



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
July 8, 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 Anderson led the assembly in the Pledge of Allegiance and invited the Rev. Pamela Rumancik of the Unitarian Universalist Church of Chattanooga to bring the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Smith, the minutes of the last meeting (July 1, 2014) were approved as published.

ORDINANCES – FINAL READING:

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

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: APPROVED

ORDINANCES – FIRST READING:

Councilman Freeman requested to move the reading of Ordinance #12845 (agenda item H) to the top agenda for Ordinances on First Reading. Hearing no objection, Chairman Henderson ordered the reading of Ordinance #12845 ahead of all other Ordinances on First Reading.

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

ORDINANCE #12845

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE III, ZONING AND BOUNDARIES, RELATIVE TO NEW DIVISION 4, BR-SO BRAINERD ROAD STREETScape OVERLAY ZONE.

ACTION: PASSED ON FIRST READING

On motion of Councilman Mitchell and seconded by Councilman Gilbert,

ORDINANCE #12838

AN ORDINANCE APPROPRIATING, AUTHORIZING, OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2015 AND TO AMEND THE FISCAL YEAR 2015 OPERATIONS BUDGET ORDINANCE NO. 12835 AND AMEND FISCAL YEAR 2014 CAPITAL IMPROVEMENT ORDINANCE NO. 12761.

Prior to debate, Councilman Freeman raised a **Point of Personal Privilege** because he would need to leave the meeting early, but wished to speak freely. Chairman Henderson upheld and yielded the floor to Councilman Freeman. After comments on the Civil Rights Act of 1964 and the city's Non-Discrimination Ordinance of 2013, Councilman Freeman yielded the floor.

Chairman Henderson opened the floor for debate. Councilman Anderson called the question. With no objection, Chairman Henderson called for the vote. **The motion carried.** Councilman Freeman left the meeting after the vote.

ACTION: PASSED ON FIRST READING

2014-054

Hixson Investors, LLC/

Wells Fargo Bank and Raymond L. Hassler

District No. 3 - Planning Version

On motion of Councilman Smith and seconded by Councilman Hakeem,

ORDINANCE #12839

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6308, 6338, 6348, AND 6352 GRUBB ROAD AND 5851 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Greg Hayes of Regional Planning made a presentation on Ordinance #12839. He indicated that it was related to the zoning requesting in Ordinance #12840. The Applicant was present. No Opposition was present.

ACTION: PASSED ON FIRST READING

2014-055
Hixson Investors, LLC/
Wells Fargo Bank and
Raymond L. Hassler
District No. 3

On motion of Councilman Smith and seconded by Councilman Hakeem,

ORDINANCE #12840

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 11946 OF PREVIOUS CASE NO. 2007-022, OFF PROPERTIES LOCATED AT 6308 GRUBB ROAD AND 5851, 5861, AND 5857 HIGHWAY 153, BEING MORE PARTICULARLY DESCRIBED HEREIN.

Mr. Haynes made a presentation on Ordinance #12840. The Applicant was present. No opposition was present.

ACTION: PASSED ON FIRST READING

2014-046
Wallace and Nancy Braud
District No. 6 - Alternate Version

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

ORDINANCE #12841

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1329 AND 1349 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on this agenda item. The Applicant was present. There was no Opposition present on this agenda item.

ACTION: PASSED ON FIRST READING

2014-050
Patrick Johnson
District No. 7 - Planning Version

On motion of Councilman Anderson and seconded by Councilman Gilbert,

ORDINANCE #12842

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5209 ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on this agenda item. The Applicant was present. There was no Opposition present.

ACTION: PASSED ON FIRST READING

2014-051
RTB Holdings, LLC/
Parks Properties, LLC
District No. 8
Planning Version

On motion of Councilman Anderson and seconded by Councilman Hakeem,

ORDINANCE #12843

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 614 EAST MAIN STREET (AT REAR OF PARCEL), MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on Ordinance #12843. There was no Opposition present.

ACTION: PASSED ON FIRST READING

On motion of Councilman Smith and seconded by Councilman Hakeem,

ORDINANCE #12844

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS, SECTION 38-25 TO ESTABLISH EXCEPTIONS FOR ANNEXED LOTS NOT FRONTING PUBLIC STREETS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

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

RESOLUTION #27931

A RESOLUTION AUTHORIZING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA TO TAKE TITLE TO CERTAIN PERSONAL PROPERTY, TO LEASE SUCH PROPERTY TO CHATTEM CHEMICALS, INC. FOR EXPANSION AND OPERATION OF A MANUFACTURING FACILITY AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES WITH CHATTEM CHEMICALS, INC.

ACTION: ADOPTED

On motion of Councilman Hakeem and seconded by Councilman Grohn,

RESOLUTION #27932

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT THROUGH A PARTNERSHIP WITH IRONMAN FOUNDATION AND FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION, IN THE AMOUNT OF \$15,000.00.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Mitchell,

RESOLUTION #27933

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A QUITCLAIM DEED CONVEYING A TRACT OF LAND LOCATED AT 3501 CENTRAL AVENUE KNOWN AS THE FORMER SITE OF THE CHARLES A. BELL SCHOOL FROM HAMILTON COUNTY.

ACTION: ADOPTED

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

RESOLUTION #27934

A RESOLUTION TO AMEND RESOLUTION NO. 26006 SO AS TO AUTHORIZE THE MAYOR TO EXECUTE A DEED AND OTHER CLOSING DOCUMENTS TO TRANSFER THIRTY-TWO (32) PARCELS TO CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY, PURSUANT TO PURCHASE AND SALE AGREEMENT.

ACTION: ADOPTED

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

RESOLUTION #27935

A RESOLUTION AUTHORIZING THE APPOINTMENT OF ERIC MICHAEL WYATT AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Gilbert,

RESOLUTION #27936

A RESOLUTION AUTHORIZING A CHANGE ORDER CONCERNING THE CONTRACT WITH CDW-G (COMPUTER DATA WAREHOUSE-GOVERNMENT), FOR THE PROVISIONING OF BROCADE SWITCHES AND ROUTERS RELATED TO MAINTENANCE AND SUPPORT SERVICES, FOR A CONTRACT INCREASE IN THE AMOUNT OF \$400,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$700,000.00.

ACTION: ADOPTED

On motion of Councilman Grohn and seconded by Councilman Smith,

RESOLUTION #27937

A RESOLUTION TO ESTABLISH A TECHNOLOGY REPLACEMENT FUND (TRF) TO SERVE AS A SEPARATE FUND WHOSE PURPOSE IS TO EFFECTIVELY AND EFFICIENTLY ACQUIRE AND MANAGE TECHNOLOGY ON A CITY-WIDE BASIS UTILIZING BEST INDUSTRY PRACTICES WHICH WILL AUTHORIZE THE CHIEF INFORMATION OFFICER TO ESTABLISH A TECHNOLOGY REPLACEMENT PROGRAM (TRP) AND POLICY FOR AN ACCURATE MEASUREMENT OF TECHNOLOGY REPLACEMENT AND TECHNOLOGY IMPLEMENTATIONS.

ACTION: ADOPTED

2014-043
Chattanooga Construction Company/
Lighthouse Enterprises, LLC
District No. 6

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

RESOLUTION #27938

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED AT 5336, 5344, AND 5050 HUNTER ROAD, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

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

RESOLUTION #27939

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-10-012-201, BRAINERD LEVEE CERTIFICATION CONSTRUCTION TO DILLARD CONSTRUCTION, INC., IN THE AMOUNT OF \$325,848.00, WITH A CONTINGENCY AMOUNT OF \$32,600.00, FOR AN AMOUNT NOT TO EXCEED \$358,448.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Hakeem,

RESOLUTION #27940

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR VOLKERT, INC. RELATIVE TO CONTRACT NO. E-03-007-104, WILCOX BOULEVARD TUNNEL MODIFICATIONS, TO EXPAND THE PROJECT SCOPE AND FOR DESIGN AND BIDDING, FOR AN INCREASED AMOUNT OF \$125,700.00.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Anderson,

RESOLUTION #27941

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NOS. 1 AND 2 TO ATKINS NORTH AMERICA, INC. RELATIVE TO CONTRACT NO. T-10-001-401, COUNTYWIDE ITS PHASE 1 AND TRAFFIC SIGNAL UPGRADES FOR SR-8 AND I-75 SB RAMPS, FOR AN AMOUNT NOT TO EXCEED \$44,000.00 FOR CHANGE ORDER NO. 1 AND \$11,500.00 FOR CHANGE ORDER NO. 2.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Gilbert,

RESOLUTION #27942

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO RENEW LIABILITY AND AUTO INSURANCE COVERAGE WITH TML RISK MANAGEMENT POOL FOR A ONE YEAR PERIOD, FOR THE AMOUNT OF \$39,031.00.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

~Introduced by Jeff Cannon, Chief Operating Officer

Purchases

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

R94000 - Public Works Estimated \$90,000.00 Annually
Blanket Contracts for Waste Containers
Lowest/Best Bidder: Cascade Engineering

On motion of Councilman Anderson and seconded by Vice Chair Dr. Berz, the above-listed purchases were approved.

ACTION: APPROVED

Finance

Daisy Madison, Chief Finance Officer, noted that state law requires her to report the final disposition of any debt obligation to the Council. She gave the following report:

\$25,925,000.00 - Refunding bond / Cost of issuance - \$239,392.00
\$66,800,000.00 - State Revolving Loan / \$0 cost to the city

She submitted a detailed Report on Debt Obligation to the Council for informational purposes only. No action by Council was required.

OTHER BUSINESS:

Councilman Hakeem reported that he and councilpersons Grohn, Smith and Anderson toured Orange Grove Center today. He expressed appreciation for the services provided by the center.

COMMITTEE REPORTS:

Audit & I.T. Committee

Councilman Grohn

(No report)

Budget and Finance Committee

Councilman Mitchell

(No report)

Economic and Community Development Committee

Councilman Anderson

- He will attend a meeting next week of the Sign Ordinance Review Committee. This is not a public deliberate meeting; just for information only.
- The committee will meet on July 29 to discuss the city's Noise Ordinance.

HR Committee (Human Resources)

Vice Chair Dr. Berz

- There are two (2) upcoming meetings that have been previously reported:

July 15 - Wellness report

July 29 - Update on the pay plan

Planning & Zoning

Councilman Hakeem

(No report)

Public Safety Committee

- Chairman Henderson reported on behalf of Councilman Freeman: There will be a committee meeting next week (July 15) to discuss the city's contract with McKamey Animal Care and Adoption Center.

Public Works and Transportation Committee

Councilman Smith

- The committee will meet next week immediately following Agenda Session to discuss related agenda items.

Youth and Family Development Committee

Councilman Gilbert

(No report)

**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:

- **Monte Bell (Chattanooga)** - Asks the city to cease sending mail to his former address, where he has not resided in over a decade; seeks copies of records from the police department; concerned as to why the city has not addressed his homelessness.

ADJOURNMENT

Councilman Anderson moved to adjourn, seconded by Councilman Gilbert. Chairman Henderson objected, wanting to verify that there were no additional speakers in the audience on non-agenda items. Councilman Anderson yielded his motion. Once Chairman Henderson’s verification was complete, **Councilman Anderson moved to adjourn**, properly seconded. The meeting of the Chattanooga City Council was adjourned until Tuesday, July 15, 2014, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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