

**City Council Building  
Chattanooga, Tennessee  
December 1, 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/INVOCATION**

Following the Pledge of Allegiance, City Attorney McMahan gave invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: FRIENDS OF EAST  
BRAINERD**

Chairman Benson stated the Friends of East Brainerd is a 501(c)(3) organization that was constituted in 2001 as a result of land use carried on earlier in the year; that they were constituted for the purpose of bringing about balance and smart growth in East Brainerd. He stated they are present this evening to make an announcement of funds for a certain purpose.

**Tammy Loper**, President, stated Friends of East Brainerd is a 501(c)(3) organization that has been active for nine years. She stated they are honored to be present to talk about East Brainerd and give the history of the organization. She thanked the Council for all the support they have given. She stated the organization is devoted to issues related to their community and were formed to oversee the implementation of the Hamilton Place Community Plan established by the Regional Planning Agency and adopted by the Council in 2001.

**SPECIAL PRESENTATION: FRIENDS OF EAST  
BRAINERD (Continued)**

Mrs. Loper stated they have encouraged and enhanced collaboration between the city planners and commercial interest in East Brainerd in five different ways which includes traffic, beautification, mixed use development or zoning issues, pedestrian/bicycle/greenway access and outdoor parks. She stated they have input in all the areas and found they can have an impact on the greenway system and the park. She expressed thanks for the partnership with the Director of Parks and Recreation, Larry Zehnder, who created and planned for improvements for Heritage Park noting there will be a park for large and small dogs. She stated the Bark in the Park Chairman, Celeste Friend, and others helped and they were able to raise \$6,000 toward the park, which is part of Phase 1 of the plan for Heritage Park. She expressed appreciation to County Commissioner Larry Henry and all on the Council for helping them in matching funds they were able to raise through the Bark in the Park event; that they will continue to raise additional monies for other projects and distributed a copy of the gift catalog as one their ways of raising funds. She stated the catalog lists merchandise and organizations within the East Brainerd area in an effort to raise money to have park benches or signage. She expressed thanks to the Council for believing in what they are doing in allocating funds for Heritage Park and noted if there is anything they can ever do to please let them know!

Chairman Benson clarified that they have \$12,000 toward the Dog Park. Ms. Loper responded that is what she has been told.

Councilman Benson stated that he has copies of the brochure and asked Chris Holley, Manager of Heritage House, to stand.

At this point Ms. Loper introduced others present: John Crawford, Chair of the Traffic and Zoning Committee; Wendy Baubach, Chair of the Pedestrian/Bike/Greenway Access; Jennifer Bardoner who writes for their community newspaper and Celeste Friend, Chair of the Bark in the Park Committee. She stated all have worked hard to raise funds.

**Chris Holley**, Director of Heritage House, stated it has been a pleasure to work with Friends of East Brainerd on many projects; that they are extremely supportive and one of the catalysts in getting so much done. She stated they are an interesting group and lets the entire community know what is going on; that they look for changes in zoning and changes in road projects. She stated they are involved physically with fund raisers to do improvements and did a huge project at the interstate ramps and re-gardened the whole area!

Chairman Benson stated the amount was \$30,000.00 for that.

**SPECIAL PRESENTATION: FRIENDS OF EAST  
BRAINERD (Continued)**

Ms. Holly stated they are an interesting group and a tremendous help at Heritage House and Heritage Park. She stated it is interesting to be in their meetings to see how this organized group steps up and helps!

**2009-2010 CAPITAL BUDGET**

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,  
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2009/2010 AND TO AMEND THE FISCAL YEAR 2009/2010 BUDGET ORDINANCE NO. 12288 AND TO AMEND THE 2008/2009 CAPITAL BUDGET NO. 12161**

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

**CLOSE AND ABANDON**

**MR-2009-112: Chestnut Properties, LLC**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE CLOSING AND ABANDONING THE 900 BLOCK OF EAST 23<sup>RD</sup> STREET, A PORTION OF THE UNOPENED 2000 BLOCK OF EAST END AVENUE, AND A PORTION OF AN UNOPENED ALLEY LOCATED ON THE WEST LINE OF THE 2000 BLOCK OF CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, AND SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND CITY CODE**

**Councilman Murphy** stated that he is aware there is a Councilman who wishes to offer an amendment, however the draft prepared to do that did not reflect his intended amendment. At this pointed he **made the motion to move this item to the end of the agenda**; that the Council's Budget Analyst, Randy Burns, is trying to get a copy of the original ordinance to follow when a motion is made; **Councilman McGary seconded the motion; the motion carried.**

AMEND CITY CODE (Continued)

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, SECTION 32-178 RELATIVE TO THE STANDARD STREET NUMBERING AND ADDRESSING POLICY FOR THE CITY OF CHATTANOOGA, AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, ARTICLE 1X, RELATIVE TO STREET NAMES  
was moved to the end of the agenda.

CLOSE AND ABANDON

**MR-2009-118: New Horizon Baptist Church**

Wendell Morgan was present representing New Horizon Baptist Church along with the Church's Pastor, Rev. Paul. He stated they are not seeking permanent closure; that they are seeking temporary closure of Second Avenue between Foust and East 27<sup>th</sup> Street. He stated their number one priority is the safety of the children that use the annex building who have to cross Second Avenue to get there. He stated they are not planning on building any structure on the street; that their intent is to have the street accessible to any public service and are willing to take any recommendation Planning would make to them as to what type of device to use in doing the temporary closure. He stated they want to make it clear there are no plans for building anything or denying access to any public service whether fire, police or public works. He stated they have talked to Fire Marshall Brooks who has given them his "blessing" on this.

Councilman McGary thanked both gentlemen for their presence and explained the ordinance before the Council would be denied and the last Resolution on the agenda authorizing temporary use is recommended for approval for their use. He stated if he understands what is being asked, closure is not what they are asking and without telescoping what the Council will do toward the end of the agenda consideration of the temporary use will be given at the end of the agenda.

Mr. Morgan stated they have read the agreement and are in agreement with it.

On motion of Councilman McGary, seconded by Councilman Rico,  
**AN ORDINANCE CLOSING AND ABANDONING THE 2700 BLOCK OF  
2<sup>ND</sup> AVENUE, MORE PARTICULARLY DESCRIBED HEREIN**  
was denied.

CLOSE AND ABANDON

**MR-2009-152: City of Chattanooga c/o Bill Payne**

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE  
SEWER LINE AS REFERENCED BY M. F. 100337 AND REPLACE WITH A  
NEWLY CONSTRUCTED SEWER LINE LOCATED AT THE 6700 BLOCK OF  
BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN**  
passed first reading.

CLOSE AND ABANDON

**MR-2009-161: City of Chattanooga c/o Eric Cummings**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A  
SEWER EASEMENT REFERENCE NO. M.F. 10436 LOCATED IN THE 1500  
BLOCK OF LONG STREET, MORE PARTICULARLY DESCRIBED HEREIN**  
passed first reading.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING JOHN FELLERS TO USE TEMPORARILY  
1419 WILLIAMS STREET AND SOUTHSIDE GALLERIES TO INSTALL A GATE,  
AS SHOWN ON THE DRAWING 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 C. F. CAGLE TO USE TEMPORARILY 27  
WEST MAIN STREET TO INSTALL A CANOPY, AS SHOWN ON THE  
DRAWING 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 Murphy,  
**A RESOLUTION AUTHORIZING TY COOPER TO USE TEMPORARILY WEST MAIN STREET LOCATED AT TAX MAP NO. 145L-B-022 TO INSTALL A CANOPY, 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 Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING JEFF DENTON TO USE TEMPORARILY A RIGHT-OF-WAY LOCATED AT THE SOUTH WEST CORNER OF GUNBARREL ROAD AND MIN TOM DRIVE FOR THE PLACEMENT OF SIGNAGE, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA WELLADVANTAGE PROGRAM TO EXECUTE A CONTRACT WITH CHIPREWARDS, INC. TO PROVIDE AN EMPLOYEE INCENTIVE PROGRAM IN AN AMOUNT NOT TO EXCEED FORTY-FIVE THOUSAND DOLLARS (\$45,000.00)**  
was adopted; Councilwoman Scott voted "no".

ACQUISITION OF ABANDONED RAILROAD EASEMENT

**MR-2009-064: City of Chattanooga c/o Dan Thornton**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE ACQUISITION OF AN ABANDONED RAILROAD EASEMENT AT THE INTERSECTION OF BELL ARBOR AND WISDOM STREET FOR A COST NOT TO EXCEED FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) SUBJECT TO APPROPRIATION**  
was adopted.

**DECLARE SURPLUS**

**MR-2009-173: City of Chattanooga and Hamilton County c/o Dan Thornton**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION DECLARING SURPLUS PROPERTY LOCATED AT 5991 HICKORY VALLEY ROAD, JOINTLY OWNED BY THE CITY AND HAMILTON COUNTY; AUTHORIZING THE ACCEPTANCE, BY EXECUTION OF THE MAYOR, OF THE OFFER TO PURCHASE FROM ARCHER, DANIEL, MIDLAND COMPANY; AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A DEED AND OTHER CLOSING DOCUMENTS TO TRANSFER SAID PROPERTY TO ARCHER, DANIEL, MIDLAND COMPANY**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH QORE, INC. FOR ENGINEERING SERVICES FOR THE LANDFILL GROUNDWATER SAMPLING MONITORING AND REPORTING PROJECT FOR FIVE (5) AREAS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$227,500.00)**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Murphy, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING NEW HORIZON BAPTIST CHURCH TO USE TEMPORARILY THE 2700 BLOCK OF 2<sup>ND</sup> AVENUE DURING CHURCH ACTIVITIES, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

## CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MAYSE CONSTRUCTION COMPANY FOR SANITARY SEWER RELOCATION RELATIVE TO THE REPLACEMENT OF THE HAMILTON COUNTY RAILROAD BRIDGE OVER BONNY OAKS DRIVE AS PART OF THE VOLKSWAGEN PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-FOUR THOUSAND SEVEN HUNDRED THIRTY-ONE THOUSAND AND 65/100 DOLLARS (\$164,731.65)**  
was adopted.

## OVERTIME

Overtime for the week ending November 25, 2009 totaled \$11,253.07.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

**JOHN HAUSTEIN** – Hire, Combination Inspector, Land Development, Range 15, \$35,911.00 annually, effective November 20, 2009.

**KARNA LEVITT** – Hire, Landscape Inspector, Land Development, Range 14, \$36,000.00 annually, effective December 4, 2009.

### MAYOR'S OFFICE:

**ANGELIA STEVENSON** – Lateral Transfer, Administrative Support Assistant 1, Range 4, \$32,558.00 annually, effective November 20, 2009.

## EMERGENCY PURCHASE

Adm. Leach reported the emergency purchase of sodium hypochlorite to take care of an e-coli problem for Public Works.

Councilwoman Scott asked if we are fully in compliance, now.



### EMERGENCY PURCHASE (Continued)

Jerry Stewart responded "yes ma'am"; that it is one of the things that occurs any time there is a heavy rainfall event; that they had used up their supply of liquid chlorine at the time and worked immediately to use bleach for disinfection.

Councilman Murphy asked if chlorine is something that is used frequently at the plant.

Mr. Stewart stated it is used every day to disinfect for fecal forms of e-coli.

**The emergency purchase of Sodium Hypochlorite for the Public Works Department from Olin Corporation on R21416 in the amount of \$18,231.60 was duly reported and signed in open meeting.**

### HERITAGE HOUSE

Adm. Crutchfield stated that she is honored that Friends of East Brainerd were present tonight and thanked the Chairman for all his work in East Brainerd and Heritage House. She stated the department of Education, Arts and Culture is very proud to be a partner.

Chairman Benson stated that he knows Adm. Crutchfield has done a lot of work; that Mr. Zehnder was named during the presentation and apologized as she (Crutchfield) has been to every luncheon meeting they have had out there and contributes a lot. He stated Ms. Crutchfield is in charge of the House and Mr. Zehnder is in charge of the Park.

Adm. Crutchfield stated Ms. Holly is Manager of Heritage House; and because of Chairman Benson's suggestion four years ago that this be a partnership between Parks and Recreation and Education, Arts and Culture she is very grateful and expressed hope they have made him proud!

### HOTEL PERMITS

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

**COMFORT INN & SUITES** – 2341 Shallowford Village Drive, Chattanooga, TN

**HAMILTON INN** – 6860 Lee Highway, Chattanooga, TN

**HOTEL PERMITS (Continued)**

**RAMADA** -- 2361 Shallowford Village Drive, Chattanooga, TN 37421

**STAYBRIDGE SUITES** – 7015 Shallowford Road, Chattanooga, TN

**REFUND**

On motion of Councilman Rico, seconded by Councilwoman Berz, the Administrator of Finance was authorized to issue the following refund of gross receipts tax:

**BILL WORLEY CONSTRUCTION COMPANY -- \$1,379.48**

**PURCHASES**

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

NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT:

**MUNICIPAL SOFTWARE (Single source)**

**R20894**

Purchase of Software Maintenance per TCA 6-56-304.2

\$11,556.00

PUBLIC WORKS DEPARTMENT:

**API HEAT TRANSFER (Lowest and best bid)**

**R20007**

Purchase of Three Tube Assemblies for Intercooler

\$73,334.00

**HEARING: JEFF MOORE**

City Attorney McMahan reported the request for hearing from Jeff Moore regarding his termination from Public Works.

HEARING: JEFF MOORE (Continued)

A hearing for Mr. Moore was scheduled for Monday, February 22, 2010 with Councilmen Berz, Benson and McGary serving as the panel with Councilwoman Berz as Chair and Councilwoman Scott as Alternate.

AMEND CITY CODE

**Councilman McGary made the motion to substitute amendments to the original ordinance** in two places pursuant to information the Council heard from 911, as well as the City Engineer. He referenced changes in Section 32-197 subsection (b) line 7 by striking "*... preferred solution, be it readdressing, or a new or prefix modified ...*"

Included in Councilman McGary's motion to substitute were amendments to Section 32-199, subsection (a) lines 14-18 by striking "*... If two or more existing streets have identical or phonetically similar street names consideration shall be given by the City Engineer to the propriety of using appropriate prefix words (such as; "New" or "Old," "Upper" or "Lower," "River" or "Ridge," etc.) Relevant pre-fix designation shall be required by the City Engineer, particularly as it applies to any geographic prefix modifier*".

**Councilman McGary confirmed his motion to substitute the amendments; Councilman Murphy seconded the motion; the motion carried.**

Councilman McGary stated that the ordinance Councilman McGary is suggesting be amended and he seconded resolves many of the problems this Council had with the concept of having to rename thousands of streets in our city. He stated it still will allow addressing through safety concerns and organization on emergency type street names as we just have one week a year to do that. He expressed hope that everyone had a chance to review what the amendment was.

Chairman Benson asked if the matter would be approved as presented rather than as amended.

City Attorney McMahan stated since the packets went out with certain documents, a move to adopt the amendments would be in order.

**At this point, Councilmen Robinson and Rico made the motion to adopt the amendments with the items stricken; the motion carried.**

**Councilman Rico and Robinson then made the motion to adopt the ordinance as amended.**

### AMEND CITY CODE (Continued)

Councilwoman Berz stated as she remembers the total wording, what she said was we would consider name changes once a year unless there were exigent circumstances.

Councilman Murphy asked City Attorney McMahan if that is still in there. City Attorney McMahan responded that the language is still there.

Councilwoman Berz stated the only time we get a request or name change is when there are exigent circumstances and wondered what we have helped here.

City Attorney McMahan stated that the Council obviously is "no silver bullet" here; that they are just trying to improve on the situation as it currently exists and, hopefully, there will not be quite as many as often as there has been in the past.

Chairman Benson stated that we have been fortunate because of some of the problems; that we are now trying to do something people are willing to enforce.

Councilman Murphy stated the other point is some of them do come through postal and EPB-type concerns. He stated the way the ordinance reads makes it sound like we should run and rename 900 streets and by our own ordinance we are setting ourselves up to help make the case that phonetically similar sounding streets are somewhere inherently hazardous and that is not the case as it is his thought it is clear we can take these as they occur. He stated the other thing he wanted to point out and has discussed this with Mr. Noblett are misspelled street names called in to the 911 operator; that when the 911 operator informs the caller that is not a street that exists they guessed at the spelling and the 911 operator apparently never asks what is near this emergency, what is in the area or what is it close to. He stated if that question had been asked help could have been directed more appropriately. He stated it is his thought common sense and a good training on 911's part could avoid a great number of the anecdotal problems revealed. He stated the caller is always going to be excited and perhaps will not be a good relater of information and it is incumbent upon 911 staff at that point to extract relevant information from the caller such as a cross street and if there is not a cross street, landmarks and things of that nature. He stated this ordinance is a step in the right direction and sounds better than it was.

Councilwoman Robinson stated that she was reminded by Councilwoman Berz's statement about the suggestion when these occasions arise and the ambiguity about an address.

## AMEND CITY CODE (Continued)

Councilwoman Robinson stated one of the things that could be looked at are numerical blocks instead of changing the name of the entire street; that they may be able to change the street number and thereby correct the problem and spare people the burden of having had both house numbers and street numbers changed, suggesting this be "put out there" for future consideration.

**At this point Councilman Murphy called for the question.**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, SECTION 32-178 RELATIVE TO THE STANDARD STREET NUMBERING AND ADDRESSING POLICY FOR THE CITY OF CHATTANOOGA, AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, ARTICLE IX, RELATIVE TO STREET NAMES**  
passed first reading.

## MAINX24 FESTIVAL

Councilman McGary invited the public to the event on Main Street entitled MainX24 Festival, which is a 24 hour event that holds a lot of fun for all ages and families. He encouraged everyone to go to the website, [mainx24.com](http://mainx24.com), to view the activities and come out and enjoy the festivities!

Councilman Murphy stated Councilman Rico had to leave and asked him to extend a public invitation to the MainX24 Festival as he shares the area with Councilman McGary. He stated Councilman Rico is very excited about the Festival and hopes everyone plans to attend.

Chairman Benson explained the south end of Main Street belongs to Councilman Rico and the northern end to Councilman McGary.

## COMMITTEES

Councilman Murphy stated the **Legal and Legislative Committee will meet on Tuesday, December 8** with no particular business scheduled.

## NEXT WEEK'S AGENDA: DECEMBER 8, 2009

Chairman Benson stated the agenda for next weeks was discussed earlier this afternoon during the agenda session.

**JOHN CRAWFORD**

**John Crawford** addressed the Council regarding having a roundabout installed at Shallowford and Jenkins Roads noting that the request had been made and then along came Volkswagen! He stated the money went to the Bonny Oaks Enterprise South, which is a great project and he understands; that he wanted the Council to know they are in dire need and when the monies come to remember them as they are hurting! He mentioned how dangerous Igou Gap Road is and expressed appreciation to the Council in the hope they will think of them in the future.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, December 8, 2009 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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