

City Council Building  
Chattanooga, Tennessee  
December 5, 2006  
11:50 a.m. – Special Meeting

Chairman Pierce called the special meeting of the Chattanooga Council to order with Councilmen Benson, Gaines, Page, Rico, Robinson and Rutherford present; Councilmen Bennett and Franklin were out of the city in attendance at the National League of Cities Convention. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

**BOND AWARD**

Admin. Madison stated that bids for \$26,400,000 bonds were made to fund two years of capital projects for 2006-2007. She stated the bid is awarded to UBS Securities LLC at a true interest rate of 3.947051 percent.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AWARDED TWENTY-SIX MILLION AND FOUR HUNDRED  
THOUSAND DOLLARS (\$26,400,000) CITY OF CHATTANOOGA,  
TENNESSEE GENERAL OBLIGATION BONDS, SERIES 2006A**  
was adopted.

**ADJOURNMENT**

Chairman Pierce adjourned the meeting of the Chattanooga Council until December 5, 2006 at 6:00 p.m.

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CHAIRMAN

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CLERK OF COUNCIL

**City Council Building  
Chattanooga, Tennessee  
December 5, 2006  
6:00 p.m.**

Councilman Pierce called the meeting of the Chattanooga Council to order with Councilmen Benson, Gaines, Page, Rico, Robinson and Rutherford present; Councilmen Bennett and Franklin were out of the city in attendance at the National League of Cities Convention. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Councilman Benson led the Pledge of Allegiance and gave the invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: RECOGNITION OF PARKS  
AND RECREATION EMPLOYEES' FOUR STAR AWARD**

Mayor Littlefield stated that it is a great pleasure to recognize one of our departments for exceptional work; that the Parks and Recreation Department is a great asset to us. He stated each year the Tennessee Recreation and Parks Association (TRPA) gives a Four Star Award to large cities for exceptional programs and this year Chattanooga received the honor, as well as the Arts and Humanities Award for the city's summer camp enrichment program entitled "Getting to Know our Sister City". He stated we had visitors from a number of our sister cities with children coming here last summer; that it was an exceptional gathering of people from all over the world. He stated our kids got to interact with children from other cultures and climates and learned things from each other. He stated the summer camp enrichment program was truly a remarkable occurrence and it is fair and fitting our people are recognized. He stated Larry Zehnder is the administrator of that department and asked him to come to the podium to recognize those in the department who are principally responsible.

**SPECIAL PRESENTATION: RECOGNITION OF PARKS  
AND RECREATION EMPLOYEES' FOUR STAR AWARD**

Admin. Zehnder introduced Kim Battle, Coordinator of Programs, and Rhonda Seeber, Communications Director and noted that they are well known within the department of recreation. He stated the department was competing against major cities in the state, such as Memphis, Knoxville, Knox County, Nashville, Davidson County and others. He stated they were awarded the Four Star Award for the best program and development and everyone's "hats are off" to the staff!

At this point Mayor Littlefield presented the award to Ms. Battle and Ms. Seeber and offered his congratulations.

**CLOSE AND ABANDON**

**MR-2006-195: City of Chattanooga c/o William C. Payne**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED ON THE WEST LINE OF THE UNIT BLOCK OF NORTHROP  
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE**

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

**APPROPRIATION**

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,  
**AN ORDINANCE APPROPRIATING FROM THE PARKS AND RECREATION  
CAPITAL FUND TO THE TRUST FOR PUBLIC LAND THE AMOUNT OF FOUR  
HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE SOUTH  
CHICKAMAUGA CREEK GREENWAY PROJECT**

passed first reading.

**INCREASE**

On motion of Councilwoman Gaines, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING AN INCREASE IN THE AMOUNT OF THE  
ROUTESMART TECHNOLOGIES, INC. PURCHASE ORDER, NO. P0024469,  
BY ONE THOUSAND NINE HUNDRED NINETY-THREE AND 60/100  
DOLLARS (\$1,993.60) TO COVER THE TOTAL TRAVEL EXPENSES FOR  
IMPLEMENTATION OF THE ARCGIS SOFTWARE INSTALLED**

was adopted.

## CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. T-06-009-201, FIBER OPTIC INTERCONNECT FOR TRAFFIC ENGINEERING, IN THE AMOUNT OF SIXTY THOUSAND EIGHT HUNDRED TWENTY-NINE AND NO/100 (\$60,829.00), PLUS A CONTINGENCY AMOUNT OF SIX THOUSAND ONE HUNDRED SEVENTY-ONE AND NO/100 (\$6,171.00) DOLLARS, FOR A TOTAL AMOUNT NOT TO EXCEED SIXTY-SEVEN THOUSAND AND NO/100 (\$67,000.00) DOLLARS**  
was adopted.

## OVERTIME

Overtime for the week ending December 1, 2006 totaled \$28,663.78.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **DANNY L. NELSON, JR.** – Promotion, Tree Trimmer, City Wide Services, Pay Grade 8/Step 1, \$23,503.00 annually, effective November 17, 2006.
- **JESSICA L. HENDRIX** – Hire, GIS Specialist, Engineering, Pay Grade 11/Step 3, \$29,858.00 annually, effective December 8, 2006.

### CHATTANOOGA POLICE DEPARTMENT:

- **SHAWN HICKEY** –Suspension (28 days without pay) beginning December 4, 2006 and Demotion to Sergeant beginning December 1, 2006.
- **LINDA HOLLIS** – Suspension (one day without pay), Communications Officer, effective December 7, 2006.
- **CHANDRA MCFARLAND** – Voluntary Demotion, Police Records Clerk, Sr., Pay Grade 5/ Step 10, \$26,941.00 annually, effective December 8, 2006.

**PERSONNEL (Continued)**

CHATTANOOGA FIRE DEPARTMENT:

- **SCOTT PELL** – Promotion, Captain, Pay Grade F4/Step 5, \$43,920.00 annually, effective December 8, 2006.
- **VANCE L. WOODWARD** – Promotion, Captain, Pay Grade F4/Step 6, \$45,727.00 annually, effective December 8, 2006.
- **HOWARD BAKER, MOSE E. DUCKETT, III, STEVE M. JAMES, DENNIS F. SCHIAVON, II, WADIE E. SUTTLES, III** – Promotion, Lieutenant, Pay Grade F3/Step 5, \$37,871.00 annually, effective December 8, 2006.
- **J.B. MOORE** – Reinstatement of rank of Lieutenant, Pay Grade F4/Step 7, \$47,533.00 annually, effective November 29, 2006.

**PURCHASES**

The following purchases were approved for use by the Public Works Department:

**SOUTHERN LIME CO. (Lowest and best bid)**  
**R0093954/B0003631**

Pebble Lime  
\$284,450.00

**SANSOM EQUIPMENT CO. (Lowest and best bid)**  
**R0092259/B0003537**

Mechanical Power Sweeper  
\$336,144.00

**DUMONT DESIGN AND FABRICATION, INC. (Single source)**  
**R0094707**

Way Finding Poles per TCA 6-56-304.2  
\$17,440.00

**PURCHASE**

The following purchases were approved for use by the Department of Education, Arts and Culture:

**NORCOSTO (Lowest and best bid)**  
**R0090130/B0003328**

Lighting Control Board for Memorial Auditorium

\$12,560.00

**PURCHASES**

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following purchases were approved for use by the Chattanooga fire Department:

**TENNESSEE FIRE EQUIPMENT (Best proposal)**  
**RFP/R0091990**

NFPA 1951 Compliant Work Boots (Twelve Months contract at approximately \$21,000.00 annually) *(Freedom First submitted the lowest proposal however they failed to meet specifications since they did not offer NFPA compliant boots. Freedom Enterprises submitted a lower proposal however the boots proposed are heavier. Their boots have a leather toe instead of the ribbed toe, which is replaceable, and a side zipper which could permit a potential to leak.)*

\$16,870.00

**SEPARATE WINDS (Best bid)**  
**R0094194/B0003635**

Neidner Fire Hose & Couplings *(T & B Fire Protection Company, Inc. submitted a lower bid, but is ruled non-responsive since they offered a substitute product in lieu of the bid requirement which did not allow for product substitution.)*

\$13,806.06

**HOTEL PERMITS**

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

**BLUFF VIEW INN-MACLELLAN HOUSE**, 411 East Second Street, Chattanooga, TN

**MOTEL 6 DOWNTOWN**, 2440 Williams Street, Chattanooga, TN

**STAYBRIDGE SUITES BY HOLIDAY INN**, 1300 Carter Street, Chattanooga, TN

**PURCHASES**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchases were approved for use by the Chattanooga Police Department:

**GT DISTRIBUTORS (Best responsive bid)**

**R0093784/B0003616**

Training Weapons and Accessories (*Lawmen’s & Shooters Supply, Safety & Security and DoubleStar Corp. submitted lower bids which were ruled non-responsive because these bids were not complete.*)

\$10,785.90

**MOTOROLA, INC. (Single source)**

**R0094807**

Automated Fingerprint Identification System Upgrade per TCA 6-56-304.2

\$174,750.00

**REFUND**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refund due to change per Stormwater Department:

**CITY OF CHATTANOOGA**                      \$3,466.76

### **BOARD APPOINTMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following Board appointment was approved:

#### **CARTER STREET CORPORATION BOARD:**

- Appointment of **ANNE WILKINS**, filling an existing vacancy, for a term to expire November 28, 2010.

### **PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for use by the General Services Department, Purchasing Division:

#### **COLEMAN TECHNOLOGIES, INC. (Single source)** **R0094900**

Stacking Cable per TCA 6-56-305.6

\$64,129.00

### **CITY HALL RENOVATION**

Councilwoman Robinson inquired as to the status of the renovation of City Hall and the expected date of completion.

Paul Page, Director of General Services, stated that there have been several delays in getting information and the contract did not require a construction program report every month or every so often, however a report should be in tomorrow. He stated the building will not open on January 8 as previously discussed and there are penalties associated with this in the contract. He estimated that it would probably be another sixty-to-ninety days before it is open.

Councilwoman Robinson inquired as to the nature of the delay.

Mr. Page stated that the work did not get done in time as there were not enough people on it; that for whatever reason it was claimed they could not get certain supplies. He stated that the fact is that it was not planned out as well as it could have been and he is hopeful we will get in in three months.



### CITY HALL RENOVATION (Continued)

Mr. Page stated the contractor has worked in other places and is behind as was evidenced with the EPB building being a year-or-so behind. He stated they are making progress and the building looks great! He stated he is hopeful that they will pick up on the amount of workers for the weekend and work a little later in the day and will overcome some of the time elements to get it finished.

Councilwoman Rutherford asked if the penalties are stiff.

Mr. Page stated that they are not as stiff as he would have put it; that it is \$500 a day in the contract. He stated that he asked the City Attorney to look at the damages as the damages are greater than \$500 a day.

### TEFRA PUBLIC HEARING

City Attorney Nelson stated that he wanted to make it part of the record that the TEFRA public hearing was held on Friday, December 1, for the bond issue awarded earlier today. He stated all the projects were listed as advertised in the newspaper and there was no one present to speak "for" or "against" the issuance of bonds at that time.

### WITHDRAWAL OF PUD/REZONING REQUEST

Councilman Benson stated that he has received a request from Mr. Gallimore to withdraw his request on property at East Brainerd Road and Panorama, known as the "clear cut property"; that it has been in contention for a long time as far as rezoning. He stated Mr. Gallimore is requesting that his applications 2006-129 and 2006-139 be withdrawn. He stated that he (Gallimore) worked well with the community but could not make the "bottom line" come out; that it is his thought he (Gallimore) took the wisest course by taking it back to the "drawing board" and there is now no rush to rezone as it will remain R-1.

**On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford, the PUD and rezoning request for Butler Ridge Development, Inc., Planning Commission case numbers 2006-129 and 2006-139, respectively, were duly withdrawn from the January 9, 2007 agenda at the request of the applicant.**

### DISTRICT 4 MEETING

Councilman Benson reminded Council members of the District 4 meeting with the Mayor and expressed hope that department representatives would be in attendance. He stated the meeting is scheduled for Thursday, December 7 at 7 p.m. at Concord Baptist Church.

### OMA BREAKFAST

Councilwoman Gaines reminded Council members of the breakfast invitation extended from the Office of Multicultural Affairs scheduled for Thursday morning at 9 a.m. at Moss' Place II in the Warehouse Row food court area.

Chairman Pierce expressed appreciation to Council members who could attend as he and Councilmen Bennett and Franklin are scheduled to be out of the city (at the National League of Cities Convention).

### COMMITTEES

Councilman Page stated a meeting of the Economic Development Committee was held today and heard a report from Mr. Landguth of the Metropolitan Airport. He stated that a resolution will be on next week's agenda for a PILOT agreement per discussion in Committee, also.

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, December 12 at 4:00 p.m.**

Councilwoman Rutherford reminded Council members of the meeting of the **Education, Arts and Culture Committee meeting scheduled for Tuesday, December 12 at 3:30 p.m.**

### ARTS TOUR

Councilwoman Rutherford expressed thanks to Council members who attended today's public arts tour. She encouraged everyone who has not taken the tour from the Hunter Museum to Market Street to do so as it is a wonderful experience that she looks forward to doing again soon!

### LOWRY AND BRAD THIELGES

**Lowry and Brad Thielges** of 2319 Gold Point Circle in Hixson stated they were present about their home which they are building at 6823 Big Ridge Road. She stated that she has attempted to consolidate her story and wants to inform the Council of the problems they have encountered in building their home. She read from a prepared statement and indicated that they hold David Sanders with Sanders Construction Company liable for many of their problems; however, the City of Chattanooga plays a vital role in their current situation as the safeguards to protect them have not been upheld.

### LOWRY AND BRAD THIELGES (Continued)

Mrs. Thielges stated in a telephone conversation with Councilman Page, she informed him they were drafting a detailed letter and addressing it to him and Mr. Johnson, the Chief of Staff.

Mrs. Thielges referenced several issues, which included that David Sanders applied for a building permit on September 21, 2005 for a single family home to be located at 6823 Big Ridge Road and that he began building their home at that location in January, 2006. She stated Mr. Sanders presented a plat in January of 2006 of a subdivision to be called Crown Vista Estates to the city that included their lot. She stated of July 2006 their home was 60% complete when the site was shut down by the Fire Marshall and at that time all inspections had been passed by the city. She stated the Fire Marshall closed the site down because there was no infrastructure of roads or fire hydrants on the site and as of today the site remains shut down because they suspect that David Sanders does not have the monies to complete the subdivision and meet the Fire Marshall's requirements.

Mrs. Thielges continued by stating that as of October 2006 they fired David Sanders as their builder and notified him that their home would no longer be part of a subdivision and would be a single family home with the address 6823 Big Ridge Road. She expressed her thought that the City of Chattanooga is responsible because someone in the city did not stop the building of their home sooner than when it was 60% complete and if someone in the city (inspector) knew it was a single family home located at 6823 Big Ridge Road, it should have been facing Big Ridge Road but it is not as the back of the house is facing the street. She stated when David Sanders gave the plat to the city in January of 2006 the city should have shut the site down due to the lack of infrastructure at that time which is when he broke ground on their home.

Mrs. Thielges concluded her comments by stating that they have spoken to many people in the city and the same response is said, "How did the house get so far along without the infrastructure in place?" She stated they are asking the Council the same question and seeking their help. She stated that they are asking the city of Chattanooga to help with the cost of the infrastructure, driveway and culvert and to buy the home from them as it is today. **(A copy of Mrs. Thielges' comments are filed with minute material of this date.)**

Mr. Thielges stated that the biggest problem is that the building was allowed to be started and it is now 60% complete and the Fire Marshall shut them down and they have no where to go.

### LOWERY AND BRAD THIELGES (Continued)

Councilman Page acknowledged that he has spoken with the Thielges' and asked for a letter detailing the problems. He stated that he asked that the letter be sent to him and Dan Johnson and stated that it needs to go to the City Attorney. He stated he has never seen anything like this before in government and does not know what the reaction is; that he would ask the experts and people in administration to look at this and is doing that formally, now, so there can be some resolution and answers. He stated that he has no idea how this would be completed and offered an apology for any discomfort they have experienced.

Mrs. Thielges stated that she has spoken to someone in almost every department in the city and everyone should be well aware of the situation. She stated that they met personally with the Fire Marshall and his staff, as well as Dallas Rucker and his staff.

Chairman Pierce stated that the City Attorney would have to get involved and asked if some type of time table could be suggested as to when there would be a final "say".

City Attorney Nelson stated this is an issue he has just heard about for the first time today; that he could take a look at it once he gets something (in writing) and until then he does not know how complicated it will be and cannot honestly give a good time schedule.

Mrs. Thielges stated that she has been trying to draft a letter since Friday and this is an extremely complicated matter.

City Attorney Nelson asked Mrs. Thielges to give him a copy of her letter that was read for use as a starting point and he would go from there.

Chairman Pierce asked Dan Johnson if he is aware of the matter.

Mr. Johnson responded that he heard about it for the first time today.

Chairman Pierce asked how soon the letter could be completed.

Mrs. Thielges stated that she would try to complete it tonight.

Councilwoman Robinson asked if other families are involved in a similar situation.

Mrs. Thielges stated that the plat is in the city's hands.

**LOWERY AND BRAD THIELGES (Continued)**

Mr. Thielges stated that the plat has not been recorded; that the only lots recorded are lots one (1) and two (2) of the subdivision.

City Attorney Nelson asked Mr. Thielges if his lot is lot number one (1). Mr. Thielges responded that his lot is number two (2).

Chairman Pierce stated that the City Attorney will get on it and someone would get back in touch with them.

**ADJOURNMENT**

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, December 12, 2006 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)**