



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
July 1, 2014  
6:00 PM

**CALL TO ORDER**

Council Chairman Chip Henderson called the meeting to order with Vice Chair Dr. Carol Berz and Councilpersons Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Yusuf Hakeem, Jerry Mitchell and Ken Smith all present. City Attorney Wade Hinton, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn, CMC, were also present.

**PLEDGE OF ALLEGIANCE**

Councilman Freeman led the assembly in the Pledge of Allegiance.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson and seconded by Councilman Gilbert, the minutes of the last meeting (June 24, 2014) were approved as published.

**ORDINANCES – FINAL READING:**

**2014-042**

**John Anderson/Joe Franklin/**

**Edgar Scott/Cornerstone Community Bank**

**District No. 8**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**ORDINANCE #12836**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1300 AND 1450 EAST THIRD STREET AND AT 340 NORTH HOLTZCLAW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

On motion of Councilman Smith and seconded by Councilman Grohn,

**ORDINANCE #12837**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 18, ARTICLE III, SECTIONS 18-49 AND 18-52 RELATIVE TO SERVICE FEES FOR COLLECTION AND RECYCLABLES.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Vice Chair Dr. Berz and seconded by Councilman Freeman,

**RESOLUTION #27927**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO ENTER INTO AN AGREEMENT WITH BLUECROSS BLUESHIELD OF TENNESSEE (BLUERE) TO PROVIDE THE CITY OF CHATTANOOGA WITH A STOP LOSS POLICY ON LARGE HEALTH INSURANCE CLAIMS FOR A PERIOD OF ONE (1) YEAR BEGINNING JULY 1, 2014, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL YEARS, FOR AN AMOUNT OF \$7.28 PER INDIVIDUAL POLICY PER MONTH AND \$15.65 PER FAMILY POLICY PER MONTH, FOR AN ESTIMATED ANNUAL PREMIUM OF \$442,469.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Freeman,

**RESOLUTION #27928**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-10-012-201, 21<sup>ST</sup> CENTURY WATERFRONT ROSS'S LANDING RIVERFRONT PARK IMPROVEMENTS TO SMITH CONTRACTORS, INC. IN THE AMOUNT OF \$5,702,250.00, WITH A CONTINGENCY AMOUNT OF \$500,000.00, FOR AN AMOUNT NOT TO EXCEED \$6,202,250.00.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Anderson,

**RESOLUTION #27929**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A CONTRACT WITH ORANGE GROVE CENTER, INC. FOR RECYCLING AND REFUSE SERVICES.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27930**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO TRANSFER/DONATE SEVEN (7) PICK-UP TRUCKS AND FIVE (5) RECYCLE TRAILERS TO SUPPORT THE RECYCLE EXPRESS PROGRAM TO THE ORANGE GROVE FACILITY.**

**ACTION: ADOPTED**

On motion of Councilman Grohn and seconded by Councilman Smith,

**RESOLUTION #27924**

**A RESOLUTION AUTHORIZING LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT LEGENDS SUBDIVISION WITH THE GOODWIN ROAD EXPANSION FOR THE INSTALLATION OF A SECURITY FENCE, AS SHOWN ON THE MAPS AND PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27925**

**A RESOLUTION AUTHORIZING JOHN ALIER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 35 PATTEN PARKWAY (THE HONEST PINT) FOR THE INSTALLATION OF A 1,500 GALLON GREASE TRAP TO BE INSTALLED UNDER PARKING SPACES, AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Freeman,

**RESOLUTION #27926**

**A RESOLUTION AUTHORIZING EVELYN COOPER TO USE TEMPORARILY THE RIGHT-OF-WAY FOR A PORTION OF THE ALLEY AND TO PLACE A FENCE AT THE CORNER OF FOUST AND HAWTHORNE STREETS, AS SHOWN ON THE MAP AND PHOTO ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

--Introduced by Jeff Cannon, Chief Operating Officer

**Public Works**

Lee Norris, Public Works Administrator, reported that the department has saved 1.3 million gallons of water and \$60,000.00 annually by changing its source of water for cleaning its trucks.

**Purchases**

Brent Goldberg, Deputy Chief Operating Officer, briefed the Council on the following purchases:

- |  |                              |
|--|------------------------------|
| <b>R76921 - General Services</b><br>Blanket Contract renewal for Police interceptor vehicles; Sedans and SUV's<br>Lowest/Best Bidder: Brooker Ford Inc.  | \$3,638,390 Annually         |
| <b>R55433 - General Services</b><br>Blanket Contract renewal for Security and Fire Alarm Monitoring and Service<br>Lowest/Best Bidder: Actions Alarms    | Estimated \$40,000 Annually  |
| <b>R26077 - General Services</b><br>Blanket Contract renewal On-Line Ticketing - Civic Facilities<br>Lowest/Best Bidder: Intelli- Mark Technologies Inc. | Estimated \$150,000 Annually |
| <b>R60223 - Public Works</b><br>Blanket contract extension for Concrete Manhole Components<br>Lowest/Best Bidder: Sherman- Dixie Concrete Industries     | \$50,000 Annually            |
| <b>R92778 - Public Works</b><br>Blanket contract for Four Wheel- Drive Backhoe Loaders<br>Lowest/Best Bidder: Chattanooga Tractor                        | Estimated \$217,560 annually |

**R45240 - Public Works**  
Blanket contract renewal for Electric  
Motor Repair Services  
Lowest/Best Bidder: Tekwell Services LLC

Estimated \$250,000 Annually

**R45241 - Public Works**  
Blanket contract renewal for VFD, DCD  
and Board Repair Services  
Lowest/Best Bidder: Tekwell Services LLC

Estimated \$60,000 Annually

**R94943 - Public Works**  
Blanket renewal for Machining and Fabrication  
services for the Waste Resource Division  
Lowest/Best Bidder: East Tech Company

Estimated \$180,000 Annually

**On motion of Councilman Anderson** and seconded by Councilman Freeman, the above-listed purchases were approved.

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Referendum on August Ballot**

Attorney Hinton introduced Deputy City Attorney Phil Noblett, who informed Council of the following:

- A proposed petition for referendum was filed with the Hamilton County Election Commission regarding the ordinance that created domestic partner benefits for city employees.
- The Election Commission approved the petition for referendum, which would be printed on the August 2014 ballot.
- The Election Commission asked the City Attorney to prepare a summary for the referendum to be printed on the ballots, which is authorized by City Charter and state statute.
- The Election Commission approved that summary during a meeting on June 11.
- On June 27, the Election Commission held an emergency meeting, where it decided not to include the summary language that the City Attorney had originally recommended.
- The City Attorney asserts that the referendum language substituted by the Election Commission is too vague and does not give adequate information for voters.
- The City Attorney requested permission from the Council to petition the court to decide (1) whether the City Attorney is the entity authorized to draft the referendum and, if so, (2) whether the ordinance or the summary language will be printed on the ballots.

**Councilman Freeman moved** to grant permission for City Attorney and staff to file a petition with the court. Councilman Anderson seconded.

Attorney Noblett read the full summary for Council. It included a certification by the city's Chief Financial Officer at the end. Discussion ensued about the purpose of the certification and the specific language used in that certification.

After further discussion, **Councilman Anderson called the question**. Chairman objected because several councilpersons indicated their desire to debate. Chairman Henderson proposed a roll call vote on moving the question.

**Councilman Gilbert called a Point of Order**, objecting that there was no second to move the question.

**Councilman Smith called a Point of Order and Clarification**: He asked if the City Attorney could request that the certification language be stricken from the summary.

**Councilman Anderson called a Point of Order**, stating that striking the language in the certification would require an amendment to the Councilman Freeman's main motion.

A question was asked about public input on this topic. **Councilman Anderson called a Point of Order**, objecting to public input because this was not an agenda item. Chairman Henderson ruled in agreement; therefore, no public input would be accepted at this time.

**Councilman Anderson withdrew** moving the question.

**Councilman Smith moved to amend** Councilman Freeman's motion to strike the certification from what appear on the ballot. Councilman Gilbert seconded.

Further discussion ensued about the certification language, including debate on the use of the word "*material*" in that certification.

**Councilman Smith restated his motion** to amend Councilman Freeman's motion to request that the Court strike the certification language from the summary. Councilman Gilbert repeated his seconded. **The motion carried 8-to-1** upon roll call vote as follows:

<b>Anderson</b>	<b>NO</b>	<b>Hakeem</b>	<b>YES</b>
<b>Berz</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Freeman</b>	<b>YES</b>	<b>Smith</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>		

**Councilman Freeman moved** the question. Chairman Henderson ruled in favor of moving the question since there were no objections from the remainder of the body. Chairman Henderson reiterated Councilman Freeman's motion as amended. **The motion carried 8-to-1** upon roll call vote as follows:

<b>Smith</b>	<b>YES</b>	<b>Freeman</b>	<b>YES</b>
<b>Mitchell</b>	<b>YES</b>	<b>Berz</b>	<b>YES</b>
<b>Hakeem</b>	<b>YES</b>	<b>Anderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>	<b>Henderson</b>	<b>NO</b>
<b>Gilbert</b>	<b>YES</b>		

## COMMITTEE REPORTS:

### *Economic and Community Development Committee* Councilman Anderson

- The committee met today to discuss the Chattem Chemical PILOT, which will appear on next Tuesday's (July 8) Council agenda.

### *HR Committee (Human Resources)* Vice Chair Dr. Berz

- The committee will meet on July 15 regarding the Wellness Program.
- The committee will meet on July 29 regarding the HR update and Pay Plan.

### *Public Safety Committee* Councilman Freeman

- The committee will meet on July 15 immediately after Agenda Session.

### *Youth and Family Development Committee* Councilman Gilbert

- Madison Hayes, one of the athletes recognized in committee last week, has advanced to the All-Stars game of the 2014 Major League Baseball Pitch, Hit & Run program.

### *Audit & I.T. Committee* Councilman Grohn

- The EPB Audit is expected to be complete by July 20.

### *Planning & Zoning Committee* Councilman Hakeem

- The committee met today to discuss zoning agenda items. They also had a discussion on the Brainerd Overlay and Form Based Code.

### *Budget and Finance Committee* Councilman Mitchell

- The committee met today on the capital budget.
- By general consensus, Chairman Henderson approved adding the capital budget ordinance to Council's agenda next week.

### *Public Works and Transportation Committee* Councilman Smith

- The committee met earlier today to discuss agenda items and will meet again in two weeks (July 15).

**RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL  
(Non-Agenda Items)**

Attorney Hinton read the rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Henderson recognized the following persons:

- **Mark West (Chattanooga)** - He represents Citizens for Government Accountability and Transparency, which led the petition drive for a referendum on the city's Domestic Partner Benefits ordinance. He asked Council to revisit tonight's vote pursuing court action.
- **Perrin Lance (Chattanooga)** - He supports Domestic Partner Benefits ordinance because of its benefit to families. He also invited the Council to the following event:

Poverty-Free Chattanooga  
July 7 from 11 AM - 12:30 PM  
Development Resource Center

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, July 8, 2014, at 6:00 p.m.

  
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**CHAIRMAN**

  
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**CLERK OF COUNCIL**

**(A full digital audio of this Council meeting has been  
filed in the Clerk of the Council's office)**