONS, TO MODERNIZE ITS PROVISIONS, TO CONFORM TO STATE LAWS OF GENERAL APPLICATION, AND TO GENERALLY IMPROVE THE *CHARTER***

passed first reading; on roll call vote:

BENSON	YES
GILBERT	NO
RICO	YES
MCGARY	YES
MURPHY	YES
SCOTT	NO
ROBINSON	YES
LADD	YES

**REZONING**

**2012-108: Yerbey Concrete Construction/Mark L. Settles**

Pursuant to notice of public hearing the request of Yerbey Concrete Construction/Mark L. Settles to rezone property located at 4121, 4123 and 4215 Shallowford Road came on to be heard.

## REZONING (Continued)

The applicant was present; there was no opposition in attendance.

Councilman Murphy inquired in reference to a question from an earlier meeting that the proposed zone change is the result of a plan with the property and the plan is somewhat in question at this point.

**Greg Haynes**, Director of Development Services with the Regional Planning Agency (RPA), stated as far as he knows it is not in question; that the proposed use was for a warehouse and office and the original request is for M-2; however Staff and Planning recommended M-3 which permits their proposed use but also is more restrictive than the M-2 which would prohibit uses that might be objectionable to nearby residential. He stated the M-3 was agreed upon and the site plan stayed the same.

Councilman Murphy stated there was a lease agreement or proposed lease agreement that has not come to fruition. Mr. Haynes stated he did not know.

Councilman Gilbert stated there was an issue with the community at first with the M-2; however the gentleman changed it to M-3. He stated at first a plumber was going into the facility but someone else was found which is one of the reasons the community wants to push the M-3 rather than M-2 and the applicant was gracious enough to do that for them.

**Mark Settles** of 1928 Central Avenue stated the change was the tenant; that there was no change from what they plan to build. He stated there was not a change in the design of what is planned to build, but only a change on whom they will put in as a tenant.

Councilman Murphy stated he was not clear and expressed his thanks and good luck.

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY  
LOCATED AT 4121, 4123 AND 4215 SHALLOWFORD ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE  
COMMERCIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2012-148: Young Properties, LLC**

Pursuant to notice of public hearing, the request of Young Properties, LLC to rezone property located at 3906 10<sup>th</sup> Avenue came on to be heard.

The applicant was present; there was no opposition in attendance.

Councilwoman Robinson asked if this request is consistent with adjacent zones.

Mr. Haynes responded "yes"; that it is an extension of the M-1 zone and residential is adjacent to it.

On motion of Councilman Rico, seconded by Councilman Murphy,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3906 10<sup>TH</sup> AVENUE MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2012-152: Napier & Associates, GP/Ken DeFoor/Wayne Upchurch/John & Vivienne Reeser**

Pursuant to notice of public hearing the request of Napier & Associates, GP/Ken DeFoor/Wayne Upchurch/John & Vivienne Reeser to rezone property located at 7329, 7331 and 7335 McCutcheon Road and 2405 Gunbarrel Road came on to be heard.

The applicant was present; there was no opposition in attendance.

Councilwoman Robinson asked if there are conditions recited in the ordinance.

Mr. Haynes responded "yes" noting there are two conditions: *1. No certificate of occupancy issued until road improvements are made on Gunbarrel Road and 2. A 20 foot buffer is required along Gunbarrel Road.*



## REZONING (Continued)

Councilwoman asked if the conditions have been agreed to. Mr. Haynes responded "yes".

Councilman Benson stated it is a little more than that as Mr. DeFoor is going to give the right-of-way to the city. Mr. DeFoor responded "yes, sir".

Councilman Benson stated he wanted that put on the record as it is a long right-of-way which is why we are able to get the money to widen that road; that if we had to buy the right-of-way we would not be able to do it.

Councilman Murphy thanked Mr. DeFoor for the donation of the property rather than having to buy it; that the question is whether the road widening already underway and whether it is an ongoing project.

Councilman Benson stated it is in the capital budget with the understanding Mr. DeFoor gives the right-of-way next summer; that he cannot get a certificate of occupancy until the road is widened. Mr. DeFoor responded "yes".

Councilman Murphy questioned whether we can limit his (DeFoor's) property rights based on something he has no control over other than donating this property.

Councilman Benson stated "he (DeFoor) volunteered".

Councilman Murphy stated it could be "until hell freezes over" until that road gets done; that it depends on the priorities of the future Council.

Chairman Ladd stated the applicant has agreed to the conditions.

**Ken DeFoor** of 6110 Shallowford Road stated the discussion so far is there is a capital budget and in the budget is the widening of Gunbarrel Road to a certain point starting next summer. He stated he might start a building but will not apply for a certificate of occupancy until the first phase is complete; that his understanding is that money is in that budget and we are to go forward with it and the drawings to widen the street. He stated he has agreed and has given his rights-of-way; that it is not a very big first phase but it is a first phase. He stated it is his understanding that money has been approved and the drawings are coming forth.

## REZONING (Continued)

Chairman Ladd asked if it can be confirmed that this is correct information to make sure everyone is "on the same page".

Mr. Haynes stated that is RPA's understanding while in a meeting with Mr. DeFoor and public works and all assumed that time line would be followed. He stated conditions can always be requested to be amended if something happened along the way; that if Mr. DeFoor needs relief he can come back and apply for this condition to be amended or lifted.

Councilman Benson stated this is not contract zoning and wants that to be noted in the record.

Mr. DeFoor responded "yes, sir"; that he never heard about contract zoning but assumes Councilman Benson knows what he is talking about!

Councilman Benson stated this is conditional. Mr. Deform expressed appreciation for Councilman Murphy bringing that up as things do happen and things change.

Councilman Murphy stated he wanted to be crystal clear that the project is in the five year capital plan. Councilman Benson responded "it is".

Councilman Murphy stated that is not exactly the same as it being in a capital budget; that it means the city's statement of what we intend to do next time is there. He stated what Mr. Haynes stated is correct; that Mr. DeFoor would be in a fine position if the city never did it as we cannot hold his property rights hostage.

Mr. DeFoor stated he understands; that if things change he could come back before the Council and ask for some type of amendment, and if there are he would come back.

Councilman Benson stated Mr. DeFoor has built most of East Brainerd now in offices and is a wonderful builder, does a great job and has "bent over backward" to work with the city on trying to make his buildings enhance the rest of the community.

Mr. DeFoor expressed appreciation to the Council.

**REZONING (Continued)**

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7329, 7331 AND 7335 MCCUTCHEON ROAD AND 2405 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO MXU ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2012-143: J R Realty/James Vincent, Sr.**

Pursuant to notice of public hearing, the request of J R Realty/James Vincent, Sr. to rezone property located in the 6400 block of Hixson Pike came on to be heard.

The applicant was present; there was no opposition in attendance.

Councilwoman Robinson asked if this rezoning from R-1 to C-2 is consistent.

Mr. Haynes stated this is an extension of an existing zoning of C-2 with RT-Z and R-2 in the area; that it is consistent with the Hixson Land Use Plan.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 6400 BLOCK OF HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2012-140: Barry Evans/James Pratt**

**Councilmen Murphy and Rico made the initial motion to approve this request.**

**REZONING (Continued)**

Councilwoman Robinson read into the record the request from the applicant asking that she *“confirm that all zoning petitions will be canceled at the meeting next Tuesday, December 11, 2012 for 402 Forest Avenue, Chattanooga, TN 37405”*.

**Councilmen Murphy and Rico withdrew their motion and second to approve at this point and moved forward with motion and second to accept the withdrawal request.**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 402 FOREST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO R-TZ RESIDENTIAL TOWNHOUSE ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was withdrawn at the request of the applicant.

**CLOSE AND ABANDON**

**MR-2012-083: Dr. W. C. Helton**

On motion of Councilman Gilbert, seconded by Councilman Benson,  
**AN ORDINANCE CLOSING AND ABANDONING OF THE 4200 BLOCK OF CHERRYTON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE GANG TASK FORCE COORDINATOR TO EXECUTE A CONTRACT WITH THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA (CFGC) TO CREATE A FUND TO ACCEPT DONATIONS AND CONTRIBUTIONS**  
was adopted; Councilwoman Scott voted “no”.

### AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH LARRY RIDGE RELATIVE TO MAINTENANCE AND REPAIR SERVICES FOR THE COOLIDGE PARK CAROUSEL**  
was adopted.

### CONTRACT

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT FOR A SALE AND PURCHASE WITH MILLER LAND HOLDINGS, LLC OF LAND FOR CONSTRUCTION OF A NEW FIRE STATION IN THE OOLTEWAH AREA**  
was adopted.

### RENEW AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO RENEW THE AGREEMENT WITH BRIGHTBRIDGE, INC. FOR ADMINISTRATION OF SECTION 108 GUARANTEE LOAN FUNDS FROM THE UNITED STATES FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A PERIOD OF THREE (3) YEARS**  
was adopted.

### ADOPT 2012 PURCHASING MANUAL

Councilwoman Scott stated this particular resolution corresponds to the sealed purchase competitive bids in VI (a) and the only thing she can see this change in the *Code* is adopting that particular thing and if anyone voted against VI (a) they would vote against this one, as well.

ADOPT 2012 PURCHASING MANUAL (Continued)

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION ADOPTING THE 2012 PURCHASING MANUAL WITH REVISIONS AS SET FORTH IN PART II, CHATTANOOGA CITY CODE, CHAPTER 2, ARTICLE VI, RELATIVE TO PURCHASES, CONTRACTS AND PROPERTY DISPOSITION**  
was adopted; Councilwoman Scott voted "no".

PAYMENT AUTHORIZATION

On motion of Councilman Benson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING PAYMENT TO JOHN K. GRAY AND JANICE B. GRAY FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SEWER RELOCATION PROJECT FOR TRACT NO. 8, PROPERTY LOCATED AT 1406 MORRIS HILL ROAD, FOR AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND NINE HUNDRED EIGHTY-ONE DOLLARS (\$17,981.00)**  
was adopted.

GRANT

On motion of Councilman Gilbert, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION, ON BEHALF OF THE THERAPEUTIC RECREATION DIVISION, TO APPLY FOR AND, IF GRANTED, ACCEPT A GRANT FROM THE COLUMBIA GRASSROOTS OUTDOOR ALLIANCE PROGRAM, IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00)**  
was adopted.

GRANT

On motion of Councilman Gilbert, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND IF AWARDED, ACCEPT A GRANT FROM THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA TO DEVELOP LITERACY PROGRAMS IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)**  
was adopted.

**SPECIAL EXCEPTIONS PERMIT**

**2012-149: Peter E. Johnson, Esq./Energy Way Corporation**

Chairman Ladd stated this is in Councilwoman Berz' district who is not present tonight noting there has been a letter submitted to withdraw the request.

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A  
DUPLEX ON PROPERTY LOCATED AT 110 GARDNER STREET**  
was withdrawn at the request of the applicant.

**EARLY VOTING LOCATIONS**

**Councilmen Gilbert and Murphy made the initial motion to approve.**

City Attorney McMahan stated there was some discussion this afternoon about having four (4) voting locations; that the resolution calls for two (2) and if four (4) are needed the motion should be amended.

**Councilmen Robinson and Murphy made the motion to amend the resolution to reflect four voting locations; the motion carried.**

On motion of Councilwoman Robinson, seconded by Councilman McGary,  
**A RESOLUTION REQUESTING THE HAMILTON COUNTY ELECTION  
COMMISSION TO ESTABLISH FOUR (4) SATELLITE EARLY VOTING  
LOCATIONS AT THE CITY'S EXPENSE FOR THE MUNICIPAL ELECTION IN  
MARCH, 2013**  
was adopted.

**PURCHASE OF TWO K-9 DOGS**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO PURCHASE  
TWO (2) K-9 DOGS FROM THE UNITED STATES MARINE CORPS, FOR A  
TOTAL COST OF TEN DOLLARS (\$10.00)**  
was adopted.

### OVERTIME

Overtime for the week ending December 6, 2012 totaled \$7,292.12.

### DONATION

Admin. Swafford duly reported the donation of \$100 from Soddy Eastern Star for children's clothing; \$4,243.30 from United Way for Warm Neighbors and \$400 from Children's Academy, \$300 from Maurice Kirby and \$100 from Volunteer Comm. for Volunteer Transportation. The Human Services Department also received \$498.97 from Good Deeds 360 for door prizes and household goods for needy seniors.

### "GUNS AND HOSES"

Chief Parker reported that the "Guns and Hoses" boxing match was held with many Council members in attendance and noted that money raised goes to the Forgotten Child Fund. He stated the firefighters have been victorious for four years in a row and extended an invitation to the Council to participate in the Santa Train on Christmas Eve.

Councilman Gilbert inquired as to the time for the event to which Chief Parker responded that it would start about 6 p.m. and would send an e-mail regarding the particulars.

### REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund of property tax:

<b>AKZO NOBEL SPG LLC</b>	\$4,465.61
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### BOARD RE-APPOINTMENT

On motion of Councilman Gilbert, seconded by Councilman McGary, the following Board re-appointment was approved:



**BOARD RE-APPOINTMENT (Continued)**

**GENERAL PENSION BOARD:**

- Re-appointment of ***DAISY MADISON*** for a five year term expiring July 1, 2015.

**PURCHASES**

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

CHATTANOOGA POLICE DEPARTMENT:

**APPLIED CONCEPT (Only bidder)**

**R67843/302312**

Purchase of Thirty (30) Stalker II Stationary Radar Units

\$37,275.00

CHATTANOOGA FIRE DEPARTMENT:

**INFOSYSTEMS (Lowest and best bid)**

**R68029/302325**

Purchase of Unitrends Data Backup & Recovery Appliance

\$42,452.50

**ASR/APPAREL SEWN RIGHT (Best complete bid)**

**R66464/302265**

Blanket Contract for Firefighter's Station & Dress Uniforms

\$60,000.00 – Annual approximation

**PURCHASES (Continued)**

PUBLIC WORKS DEPARTMENT:

**POTTERS INDUSTRIES, LLC (Lowest bid)**

**R66930**

Blanket Contract for Glass Beads for Traffic Paint

\$16,000.00 – Annual estimation

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

**DIAPERS 4 LESS, INC. (Best bid)**

**302295**

Blanket Contract for Baby Disposable Diapers and Wipes

\$34,524.00 – Annual approximation

**PUBLIC HEARING**

Chairman Ladd reminded Council members of the public hearing regarding the Waste Water Authority Board scheduled for Wednesday, December 12 at 6 p.m. She asked Council members to make sure they were present for the discussion.

**HIGHWAY 153 PROPOSED PROJECT**

Chairman Ladd stated she would be hosting a meeting on Monday, December 17, from 5:30 p.m. – 7 p.m. for residents of her district and anyone in the public interested to have an additional discussion and receive additional information on the proposed development on Highway 153. She stated there have been changes in the site plan and residents asked for a deferral at Planning Commission to give an opportunity to hear more of the detail in the revised plan; that it was not deferred and will be before the Council on January 8. She stated she wanted to make sure within that time frame we get the information to the residents to have an opportunity to hear the updated site plan, make comment and express any concerns they have.

## FORGOTTEN CHILD FUND

Chairman Ladd reminded everyone of the container in the lobby for toys to be donated to the Forgotten Child Fund, noting we have one more week to get it filled.

## COMMITTEES

Councilwoman Scott announced a meeting of **the Personal, Performance and Audit Review Committee for Tuesday, January 8, 2013** regarding the Fire and Police Pension Board Quarterly report.

Councilwoman Robinson reminded Council members of the meeting of the **Housing and Neighborhood Services Committee scheduled for Tuesday, December 18** following Public Works Committee. She stated if citizens and Council members have questions about this issue to contact Carol O'Neal in the Council Office or her with their questions in advance. She stated Troy Keith, the Field Officer for the Tennessee Department of Environment and Conservation, Division of Remediation, will be present to answer questions and if he knows the questions in advance he can be certain to have the resources present to answer them.

Councilman Rico reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, December 18** immediately following the Agenda Session.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, December 18 at 2 p.m.** to continue discussion on the *Charter* changes with the possibility of a recess and take more time after 3 p.m.

## NEXT WEEK'S AGENDA: DECEMBER 18, 2012

Chairman Ladd referred Council members to next week's agenda and inquired as to whether there were questions; being none, the meeting continued.

## RENEE GUIONNAUD

**Renee Guionnaud** of 201 Belvoir Avenue stated Councilman Benson indicated the city already has the right regarding the previous discussion on sidewalks and asked why we would waste time putting it back in; that he understands why the city would not want a city band and other archaic things.

**RENEE GUIONNAUD (Continued)**

Mr. Guionnaud stated he has only lived in the city a short period of time but it seems all the resolutions were pushed through. He stated he does not have a sidewalk and is not worried about it and expressed thanks to Councilwoman Scott for her concern.

Chairman Ladd explained that most of the discussion on the items on the agenda had taken place earlier in committee either this week or the week prior; that Council members had an opportunity to ask question and give their viewpoint on various things at that time. She stated most of the time at the 6 p.m. meeting the Council is ready to take the vote at that point.

Councilman Benson stated the city attorney should not only answer the question but answer the intent of why we are trying to bring this *Code* up-to-date.

City Attorney McMahan stated that particular Section of the *Code* is Title II and there are 60-something various powers the city is given and one of the sixty-odd powers is the authority to require by ordinance that basically that people maintain the sidewalks in front of their houses. He stated presently the city does not have any such ordinance; that if they break the sidewalk or damage it, we take appropriate enforcement action. He stated it is what lawyers call an enabling legislation which, in the future, if it becomes a big issue the city could enact ordinances in that regard. He stated it has been in our *Charter* for many, many years and we are trying to include everything in that 60-odd section so people can see the archaic ones which we are removing and some that are partially archaic we are leaving in or taking out at the discretion of the Council which is shown in that very important section of the *Charter*.

**ADJOURNMENT**

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A full digital audio of the Council Meeting of this date is filed in  
the Clerk of Council's Office)**

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