

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
MAY 26, 2009**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilman Gilbert, followed by invocation given by Attorney McMahan.

**MINUTE APPROVAL**

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

**CLOSE AND ABANDON**

**MR-2008-106 (Bennie Parker)**

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE CLOSING AND ABANDONING THE 1600  
BLOCK OF BROWN STREET, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2009-002 (Ben Parker)**

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**AN ORDINANCE CLOSING AND ABANDONING AN  
UNOPENED ALLEY LOCATED ON THE SOUTH LINE OF THE  
1600 BLOCK OF EAST 28<sup>TH</sup> STREET, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
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**  
**COUNCIL AUDITOR**

Councilman Murphy stated that this will be tabled until next week, and we should have something final.

On motion of Councilman Murphy, seconded by Councilwoman Scott,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 2, BY ADDING A NEW ARTICLE XIV TO  
ESTABLISH AN AUDIT COMMITTEE AND PROCEDURES FOR  
THE CITY COUNCIL AUDITOR**  
was tabled for one week.

**AMEND CITY CODE**  
**NIGHTCLUBS**

**Councilwoman Berz, seconded by Councilman Gilbert, moved that  
this Ordinance be approved on first reading.**

Councilman Murphy noted that there were some in the audience who wished to speak. That for the record, he was Chairman of the Legal and Legislative Committee, and there had been much discussion about this today. He mentioned the fact that the 1,000 ft., which is about a fourth of a mile, does not take into consideration a Sports Bar in this measurement; that someone could buy a 50-acre parcel and locate a Sports Bar, which could be very sedate and not offensive; that being this far from a residential property could setup an incentive to subdivide in artificial places; that clubs far, far closer could be valid.

Councilwoman Berz stated that there were a number of people in the audience who were proponents of this, and she asked them to stand; that these people understood that this is a preventative Ordinance so that others will not have to deal with what they are dealing with in Brainerd; that she understood they were here to talk about the quality of life and would not hinder this Ordinance that does not deal with what is already in existence but those in the future in C-2 zones. In mentioning the 1,000 ft. distance, she noted that noise carries, and there are some very fine residences and having a distance as close as 500 ft. does not abate this.

**NIGHTCLUBS (CON'T):**

Chairman Benson stated that this was the same as a zoning change, and we could allow up to three people to speak for or against for no more than nine minutes on each side. He asked that the opposition go first.

**Jackie Marley** stated that she would speak in opposition, just to have the opportunity to speak; that she had been before the Beer Board a year ago; that she would not go to her usual soapbox about damage to youths—that she thought there was a collision of two things; that everyone has a right to get out and enjoy themselves and to party and have fun; that at the same time, each of us has the right to kick back and enjoy ourselves—to enjoy being with friends and peers. She stated that on the other hand, she wanted to enjoy herself, too—that there is a conflict between people who want to enjoy themselves in this manner, and herself, who just wanted to be quiet; that she had the ability to live in this area where unfortunately, she could not sleep from Friday night at 12:15 a.m. and then again at 3:30 a.m.; that she had been ill and had to take time off from work; that she could not get well because of lack of sleep; that she could not afford air conditioning and had to keep her windows open and with the vibrations that occurred in the summer, there was no way to sleep, and she was a heavy sleeper; that she would say to everyone that this is a violation and a collision of two mind-sets, and everyone needed to be in accordance.

**Nadine Bourg of Windsor Court** also spoke in opposition in order to be allowed to speak. She stated that she moved to Chattanooga five years ago and had lived 3 ½ years on Windsor Court and had never experienced anything like this; that she had heard more gun shots than ever and that this was a safety issue. She stated that she was concerned about the current Ordinance; that they wanted to develop Brainerd in a diverse way; that she did not want what they currently had, and they needed an Ordinance to protect everyone and not allow it to be exclusive but allow inclusiveness as another option—that they needed to think about Brainerd as a whole; that she chose Brainerd because of its diversity and part of it was not healthy, and it needed to be made healthy; that they needed to approach this with grace and respect and not be myopic—that they needed an Ordinance or something.

Chairman Benson stated that this had all been discussed thoroughly.

**BEVERLY WHITLEY**

**Beverly Whitley** stated that she would also speak in opposition in order to be allowed to speak. She stated that she and her husband owned several commercial buildings on Brainerd Rd.; that Councilwoman Berz had worked hard for the community, and she appreciated so much what she had done; that she also appreciated Councilman Gilbert; however with this particular Ordinance, no more than 50 people is a little too restrictive; that they wanted people to be able to open a pub and things like this in their area; that to get a liquor license, there had to be tables for 75 seats and puts this over 50 seats, which this is addressing; that if they could get a business like Chilis or Applebees, it would fly in the face of this Ordinance and would want to be open later. She stated that as a business woman she applauded the fact that the Council was trying to address this issue; however, she felt they should go back to the table and look at what they can do to restrict nightclubs. She mentioned requiring 50% food sales, which the City could monitor—that the City could start this policy. She stated that she was all for an Ordinance but felt that this needed to go back to the drawing board and restructure the Ordinance that would benefit the community and also the businesses. She stated that she did not know about the 1,000 ft. distance requirement and urged that the Council go back and take a look at this.

**Loleta Hammontree** spoke as a proponent of the Ordinance if it would allow them what they needed; however she was concerned that this Ordinance may not be what they needed because of the restriction on seating capacity; that 50 people is not appropriate. She stated that she had no problem with the restriction of serving alcohol but was concerned about an Ordinance that was too restrictive.

**James Gilliland** also spoke as a proponent. He stated that he just found out about this today; that he had been working with Councilman Gilbert about Deep Blue and the loud noise that went on from 11:00 p.m. to 3:00 a.m.; that he had also been working with Captain Dunn and Lt. Russell concerning Deep Blue and the loud music, gun shots, and drugs; that there was a lot of property that he controlled and there were problems with Deep Blue in his parking lot, and he had been working with the police, Councilman Gilbert, and Councilwoman Berz. He stated that they could not eliminate the club, mentioning that he stayed at Melanies on Brainerd Rd.—that he stayed there Sunday night from 1:00 a.m. to 3:00 a.m. and thought someone was trying to break in on him; that he had tried to work with them, but they had been giving him a hard time—that he told the Police that he was patrolling the property; that people

**NIGHTCLUBS (CONT'D):**

who parked on his lot were to pay \$5.00, and he had a document—that they could not be smoking or drinking; that the Council needed to be stricter on Deep Blue—that Deep Blue was all about making money.

Councilman Gilbert stated that the Ordinance we were passing now was 1,000 ft., and he felt that this Ordinance would benefit other areas; that Councilman Murphy had mentioned Hamilton Place Mall; however Hamilton Place Mall closes down at 11:00 p.m.; that we were just trying to prevent what has happened at Deep Blue from happening in the future; that Volkswagen was coming to Chattanooga, and we need to make sure there are no problems, and we need to protect our neighborhoods. He urged the Council to look at this and pass it.

Councilwoman Robinson stated that she thought we were dealing with two issues—one, we were trying to regulate the growth of clubs, and she believed 500 ft. would work with good neighborhoods but not out of control clubs such as Deep Blue. Secondly, she stated, this club was a public nuisance; that we had a similar situation two years ago, and the place eventually was closed—that they were tying up our police force, and it reached the point on Brainerd Rd. that it took so many policemen that other parts of the City were not protected—that this is a public nuisance, and this is wrong! She went on to say that we needed to figure out a way to protect our neighborhoods and conserve our resources and not wind up with such trouble spots—that she was talking about all of the Council; that we needed to take control and step back and listen to the merchants who were telling us about a requirement where they would have to serve a certain percentage of food and have seating for people and demonstrate that they are a viable business and are serving food; that Councilman Murphy had made a good point—that we are growing and Volkswagen is coming; that restaurants would want to come in and would put up artificial setbacks, and we could end up hurting businesses; that we should take more time with this and talk about from portal to portal; that she was still saying that with a responsible, good neighborhood, 500 ft. would be fine; that what we are talking about here is a public nuisance, which is driving this; that the Council needs to take control.

Councilman McGary stated that he was certain that every Councilperson was concerned about neighborhoods and people who lived in their homes—that we all cared for our constituents—that was why we were elected—that a “yes” vote did not mean we were for the club and a “no” vote that we were against neighborhoods. He stated that he, personally,

**NIGHTCLUBS (CONT'D):**

had not heard enough testimony to reach a conclusion; that we needed to go back to the drawing board with the community, the police, and the merchants to come up with something that will work today and in the future.

Councilwoman Berz thanked everyone for their comments. She stated that this Ordinance, as written, was not meant to obviate such establishments as Chilis; that we were not here to hinder such establishments as Chilis and other pubs—that we already have these on Brainerd Rd.; that we are not trying to keep our clubs—that if someone wanted to open a special pub, they could get a Special Exceptions Permit. She stated that she would “bend” to the will of the neighborhood; that if the neighborhood did not want this, then “fine”; that it was written and designed because of this issue; however she would bend to the will of the people.

Councilman Murphy stated that his first house abutted a commercial establishment, and it would greatly have distressed him if a night club had moved in; that the motion he was going to make did not mean the end of this but the beginning—that portal to portal would not establish artificial boundaries. He reiterated that this motion was not intended to “end” this.

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-2,  
SECTION 38-185, AND SECTION 38-527, RELATIVE TO THE  
REGULATION OF NIGHTCLUBS**  
**was tabled for two weeks to be discussed in the next Legal and  
Legislative Committee meeting.**

Chairman Benson urged everyone to be present at this 3:00 meeting in two weeks to go into this in more detail.

**AMEND CITY CODE**  
**SPECIAL GATHERINGS**

Chairman Benson stated that this, too, had been discussed in Legal and Legislative Committee.

**SPECIAL GATHERINGS**  
**(CONT'D):**

Councilman McGary noted that this Ordinance, too, needs more work; that he thought we were on the right track but a piece might be missing.

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
CHAPTER 5, BY ADDING A NEW ARTICLE VI, SECTIONS 5-  
189 THROUGH 5-194, RELATIVE TO SPECIAL GATHERING  
PERMITS**

**was tabled for two weeks, with Councilman Murphy voting “no”.**

**FUNDRAISING CAMPAIGN**  
**ADA PLAYGROUND**

Councilwoman Scott stated that she would like to suggest that we take this and consider it carefully; that it involved \$30,000 for fundraising for a playground at Warner Park; that we need to be very mindful that this is a budget issue; that we are looking at a tight budget next year, and need to make priority choices for spending and look at things that are not essential—that if we don’t do it now, when will we do it? She stated that this was not bad but questioned this during this budget time; that we have numerous parks in the City and 32 have playgrounds, which are ADA accessible—that it was important that we do this, but the right time is not now.

Chairman Benson questioned if this was inside the zoo?

Mr. Dan Johnson responded that it was outside the zoo; that he did concur with Councilwoman Scott that we needed to be conservative with budget matters; however this was in last year’s Capital Budget, and in all fairness, we had been saving this \$30,000, and it would not affect this year’s budget.

Councilwoman Scott responded that whether it is out of the Capital Budget this year or next year or the Operating Budget, it all comes out of the pockets of the taxpayer; that at the end of a budget year, money is transferred from one account to another; that money is tight now and will be for quite sometime—that she thought the “name” of where the money was coming from is less important than the dollars that are tight and priorities have to be established because things will get worse in the future.

**ADA PLAYGROUND**  
**(CONT'D):**

Councilwoman Scott continued, stating that we are thinking about passing a tight budget in the next three months.

Councilman Rico stated that he agreed that money was tight; however we are a tourist town and places like this at Warner Park and the Zoo are where tourists go—that it takes money to make money, and we can't stop spending; that we need to have the desire to make things better and to grow—that we depend on tourists.

Councilwoman Ladd stated that Warner Park is a venue for play—softball fields and the zoo, and it is play; that we would be leaving out a great number of children who might be different and interfering with their play time. She stated that she was totally supportive of this and would be concerned with a liability if we don't provide ADA accessible playgrounds. She stated that this would get her support.

Councilman Murphy stated that this was in his district, and he represented disabled people for a living; that it might be difficult for people in his district, and they should not have to drive a long distance to a place for their children to play—that they would not have the money for the fuel and parking at other places. He noted that this playground would also be used for those children who are able-bodied. He urged his fellow councilmen to support this.

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE APPROPRIATING FROM THE DEPARTMENT  
OF PARKS AND RECREATION FUND P415 TO FRIENDS OF  
THE ZOO, INC. AN AMOUNT NOT TO EXCEED THIRTY  
THOUSAND DOLLARS (\$30,000.00) FOR THEIR  
FUNDRAISING CAMPAIGN TO DEVELOP AN ADA  
ACCESSIBLE PLAYGROUND AT WARNER PARK**  
passed first reading with Councilwoman Scott voting “no”.



**CLOSE AND ABANDON**

**MR-2009-023 (Mark Jackson)**

Councilman Murphy noted that Mr. Jackson was in the audience and wanted to know if he had any problem with the Council approving this as it is.

**Mr. Jackson** came to the podium and stated that he was a resident of Crutchfield Street; that he moved here from Michigan four years ago and purchased this property in 1997; that it was then a wooded area; that he had continued to work with the City Staff and Ranger; that he was really happy to be here; that he was from Detroit, and Chattanooga is beautiful.

Councilman Murphy stated that he thought Mr. Jackson misunderstood—that what he was asking him was if he agreed—that there might be a difference between what he applied for and what was being approved.

Chairman Benson clarified that the Council was recommending approval and asked if Mr. Jackson was in agreement. He was in agreement.

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED IN THE NORTH LINE OF THE 900 BLOCK OF CRUTCHFIELD STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**AMEND RESOLUTION  
REPLACING NUMBER**

On motion of Councilwoman Ladd, seconded by Councilman Rico,  
**A RESOLUTION TO AMEND RESOLUTION NO. 25900 ENTITLED, “A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 200 BLOCK OF GODSEY DRIVE TO THE 2800 BLOCK OF NORTHPOINT BOULEVARD, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,” (NO. 2009-PW-002) BY REPLACING THE NUMBER “200” WITH THE NUMBER “2000”**

was adopted.

**AMEND RESOLUTION  
REPLACING NUMBER**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION TO AMEND RESOLUTION NO. 25905 ENTITLED, "A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF 7311 THROUGH 7337 STANDIFER GAP ROAD TO 7314 THROUGH 7319 COURAGE WAY, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE," (NO. 2009-PW-007) BY REPLACING THE NUMBER "7337" WITH THE NUMBER "7351" AND BY REPLACING THE NUMBER "7319" WITH THE NUMBER "7351"**

was adopted.

**GO!FEST FUNDRAISING**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE MAYOR TO CONDUCT CONTINUING FUNDRAISING AND SOLICITATION EFFORTS TO SUPPORT GO!FEST HOSTED BY THE CHATTANOOGA ZOO FOR THE COST OF EIGHT THOUSAND DOLLARS (\$8,000.00), WITH ADDITIONAL FUNDS DESIGNATED TO HELP BUILD AN ALL-ACCESS PLAYCORE PLAYGROUND AT WARNER PARK**

was adopted, with Councilwoman Scott voting "no".

Chairman Benson clarified that this is pass-through money and is not costing the City anything.

**WORLD CHANGERS PROJECT**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO REALLOCATE TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FROM THE NEIGHBORHOOD PROGRAM INITIATIVES ACCOUNT, WITH A CONTINGENCY TO SUPPORT NON-ELIGIBLE CDBG EXPENDITURES FOR THE 2009 WORLD CHANGERS HOME REPAIR PROJECTS**

was adopted.

**CONTRACT/VW**  
**ON-SITE FIRE PROTECT.**

Councilwoman Scott stated that she had asked for additional information on this.

Chief Parker responded that there were two other instances where there had been such partnerships with government and private industry; one with Livermore Labs, and the other, he was still trying to get information. He stated that there were only a few referenced.

Councilwoman Scott stated that she had some concerns about this; that it sounds good to provide something at cost; however this was a very, very complex service to provide, and she thought it would be difficult and had never been done before; that this made her think—at cost—that many times we are not aware of intangibles, and they can be difficult to capture, mentioning a cost plus a percentage over and above. She stated that she wanted to make sure that we are made whole.

Chairman Benson stated that he thought this was part of a big incentive package.

Chief Parker stated that early on they calculated all of the costs, along with Dan Johnson, Ms. Madison and Personnel; that they factored in pensions and benefits and on-the-job injury; that they calculated every conceivable cost; that they had not met with Volkswagen, and this could be modified.

Mr. Johnson added that the numbers that Ms. Madison came up with more than covered the cost at this point; that he even wanted to cut some back—that we would not ever get everything in there that could conceivably come up; that he thought this could be done, and the Staff had worked hard to narrow everything down with the costs at this point; that it may change when we get into details with them.

Councilwoman Scott wanted to know if we were authorizing this at this point? Mr. Johnson responded that we were authorizing negotiations and an agreement.

**ON-SITE FIRE PRO-  
TECTION (CONT'D):**

Chief Parker added that there had been many discussions, and VW asked if we would be willing to do this, and we said “yes”, but it would have to come to the Council and any contract that is negotiated would also have to come before the Council.

Chairman Benson noted that this was just saying we could enter into a contract.

Councilman Rico noted that we discussed this fully in committee and that he trusted our professional people, and they had looked into this, and it was not costing us anything. He reiterated that he trusted our professional people to know what they are doing.

On motion of Councilman McGary, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER  
INTO A CONTRACT WITH VOLKSWAGEN TO PROVIDE ON-  
SITE FIRE PROTECTION WITH ALL RELATED COSTS BEING  
FULLY PAID BY VOLKSWAGEN**  
was adopted, with Councilwoman Scott voting “no”.

**CONTRACT/  
STRATEGY TEAM FAC.**

Chairman Benson noted that this was fully discussed last week in committee.

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER  
INTO AND EXECUTE A TWELVE (12) MONTH CONTRACT  
WITH STRATEGY TEAM FACILITATORS CONSULTANTS TO  
ASSIST THE MAYOR IN COORDINATING INTER-  
ORGANIZATIONAL, STRATEGIC PLANNING, AND FEDERAL  
RESOURCE UTILIZATION FOR SUSTAINABLE ECONOMIC  
DEVELOPMENT IN THE AMOUNT OF EIGHT THOUSAND  
EIGHT HUNDRED NINETY DOLLARS (\$8,890.00) PER  
MONTH, OR A TOTAL ANNUAL CONTRACT AMOUNT NOT  
TO EXCEED ONE HUNDRED SIX THOUSAND SIX HUNDRED  
EIGHTY DOLLARS (\$106,680.00)**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF  
GENERAL SERVICES TO EXECUTE AN AGREEMENT WITH  
MARCH ADAMS & ASSOCIATES FOR MECHANICAL AND  
ELECTRICAL ENGINEERING SERVICES ASSOCIATED WITH  
THE REQUESTED MODIFICATIONS TO THE EXISTING  
BUILDING SPACE LOCATED AT 332 MARTIN LUTHER KING  
BOULEVARD IN AN AMOUNT NOT TO EXCEED EIGHTEEN  
THOUSAND TWO HUNDRED DOLLARS (\$18,200.00)**  
was adopted.

**MISSION STATEMENT**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION ACCEPTING AND ADOPTING A MISSION  
STATEMENT, GOALS, AND OBJECTIVES FOR THE FISCAL  
YEARS 2010 AND 2011 BUDGETS**  
was deferred for one month.

**OVERTIME**

Overtime for the week ending May 21, 2009, totaled \$66,187.67. This amount was questioned by Chairman Benson.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**NEIGHBORHOOD SERVICES:**

- ❖ **PAULA COLEMAN**—FMLA for Community Develop. Specialist, effective 5/4—14/09.

**PUBLIC WORKS DEPARTMENT:**

- ❖ **JEFFERY D. HUNTER**—Termination as Crew Worker 1, effective 5/21/09.

PERSONNEL (CONT'D)

**CHATTANOOGA FIRE DEPARTMENT:**

- ❖ **DARRELL BURT**—Return from FMLA of Fire Captain, effective 5/25/09.

POLICE DEPT./GRANT

Chief Mike Williams was present. Chairman Benson asked him if all of the overtime was his? Chief Williams replied in jest “absolutely not”! He then stated that some of it was theirs, but they needed it. He then made the Council aware of a Grant from Walmart in the amount of \$1,000 to be accepted for the Narcotics Div. Although not necessary, Councilman McGary moved that this Grant be accepted, and it was seconded by Councilwoman Robinson.

REFUND

Before Ms. Madison reported the refund, Chairman Benson asked her why the overtime amount was so high? She responded that overtime varies from department to department; that sometimes it is related to grants, and this is also the time when a lot of people are off on vacations, and we have to have back-ups.

On motion of Councilman Rico, seconded by Councilwoman Robinson, the City Finance Officer was authorized to make the following refund of Personal Tax:

**INSIGHT HEALTH CORP**—In the amount of **\$1,299.02** due to overpayment.

PURCHASES

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

**INFORMATION SERVICES:**

**DELL MARKETING (City Wide Blanket Contract)**  
**Requisition RO122691**

Purchase Release for Computer Equipment

\$24,177.32

**PURCHASES (CONT'D):**

**PUBLIC WORKS DEPT.:**

**SOUTHEASTERN MATERIALS (Primary Contract & Lowest and Best Bid):**

**Requisition R0121563/B0006010**

**&**

**HIGHWAYS, INC. (Secondary Back-Up Contract)**

**Requisition R0121563/B0006010**

Blanket Contract for the Purchase of Asphalt Mix

\$57,000 & \$59,810 respectively  
(Estimated)

**HUMAN SERVICES:**

**REJECT ALL BIDS:**

**Requisition R0121304**

Purchase of Replacement Carpeting & Installation

\$17,000.00 (estimated cost)

**BOARD APPOINTMENTS**

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following Board Appointments were approved:

**HISTORIC ZONING BOARD:**

- ❖ Appointment of **Robert Osteen** for a five-year term to expire **May 26, 2014**; Appointment of **Mary Eastman** for a five-year term to expire **May 26, 2014**; and appointment of **Thomas Alan Palmer** for a five-year term to expire **May 26, 2014**.

**BD. APPOINTMENTS(CONT'D)**

**BOARD OF ZONING APPEALS:**

- ❖ Appointment of **George Georgeson** as the District 3 Representative for a three-year term to expire **May 26, 2012**.

**HEARING:**  
**OFFICER FREDERICK MOORE**

Attorney McMahan stated that he would not set this hearing tonight. He explained to the new members of the Council that we had traditionally set Personnel Hearings on Mondays at 9:00 a.m. He asked if it was everyone's pleasure to continue these hearings at that time. He noted that this time was a habit and if the time is agreeable, he would coordinate with the attorney a suitable date and report back next week.

**COMMITTEES**

Councilman Gilbert stated that at last week's Council meeting he unintentionally voted "no" on the Resolution involving the agreement with TDOT for State Project SR 317; that he would like for the record to reflect that his "no" vote was intended for the eight Local Agency Project Agreements with TDOT for funding under the American Recovery and Reinvestment Act.

Councilwoman Ladd scheduled a meeting of the **Public Safety Committee** for **Tuesday, June 2<sup>nd</sup> to immediately follow the Public Works Committee meeting.**

Councilman McGary reported that the **Education, Arts and Culture Committee** met today to hear a presentation from Create Here regarding their visioning process and also a report from Adm. Crutchfield with reference to happenings in her department. He acknowledged her for her good work and expressed his thanks.

Councilman Murphy stated that two Ordinances were discussed today in the **Legal and Legislative Committee** and we would "re-jigger" them in the next **Legal and Legislative Committee** scheduled for **Tuesday, June 9<sup>th</sup> to immediately follow the Agenda meeting.**



**COMMITTEES(CONT'D):**

Councilman Rico scheduled a meeting of the **Public Works Committee** for **Tuesday, June 2<sup>nd</sup> to immediately follow the Agenda Meeting.**

Councilwoman Robinson scheduled a meeting of the **Health, Human Services and Housing Opportunities Committee** for **Tuesday, June 9<sup>th</sup> to immediately follow the Legal and Legislative Committee.** The reason for this meeting is to discuss when buyers purchase property that they believe to be R-2 and then they discover the property has been down-zoned, and they had not been informed that it had been down-zoned. She stated that we would hear from RPA regarding the process whereby zoning changes are reported and how GIS receives notification and also discuss ways we may assure that GIS and Hamilton County and others agree and are on the same page. We will see if when buyers make these purchases if our records are up to date and congruent and Barry Bennett will be present to discuss this.

Councilwoman Scott scheduled an **Economic Development** Educational session for **Tuesday, June 2<sup>nd</sup> at 1:00 p.m.** The topic will be Pilots, which stands for Payment In Lieu of Taxes and is a recruiting tool used by the City and others to recruit and encourage economic development. She stated that this would be an educational program to explain how it works, and she cordially invited the public to attend if they were interested.

Chairman Benson thanked everyone for focusing on their committees, stating that they had done this very well, and he really appreciated their sense of responsibility.

**AGENDA FOR JUNE 2, 2009**

Mr. Johnson went through the agenda for June 2, 2009, beginning with **Ordinance 6(a) First Reading** that provides for an Interim Budget for the months of July, August and September, 2009, pending the adoption of the 2009-2010 Annual Budget.

**Resolution (a)** concerning an agreement with Waterhouse Public Relations relative to recycling will be discussed in Public Works Committee next week.

**JUNE 2<sup>ND</sup> AGENDA (CONT'D)**

**Resolution (b)** authorizes the appointment of Dean C. Hagen and Phillip W. Dyar, Sr. as special policemen for the Chattanooga Police Dept. These are not sworn officers.

**Resolution (c)** authorizes the Fire Chief to enter into an agreement with Franklin Associates Architects, Inc. for design of the Enterprise South Fire Station in an amount not to exceed \$245,000.00.

**Resolution (d)** authorizes a contract to GR Industrial to re-roof the Police Annex Building and Service Center in an amount not to exceed \$83,380.00.

**Resolution (e)** authorizes an agreement with Norfolk Southern to conduct preliminary engineering services relative to a proposed rail under the South Chickamauga Bridge in an amount not to exceed \$10,000.00.

**Resolution (f)** is a temporary use for Roger A. Curtis of 129 Walnut Street for installation of a sign, outdoor seating, and planters.

**JESSIE PHILLIPS**

**Ms. Phillips** stated that she appreciated her colleagues, Councilman Murphy, Councilwoman Ladd, and Councilwoman Bennett; that she was a senior citizen who did not read everything; that it was important for senior citizens to know what is going on—for example when will the garbage man pass through. She questioned how many senior citizens got newspapers; that such information regarding garbage collection needs to be announced; that people would call her about this and some put their garbage out Monday and some did not. She stated that she had heard that garbage would be picked up on Tuesday; that on Monday holidays, it is usually Wednesday; that no one notified them, and they did not know what was going on. She asked that senior citizens be given a break—that they don't use computers nor get newspapers and do need to know what is going on that will affect them.

Chairman Benson stated that the man who made these decisions is in the back of the room.

**JESSIE PHILLIPS (CONT'D):**

Ms. Phillips also wanted to talk about security and dogs. She wanted to know if the City funded McKamey Animal Center? She was told “yes”. In that case, she asked, “Why don’t they respond to us”? She stated that she had an issue—that her baby (dog) was killed by a pit bull; that she had called and called McKamey and did not want them to give her a sick dog.

**TANGELA WOODRUFF**

**Ms. Woodruff** stated that she was a resident of Avondale and was concerned about guns and drive-by shootings. She wanted to know what could be done to make this situation better as to drive-by shootings. Chairman Benson suggested that she get with Chief Williams.

**DORIS BAKER**

**Ms. Baker** stated that she worked with the Wheeler Neighborhood Watch and asked if there was any Ordinance on the books pertaining to basketball hoops in the street and children playing at 12:00 midnight and 1:00 a.m. and kids in the streets at all hours and cars having to slow down to keep from hitting them. She stated that on Friday night, they played basketball in front of her house and were using her drive; that they had torn up her mailbox and the bottom of her driveway by bouncing the ball—that they had torn up her driveway. She stated that she and her husband were 74 years old and not able to pay people to fix up their property; that they were not able to constantly keep up their property when other people are tearing it down; that they just left the ball in the street where anyone could use it. She stated that there were kids in her driveway making long shots, and she had asked the kids to please don’t come in her driveway; that they had dogs for protection, and these kids aggravated her dogs. She went on to say that the Police had talked to the people across the street and told them to take the basketball goal down but this past weekend, they put the “rack” back up again, and she again called the Police. She stated that the Police were probably getting tired of her calling them, but she was tired of this going on! She stated that they talked to the man, who was a hard-working man, and the Police last week told him he could put the “rack” back up. She stated that if there was an Ordinance, that it needed to be enforced and that she would meet with anyone about this.

**DORIS BAKER (CONT'D):**

Chairman Benson stated that this was in Councilman McGary's district, and he suggested that Councilman McGary meet with Chief Williams and Mrs. Baker. He stated that Mrs. Baker was justified in coming to the Council meeting and vowed that we would help her. She stated that she was not against children playing.

**MRS. SMITH**

**Mrs. Smith** stated that she was also with the Neighborhood Watch and was concerned about streets being paved; that the Water Company came through and tore up their streets, and it is awful, and she had called the City about this.

Chairman Benson stated that her comments were well taken and urged her to talk to the man in the back of the room.

**RACHEL CONN**

**Rachel Conn** stated that she had a business at 1800 E. Main St. She was present to complain about the shootings at her store and other Latino places near her store where plate glass had been shot out. She stated that at 9:30 Saturday there was a drive-by shooting, and she called the Police, and there were bullet holes in her windows; that last Thursday there was another drive-by and all her windows were shot out. She mentioned an armed robbery on January 20<sup>th</sup> where two African-American boys confronted a cook who was leaving—that this was all filed with the Police Department—that this lady was robbed at gunpoint, and they went running after the suspects and spent two hours searching for them.

She stated that there were two other men that were with her who had reported incidents at their nine stores in Chattanooga—two of which were drive-by shootings and glass windows had been shattered at all times of the night; that it was usually late—that this was very destructive and very violent and there was great concern. She stated that she was speaking for these Latino gentlemen. She went on to mention the Taco Rico on Main Street where there was a drive-by shooting one month ago.

Chairman Benson agreed that this was very serious.

**RACHEL CONN (CONT'D):**

Ms. Conn continued, mentioning Victor Lopez, who has a business on Main Street—that a brick was thrown through his window and graffiti was everywhere; that there was a gunman on January 4<sup>th</sup>, and three months ago they took all of his money with a gun; that two months ago he was again robbed of \$15,000, and it was never recovered or looked into. She mentioned four places with Hispanic origins, where they sell food, stating that they were hard working people. She also mentioned two other places on Lee Highway where glass had been blown out, and this was caught on video tape—that it was a Suburban Type Black car with tinted windows, and they had not been caught.

Chairman Benson stated that the Council was very concerned and willing to hear her out.

Councilman Murphy thanked her for her investment. He stated that we do have a Crime Analyst and pending requests, and the Police Dept. can go over these reports and see if there are ethnic victims—that such hate crimes were not appropriate and if it can be proved that these crimes are based on race, then there can be federal prosecution.

Chairman Benson stated that 90% of crimes are committed by 4% of the people; that there seemed to be a pattern of why they were going after certain people. He asked that Ms. Conn get with Chief Williams in the back of the room.

Councilwoman Ladd stated that she was Chairman of the Public Safety Committee and asked that this lady give her her name and telephone number, and she would contact her and follow this up with Chief Cooper and call her with the information and give her a follow-up.

Chairman Benson stated that he appreciated Councilwoman Ladd doing this. He thanked Ms. Conn and told her that we were sorry about these problems.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, June 2, 2009 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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