

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
July 21, 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 Attorney McMahan, followed by invocation.

MINUTE APPROVAL

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

**FIREFIGHTER APPRE. WEEK
MUSCULAR DYSTROPHY**

Mayor Littlefield was present in recognition of Chattanooga Firefighters. He stated that they do a lot of good things outside the realm of their job responsibilities and collecting for Muscular Dystrophy is an important charity that they support with their "Boot" Program. At this time he read the following Proclamation:

Whereas: Muscular Dystrophy refers to a group of more than 40 Neuromuscular diseases that cause generalized weakness And muscle deterioration; and

Whereas: Two of the most common neuromuscular diseases include Duchenne's muscular dystrophy, a disease found in children that progresses slowly, with survival rare beyond their late twenties, and Amyotrophic Lateral Sclerosis (Lou Gehrig's Disease) a disorder that progresses rapidly in adult clients; and

Whereas: Members of the Chattanooga Fire Department serve and protect citizens throughout our city every day; and

Whereas: Members of the Chattanooga Fire Department have become a symbol of pride, honor and strength; and

FIREFIGHTER APPREC.WEEK
(CONT'D)

Whereas: Fire fighters across the nation are some of the largest contributors in the United States to the Muscular Dystrophy Association and their donations provide comprehensive medical services to tens of thousands of adults and children with neuromuscular diseases and contribute to research for treatments and cures; and

Whereas: Firefighters in the City of Chattanooga unselfishly donate their time and energy to the Muscular Dystrophy Association; supporting the Muscular Dystrophy Association, last year raising over \$16,000

Now Therefore,

In order to pay tribute to the unwavering service and charitable efforts of the Chattanooga Fire Department, I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim the week of July 26, 2009 as

CHATTANOOGA FIREFIGHTER APPRECIATION WEEK

Ms. Joanna Burkhart of the Muscular Dystrophy Association was present and thanked the Mayor for this proclamation and also the Chattanooga Fire Department, stating that they appreciated all that they do and also appreciated the Chattanooga community.

Captain Jeff Eldridge also thanked the Mayor and Chief Parker for letting them use the old fire engine.

Firefighter Talley Glover thanked everyone for supporting this and also for supporting them in front of Riverbend.

Firefighter Frank Rozelle thanked everyone for their support and also the Mayor for the proclamation.

Chairman Benson thanked everyone.

2009 WORLD CHANGERS

Mayor Littlefield stated that this was a different program and was a program that honestly brought tears to his eyes—the World Changers; that these people come from far away and work in our community to improve living conditions and quickly make a dramatic difference in the lives of widows and ladies with no resources. He read the following Proclamation:

WHEREAS: Since 1990, World Changers, a ministry of North American Mission Board of the Southern Baptist Convention, has sought to provide youth and adults with opportunities to meet the needs of others both nationally and internationally, by providing practical learning experiences and opportunities to serve through missions work; and

WHEREAS: World Changers' provides "hands-on" mission involvement through participation in home construction and renovation work by partnering with government, community agencies, and local churches; and

WHEREAS: Locally, World Changers partnership with the Department of Neighborhood Services and Community Development and the churches within our community have helped improve Chattanooga's neighborhoods, and most importantly, the quality of life of the recipients of their services; and

Now Therefore, I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby concur with the World Changers 2009 theme "Set Apart", in describing the invaluable gift of free labor provided to our city and proclaims July 20-31, 2009 as

WORLD CHANGERS HOME REPAIR WEEKS

Be it further resolved the residents of Chattanooga join with me in congratulating and recognizing the members of this organization for their efforts to encourage and guide our youth by teaching them to serve those less fortunate. We wish them much success in all of their future endeavors.

WORLD CHANGERS (CONT'D)

Ms. Vanessa Jackson, Neighborhood Project Specialist, thanked everyone as did Jo Black, who is also a Neighborhood Specialist. Ms. Jackson noted that this effort was coordinated with the help of Tony Sammons and introduced members of the World Changers who were present. She stated that this was a phenomenal program, and she thanked the City Council and all the entities that had worked with them, stating that this was a great work internationally.

Mayor Littlefield presented a list of the properties that will be improved, along with the names of the homeowners (this is made a part of this minute material). One of the properties is in District 1; three are in District 2; One is in District 4; Two are in District 5; One is in District 6; Four are in District 7; Eleven are in District 8; and Nineteen are in District 9.

Councilman Murphy stated that a large number were in his District, where the need is great. He stated "God Bless you All"!

Chairman Benson thanked each and every one.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-
228, BY DELETING SUBSECTIONS (2), (3), AND (4) AND
RENUMBERING THE REMAINING SUBSECTIONS**
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE
RETAIL WINE SALES**

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART 11, CHAPTER 5, ARTICLE 111, SECTION 5-108,
RELATIVE TO RETAIL SALE OF WINE**
passed second and final reading and was signed in open meeting.

REZONING

2008—114 (MEHDI MALEKZADEH)

Councilwoman Berz stated that she would like to ask some questions. She stated that Mr. Malekzadeh was a very fine business man but there were some zoning issues that could have an impact; that she believed that she had asked a question about neon signage last week and the answer was unclear; that this could make a big impact on the surrounding neighborhood and again asked the question about neon signage.

Mr. Malekzadeh responded that there would be no neon signs, flashing lights, etc.

Councilwoman Berz asked him about the parking, stating that in some neighborhoods that were making a transition from residential to more of a business atmosphere there were really strong regulations, such as no parking in front and provisions that the neighborhood be protected in the back.

Mr. Malekzadeh stated that his parking would be in the back.

Councilwoman Berz stated that she did not think there was enough room to go to the back for parking and asked if this had been remedied?

Mr. Malekzadeh responded that there was enough room.

Councilwoman Berz summarized that there would be no neon signage and no parking in front. She mentioned the property next door where there was a pretty swimming pool, questioning if it would affect this property. She then asked about fencing and if he was talking about brick or stone fencing?

Mr. Malekzadeh stated that the fence would be brick, stone, or stucco and would be in the back. Councilwoman Berz asked him about side fencing. Mr. Malekzadeh showed a picture, stating that there would be no wood fencing.

Councilwoman Berz noted that there was a close vote last week—five to four. Mr. Malekzadeh stated that this would be very nice.

REZONING (CONT'D)

Councilman McGary stated that he had two questions. First, he wanted to know the business hours? Mr. Malekzadeh responded from 9:00 a.m. to 5:00 p.m. Secondly, he wanted to know about overflow parking. Mr. Malekzadeh responded that there would be no overflow parking. Councilman McGary stated that he was speaking of customers and clients. Mr. Malekzadeh assured that this would not be a problem.

Councilwoman Robinson wanted to know if it had been stipulated that this was only for this particular business and if this business ceases to exist, the zoning would return to R-1? Chairman Benson noted that the R-4 Zone is only for a Beauty Shop, stating that he, too, hoped this condition was in there. Attorney McMahan noted that this was Condition #1—Beauty Salon or Residence only.

Mr. Clarence Williams was present and wanted to know how this slipped by their neighborhood—that there was no notice on Talley Rd.

Chairman Benson explained to Mr. Williams that this was in East Brainerd and five miles away from where he lived.

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 6709
SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAPS 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.

REZONING

2009-089 (DAVID HUDSON)

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 215 LOOKOUT
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAPS ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE, FROM R-4 SPECIAL ZONE
TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

2009-092 (KILE KIM)

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 1412 AND 1420
CRAWFORD STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAPS AND DRAWINGS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, FROM R-1 RESIDENTIAL ZONE AND R-4
SPECIAL ZONE WITH CONDITIONS TO R-4 SPECIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**

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

CLOSE AND ABANDON

MR-2008-150 (VITALITY LIVARCHUK)

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED
PORTION OF THE 1900 BLOCK OF EAST 21ST STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**

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

LICENSE AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF EDUCATION, ARTS & CULTURE TO
EXECUTE A LICENSE AGREEMENT WITH EASTGATE TOWN
CENTER, LLC, FOR TEMPORARY USE OF CERTAIN
FACILITIES LOCATED AT 5600 BRAINERD ROAD, EASTGATE
TOWN CENTER, FOR THE OPERATION OF THE EASTGATE
SENIOR ACTIVITY CENTER FROM JULY 1, 2009 TO JUNE 30,
2010, AT NO COST**

was adopted.

ENCROACH. AGREE.

On motion of Councilman Gilbert, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO
AN ENCROACHMENT AGREEMENT WITH CHATTANOOGA
GAS COMPANY TO USE AN AREA OVER THE CITY OF
CHATTANOOGA TRANSMISSION LINE #1 ADJACENT AND
PARALLEL TO THE EAST SIDE OF NORTH HAWTHORNE
STREET IN HAMILTON COUNTY**

was adopted.

CONTRACT C.O.

On motion of Councilwoman Berz, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) RELATIVE TO CONTRACT NO. W-03-004-201, SHALLOWFORD ROAD SEWER RELOCATION CONTRACT, WITH MAYSE CONSTRUCTION, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FOURTEEN THOUSAND FOUR HUNDRED SEVENTY AND 08/100 DOLLARS (\$14,470.08), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY THOUSAND FIVE HUNDRED TWENTY-NINE AND 92/100 DOLLARS (\$370,529.92)

was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH TENNESSEE VALLEY RAILROAD MUSEUM (THE "RAILROAD MUSEUM") TO DEVELOP AND CONSTRUCT IMPROVEMENTS AND SIGNALIZATION AT THE RAILROAD CROSSING AT HOLTZCLAW AVENUE AND THE ENTRANCE TO WARNER PARK, INCLUDING LABOR AND MATERIALS, IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), WITH THE REMAINDER OF THE COST TO BE PAID TO THE RAILROAD MUSEUM BY FRIENDS OF THE ZOO

was adopted.

PERSONNEL

The following personnel matters were reported for the following departments:

CHATTANOOGA POLICE DEPARTMENT:

- ❑ **RICHARD OTIS**—Retirement of Police Sergeant, effective 7/16/09.
- ❑ **TONYA RANSOM**—Resignation of Police Sergeant, effective 7/16/09.
- ❑ **KARL LEWIS**—Resignation of Police Officer, effective 7/16/09.
- ❑ **LLOYD GLEN LEMLEY, JR.**—Termination of Police Officer, effective 7/15/09.
- ❑ **JORDAN MCGRATH**—Military Leave not to exceed 400 days, effective 7/26/09.

PUBLIC WORKS DEPARTMENT:

- ❑ **NATHANIEL C. LESLIE**—Retirement of Lab. Tech. 1, effective 6/30/09.
- ❑ **ROBERT L. MARTIN**—Termination of Occupational Safety Specialist, effective 7/1/09.
- ❑ **JIMMY L. YEARBY**—Three days Suspension without pay for Crew Worker I, effective 6/24/09—29/09.

CHATTANOOGA FIRE DEPARTMENT:

- ❑ **KRISTIN SMITH**—Promotion to Fire Captain, Range F4A, \$49,132.00 annually, effective 7/17/09.
- ❑ **EVAN ROSE, MARCUS RICE AND TERRY KNOWLES**—Promotion to Fire Lieutenant, Range F3A, \$43,358.00 annually, effective 7/17/09.
- ❑ **CHRISTOPHER BLAZEK, TIM FREIRE, TELLY GRANT, ROBERT KIRBY, CORY OWENS, JENNY PARKER, KERRIN PARKER, DANNY PATTERSON, ROBERT ROARK, CHAD ROGERS, AND JAMES SAYNES**—Promotion to Senior Firefighter, Range F2A, \$36,004.00 annually, effective 7/17/09.

PERSONNEL (CONT'D)

- **MARK NORMAN**—Return from FMLA of Firefighter, effective 7/17/09.
- **STONEY BURNS**—Termination of Firefighter, effective 7/13/09.
- **BRADFORD RANSOM**—Return from Military Leave of Firefighter, effective 7/15/09.

PARKS AND RECREATION DEPT.:

- **FREDDIE PAYNE**—Suspension without pay, not to exceed 30 days, of Recreation Facility Manager 1, effective 7/15/09.

HOTEL PERMITS

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

HOMEAWAY EXTENDED STAY STUDIOS—1949 Northpoint Blvd., Hixson, TN.

COMFORT INN—4833 Hixson Pike, Hixson, TN.

HOLIDAY INN EXPRESS—6274 Artesian Circle, Ooltewah, TN.

REFUND

On motion of Councilwoman Robinson, seconded by Councilman McGary, the City Finance Officer was authorized to make the following refund of gross receipts tax:

CHATTANOOGA AUTO AUCTION--\$3,779.52

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

STUART C. IRBY COMPANY (Lowest and best bid meeting specs.)
Requisition R0125343/B0006221

3750 KVA Substation Transformer

\$57,790.00

GENERAL SERVICES DEPT.:

ARAMARK UNIFORM SERVICES (Lowest and best bid meeting specs.)
Requisition R0123427/B000613

Uniform Rental Requirements Contract

\$21,000.00

BOARD APPOINTMENTS

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

TRANSPORTATION BOARD ADVISORY COMMITTEE:

- Appointment of **MARK NEAL** for a one year term, expiring **July 21, 2010**.

BEER AND WRECKER BOARD

- Appointment of **JAMES H. HOBBS** for a three year term, expiring **August 26, 2012**, to fill the unexpired term of Edwin Fricks (District 7 Representative).

COMMITTEES

Councilwoman Robinson reminded everyone of the **Health, Human Services and Housing Opportunities Committee** meeting scheduled for **Tuesday, August 4th to immediately follow** Agenda Items.

In the absence of Councilman Murphy, Chairman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, July 28th to immediately follow the** Public Works Committee for a discussion of the Building and Trades Council proposed Ordinance and a proposed Bike Ordinance.

Councilman Rico reminded everyone of the **Public Works Committee** meeting scheduled for **Tuesday, July 28th to immediately follow the** Agenda Items.

Councilwoman Berz stated that the Audit Committee met last Thursday with our Auditor; that they are getting the rules and regulations together, and the first issue will be the request of “How does one do business with the City and follow the process?”

NEXT WEEK’S AGENDA

Chairman Benson asked that all look over next week’s agenda and if there were any questions now that Mr. Johnson was available to answer them.

Attorney McMahan noted that **Ordinance First Reading** on next week’s agenda (**MR-2009-82 OBAR INVESTMENTS & BLACK CREEK FARM, LLC**) will be postponed for two weeks and come back on **August 11, 2009**. This deals with Aetna Mountain.

MONTY BELL

Mr. Bell was present, stating that he was a citizen of Chattanooga but not a resident; that he was the speaker for the homeless; that he appeared before the Council previously to discuss “Who holds Chattanooga’s elite to a grade?” He stated that he had made efforts to get the real truth out as it concerns the homeless; that he, himself, had been unemployed for quite some time; that they had received a website and last week they were told by the Multicultural Chamber that they could no longer have access to the website—that this was because of Ms. Yolanda Putnam. He went on to say that he had heard that there was an Audit Committee, and he would like to get one of these auditors to pose as a homeless person needing assistance and aid.

MONTY BELL (CONT'D)

Mr. Bell went on to say that the homeless had been rendered helpless to receive money from the Federal Government, which was unfair to them; that if the homeless can't help the homeless, why do we even have an agency? He mentioned a Homeless Coalition Benefit gathering where the Mayor's Office had been represented and none of the homeless that attended had received a home. He asked if the homeless could not trust "you all" to get them out, why was the City preventing them from getting out themselves?

Councilwoman Berz asked if she had heard him correctly say that the Multicultural Chamber of Commerce would not let them use their website?

Mr. Bell stated that they were given this website in April and had to go to their office; that he could not afford to make copies, and he was given this opportunity and because of the nature of an article, the website use had been affected; that he wanted to help those who can't help themselves—that he had always been a broadcaster and not a writer, but he could not get employment, and this was the only way he could draw attention to the issue and concerns and now he was denied this opportunity. He explained the nature of the website was that African American males are experiencing turmoil with the Department of Human Services because of felonies.

Councilwoman Berz stated that she was trying to get her arms around this—she wanted to know who offered access to the Internet and then took it away?

Mr. Bell responded that it was Leandra Stephens Ford—that he had asked Councilman McGary to make copies for him, and he had offered the website at the Office of the Multicultural Chamber of Commerce.

Chairman Benson stated that both he and Councilman McGary had met with Mr. Bell—that he had had plenty of audience with the Council; that he and Mr. Bell had talked frankly today and Mr. Bell acknowledged that mistakes had been made; that he had already heard Mr. Bell, and he appreciated him coming tonight.

MIKE GOZA

Mr. Goza appeared before the Council, stating that he was coming here today to plead for help across the street from his business—Eastgate Mall; that the situation with crowd control was out of his hands. He stated that if Councilwoman Berz had a hand in helping control the crowd, then he could say that it had worked—that they had been cleared out of the vacant parking lot.

Councilwoman Berz assured him that she had had no hand in this.

Mr. Goza stated that then it must have been the Police Dept. or Eastgate Mall. He mentioned the closing of another local business on Brainerd Rd. and because of this, cars were on Belvoir Drive, with loud music playing; that he could not block this—that cars were coming with loud music—that the cars were loud. He stated that he maintained his lot and was asking for help with the street. He asked if it could be made a private drive to keep the people behind him happy?

Councilwoman Berz stated that she had talked with Mr. Goza about this at length; that there was an ongoing problem with noise; that Starbucks had been approached, and they did not want loud noise. She stated that she was unclear as to how Mr. Goza was allowed to open without having sufficient parking for the crowds that he had; that people were parking in the street to get to his establishment and there was the noise of boom boxes and loud talking. She questioned why he wanted the City to help him prolong this?

Mr. Goza responded that he was asking for some help to keep the people behind him happy; that he had been here five years, and he had parking that was adequate for his business; that it was the people from the restaurants—Chilis, Ichiban's, and Applebee's that were standing on public streets.

Councilwoman Berz disagreed, stating that it was not these places but Mr. Goza's patrons—that this was something that he had to figure out on his own; that with all we are going through on Brainerd Road, she questioned what he wanted the City to do to prolong this problem?

Mr. Goza responded that he got turned down from having an off-duty officer because he was considered a night club, but he maintained that he was a restaurant.

Councilwoman Berz stated that this was the Police Department policy—that an officer was not allowed where liquor was being served. Mr. Goza maintained that Chilies served liquor. He continued, stating that he had done everything he could do and wanted the people behind him taken care of.

MICHAEL GOZA (CONT'D)

Chairman Benson noted that Chief Dodd was present and that Mr. Goza could talk to him.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, July 28, 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)**