

City Council Building
Chattanooga, Tennessee
February 10, 2009
6:00 p.m.

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilman 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, City Attorney McMahan gave invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2008-166: Tony Devaughn

On motion of Councilwoman Berz, seconded by Councilwoman Gaines,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE EAST LINE OF THE 3500 BLOCK OF CENTRAL AVENUE,
MORE PARTICULARLY DESCRIBED BELOW AND AS SHOWN ON THE
MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE SECTION 2-424 TO CLARIFY THE EFFECTIVE DATE OF ADDITIONAL PAYMENTS FOR THE DEFERRED RETIREMENT OPTION PLAN ELECTION
passed first reading.

REZONING

2009-006: Jim Williamson

Pursuant to notice of public hearing, the request of Jim Williamson to rezone a tract of land located on part of a property located at 7420 Bonny Oaks Drive and all of the property located at 7635 Lee Highway came on to be heard.

The applicant was present; there was no opposition.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that this request is located in East Brainerd for development of a combination of uses – a hotel, restaurant and related retail. He stated Planning and Staff recommend approval subject to conditions listed in the ordinance. He stated one of the main conditions deal with entrance on Bonny Oaks and the original site plan showed two entrances. He stated the Traffic Engineer recommends only one entrance on one side because there is single family residential across the street and there is the need to maintain the integrity of the residential character, as well as provide a landscape buffer. He stated approval is recommended with the condition of one access driveway on Bonny Oaks Drive and a 20 foot landscape yard along the northern property line which is mainly for screening of the residential properties across the street.

Councilwoman Berz stated this request is located in her district and asked what the applicant has in mind for this property.

Jim Williamson stated that he has a mixed use development proposed with a hotel, retail and/or office in the middle with a restaurant toward the Bonny Oaks side.

Councilwoman Berz asked Mr. Williamson if he already has commitments.

Mr. Williamson responded "no"; that it is speculative at this point. He stated that he is working on leasing commitments.

REZONING (Continued)

Councilman Benson stated when we talk about speculative we need to know what it will be; that it is done by good site design. He stated the Council generally never rezones on anything speculative.

Mr. Williams stated that he does not have it in writing but has a commitment for the restaurant.

Councilman Benson stated that he is not worried about the occupancy; that he is worried about the use. He stated if there is going to be a hotel then it is not speculative and asked Mr. Haynes what his thoughts were in this regard.

Mr. Haynes stated it is not classified as speculative; that the site plan clearly indicates uses and where they will be. He stated the hotel would be on the southern portion and the restaurant at the top part with retail in between.

Mr. Williamson stated that he did not mean that it was speculative as in "no idea"!

Councilman Benson expressed his apology and noted that Mr. Williamson used a very dangerous word!

Mr. Williamson stated that he does not have the leasing commitments in writing.

Councilwoman Berz stated that Mr. Williamson knows what he is putting there and does not have a written contract; that we are looking at usage and planning. She stated this is a "neat-o" idea to have a hotel and restaurant, but is it what will be built. Mr. Williamson responded "yes".

Councilwoman Berz asked what if the contracts do not get signed. Mr. Williamson stated that he would pursue others in the exact same use.

Councilwoman Berz stated the conditions are awfully small and inquired as to what they are.

Mr. Haynes responded that conditions are mainly ones for the benefit to the existing single family residents with a screen on the entrance on Bony Oaks and one access rather than two entrances, not only to control traffic but to help mitigate the increased impact that would be caused to the residents across the street.

Councilwoman Berz asked if Mr. Williamson has met with the residents; whether they know about this.

REZONING (Continued)

Mr. Williamson stated that rezoning signs were posted; that he did not meet with them personally,

Mr. Haynes clarified that his office had no record of opposition; that no one in opposition showed up at Planning.

On motion of Councilman Gilbert, seconded by Councilman Rico,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED ON PART OF A PROPERTY LOCATED AT 7420 BONNY OAKS DRIVE AND ALL OF THE PROPERTY LOCATED AT 7635 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2009-013: Vasco Jones

Pursuant to notice of public hearing, the request of Vasco Jones to rezone a tract of land located at 2841 and 2845 Harrison Pike came on to be heard.

The applicant was present; there was no opposition.

Mr. Haynes stated the request is for R-T/Z for the purpose of building townhouses. He stated the original request was for eleven townhouse units. The site plan was shown by PowerPoint, noting that three additional units were outlined in red as the applicant has requested he be allowed to have them added. He stated Planning recommends approval subject to a maximum density of five (5) units per acre to allow for the original eleven units; that the site plan submitted at Planning was conceptual and was not drawn to scale. He stated Mr. Jones has drawn a final site plan and found room for more units and is asking to add three more. He stated they talked about it and it would increase the density to 6.1 units per acre to allow for the three (3) additional units. He stated the original recommendation was to approve eleven units subject to conditions listed within the ordinance: *ingress/egress to be approved by the City Traffic Engineer and subject to a pre-submittal meeting with Public Works.*

REZONING (Continued)

Vasco Jones of 702 Woods Drive stated when the drawing was originally done the recommendation for eleven units was feasible, however after drawing it to scale it showed an accessible amount of green space. He stated that he asked Planning to consider an additional three units and is now asking the Council if that is possible.

Councilman Page addressed Mr. Haynes and stated this is a really neat area and is kind of a jewel with the North Chickamauga Creek and the canoe launching area; that it is his thought it is a neat project. He questioned the difference between a triplex and a townhouse that has three apartments in it.

Mr. Haynes responded that a similar question had been asked in reference to a duplex and two townhouses. He stated a triplex unit is on one lot and has three dwellings units and a landlord; that the land underneath a three unit townhouse can be subdivided with each on its own property and each unit can be individually sold. He stated a triplex is for rental purposes and each rented on one piece of property.

Councilman Page stated that it could be a condominium.

Councilwoman Gaines stated that this matter is in her district and she understands there is no opposition.

Mr. Haynes stated that the Council could choose to approve Mr. Jones' request to add the three additional units conditioned upon approval of the site plan shown; that the condition showing a maximum of five (5) units per acre should have a higher density or must be removed. He stated the maximum density for R-T/Z is eight (8) per acre and this would be close to that.

Chairman Bennett asked if this should be sent back to Planning.

City Attorney McMahan stated that the Council could consider the recommendation with the whole thing.

Councilwoman Robinson confirmed that the site plan shown with the additional units is the plan Mr. Jones prefers, even though he can get another unit based on the formula.

Mr. Haynes stated that Mr. Jones could probably get one or two units in the zone and it would be up to him (Jones) to calculate the lot size.

REZONING (Continued)

Mr. Jones stated he would rather not add another unit to the development; that it would not be aesthetically good for the neighborhood and the overall concept. He stated he likes having the green space, the boat ramp, the River and the Waterhaven community next door. He stated he does not want to overpopulate with density.

Councilwoman Robinson noted that there is a need for more developers thinking the way Mr. Jones does!

Mr. Haynes stated that the matter could be conditioned to the site plan as there is a large amount of green space which is a good feature of helping to integrate the single family character.

Councilman Page stated that he wanted to make sure we have an amendment that is subject to the site plan as presented and takes out the units per acre in the conditions; that as he understands it is presently part of the zoning. At this point he **made the motion to amend the conditions subject to the site plan and three units; Councilwoman Robinson seconded the motion.**

Mr. Haynes stated that he would leave the density up to the Council; that if it is removed Mr. Jones can add another unit if he chooses or hold it to say no more than 6.5. He stated that way he (Jones) could only do what is shown.

Councilwoman Gaines stated that the motion should be to substitute with a maximum of eight (8) and a density of 6.5 units per acre and hold it at that.

At this point, Councilman Page withdrew his motion to substitute.

Mr. Haynes stated the condition could state a limit of fourteen (14) units.

Councilwoman Gaines stated that she has language from the City Attorney and **made the motion to amend the conditions to indicate “*subject to site plan submitted with a maximum density of 6.5 units per acre*”;** Councilman Pierce seconded the motion; the motion to substitute the amendment carried.

REZONING (Continued)

On motion of Councilwoman Rico, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2841 AND 2845 HARRISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-5 RESIDENTIAL ZONE AND R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading as amended.

REZONING

2009-016: Colman S. Hochman

Pursuant to notice of public hearing, the request of Colman S. Hochman to rezone a tract of land located at 6203 East Brainerd Road came on to be heard.

The applicant was present prior to the meeting; there was no opposition.

Councilwoman Berz stated that she had an opportunity to speak with Mr. Hochman and because there is no landscape plan presented with this request, he understands she could not support it unless there was one the Council had seen. She made the motion to defer the matter one week.

On motion of Councilwoman Berz, seconded Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6203 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-4 SPECIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE
was tabled one week.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH SURPLUS A PORTA COUNT PLUS FIT/TEST MACHINE TO BE TRADED IN ON NEW EQUIPMENT
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING LAUREN HOLLINGSWORTH TO USE TEMPORARILY 328 MARTIN LUTHER KING BOULEVARD TO INSTALL AN AWNING TO OVERHANG THE FRONT DOOR ENTRANCE, 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 Councilman Benson, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING BUCK STOP'S HERE, LLC TO USE TEMPORARILY 807 CHERRY STREET TO INSTALL A BANNER AND A CANVAS AWNING, 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 Councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING DENNIS PELLERIN TO USE TEMPORARILY 1100 BLOCK OF MARKET STREET TO INSTALL A CANOPY AND STAIR FOR THE ENTRY OF THE FOOD COURT FOR WAREHOUSE ROW, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-003-201, 2008 CITY SIDEWALK REQUIREMENTS CONTRACT IN THE AMOUNT OF ONE HUNDRED NINETY-SIX THOUSAND ONE HUNDRED FIFTY-FIVE AND 60/100 DOLLARS (\$196,155.60), PLUS A CONTINGENCY AMOUNT OF NINETEEN THOUSAND SIX HUNDRED FOURTEEN AND 40/100 DOLLARS (\$19,614.40), FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED FIFTEEN THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$215,770.00), AND FURTHER AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ACCEPT FUNDS IN THE APPROXIMATE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) FROM HAMILTON COUNTY GOVERNMENT FOR THE CONSTRUCTION OF THE LAKE HAVEN DRIVE SIDEWALK AS PART OF THIS PROJECT

was adopted.

INTERLOCAL AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO EXECUTE AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, FOR HOMELAND SECURITY GRANT FUNDS AWARDED BY THE UNITED STATES GOVERNMENT DURING FISCAL YEAR 2008-2009 TO BE USED BY THE CITY FIRE DEPARTMENT FOR THE PURCHASE OF APPROVED HOMELAND SECURITY TRAINING EQUIPMENT AND SUPPLIES IN THE AMOUNT OF THREE HUNDRED TWENTY-ONE THOUSAND TWO HUNDRED TWENTY-ONE DOLLARS (\$321,221.00) AND BY THE CITY POLICE DEPARTMENT FOR THE PURCHASE OF A CHEMICAL RESPONSE VEHICLE IN THE AMOUNT OF ONE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED TWENTY-TWO AND 50/100 (\$198,922.50), FOR A TOTAL AMOUNT NOT TO EXCEED FIVE HUNDRED TWENTY THOUSAND ONE HUNDRED FORTY-THREE AND 50/100 DOLLARS (\$520,143.50), WHICH PURCHASES SHALL BE COMPLETED BY JUNE 30, 2011, AS SHOWN ON THE ATTACHED INTERLOCAL AGREEMENT

was adopted.

M. L. KING COMMUNITY PLAN

Councilman Pierce stated before voting on this issue, he wanted to acknowledge that he, along with all other Council members, received many e-mails from the community asking that the Council not support the Plan. He stated this Plan has been in the making now going on three-to-four years; that we moved three-to-four years ago with the downzoning of the M. L. King area and tried to get ahead of the UT apartments moving across McCallie and downzoned to keep the number of apartments in the area from turning into rooming houses. He stated that the "cart was put before the horse" in downzoning prior to the Land Use Plan, which means the Land Use Plan is a little bit late coming in. At this point he expressed thanks to everyone who worked on it – RPA, the community and UTC, who also had input into the plan.

Councilman Pierce stated the Plan is available for everyone to see to accept or reject; that in his conversation with the community it was felt there were things in the Plan they were not comfortable with which were pointed out to him. He stated that he took immediate action and went to the Mayor's office, as well as RPA, and there was no question they had no problem with certain things. He stated the concern surrounded one paragraph in the Plan on Page 61, paragraph 2. He stated that he would like to offer an amendment to the Plan and asked Council members to support him in restricting this one paragraph from the Plan, after which the Council Chair will ask if there are any comments from the community. He stated that Julie Bage is present representing the community and would like for her to be recognized if she has anything to say. He stated he would like to see those in support to stand after the Plan is amended and if they agree to accept it then the Council would try to move on and adopt it tonight.

Councilman Pierce made the motion to amend the Plan by deleting paragraph two (2) on page 61; Councilman Benson seconded the motion.

At this point persons present in reference to his issue were asked to stand; several stood.

Julie Bage of 912 East M. L. King Boulevard was present representing the M. L. King Neighborhood Association Board. She stated that she and others had spoken with Councilman Pierce and did not realize this amendment was a possibility. She stated they worked long and hard on this Plan and the paragraph was unbeknownst to them without any acknowledgement or consultation, which was their primary opposition to the intent of the language. She stated that they are very happy to rectify, recommend or ask the Council to adopt the Land Use Plan without this paragraph.

M. L. KING COMMUNITY PLAN (Continued)

Councilman Pierce stated before the Council votes on this, he wanted Richard Beeland of the Mayor's office to come forward. He stated it was mentioned in several of his calls from the community that the thought was that the Mayor might have had this paragraph inserted and in his (Mayor's) defense, he wanted someone from the Mayor's office to speak at this time.

Richard Beeland stated that the Mayor's office did not insert anything into the document; that the only thing they wanted to insure was accuracy and no misinformation or misleading information. He stated if they (community) want the paragraph on Page 61 taken out the Mayor's Office has no problem with it as they did not put it in.

Chairman Bennett stated that it seems the community is in agreement to remove this paragraph.

Councilwoman Berz stated that she would like the paragraph read into the record; that if something is being removed that the Council previously approved we should know what the wording is.

Councilman Pierce stated that the matter has not been approved, yet.

Chairman Bennett clarified that the paragraph is part of the recommended Plan and since it has not been approved the request is to remove it before it is approved.

At this point City Attorney McMahan read from Page 61, Paragraph 2, of the Plan:

Section Three - Plan Recommendations: Social Service Organizations

Recommended Actions for Social Services:

- 2. Integrate the recommendations of the MLK Plan into the various plans and strategies the city and its organizations have developed in connection with federal housing, community development and homelessness including access to grant funding and in identifying appropriate sites and infrastructure for social services.***

At this point the vote to remove the paragraph as motioned and seconded by Councilmen Pierce and Benson was taken; the motion carried.

M. L. KING COMMUNITY PLAN (Continued)

On motion of Councilman Pierce, seconded by Councilwoman Gaines
A RESOLUTION AUTHORIZING THE ADOPTION OF THE MARTIN LUTHER KING (MLK) COMMUNITY PLAN, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted as amended.

SPECIAL EXEPTIONS PERMIT

2009-010: Katherine Anderson

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A HOME FOR THE HANDICAPPED ON A TRACT OF LAND LOCATED AT 1411 ARLINGTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CHANGE RIGHTS-OF-WAY NAMES

2009-PW-001: City of Chattanooga c/o Bill Payne, City Engineer

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION TO CHANGE THE RIGHTS-OF-WAY NAMES OF 1, 2, 3, 4, 110, 112, 114, 116, 118 AND 120 BENHAM DRIVE TO THE 400 BLOCK OF MONYA LANE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, DUE TO DUPLICATE STREET NAME, INACCURATE STREET NUMBERS AND 911 ISSUES
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-07-004-401, CONSTRUCTION INSPECTION SERVICES, WITH DENNIS SMITH, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY THOUSAND DOLLARS (\$30,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00)
was adopted.

OVERTIME

Overtime for the week ending February 5, 2009 totaled \$7,426.19.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPARTMENT:

- **GERALD CUNNINGHAM** – Termination, Recreation Specialist, effective January 22, 2009.

PUBLIC WORKS DEPARTMENT:

- **SAM O. HAYNES** – Resignation, Equipment Operator 3, City Wide Services, effective January 30, 2009.
- **ROY A. SCOFFIELD** – Retirement, Crew Worker 2, City Wide Services, effective January 30, 2009.
- **ANTONIO D. SANDS** – Suspension (4 days without pay), Equipment Operator 4, City Wide Services, effective February 5-9, 2009.

CHATTANOOGA POLICE DEPARTMENT:

- **ERIC JONES** – Military Leave (Extension), Police Officer, effective December 2, 2008 – May 7, 2009.
- **CHRIS SCHEELER** – Resignation, Police Officer, effective February 2, 2009.
- **JASON JONES** – Moved to 911 Unification, Communications Officer, effective April 15, 2008.
- **KIM KINSEY** -- Moved to 911 Unification, Communications Officer, effective December 3, 2008.
- **MAX LEE, WYNETTA MCLEAN, WILLIAM THOMPSON, CARLITHA PALMER, PATRICIA MATHEWS** -- Moved to 911 Unification, Communications Officer, effective December 11, 2008.

PERSONNEL (Continued)

- CARRIE M. BAKER, JESSE D. BLOUNT, JOSHUA R. DOVER, LYNDAY N. GONZALEZ, DAYNA HIGHTOWER-COX, MARGARET A. HOO, WANDA D. JACKSON, JENNIFER R. JOHNSON, JUSTIN M. JORGENSEN, RUSHA B. LANSDEN, AMY MCBRYAR, TIM L. MEIVES, DESHANNYA L. MOORE, NICHOLAS B. PORTER, KENNEDA D. PRICE, JEAN M. ROGERS, CHRISSY J. STANCIL, LUCIA W. STEPHENS, ANITA N. TOLBERT -- Moved to 911 Unification, Communications Officer, effective January 13, 2009.

- GRACE L. ASHFORD, CYNTHIA BINS BELL, DEVONA S. BROWN, KIMBERLY COLLINS, GREGORY COOKE, CLARA COUSIN, JO ANN DAVIS, MINDY S. DAWKINS, RUTH A. FLEMISTER, MELANIE GIBBS, CLIFTON GLENN, TERESA GORDON, ALFRED GRAHAM, REGINA GREER, JONATHAN GUY, KATHY LEA HART, LINDA HOLLIS, CORDELIA JARRETT, DEBORAH LLOYD, DORIS MABRY, JEANI MARTIN, MARY MOSELY, ANGELA NORMAN, JACQUELINE PINCKNEY, JACKIE QUARLES, CYNTHIA ROW, RUTH TUDOS, MILDRED WALKER, SHWANNA WHITESIDE, JACQUELINE WORTHINGTON -- Moved to 911 Unification, Communications Officer, effective January 15, 2009.

HOTEL PERMITS

On motion of Councilman Rico, seconded by Councilman Pierce, the following hotel permits were approved:

MOTEL 6 DOWNTOWN, 2440 Williams Street, Chattanooga, TN

STAYBRIDGE SUITES, 1300 Carter Street, Chattanooga, TN

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

ARBOR PRO, INC. (Best bid)
R0116476/B0005737

PURCHASES (Continued)

Tree Inventory Upgrade (*S & ME was not considered for an award although they were the total composite low bidder; they did not furnish the requested documentation.*)

\$22,500.00

GUTHRIE SALES & SERVICES (Best bid)
R0117352/B0005717

Purchase of Fairbanks Morse Pump

\$37,207.00

PARKS AND RECREATION DEPARTMENT:

NORDQUIST OF MINNEAPOLIS (Single source)
R0118402

Purchase of Signs for Renaissance Park per TCA 6-56-304.6

\$11,725.00

GENERAL SERVICES:

BROOKER FORD (Lowest and best bid)
R0117613/B0005741

Purchase of Twelve (12) Foot Box Delivery Trucks

\$42,200.00

PURCHASE APPROVAL INQUIRY

Councilman Page stated that he thought the Council was advised a couple years ago that purchases should be approved individually; that he wanted to make sure we are not giving sole approval if there are questions.

PURCHASE APPROVAL INQUIRY (Continued)

City Attorney McMahan stated that the record reflects approval of each item in detail.

Chairman Bennett stated each purchase is reviewed carefully during the work session and the Council can always pull something out. She stated she does not have a problem approval them all together.

Councilman Page stated if it meets the *Charter* it is fine with him.

City Attorney McMahan stated that is correct; that if there are any questions the item can be voted upon separately.

HEARING: GARY LANSDEN

City Attorney McMahan stated Gary Lansden requested a hearing before this body and when Atty. Crystal Freiberg investigated the matter she found that Mr. Lansden was on six months probation and under the *Code* he is not entitled to a hearing. He stated the hearing was tentatively scheduled for Monday, February 16 and based upon what has been determined he is not entitled to a hearing.

On motion of Councilman Rico, seconded by Councilwoman Gaines, Mr. Lansden's hearing was removed form the Council's calendar.

MEET WITH TDOT

Councilman Benson stated on Tuesday morning in TDOT's auditorium, representatives from the state, federal and other governments will be in Chattanooga to meet and review the Traffic Incident Management Ordinance the Council passed a couple months ago. He stated it is felt this is a good guideline for other metropolitan cities that have interstates traveling through who want quick retrieval from road blockage and traffic incidents creating so many safety problems. He stated he was told they are very pleased with what Chattanooga adopted and hope Knoxville, Nashville and Memphis will follow. He stated members from our police and fire departments have been invited especially first responders, because to make the ordinance work properly we have to know what they are doing when they arrive at the scene first, then there would be the local and area wrecker service represented. He stated that he is hopeful Council members can drop by TDOT at 9 a.m. on this Tuesday, noting that he knows the afternoon is.

MEET WITH TDOT (Continued)

Chairman Bennett once again commended Councilman Benson for the work the Legal and Legislative Committee did in working through this issue; that she knows it was a time consuming project, however, he was diligent and patient throughout the whole process and ended with a great product!

COMMITTEES

Councilwoman Berz scheduled a meeting of the **Budget, Finance and Personnel Committee immediately following Public Works** on Tuesday, February 17 to hear the first report from the Fire and Police Pension group.

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, February 24 immediately following Legal and Legislative** to hear a request for the UNUM Pilot and the sale of land at Enterprise South for Orlandi.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, February 17 immediately following the agenda session.**

Councilwoman Robinson stated on February 24 at 2 p.m. Gene Hyde has been asked to come to committee meeting early to give report of the Green Committee in the Conference Room. She stated if anyone on the Council has additional questions to please let Mr. Hyde know.

AUDITOR POSITION

Councilman Pierce inquired as to the status of the Auditor issue.

Councilwoman Berz stated all Council members should have received a report in their mailbox; that the matter is moving forward toward selecting an auditor. She stated the last instruction from the Council was recapped in a report that was in everyone's mailbox; that "yes" we are getting an Auditor, and "yes" it will happen but we do not know what form it will take. She stated that we talked about an external person doing it and will have a report back on each one of the options given. She stated we are now looking at what the job description will be and that will be forthcoming.

Councilman Pierce inquired as to who is looking at the job description.

AUDITOR POSITION (Continued)

Councilwoman Berz responded "the department of Personnel"; that the job description has to be in compliance with the Court's decision and with the Charter and has asked (1) what the department will look like and (2) what the cost will be; that Daisy Madison is looking at that to have a full report.

Councilman Pierce asked Donna Kelley to give an update on what the job description would be and asked how soon there would be a report.

Donna Kelley stated that the report is essentially completed in draft form but has not been submitted to the Council at this point. She noted there had been a delay due to illness but is hopeful to have something the Council can "touch" by the end of the week.

Councilman Pierce stated that he would "leave it there".

NEXT WEEK'S AGENDA

Chairman Bennett explained ordinances on first reading tonight will be heard on second and final reading next Tuesday along with the remaining 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 by revising the definition of "Townhouse" and amending Article V by including such revisions within Sections 122(1) of the RT-1 Residential Townhouse Zone and Section 162(2) of the R-T/Z Residential Townhouse/Zero Lot Line Zone.

Resolutions:

- a) A resolution authorizing Barrett Taylor of BDOT Properties to use temporarily the right-of-way at 3914 St. Elmo Avenue to install a canopy and a fence, as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- b) A resolution authorizing Gregory A. Ross to use temporarily a portion of the right-of-way at 63 East Main Street to install a canopy, planter, and sign, as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, February 17, 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)**