

**City Council Building
Chattanooga, Tennessee
June 16, 2009
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman McGary gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: MAYOR'S SUBMITTAL OF ADMINISTRATIVE APPOINTMENTS

Mayor Littlefield stated pursuant to the *Charter*, within sixty days of inauguration he has to submit a plan of government along with principal administrators. He stated that he wanted to make it a matter of record that he has complied with the *Charter*, has placed the matter on the agenda as a resolution and it is now in the Council's "court".

At this point the Mayor read the names of persons to fill key administrative positions during this term of office: Department of Education, Arts and Culture, Missy Crutchfield; Department of Finance and Administration, Daisy Madison; Fire Department, Chief Randy Parker; Department of Human Services, Bernadine Turner; Department of Neighborhood Services, Beverly Johnson; Department of Parks and Recreation, Larry Zehnder; Department of Personnel, Donna Kelley, Police Department, Chief Freeman Cooper and the Department of Public Works, Steve Leach.

**SPECIAL PRESENTATION: MAYOR'S SUBMITTAL OF
ADMINISTRATIVE APPOINTMENTS (Continued)**

Mayor Littlefield also recommended the confirmation of Michael McMahan as City Attorney noting that he has been acting in an interim capacity since the retirement of Randy Nelson.

Chairman Benson stated that the Council has thirty days to give consent which can be given sooner, but no later than thirty days up-or-down. He stated at this point he needs advice as to which way to go; that the Council could act as immediately as tonight, discuss the matter in next week's Legal and Legislative Committee or not discuss it. He stated either way the matter should be on the agenda within the next three-to-four weeks.

Councilman Murphy made the motion that the Council consider taking the matter up at next week's Legal and Legislative Committee meeting; Councilman Rico seconded the motion; the motion carried.

Chairman Benson stated at that point in time we could have it ready to put on the agenda or not put it on; that we will have three more meetings to get it done.

AMEND CITY CODE/ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY AMENDING ARTICLE II TO ADD DEFINITIONS FOR "GARDEN CENTER," "GREENHOUSE, COMMERCIAL," AND "NURSERY, COMMERCIAL," AND AMENDING ARTICLE V, SECTIONS 38-187(3), 38-206(2), 38-321(1) AND 38-473(12) WITHIN C-2 CONVENIENCE COMMERCIAL ZONE, URBAN GENERAL COMMERCIAL ZONE, M-2 LIGHT INDUSTRIAL ZONE, AND PARKING REQUIREMENTS SECTIONS TO INCLUDE THESE AS PERMITTED USES
passed second and final reading and was signed in open meeting.

REZONING

2009-057: John P. Franklin, Jr.

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 A TRACT OF LAND LOCATED AT 1016 PEACHTREE STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2009-067: Helen W. Henley

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 116 PEERLESS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM M-1 MANUFACTURING ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

AMEND CONDITIONS

2009-075: Greg Vital

Denny Standifer of 5601 Old Hixson Pike stated that he lives adjacent to the property and does not know if he has grave concerns about the proposal, but certainly has concerns about how the matter got to this point. He stated a lot of promises were made along the way; that the previous Councilman from the District submitted to the land use plan committee as to their recommendations, and to that committee a presentation was made with certain things, like a greenway along the area, a barn in a certain location, and because of that, they supported the preliminary site plan proposed.

REZONING (Continued)

Mr. Standifer stated in the meantime, certain things happened to that site not according to those proposed preliminary site plans; that the barn was put in a different location and his concern was not that the barn was in a different location, but a promise was made it would be in a certain area and was actually moved and put in differently before the new site was proposed and asked who is responsible. He stated when he called to inquire it took him seven days; that he went through a half dozen people before an answer given but really never received one; that his concern is that promises were made and there is a disconnect as to who was following-up on the promises made to garner support on a development of this nature that, hopefully, may not have come to fruition if it had been presented and followed accordingly.

Chairman Benson expressed appreciation to Mr. Standifer for his comments and noted Councilwoman Ladd has a response and could give more of an answer to his concern. He stated the matter was heard five weeks ago at Planning and he (Standifer) was not present.

Mr. Standifer responded that he has a busy practice and a short notice does not do well with his patients.

Chairman Benson stated there were no objections at that meeting.

Mr. Standifer stated that he talked with Greg Haynes about that and expressed concern; that Mr. Haynes indicated he would express his concerns at the Planning meeting.

Chairman Benson stated that he does not think it is the propriety of the Staff to represent community people like that, but there was an opportunity in open hearing that was publicized at that time; that the matter was heard on first reading last week and no one was present in objection.

Councilwoman Ladd expressed to Mr. Standifer that she had not heard any previous concerns; that County Commissioner Jim Coppinger contacted her when the barn was moved and asked her to check into what happened and, true enough, the barn was moved prior to the last plan being filed. She stated that she contacted Mr. Vital and told him to make sure that he did not do any other changes unless it was on the plan and to wait until approval had been granted. She stated that she asked Mr. Coppinger where the concern had come from about the barn and he seemed to think it was the folks involved with the school and PTA.

REZONING (Continued)

Councilwoman Ladd stated that she asked Mr. Vital to contact them and make sure that he explained to them what he was doing and he did and they were okay. She stated that he did get back to her and said he contacted everyone he knew of who had a concern about the barn and addressed it with them. She apologized to Mr. Standifer for not knowing he had a concern noting that Mr. Vital did make an attempt to contact everyone who had a concern about the barn. She stated that he does have the plan approved through the proper channels as Councilman Benson has indicated. She stated that it was her opinion the request is within reason and he has done a good job in giving an easement; that he has given the land for the greenway to continue between his property and the middle school. She stated that she has looked at the plans and it appears it is going to be a very good project and done in good taste. She stated that she has seen his other completed projects and they are all very beautiful facilities.

Chairman Benson stated the Council is voting on the rezoning, not the process; that Mr. Standifer's complaint is about the process.

Mr. Standifer stated that the process of the rezoning went through certain steps and certain promises were made in the steps and now the process is gone and there is no recapturing. He stated his comment to the City Council is that someone needs to be following the process; that promises were made for a rezoning and once the "cat is out of the bag" it is hard to get it back in. He expressed thanks to the Council for their time.

Chairman Benson again clarified that the question "on the floor" is about the rezoning, not the process.

On motion of Councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND THE
CONDITIONS IMPOSED IN ORDINANCE NO. 11957 (CASE NO. 2007-
046), ON PROPERTY LOCATED AT 5501 OLD HIXSON PIKE, BEING
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 second and final reading and was signed in open meeting.

REZONING

2009-078: Tennessee Temple University

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 TRACTS OF LAND LOCATED AT 1715 UNION AVENUE AND IN THE 1700 BLOCK OF KIRBY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE WITH CONDITIONS TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second and final reading and was signed in open meeting.

REZONING

2009-079: Robert Hall

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1101 GREENS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT O CERTAIN CONDITIONS

passed second and final reading and was signed in open meeting.

REZONING

2009-080: Jay M. Philippose

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 TRACTS OF LAND LOCATED AT 7415 AND 7419 ZIEGLER ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second and final reading and was signed in open meeting.

AMEND CITY CODE

Councilmen Rico and Ladd, made the motion and second to substitute the amendments to this ordinance; the motion carried; Councilwoman Scott voted "no".

On motion of Councilman Rico, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 18, ELATIVE TO GARBAGE AND REFUSE**
passed second and final reading and was signed in open meeting;
Councilwoman Scott voted "no".

PROPERTY

On motion of Councilman Murphy, seconded by Councilwoman Berz,
**A RESOLUTION ACCEPTING THE HIGHEST AND BEST OFFERS FOR
CERTAIN PARCELS OF PROPERTY ACQUIRED BY THE CITY OF
CHATTANOOGA AND HAMILTON COUNTY THROUGH PREVIOUS
DELINQUENT TAX SALES AND AUTHORIZING THE DIRECTOR OF
GENERAL SERVICES TO EXECUTE DEEDS CONVEYING SAID PARCELS
TO INDIVIDUALS AS SHOWN ON THE LIST ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE**
was adopted.

INTERLOCAL AGREEMENT

On motion of Councilman McGary, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND
EXECUTE AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY,
TENNESSEE RELATIVE TO MAINTENANCE AND OPERATIONAL FUNDING
FOR THE BESSIE SMITH HALL LOCATED AT 200 EAST MARTIN LUTHER
KING BOULEVARD**
was deferred one week.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN
AGREEMENT WITH CSX RAILWAY TO CONDUCT PRELIMINARY
ENGINEERING SERVICES RELATIVE TO A PROPOSED TRAIL UNDER THE
SOUTH CHICKAMAUGA BRIDGE IN AN AMOUNT NOT TO EXCEED TEN
THOUSAND DOLLARS (\$10,000.00)**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-09-040-201, SUMMIT LANDFILL GAS EXTRACTION SYSTEM ADDITIONS, TO SCS FIELD SERVICES IN THE AMOUNT OF TWO HUNDRED NINETY-FOUR THOUSAND TWO HUNDRED SIXTY DOLLARS (\$294,260.00), PLUS A CONTINGENCY AMOUNT OF TWENTY-NINE THOUSAND THREE HUNDRED FORTY DOLLARS (\$29,340.00), FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-THREE THOUSAND SIX HUNDRED DOLLARS (\$323,600.00)

was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ELECTRIC POWER BOARD (EPB) TO RELOCATE EXISTING FACILITIES WITHIN AN EXISTING EPB EASEMENT RELATIVE TO CONTRACT NO. E-08-028-201, OLD HIXSON PIKE ROADWAY IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND SEVEN HUNDRED TWELVE AND 50/100 DOLLARS (\$14,712.50)

was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ELECTRIC POWER BOARD (EPB) TO RELOCATE EXISTING FACILITIES WITHIN AN EXISTING EPB EASEMENT RELATIVE TO CONTRACT NO. 3-06-006-202, NORTHPOINT BOULEVARD EXTENSION PHASE 2, IN AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND TWO HUNDRED SIXTEEN DOLLARS (\$21,216.00)

was adopted.

AMEND AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AMEND THE AGREEMENT WITH CIVIC ENGINEERING FOR IMPLEMENTATION OF AZTECA CITY WORKS AT THE WASTE WATER TREATMENT PLANT TO INCREASE THE CONTRACT AMOUNT BY NINE THOUSAND SIX HUNDRED DOLLARS (\$9,600.00) FOR ADDITIONAL SERVICES REQUIRED, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$39,470.00)
was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING ELEMI ARCHITECTS, ON BEHALF OF JOSHUA MCMANUS WITH CREATEHERE, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 55 EAST MAIN STREET TO INSTALL SIGNAGE, 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 McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING ELEMI ARCHITECTS, ON BEHALF OF MADIA SINIARD WITH MADIA'S STUDIO, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 48 EAST MAIN STREET TO INSTALL SIGNAGE, 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 McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING ELEMI ARCHITECTS, ON BEHALF OF MARIAH S. MAYFIELD WITH SHADOWBOX, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 46 EAST MAIN STREET TO INSTALL SIGNAGE, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AN ENDOWMENT GRANT FROM THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), WITH NO REQUIREMENTS FOR ANY MATCHING FUNDS, TO PURCHASE AND PLANT TREES IN VARIOUS AREAS OF CHATTANOOGA
was adopted.

LEASE AGREEMENT

MR-2008-120: City of Chattanooga c/o Dan Thornton

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH THE CHATTANOOGA AFRICAN AMERICAN MUSEUM AND HAMILTON COUNTY FOR PROPERTY LOCATED AT 200 EAST MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TERM OF TEN (10) YEARS AND FOR A MONTHLY RENTAL RATE OF ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION
was deferred one week.

AMEND RESOLUTION 25951 (CASE NO. 2009-074)

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION TO AMEND CONDITIONS IMPOSED BY RESOLUTION NO. 25951 (CASE NO. 2009-074), ENTITLED, "A RESOLUTION APPROVING A PRELIMINARY INSTITUTIONAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED INSTITUTIONAL PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND BEING GENERALLY BOUNDED ON THE NORTH BY BAILEY AVENUE, ON THE SOUTH BY BENNETT AVENUE, ON THE EAST BY SOUTH WILLOW STREET, AND ON THE WEST BY SOUTH HICKORY 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"
was adopted.

OVERTIME

Overtime for the week ending June 11, 2009 totaled \$6,939.82.

PERSONNEL

The following personnel matters were reported for the various departments:

HUMAN SERVICES:

- **REGINA BATTLE-CARTER** – Resignation, Teacher, Head Start, effective May 22, 2009.

PARKS AND RECREATION:

- **JACQUELINE L. LEWIS** – Termination, Administrative Support Specialist, effective June 5, 2009.

PUBLIC WORKS:

- **THOMAS J. SLATEN** – Suspension (24 days without pay), Equipment Operator 2, City Wide Services, effective June 10-July 20, 2009.

PERSONNEL:

- **JOE SHAW** – Termination (Fiscal 2010 Budget Recovery), Human Resources Generalist, effective July 2, 2009.

CHATTANOOGA POLICE:

- **JOSHUA TURNER** – Suspension (18.25 days suspension; days served), Police Officer, effective May 28-April 27, 2009.

REFUND

On motion of Councilman Rico, seconded by Councilman McGary, the Administrator of Finance was authorized to issue the following refund due to an E&R to exempt per 6-2-2008, per Tennessee SBOE for map numbers 129B-F-004, 129B-F-005 and 129B-F-007.02:

HOSPICE OF CHATTANOOGA, INC. \$6,347.85

PURCHASES

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

PUBLIC WORKS:

EATON CORPORATION (Lowest and best bid)
R0122001/B0006040

Purchase of Load Interrupter Switchgear Parts

\$28,803.78

JAKE MARSHALL SERVICE, INC. (Lowest and best bid)
R0121917/B0006044

Purchase of Replacement Heating, Ventilation and Air Conditioning Units

\$31,100.00

GENERAL SERVICES:

OUTSOURCE STAFFING, LLC (Primary Contract; Lowest and best bid meeting specifications)
SELECT STAFFING (Secondary Contract; Second lowest and best bid)
R0122167/B0006047

Blanket Contract for the Purchase of Temporary Employment Services

\$133,530.00 – Outsource Staffing LLC, Estimated Annual Cost

\$ 66,800.00 – Select Staffing, Estimated Annual Cost

PURCHASES (Continued)

LEE SMITH, INC. (Lower and better bid)
R0122823/B0006107

Purchase of Bomb Truck Accessories Package

\$23,838.00

PARKS AND RECREATION:

BOBCAT OF CHATTANOOGA (Lowest and best bid)
R0122965/B0006108

Purchase of Skid Steer Loader

\$29,541.00

REJECT BID

On motion of Councilman Rico, seconded by Councilwoman Berz, the purchase of Blanket Contract for the Purchase of Restroom Hygiene Services on R0122228/B0006085 in the estimated amount of \$27,000.00 was duly rejected. Revision of specifications and a new advertisement is recommended.

COMMITTEES

Councilwoman Scott stated that the **Economic Development Committee** met today and **will meet** again **on Tuesday, June 30 immediately following Public Works** to discuss a PILOT agreement for Vision Hospitality/Doubletree.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, June 23 immediately following the agenda session** to discuss the proposed mission statement. He stated any Council person may submit a revision or have input and requested that they circulate them through e-mail during the week. He stated the Committee would take up the Mayor's proposed cabinet and if any Council member wishes to interview the department heads, he asked that they make arrangements to do so one-on-one and if it is felt there is the need to do so in Committee to let him know so that the person could be asked to appear for a brief examination by the Council as a whole.

COMMITTEES (Continued)

Councilwoman Berz stated that a meeting of the **Budget, Finance and Personnel Committee would follow Legal and Legislative on Tuesday, June 23** and will have two items to discuss. She stated **if** discussion has been cleared by the Mayor, there will be a discussion regarding proposed changes to the Fire and Police Pension. She stated last week the Council approved the new plan for the Council Auditor and noted that she and Councilmen Ladd and Gilbert have submitted names, however, she indicated resumes for two people are missing. She stated anyone wanting to turn in names are asked to please make sure resumes are attached as the matter will be addressed next week.

NOTE OF THANKS

Councilman Gilbert expressed thanks to the Mayor and staff for the fantastic job done on the recent Tennessee Municipal League (TML) meeting. He stated a lot of revenue was brought into the city and noted that he learned a lot from the sessions that can be used for the people in his district.

Chairman Benson echoed Councilman Gilbert's comments and stated that needed to be said. He acknowledged Marie Chinery, Anita Ebersole, Matt Lea and Richard Beeland for doing a very good job, especially the reception on Sunday night. He stated that Chattanooga really looked good!

Councilwoman Berz stated from what she saw it was an excellent Conference. She stated she also wanted to congratulate those involved for a wonderful job. She stated that she wanted to make sure everyone was aware Chattanooga won an Award for Excellence in our human resources relative to our clinic and drug program, which is outstanding and a model for the state! She congratulated Donna Kelly, Personnel Administrator, and asked everyone to join in applauding her work.

Chairman Benson stated that the Conference was very well done and expressed appreciation to Ms. Kelley and the others who worked with her, including Daisy Madison and some others.

Donna Kelley expressed appreciation and acknowledged that it was a group effort!

GUNS IN PARKS

Adm. Zehnder stated that an issue would be coming up tomorrow and he needed to get some action from this body, if possible. He stated at tomorrow's County Commission meeting they would be discussing the issue of guns in parks and the City of Chattanooga has an ordinance that deals with this and they have posted in parks the fact that persons can not take guns into our parks here locally. He stated it would be great if the city Council would pass a motion to continue our present procedure prohibiting guns in local parks; that it has been working for many, many years and reaffirm we intend to continue enforcing it.

Chairman Benson stated that he was glad Mr. Zehnder brought this up; that they want to stay "on top" of it immediately!

Adm. Zehnder stated it would be helpful if they knew tomorrow that the City Council passed this.

Councilman Murphy expressed thanks to Mr. Zehnder for bringing this up. He stated that he understands this is state law and does not know if the city attorney has had time to examine it, yet.

City Attorney McMahan stated he has not seen the law, yet, and does not know when it becomes effective; that he strongly feels it is July 1.

Councilman Murphy stated the other thing he would add is even if the city attorney has an opinion on it after reading it, this will be a question coming up in 95 counties and municipalities across the State even though they may already have an ordinance. He stated that it is his thought the Council should inquire of members of the state delegation to get the attorney general's opinion; that he would not want to pass a resolution saying we agree with our current ordinance and then find it challenged and not sufficient. He stated he is very aware of Mr. Zehnder's concern and appreciates it. He asked if he has any idea how much it would cost to comply with the ordinance in order to post in all of our parks that would indicate guns are not permitted.

Adm. Zehnder stated Park rules already have a line item on it; that in fact, in some of the parks it specifically addresses it. He stated it is in their rules of regulations that no fire arms are permitted in any of our parks; that those that are in neighborhoods may not have rules and regulations signs, but many of the local signs have them.

GUNS IN PARKS (Continued)

Chairman Benson stated that the police and parks and recreation departments both recommend we maintain our present ordinance which prohibits guns in city parks. He stated the other thing that concerns him is we can not let ourselves have this law voided one day, even if we pass something it takes two weeks before it becomes effective.

City Attorney McMahan stated that we can declare an emergency and make it effective immediately.

Chairman Benson acknowledged that is what we might need to do.

Councilwoman Berz asked Mr. Zehnder if what he is asking for is for a meeting tomorrow. Adm. Zehnder responded "yes".

Councilwoman Berz stated all he is asking for is that we go on record as saying we definitely uphold the law we have right now in so far as it meets legal requisite; that it is her thought it is also saying whether or not we pass a new law, that the sense of this Council is we do not want guns in our public parks of any sort or size. She stated there is nothing that prohibits the Council from going on record saying that; that the worst thing that could happen is if on down the road there is some ruling from the attorney general – which will take forever, anyway – and we will say "sorry" and will comply then. She stated we can meet the legal requisite and "beat that horse to death". She stated the Council can go on record against guns in our public parks, period!

On motion of Councilwoman Berz, seconded the Councilman Gilbert the Council officially went on record upholding the present ordinance prohibiting guns in public parks.

Councilman Gilbert expressed agreement with the position in noting that a lot of problems are created in games that become heated; that persons for the moment can become upset prior to cooling down, noting what might/could happen if they had a gun when upset. He stated it is a good idea to go ahead and take action and put a stop to it.

Chairman Benson stated he would hate to see guns present at little league ball games with parents present.

Adm. Zehnder stated if he goes to the meeting tomorrow he could say 100 percent of Council members present went on record prohibiting guns in public parks.

NEXT WEEK'S AGENDA: JUNE 23, 2009

The agenda for next week appears below:

Resolutions:

- a) A resolution accepting and adopting a mission statement, goals, and objectives for the fiscal years 2010 and 2011 budgets. **(DRAFT ONLY - Deferred from 5/26/09.)**
- b) A resolution to make certain findings relating to the Chattem, Inc. project, to delegate certain authority to the Industrial Development Board of the City of Chattanooga, and to authorize the Mayor to enter into and execute an agreement for payments in lieu of ad valorem taxes.
- c) A resolution authorizing the Chief of the Chattanooga Fire Department to enter into a contract with JDH to remove and replace the roof at the Fire Training Center for (1) a base bid in the amount of \$68,422.00; (2) an alternate bid to remove and replace the roof over the gym in the amount of \$48,218.00; and (3) a contingency of ten (10) percent for damaged steel in the amount of \$11,664.00, for a total price not to exceed \$128,304.00.
- d) A resolution authorizing Sanjay Actuarya, on behalf of Delight Hospitality, LLC, to use temporarily the right-of-way at 7725 Lee Highway to plant shrubs, as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- e) A resolution authorizing Ken J. Defoor to use temporarily the right-of-way at the center of the round-about at the new phase of North Point Boulevard to install a sprinkler line under the roadway for landscaping, as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
- f) A resolution authorizing the Chief of Police to apply for and accept the 2009 Edward Byrne Memorial Justice Assistance Grant from the Bureau of Justice Administration in Washington, D.C., in a total amount not to exceed \$256,549.00, for a three year period, to be shared with Hamilton County Sheriff's Department and East Ridge Police Department, with no local matching funds, and authorizing the Mayor to execute an agreement between all parties for the sharing of said funds.
- g) **A resolution authorizing the Mayor to apply for and, if awarded, accept 2009 United States Department of Energy, National Energy Technology Laboratory, Recovery Act Energy Efficiency and Conservation Block Grants (EECBG) - Formula Grants. (Added by permission of Council Chair Benson.)**

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, June 23, 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)**