

City Council Building  
Chattanooga, Tennessee  
November 3, 2009  
6:00 p.m.

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

### **PLEDGE OF ALLEGIANCE AND INVOCATION**

Following the Pledge of Allegiance, Councilwoman Scott gave invocation.

### **MINUTE APPROVAL**

On motion of Councilwoman Robinson, seconded by Councilman McGary, the minutes of the previous meeting were approved as published.

### **RECOGNITION OF SHEILA HARRIS**

Chairman Benson acknowledged the presence of Sheila Harris, former member of the Hamilton County Board of Education and County Commission.

### **ANNEXATION AND PLAN OF SERVICES: AREA 3C**

On motion of Councilman Rico, seconded by Councilman Murphy,

**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 3C, WHICH INCLUDES PROPERTIES ADJACENT TO RUBY FALLS AND THE U.S. PARK SERVICE LAND RESOURCE DIVISION, ON THE SIDE OF LOOKOUT MOUNTAIN, WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**

passed second and final reading; **on roll call vote:**

ANNEXATION AND PLAN OF SERVICES: AREA 3C  
(Continued)

SCOTT	"Yes"
ROBINSON	"Yes"
LADD	"Yes"
GILBERT	"No"
BERZ	"Yes"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"
BENSON	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 6A

On motion of Councilwoman Robinson, seconded by Councilman McGary,  
**AN ORDINANCE ADOPTING A PLAN OR SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 6A, WHICH INCLUDES CERTAIN PROPERTIES ADJACENT TO THE WESTERN RIGHT-OF-WAY OF HIGHWAY 58 AND TURKEYFOOT ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**

passed second and final reading and was signed in open meeting; **on roll call vote:**

ROBINSON	"Yes"
LADD	"Yes"
GILBERT	"No"

ANNEXATION AND PLAN OF SERVICES: AREA 6A  
(Continued)

BERZ	"Yes"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"
SCOTT	"Yes"
BENSON	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 6B

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 6B, WHICH INCLUDES CERTAIN PROPERTIES ADJACENT TO THE WESTERN RIGHT-OF-WAY OF HIGHWAY 58 AND ADJACENT TO THE RIGHT-OF-WAY FOR HICKORY VALLEY ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**

passed second and final reading and was signed in open meeting; **on roll call vote:**

LADD	"Yes"
GILBERT	"No"
BERZ	"Yes"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 6B  
(Continued)

SCOTT	"Yes"
ROBINSON	"Yes"
BENSON	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 6C

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 6C, WHICH INCLUDES CERTAIN PROPERTIES ADJACENT TO THE EASTERN AND WESTERN RIGHTS-OF-WAY OF HIGHWAY 58 UP TO ITS INTERSECTION WITH HARRISON-OOLTEWAH ROAD, INCLUDING PORTIONS OF OTHER STREETS NAMED BENT PINE, CONGRESS, DEERWOOD, MAHLON, CLARK, CHURCH, TYNER, AND EASTER, WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**  
passed second and final reading and was signed in open meeting; **on roll call vote:**

GILBERT	"No"
BERZ	"Yes"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"
SCOTT	"Yes"
ROBINSON	"Yes"

**ANNEXATION AND PLAN OF SERVICES: AREA 6C**  
**(Continued)**

LADD "Yes"

BENSON "Yes"

**CLOSE AND ABANDON**

**MR-2009-121: Kirti Naik**

On motion of Councilman McGary, seconded by Councilwoman Gilbert,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED OFF OF THE 2100 BLOCK OF EAST 23<sup>RD</sup> STREET, MORE  
PARTICULAR DESCRIBED HEREIN, AND SUBJECT TO CERTAIN  
CONDITIONS**

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

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Ladd  
**AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II,  
CHAPTER 10, SECTON 10-5, AS AMENDED, SO AS TO EXCLUDE  
CERTAIN PROPERTIES KNOWN AS LOT 24, ROSSVILLE AVENUE, FROM  
THE DOWNTOWN FIRE DISTRICT BOUNDARIES, SUBJECT TO CERTAIN  
CONDITIONS**

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

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**

Adm. Steve Leach referred Council members to the map of the area shown by PowerPoint and stated services for this area were reviewed prior to this evening's hearing noting that the boundary is I-75 at Exit 9 which is the interchange that goes into the Voluntary Army Ammunition plant, the Enterprise Industrial Park. He stated the interchange was built several years ago and we are completing a road into the Park at this time. He stated it is located between Old Lee Highway and comes into the center of this area; that Apison Pike goes off to the east and it is really characterized by a mix of uses: residential, both standard construction and mobile homes, commercial and institutional uses such as churches.

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Adm. Leach stated there is an estimated 101 separate parcels making up 9B with approximately 54 households. He stated the land area is approximately 232 acres and it is a good size piece of ground; that in checking the Hamilton County zoning today it is a very mixed bag as the area includes agricultural zoning, R-2, R-5 which is mobile home zoning, commercial and industrial zones all in this small area. He stated the most significant impact in the near future to this area in looking at the proposed construction of the highway -- reiterating this is Exit 9 which only goes west toward the Industrial Park and does not go east -- is that soon it will be built so that the east approach coming off the interstate and if a person wants to go east toward Collegedale the route indicated by the arrow would be followed leading on to Apison Pike. He stated the total intersection of Old Lee Highway and Apison Pike will be rebuilt, noting if Council members remember during the tour out in the field this is the odd wide intersection which is very difficult to navigate at certain times of the day with all the traffic on the road; that all this gets rebuilt.

Adm. Leach stated in his estimation as a planner it gets re-energized because, as mentioned, the west side of this interchange does not have any development on it other than the Volkswagen Welcome Center; that there will be no commercial development surrounding that area as it is prohibited. He stated there is a large park and the east side will really get the brunt of the growth in the future in his estimation; that if any one knows anything about the next exit up in Ooltewah, Exit 11, it looks like a brand new town out there. He stated that this could not have been imagined what it looked like four-to-five years ago as there were no hotels or commercial and he projected in the not too distant future there will be this same kind of impact when the access point to the interstate gets improved and ties into Apison Pike. He stated this will be a major commercial node considering nothing can be done on the west side of it. He stated it is his thought this commercial activity will begin fairly quickly as there are plans to widen Apison Pike out to Collegedale and they are very interested in that. He stated the tie-in will be where Chattanooga and Collegedale come together at this interchange.

Chairman Benson stated it is his guess this would be his district as it is adjacent; that he has been contacted by a local engineer who is designing a restaurant, hotel and an apartment complex on that westward side. He stated they will not do it unless it is annexed.

Adm. Leach corrected Chairman Benson by stating on the "eastern side". He stated there are some sewers in this area and we will have to provide additional sewers and can estimate what we think it will be.

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Adm. Leach stated in looking at the sewer proposals we will serve all 101 parcels with sewers; that in reality as we look at how this interchange is superimposed on the existing site, the changes will be extraordinary and the sewers probably will be a part of road construction and a part of this new development in this area. He stated they are very concerned about it because it does abut Enterprise South.

Councilman Murphy inquired as to the small white squares, trapezoids and rectangles on the map, asking if they are shown as structures, as well as the grey areas, whether they are parking areas.

Adm. Leach stated there are some structures indicated on there; that the yellow reflected on the map is a center node for the road. He stated there is a mix of residential, both mobile homes and standard construction and manufacturing – a real mix of uses.

Councilman Murphy stated he was trying to get a sense for how built out it was. He asked if there are more structures beyond where the enhancement of the map is, in other words the area up more adjacent to I-75 ... that if all structures were filled in it looks like raw land.

Adm. Leach stated he would characterize it as that; that it is really scattered development throughout here; that there is a lot of probably long term residents that live in this area that have larger parcels. He stated there are no sewers in portions of it so a lot of that is on septic tanks. He stated there is real mix of uses there; that it was a major highway at one point, Old Lee Highway, and so there is some old commercial, new industrial that has come in, also in this area, and it is a real mix. He stated where we turned around during the tour is a Conoco or Kangaroo station and that will be a commercial node there for the future.

Councilwoman Scott stated she would assume this road will occur out there whether this is annexed into the city or not and does not question the fact this area should at some time become part of the city of Chattanooga. She stated one of her big concerns is the fact that of the expense to the city to annex this particular area we are looking at, according to her figures, \$2.85 million and of that \$2.8 is the sewer. She stated the tax revenue on this area, she believes, is \$46,000; that if we look at the 2010 capital request for the interceptor sewer which we currently will be looking at over the next capital budget, it is her belief about \$10.8 million is what we are looking at for 2010.

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Councilwoman Scott stated currently, our sewer system that we now have responsibility for is antiquated and needs repair and these types of repairs will not only be needed next year but next year and the year after and the year after that. She stated in looking at all the areas that have been annexed or the ones we are thinking about annexing, by 2012 the total amount, assuming all come in, would be \$10.3 million according to the figures she has. She stated her question is not again whether this area should be annexed, it is in our growth boundary and it fits with Chattanooga; that her concern is the spreading of sewer debt over a longer period of time and that would be her caution about this particular one.

Mayor Littlefield stated to take a point Mr. Leach was making, the financials the Council has for this particular site, more than any other piece of property or tracts or accumulation of properties that we have looked at all over these weeks we have been considering annexation, it is his thought there is no clearer piece where what the Council is looking at is the lowest amount of taxes that can be anticipated and the worst case scenario on sewers because as Mr. Leach said if we ran individual lines to all of these little properties out there, which we can do, it would cost what is projected there. He stated that he knows in his heart, because he knows where all of this stands in terms of the state's priority in getting the connections from that interchange to Apison Pike and on down to Collegedale where they have a lot of truck traffic that needs to get on the interstate and does not need to go through Ooltewah. He stated this area is going to change and change very rapidly and very dramatically and for that reason, not that he does not have confidence in his friends at the County to handle the zoning and development of this site appropriate, it is his feeling he would be much more comfortable if our engineers and our people were guiding growth and development there. He stated this, in his opinion, if we were annexing nothing else this is the location we need to annex.

Councilwoman Scott stated her only comment to that would be she understands what the Mayor is saying and guesses her only regret is this was not the first one.

Mayor Littlefield stated it is one of the first ones.

Councilwoman Scott stated the first one, because every time we have added an area with a significant sewer debt it added to the total amount we have to deal with and that is her only comment.



**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Mayor Littlefield stated even if we left this in if the County Wastewater Treatment Authority built it we will assume that debt as tax payers and people of the county. He stated he does not see anything really changing there; that this is the site, he is sure, that will pay for itself.

Councilwoman Robinson stated those of us who went to Greenville, South Carolina post BMW plant and met with their civic and elected leaders were told that the coming of Volkswagen to our city would bring incalculable and almost unimaginative change and that it is not change we have any choice over in some ways except through careful planning and design and responsible smart growth. She stated they cautioned us, they said do not make some of the mistakes they made there and they showed them mistakes that had been made and how their land side has become peppered with unplanned growth and uncharted water, so to speak. She stated they learned a lot there; that what we are looking at here and what is on the map is "ground zero" of the first wave of commercial growth that we are going to see; that we are already seeing it as Mr. Leach said just up at the next exit. She stated when we consider that just across from this will be the VW Welcome Center where there will literally be tens of thousands of people stopping as a destination who will want to tour the plant and to learn about VW and the manufacturing there. She stated we can only imagine what is going to happen to this area and for those people who are fortunate enough to live in that area and own property they are in for a very pleasant surprise, even if they do end up having to move to another place they will have plenty of money when they sell their land to be able to relocate. She stated that she thinks it is exciting and expressed her feeling this is just the first big "pop"!

Mayor Littlefield stated that he talked to families out there and many on the Council have also and told them the same thing – those who want to remain and we have had areas before in the Hamilton Place area, for example, where people held out and held out and then ultimately sold. He stated many of those people expressed over the years a desire to stay there and allowed to remain as they are. He stated he can not, nor can anyone else, hold back progress, and he has never in this area seen a confluence of development forces as great we see right here and that is amplified, as Mr. Leach, said by the fact no development can take place on the other side of the interchange. He stated when people stop to go to Volkswagen or whatever, the only place they will be looking to stay and eat is on "this side" of the interstate and it is right in that little area in our growth boundary and will be abutting Collegedale. He stated it will be a common boundary there and we have other work to do there.

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Mayor Littlefield stated that he really looks forward to seeing what is going to happen out there; that it will be good and is confident if the city is in control of the location it will be the best it can be.

Councilwoman Berz expressed agreement it is her thought this is a really good example of something she has been wondering about with all these annexation areas. She stated we get figures on what is needed and what it will cost, what revenues it now brings in and what she thinks has been missing, and this is a perfect example of it, are the projected revenues and that would have been a neat thing to see. She stated what she has done in making these decisions is look at the projected revenues and, whereas with sewers, it is her belief they have to be delivered within three years, asking if this is correct. Mayor Littlefield responded "correct".

Councilwoman Berz stated in this area in particular by the time the three years come we would work on it right away, but in the three years we will see it upside down and the revenues will be coming in much more than the cost to get them, i.e. the sewers and this sort of thing. She stated it is her thought very often we overlook projected revenues in a lot of these area which she thinks will be terrific and solid!

Mayor Littlefield stated the other area the Council annexed on final reading tonight on Highway 58 is a commercial strip along Highway 58. He stated he had a real estate agent he has known for several years, a Commercial Real Estate agent, come to him a few days ago and asked if he could buy any property in the Enterprise South property along Highway 58 and he (Mayor) responded "no, you can't". He stated the realtor stated he had developers who wanted to build out there on 58 and he guessed the other side of the road is where he could go, and the Mayor responded "yes you do". He stated that is why it is very important that even though a lot of those areas are either not developed and in his opinion underdevelopment right now to get those areas into the city so that sales tax, in particular, that will be paid by the new development will flow to the city; that he is really selfish in that regard.

Councilman McGary addressed the Mayor by stating given that Councilwoman Scott has voiced the capital figures for the interceptor sewer system this year will range around \$10 million and we know, as Councilwoman Berz had just mentioned, we have a three year timeline, he asked the Mayor to give some projection as to which parcels will be first worked on the first year, second year and third or a breakdown to have a better understanding of how the sewers will be paid for.

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Mayor Littlefield stated the first thing they have to do is sit down with the Wastewater Treatment Authority and work out whether they are going to cede these areas to us or keep them and serve them themselves. He stated he does not think they would spend a lot of time with that. He stated next they would look to see where trunk lines need to go, big lines, and some of them are already in place in a lot of these area and then, actually, we will have to have meetings with the people in these areas and see how many people really expect to be there after a few years. He stated we could have spent a lot of money out in Hamilton Place putting sewers where they did not need to be and, in fact, we probably did put some sewers where they did not need to be because all the people decided to sell their property and move. He stated we will move very quickly to come up with a realistic projection of what the land use pattern will look like three years down the line and will build the sewers with that in mind.

Councilman McGary stated with the figure the Council has been given to consider with this year's allocation, roughly \$10 million, are there any places the Mayor already has in mind that figures will be parceled-up into. He asked how is that figure chosen is his question.

Mayor Littlefield stated it is an estimate, based upon the estimate our sewer people and engineers put together. He stated again, in his opinion, it is the worst case scenario and it projects building sewers where he thinks ultimately sewers will not need to go. He stated if people want them, demand them, we will build them there, but in his opinion that is the most that it will probably cost and will probably be a lot less than that.

Chairman Benson reminded everyone in attendance the Council has already had two developers, land owners who have asked to be annexed; that if we could with this parcel that would have to be separated, won't it.

Mayor Littlefield responded "yes, it would have to be separated"; that they are large credible developers.

Chairman Benson stated this is really a textbook case of what should be annexed probably.

**Tamara Woodard** of Summit, 4939 Village Drive, stated she has been before the Council four-or-five times and a couple things have come to mind. She stated the first thing that comes to her mind is that the Trail of Tears brought progress but was it morally right, was it legally correct.

**ANNEXATION AND PLAN OF SERVICES: AREA 9B**  
**(Continued)**

Ms. Woodard stated she has heard a lot of "I thinks", a lot of "guesses" and "dreams" and coming from Summit she had a lot of dreams; that she and her four siblings were raised by a maid from Lookout Mountain who worked on Lookout Mountain and they had a lot of guesses, a lot of dreams and they still strive to make the community they grew up in offer opportunities for other families and other young people and they hope they come back home and make it a better place like her mother wanted them to have a better life. She stated we want them to have a better life; that the city has taken this opportunity away from her community and it is her thought if these "dreams" and "guesses" and "I thinks" come true before these people can sell their land the city will have possession of -- that is what she thinks! She stated some years ago her first involvement with the city of Chattanooga, besides the landfill which she will not waste the Council's time in talking about again because she is sure the Council believes that is a waste of their time, was with the Wadie Suttles case. She stated she was asked to write a list of questions for the FBI for the people we believed who were involved in the Wadie Suttles case. She stated this happened in the city of Chattanooga and Maxine Cousins, who is a person she strongly admires whose family still suffers this day from the death of her father in the city jail of Chattanooga, she (Woodard) understands how she feels now.

On motion of Councilwoman Ladd, seconded by Councilman Rico,  
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, KNOWN AS AREA 9B, BEING CERTAIN PARCELS ADJACENT TO OLD LEE HIGHWAY AND APISON PIKE WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**

passed first reading; on roll call vote:

<b>BERZ</b>	<b>"Yes"</b>
<b>RICO</b>	<b>"Yes"</b>
<b>MCGARY</b>	<b>"Yes"</b>
<b>MURPHY</b>	<b>"No"</b>
<b>SCOTT</b>	<b>"No"</b>

ANNEXATION AND PLAN OF SERVICES: AREA 9B  
(Continued)

ROBINSON	"Yes"
LADD	"Yes"
GILBERT	"No"
BENSON	"Yes"

EASEMENT ACCEPTANCE

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT A 5.5 ACRE (APPROXIMATE) CONSERVATION EASEMENT ON PART OF PROPERTY LOCATED AT 5600 HIXSON PIKE, TAX MAP NO. 100K-C-006, FROM CLEAR CREEK CHURCH OF CHRIST TO BE USED AS PART OF THE NORTH CHICKAMAUGA GREENWAY MASTER PLAN, AND AUTHORIZING THE ADMINISTRATOR TO EXECUTE ANY DOCUMENTS NECESSARY RELATIVE TO THIS DONATION**  
was adopted.

AGREEMENT

Councilman Murphy stated that a question was asked of him as to whether there is any ability to use folks that live locally to work on these Brownfield cleanup projects to give them consideration in doing some of the work. He stated that he understands there are some funds in some of the Brownfields cleanup grants for training and some electrical work. He asked if there is going to be any effort to putting people in the affected communities to work on this project.

Councilman Rico responded "yes, if they are qualified they will hire them".

Dan Johnson stated this is a highly technical operation and they have to go by the EPA rules on qualifications; that there is a large contingency because carved out of that are certain tests that have to be done and more that might have to be done.

**AGREEMENT (Continued)**

Mr. Johnson stated they have been bogged down with this since 2001 and considers Barge, Waggoner a local firm even though they are a national firm; that the cleanup process of making other contracts emanate from this depending on what Barge finds and all other testing finds. He stated these are engineers and they will not be digging holes, necessarily.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH BARGE, WAGGONER, SUMNER AND CANNON, INC. FOR THE BROWNFIELD CLEANUP PROJECTS AT THE OHLS AVENUE GLASS FIELD SITE AND THE ANCHOR GLASS OFFICE BUILDING SITE IN THE AMOUNT OF FIFTY-NINE THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS (\$59,565.00), PLUS CONTINGENCIES TOTALING EIGHTEEN THOUSAND DOLLARS (\$18,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED SEVENTY-SEVEN THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS (\$77,565.00)**

was adopted.

**CONTRACT**

On motion of Councilman Murphy, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO APPROVE THE AWARD OF CONTRACT NO. S-08-006-201, PRIVATE SANITARY SEWER LINE REPAIR (SLAP), TO TOWER CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF TWENTY-ONE THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$21,980.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND DOLLARS (\$3,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$24,980.00)**

was adopted.

**CONTRACT**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO APPROVE THE AWARD OF CONTRACT NO. S-09-001-201, PRIVATE SANITARY SEWER LINE REPAIR (SLAP), TO C&C CONSTRUCTION SERVICES IN THE AMOUNT OF ELEVEN THOUSAND FOUR HUNDRED DOLLARS (\$11,400.00), PLUS A CONTINGENCY AMOUNT OF TWO THOUSAND EIGHT HUNDRED DOLLARS (\$2,800.00), FOR A TOTAL AMOUNT NOT TO EXCEED FOURTEEN THOUSAND TWO HUNDRED DOLLARS (\$14,200.00)**

was adopted.

## CONTRACT

Councilwoman Scott stated that the full name of the company was previously listed on the resolution and it has now changed to APD. She asked if the full name of the company would appear in the resolution.

Adm. Beverly Johnson stated that the company just underwent a name change last week and between the time she met with the Council last Tuesday the name changed, which is why it is reflective of the name change tonight. She stated the principals and everything else are the same.

Councilwoman Scott asked if the full name is APD. Adm. Johnson responded "yes", Asset Property Development is now APD Urban Planning and Management, LLC. She reiterated that it is still the same company, same individuals; that nothing has changed in terms of the principals.

Councilwoman Scott stated the concern is we had companies that used initials in the past in our resolutions and it is impossible to be able for the public to know whether it is the same or a different organization if they have the same initials as their legal names. She asked how the public knows the difference.

City Attorney McMahan stated under incorporation laws in Tennessee and other states they have to register as incorporation and the registration name used can not be identical to any other corporate name, so there will be no other APD's in the incorporate registry.

Councilwoman Scott then inquired how there can be a CTI, too, that the City of Chattanooga has resolutions on.

City Attorney McMahan responded that he was not sure what their corporate name is; that they used to be Consolidated Technologies, Inc and does not know what it is now.

Councilman Murphy stated they are chartered.

City Attorney McMahan stated CTI is chartered in Tennessee, he is certain they are.

Councilman Benson asked if they (APD) are located out of Atlanta. Adm. Johnson responded they are based out of Jacksonville, Florida and have principal offices in Atlanta.

Chairman Benson stated that they have an LLC.

**CONTRACT (Continued)**

City Attorney McMahan stated APD is a Limited Liability Corporation.

Chairman Benson stated there is a purpose in getting a LLC.

City Attorney McMahan stated the resolution was changed because his office was advised the corporation had changed their legal name.

Adm. Johnson stated they did not want to come forward with an old name after knowing the name had changed.

Councilwoman Scott stated her concern is just that the public be able to track what it is that it is; that if we know there will never be another one that is one thing, but we already know we have had that exact thing happen. She stated she just wanted to make sure of that.

City Attorney McMahan stated in Tennessee the Secretary of State's website is online and any citizen can look up any corporation by typing the name in and it will give the history of that corporate organization. He stated this company is in another state and he does not know how it is done in Florida or Georgia; that in Tennessee it can be looked up by going to the Secretary of State's website.

Councilwoman Scott asked how a resident looks that up going from our ordinance or resolution.

City Attorney McMahan stated if this were a Tennessee corporation, for example, they could type in APD and they would find this corporation and find out where their principal business office is, who the registered agent for the service of process would be and basic information concerning the corporation if this is typed within the Secretary of State's website. He stated they have not been as careful with respect to CTI and not sure they technically used the corporate name; that this time they were careful as Mrs. Johnson brought it to our attention.

On motion of Councilman McGary, seconded by Councilman Murphy,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH APD URBAN PLANNING AND MANAGEMENT, LLC TO INITIATE, MANAGE, AND OVERSEE THE GOALS AND OBJECTIVES OUTLINED IN THE NEIGHBORHOOD STABILIZATION IMPLEMENTATION PLAN FOR THE UTILIZATION OF THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED**



**CONTRACT (Continued)**

**FIVE THOUSAND FIFTY DOLLARS (\$205,050.00) FOR TWENTY-FOUR (24) MONTHS, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL TWELVE (12) MONTH PERIODS, CONTINGENT UPON THE AVAILABILITY OF FUNDING**

was adopted.

**ISSUANCE AND SALE OF BONDS**

Councilwoman Scott asked Adm. Madison to come forward to explain why cities issue bonds for the educational sake of people that do not really understand a lot about this.

Adm. Madison stated the federal government put in place municipal bonds as a means of financing public works on the city capital projects; that municipal bonds are non-taxable and allows government to finance capital projects at a much lower rate than the private sector does because the purchaser does not have to pay taxes. She stated part of this resolution essentially allows and establishes a marker as to which projects the city is able to finance with these municipal bonds that will be issued in the event the Council passes the Capital Budget that has been put before them or something similar to it. She added this year under the stimulus program the federal government has sort of expanded the municipal bonds to allow governments to issue tax exempt bonds that would be used for private use or private activities such as the Volkswagen; that under normal circumstances we would have had to issue taxable bonds, but the stimulus program allows us to issue tax free bonds which allows us to finance at a much lower cost.

Councilwoman Berz addressed Adm. Madison and stated the general public has not heard this as the pre-emptory capital budget has not been passed, yet; that this is to allow the Council to go forward should the capital budget be passed and begin the bonding process so that when it is passed it will be all ready to go to the next step.

Adm. Madison responded "exactly correct".

On motion of Councilman Rico, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00) OF THE CITY OF CHATTANOOGA, FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF CERTAIN PROJECTS AT THE VOLKSWAGEN CAR PLANT INCLUDING STREETS, HELIPAD, WELCOME CENTER, FIRE BUILDING, ELECTRIC TRANSFORMER STATION,**

ISSUANCE AND SALE OF BONDS  
(Continued)

WASTEWATER, WATER AND STORMWATER DRAINAGE, CERTAIN UTILITY INFRASTRUCTURE AND FINANCING CERTAIN OTHER PUBLIC WORKS PROJECTS INCLUDING FOR GENERAL GOVERNMENT, PUBLIC WORKS, FIRE DEPARTMENT, INFORMATION SERVICES, ROAD IMPROVEMENTS (GOODWIN DRIVE), 6.4 ESIP RAILWAY LINES, FIRE SERVICE EXPANSION, LAND FOR NEW STATIONS, APPARATUS FOR NEW STATIONS, FURNISHINGS FOR NEW STATIONS, FIRE HYDRANTS, MESH NETWORK FOR INFORMATION SERVICES, ESIP TRAFFIC STUDY INTERSECTION IMPROVEMENTS, HICKORY VALLEY ROAD BRIDGE REPLACEMENT, LOCAL INFRASTRUCTURE AND CERTAIN OTHER PUBLIC WORKS PROJECTS AND FIXING THE MAXIMUM RATE OF INTEREST SUCH BONDS SHALL BEAR

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH BRADANNA, INC. TO CONSTRUCT FIRE STATION NO. 7 AT ENTERPRISE SOUTH IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED SEVENTY-NINE THOUSAND DOLLARS (\$1,879,000.00), WITH A CONTINGENCY IN THE AMOUNT OF ONE HUNDRED EIGHTY-SEVEN THOUSAND NINE HUNDRED DOLLARS (\$187,900.00), FOR A TOTAL COST NOT TO EXCEED TWO MILLION SIXTY-SIX THOUSAND NINE HUNDRED DOLLARS (\$2,066,900.00)**

was tabled one week.

OVERTIME

Overtime for the week ending October 29, 2009 totaled \$8,090.72.

PERSONNEL

The following personnel matters were reported for the various departments;

PARKS AND RECREATION:

- **FREDDIE WALDEN** – Retirement, Concession Attendant, effective October 29, 2009.

**PERSONNEL (Continued)**

NEIGHBORHOOD SERVICES, COMMUNITY DEVELOPMENT:

- **PATRICIA A. WHATLEY-BRYAN** – Deceased, Administrative Support Assistant 2, effective October 29, 2009.

**CHATTANOOGA FIRE DEPARTMENT:**

- **JACK THOMPSON** – Return to duty from Military Leave, Firefighter Senior, effective November 2, 2009.
- **HAYES DAVIS, JR.** – Resignation, Building Maintenance Mechanic 1, effective October 28, 2009.

**PURCHASES**

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

GENERAL SERVICES DEPARTMENT:

**HUNTER OIL CO. (Lowest, complete bid)**  
**R0125759/B0006300**

Purchase of Motor Oil and Lubricants

\$80,117.50

CHATTANOOGA POLICE DEPARTMENT:

**FOCUS CAMERA (Lowest and best bid)**  
**R0127550/B0006406**

Purchase of Digital Cameras and Accessories

\$14,221.90

**PURCHASES (Continued)**

PUBLIC WORKS DEPARTMENT:

**CARTER HEATING AND AIR, INC. (Lowest and best bid)**  
**R0127713/B0006410**

Purchase of Installation of One Replacement Air Conditioner

\$13,497.00

**MCGINNIS BROTHERS CONSTRUCTION, INC. AND SERVPRO OF NORTH**  
**CHATTANOOGA (Dual awards)**  
**R0128023/B0006425**

Blanket contracts for Cleanup and Repairing Property Damage

\$365,000.00 approximately

**REJECT ALL BIDS**

On motion of Councilwoman Robinson, seconded by Councilman Rico, all bids were rejected on R0127169 for the Chattanooga Fire Department for MSA Self-Contained Breathing Apparatus. The Fire Department will make modifications to the specifications and re-advertise.

**HEARING: MICKEL HOBACK**

City Attorney McMahan reminded Council members of the hearing scheduled for Mickel Hoback on Monday, beginning at 9 a.m. with Councilmen McGary, Ladd and Gilbert serving as the panel, with Councilman McGary as Chair and Councilman Benson as alternate.

**HEARING: SHAWN CUNNINGHAM**

City Attorney McMahan reported that the hearing for Shawn Cunningham needs to be rescheduled; that the lead investigator, Amy Jones, would be on medical leave during the month of December. He stated dates suggested for rescheduling include January 25 or February 1.

### HEARING : SHAWN CUNNINGHAM (Continued)

The hearing for Mr. Cunningham was rescheduled for January 25-26, 2010 beginning at 9 a.m. with the panel remaining the same; Councilmen McGary, Ladd, and Scott, with Councilman McGary as Chair and Councilman Gilbert as alternate.

### UNTIMELY DEMISE OF PATRICIA WHATLEY-BRYANT

Councilman McGary acknowledged this past week's untimely demise of Patricia Whatley-Bryant and publicly offered condolences to her family and the employees that worked with her in the Neighborhood Services Department. He expressed to Adm. Beverly Johnson that everyone's thoughts were with her and others at this time.

### COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, November 10 following Legal and Legislative** for a discussion of the Gestamp PILOT.

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, November 10** to take up matters within the Committee's jurisdiction.

Councilman McGary scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, November 17** to talk about the EAC Festival.

Councilwoman Berz stated the **Budget, Finance and Personnel Committee would meet on Tuesday, November 10 at 2:00 p.m.** to continue discussion relating to employment and insurance matters, hear the quarterly report from the Fire and Police Pension Board, have a presentation of the Interceptor Sewer System Budget and further discussion, if any, on the Capital Budget.

### NEXT WEEK'S AGENDA: NOVEMBER 10, 2009

Chairman Benson stated agenda items for next week were discussed during the agenda session earlier today in committee.

## EDWARD CURTIS

**Edward Curtis** stated that he now lives in Las Vegas as his job with U. S. Pipe shut down and everybody had to find other work. He stated that he has a house in East Lake. He stated that he has been before the Council before and it seems like there is money to take care of property the city already has such as sidewalks and street cleaning in the East lake area from Dodds Avenue up the hill, yet millions of dollars are still being spent because a new plant comes into town, which is very good, however there is the need to take care of older areas, too. He stated he is still paying taxes and does not live here, yet he had to pay his city and county taxes today. He stated every time he comes home nothing has changed as the neighborhood is still dirty and nasty and there are no sidewalks where he lived; that kids walk in the street. He asked Councilman Rico when some redevelopment in East Lake area will take place or whether he has thought about it.

Councilman Rico responded "yes, sir, we have, and like everyone else we have to get in line as there are nine (Council) people".

Mr. Curtis stated they have been in line; that work has been done downtown and over on Williams Street.

Councilman Rico stated there have been sidewalks installed all over the area but not in Mr. Curtis' area. Mr. Curtis stated he has lived there 31 years.

Chairman Benson answered Mr. Curtis' question by stating until we get collective users to start paying their fair share we will continue to lose ground on providing sidewalks and things; that the city has been literally "carrying the county on our backs" and would talk to him later.

Councilman Murphy stated it is his understanding when new housing developments are constructed now the city requires developers to install sidewalks if the streets are over a certain length and asked public works officials if he were correct. The response was "no" and he quickly responded "we need to". He stated one of the most common requests he receives is for construction for sidewalks; that he had some folks ask for sidewalks who live in North Brainerd off North Germantown and he informed them as a matter of practicality he would support them in that but before sidewalk are constructed on interior streets he would like to see sidewalks on North Germantown Road constructed where people are walking in a busy road and walking to get to commercial areas, the bus line; that the parcel outside the fence of the Children's Home is where there is a beaten path where people have to walk there.

**EDWARD CURTIS (Continued)**

Councilman Murphy stated he would say the first priority needs to be on higher volume busier streets where more people will walk and for the people who do not want to wait for that if they have a 50 foot wide area the cost of a sidewalk is not exactly steep; that it is his thought a lot of people would pay it if there is some solution we could cooperatively work out with neighborhoods and help provide city financing and help people contribute. He stated that people can not pay it all in a year; that if we could have three-to-five years to pay there would be those who would happily pay; that the scheme of things to all that expense is if the person has a 50 foot wide front.

Mr. Curtis stated his lot is that big; that school children have been walking to school in the middle of the street.

Councilman Murphy asked if Mr. Curtis' street is a through street or a dead end. Mr. Curtis stated it is a speedway out there and sidewalks would help!

Councilman McGary informed Mr. Curtis and other neighborhoods with similar concerns that the city is undergoing a process of developing a consolidated plan; that federal dollars come into the city in the form of Community Development Block Grants and the federal government mandated that a master plan be developed to determine what projects are eligible. He stated the Neighborhood Services Department is undergoing a process of asking individuals and communities for input and what Mr. Curtis has described would be a worthy item for them to consider. He encouraged him to speak with Mrs. Beverly Johnson and determine when the next dates are the hearing will take place so that community members could attend.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, November 10, 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)**