



City Council Building
 Chattanooga, Tennessee
COUNCIL MEETING MINUTES
 July 21, 2015
 6:00 PM

CALL TO ORDER

Council Chairwoman Carol Berz called the meeting to order with Vice Chair Moses Freeman and Council members Chris Anderson, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present. Deputy City Attorney Phil Noblett and Council Support Specialist Keren Campbell were also present. Councilman Chip Henderson and Councilman Yusuf Hakeem were not present.

PLEDGE OF ALLEGIANCE

Chairwoman Berz led the Assembly in the Pledge of Allegiance and invited Bishop Kevin Adams to lead the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Mitchell, the minutes of the last meeting (July 14, 2015) were approved as published.

ORDINANCES – FINAL READING:

ORDINANCE #12967

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE III, DIVISION 1, CHAPTER 2, SECTION 2-137; AND ARTICLE III, DIVISION 10, CHAPTER 2, SECTION 2-183, ANTI-HARASSMENT POLICY.

Councilman Anderson moved to approve, seconded by Vice Chair Freeman. A discussion ensued. During which, **Councilman Smith moved** to defer, seconded by Councilman Grohn,

Upon roll call vote the motion to defer was as follows:

Smith	YES	Mitchell	NO
Grohn	YES	Gilbert	NO
Freeman	NO	Anderson	NO
Berz	NO		

YES – TWO (2); NO – FIVE (5)

Councilman Anderson moved to approve the motion as presented, seconded by Vice Chair Freeman. Upon roll call vote, the motion carried as follows:

Anderson	YES	Mitchell	YES
Freeman	YES	Smith	NO
Gilbert	YES	Berz	YES
Grohn	NO		

ACTION: APPROVED

2015-073
Joshua Good of Land Titans Investments, LLC/
Robert Petross
District No. 2
Planning Version

On motion of Councilman Mitchell and seconded by Councilman Smith,

ORDINANCE #12968

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 507 ASHLAND TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2015-082
Frank Kinser/
East Brainerd Land Company
District No. 5
Planning Version

On motion of Councilman Mitchell and seconded by Vice Chair Freeman,

ORDINANCE #12969

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PORTION OF THE PROPERTY LOCATED AT 6001 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE.

ACTION: APPROVED

2015-075
Michael Tawzer
District No. 6

On motion of Councilman Gilbert and seconded by Councilman Anderson,

ORDINANCE #12970

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1 FROM ORDINANCE NO. 12703 OF PREVIOUS CASE NUMBER 2013-004 ON PROPERTY LOCATED AT 5223 HUNTER ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN.

ACTION: APPROVED

2015-062
Duane Carleo
District No. 7
Planning Version

On motion of Councilman Anderson and seconded by Councilman Smith,

ORDINANCE #12955

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE SO AS TO REZONE PROPERTY LOCATED AT 1518 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2015-077
Passpointe Engineering
c/o Jan Pass and
Tennessee Valley Railroad Museum
c/o Tim Andrews
District No. 9
Planning Version

On motion of Vice Chair Freeman and seconded by Councilman Anderson,

ORDINANCE #12971

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2202 NORTH CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2015-079
Passpointe Engineering, PLLC/Jan Pass
District No. 7

On motion of Councilman Anderson and seconded by Councilman Grohn,

ORDINANCE #12972

AN ORDINANCE CLOSING AND ABANDONING A SANITARY SEWER EASEMENT LOCATED AT 102 WALNUT STREET, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilman Grohn and seconded by Councilman Smith,

ORDINANCE #12973

AN ORDINANCE TO AMEND ORDINANCE PART 11, CHATTANOOGA CITY CODE, CHAPTER 2, ARTICLE V, SECTION 2-562, RELATIVE TO CONTRACTOR'S BOND.

ACTION: PASSED ON FIRST READING

On motion of Councilman Anderson and seconded by Vice Chair Freeman,

RESOLUTION #28335

A RESOLUTION ADOPTING TAX INCREMENT FINANCING POLICIES AND PROCEDURES, A COPY OF WHICH IS SUBSTANTIALLY ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

ACTION: ADOPTED

On motion of Vice Chair Freeman and seconded by Councilman Gilbert,

RESOLUTION #28336

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE TSO CHATTANOOGA DEVELOPMENT, LP, TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL, AND HOUSING FACILITY BOARD, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES, IN SUBSTANTIALLY THE SAME FORM AS ATTACHED.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Grohn,

RESOLUTION #28337

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF MISTY L. HARRIS TO THE WASTEWATER APPEALS BOARD.

ACTION: ADOPTED

On motion of Vice Chair Freeman and seconded by Councilman Gilbert,

RESOLUTION #28338

A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENT OF ROBERT LYNCH TO THE AIR POLLUTION CONTROL BOARD.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Grohn,

RESOLUTION #28339

A RESOLUTION FOR STUDY OF ZONING OPTIONS FOR THE SOUTH BROAD COMMERCIAL DISTRICT (SOUTH OF CHATTANOOGA CREEK TO LOOKOUT MOUNTAIN).

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Grohn,

RESOLUTION #28340

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND CREATE A STREAM AND WETLANDS CONSERVATION EASEMENT UPON PROPERTY JOINTLY-OWNED BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA, DESIGNATING HAMILTON COUNTY PARKS AND RECREATION AS THE HOLDER OF SAID EASEMENT LOCATED WITHIN ENTERPRISE SOUTH INDUSTRIAL PARK.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Vice Chair Freeman,

RESOLUTION #28341

A RESOLUTION TO AMEND RESOLUTION NO. 27253 TO EXTEND THE CONTRACT FOR ONE (1) YEAR, JULY 1, 2015 THROUGH JUNE 30, 2016, WITH FRIENDS OF THE FESTIVAL FOR MANAGEMENT OF THE 21ST CENTURY WATERFRONT, IN THE AMOUNT OF \$55,000.00.

ACTION: ADOPTED

On motion of Vice Chair Freeman and seconded by Councilman Grohn,

RESOLUTION #28342

A RESOLUTION AUTHORIZING TARA DANIELS, AGENT FOR THE LOCAL PROPERTY OWNER, CONTINENTAL 171 FUND LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED INSIDE THE EXISTING TRAFFIC CIRCLE AT GUNBARREL ROAD AND STANDIFER GAP ROAD TO INSTALL LANDSCAPING, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #28343

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA), TO APPLY FOR AND, IF AWARDED, ACCEPT A CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) DIESEL REBATE GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) TO PURCHASE THREE (3) ALL ELECTRIC VEHICLES, TO REPLACE EXISTING DIESEL VEHICLES, WITH THE CITY'S PORTION IN THE AMOUNT OF \$420,000.00, FOR AN AMOUNT NOT TO EXCEED \$2.1 MILLION.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Transportation

Blythe Bailey, administrator, briefed the Council on the structure of the department and its divisions.

Emergency Purchase

The emergency purchase of Submersible Chopper Pump for South Recycle of Moccasin Bend Wastewater Treatment Plant in the amount of \$34,282 plus freight was duly reported for the Department of Public Works and signed by Mr. Lee Norris in open meeting.

Purchases

David Carmody, Deputy Chief Operating Officer, briefed the Council on the following proposed purchases:

R100223 - General Services Estimated \$65,000 Annually
Renewal of Blanket Contract for Soft Drinks
Coca Cola Bottling Company United, Inc.

R48146 - General Services Estimated \$40,000 Annually
Renewal of Blanket Contract
for Towing Services
Mostellers Towing

Councilman Anderson moved to approve, seconded by Councilman Smith. The motion carried.

ACTION: APPROVED

OTHER BUSINESS:

Pitch, Hit & Run

Councilman Gilbert announced that the Girls softball team did make the finals and although they lost by one point he was very pleased with their hard work and dedication.

Events of July 16

Councilman Smith expressed appreciation and gratitude to Mayor Berke, Chief Fletcher and the CPD for how they've handled the situation that transpired on July 16th. He expressed being very pleased with the way Chattanooga was being portrayed throughout our nation. Councilman Grohn echoed this sentiment as he lost a personal friend at the Amicola site.

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
(No report)

HR Committee (Human Resources)

Vice Chair Freeman

- The committee will meet on July 28 from 10:00 a.m. – 1:30 p.m. for a second work session to continue reviewing the EIG.

Planning & Zoning Committee

(Councilman Hakeem not present)

Public Safety Committee

(Councilman Henderson not present)

Public Works and Transportation Committee

Councilman Smith

- The committee will meet again next week (July 28).

Youth and Family Development Committee

Councilman Gilbert
(No report)

NEXT WEEK’S AGENDA:

Councilman Anderson asked is the Sign amendment ordinance will be on next week’s agenda. Chairwoman Berz informed the Council that it will be delayed a week as it is still needing to be looked at.

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

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

- **Mary Staggs (District 6)** – She expressed a concern for protester and picketers at the funeral of our fallen soldiers and is hoping that something can be put in place allowing for no disruptions and for the mourners to be able to have peace during their final goodbyes.
 - Further discussion ensued with Attorney Noblett who read the Federal and State statute that was already in place for these types of events.
 - Councilman Grohn motioned for the City Attorneys office to look at what needed to be done to ensure that something is put in place even if an emergency meeting before Tuesday is required by Council.

Councilman Grohn moved to approve, seconded by Councilman Gilbert. The motion carried.

ACTION: APPROVED

ADJOURNMENT

Chairwoman Berz adjourned the meeting of the Chattanooga City Council until Tuesday, July 28, 2015, at 6:00 p.m.

CHAIRWOMAN

CLERK OF COUNCIL