



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
September 9, 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. Deputy City Attorney Phil Noblett, 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 (September 2, 2014) were approved as published.

SPECIAL PRESENTATIONS (2)

Presentation #1:

*Welcome and Presentation
By Karen Claypool and Councilman Smith
to sister city delegates from Nizhny Tagil, Russia*

Ms. Claypool introduced the sister city delegation of five (5), traveling with a facilitator and interpreter. Councilman Smith presented each delegate with a commemorative ink pen set from the Council.

Presentation #2:

*Blood Assurance Presentation
By Jay Baumgardner*

Mr. Baumgardner gave a brief overview of Blood Assurance and presented a Blood Assurance an "I Bleed" t-shirt to Councilman Hakeem for donating five (5) gallons over the course of 40 donations and "saving over 120 lives" as a result of his giving.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

2014-083
Carl Buch/Les Lazarus
District No. 1
Planning Version

Move to deny by Councilman Freeman and seconded by Councilman Gilbert,

ORDINANCE #12853

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 319 PINE RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

Grey Haynes, Director of Development for Regional Planning, made a visual presentation on this zoning request. A discussion ensued with the applicant, Les Lazarus. No Opposition was present in today's meeting. Mr. Haynes noted that Opposition was present at the Planning Commission meeting. After further discussion, **the motion carried.**

ACTION: DENIED

2013-144
Napier Associates
and Gunbarrel Partners
District No. 4
Planning Version

Move to approve by Councilman Grohn and seconded by Councilman Hakeem,

ORDINANCE #12854

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2418, 2424, 2428, AND 2440 ELAM LANE AND 2501, 2511, 2515, 2519, AND 2527 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-4 PLANNED COMMERCE CENTER ZONE TO MXU ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a visual presentation on this zoning request. A discussion ensued with the applicant, Ken DeFoor. No Opposition was present. After further discussion, **the motion carried.**

ACTION: PASSED ON FIRST READING

2013-145
Gunbarrel Partners
District No. 4
Planning Version

Move to approve by Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12855

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2515, 2519, AND 2527 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE.

Mr. Haynes made a visual presentation on this item. A discussion ensued with Mr. DeFoor again. There was no Opposition present in today's meeting. After further discussion, **the motion carried.**

ACTION: PASSED ON FIRST READING

2014-086
MAP Engineers, LLC/Heatec, Inc.
District No. 7
Planning Version

Move to approve by Councilman Anderson and seconded by Councilman Hakeem,

ORDINANCE #12856

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5200 WILSON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO O-1 OFFICE ZONE, AND SO AS TO LIFT CONDITION NO. 1 FROM ORDINANCE NO. 11820 AND REPLACE WITH CONDITIONS THERETO.

Mr. Haynes made a visual presentation on this zoning request. A discussion ensued with the applicant, Mike Price (MAP Engineers). No Opposition was present in today's meeting.

Councilman Anderson asked the attorney for clarification on denying the zoning and lifting the condition. After further discussion, **Councilman Anderson moved** to approve the Planning Commission's recommendations. **The motion carried.**

ACTION: PASSED ON FIRST READING

2014-023
Elemi Architecture, LLC/
Matt Winget/Paul Teruya/ALC Holdings, LLC
District No. 7

Move to approve by Councilman Anderson and seconded by Councilman Grohn,

ORDINANCE #12857

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1690 SILVELS LANE, 109 OLD MOUNTAIN ROAD, AND 1605 W. 39TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, TO BE APPROVED AS AMENDED PER SITE PLAN AT PLANNING COMMISSION.

Mr. Haynes made a visual presentation on this zoning request. A discussion ensued with the applicant, Eric Meyers (Broad Street), who addressed the Council. One (1) person, Page Wichman, addressed the Council in opposition to this zoning. She was also afforded up to nine (9) minutes to speak. Mr. Meyers gave a rebuttal.

John Bridger, Executive Director at Regional Planning, was asked for an overview on the current and future stormwater changes. Mr. Bridger deferred to Lee Norris, Public Works Administrator, and Brent Goldberg, Chief Operating Officer, on the stormwater questions. After further discussion, **the motion carried.**

ACTION: PASSED ON FIRST READING

2014-077
Allen Jones/Watkins Street Project, LLC
District No. 9
Alternate Version

Move to approve by Councilman Freeman and seconded by Councilman Hakeem,

ORDINANCE #12858

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1700 AND 1800 WATKINS STREET AND 2461 EAST 18TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE, M-1 MANUFACTURING ZONE, AND M-2 LIGHT INDUSTRIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a visual presentation on this item. A discussion ensued with the applicant, Allen Jones (Street Project, LLC). Gary Ball (Ridgedale Neighborhood Association) spoke for the Opposition, but clarified that he was not against the project, just concerned about future development and zoning if this project does not take place. Mr. Jones made a rebuttal. After further discussion with Councilmen Hakeem and Freeman, **the motion carried.**

**ACTION: ALTERNATE VERSION
PASSED ON FIRST READING**

Move to approve by Councilman Freeman and seconded by Councilman Gilbert,

ORDINANCE #12859

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 14, UGC URBAN GENERAL COMMERCIAL ZONE, SECTION 38-201, INTENT, AND SECTIONS 38-207 THROUGH 38-213, DIVISION 29, OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, SECTION 38-473(12).

A discussion ensued with Mr. Bridger about the definition of a "story" and whether an elevator shaft is included in the definition. Upon no further questions, **the motion carried.**

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

Move to approve by Councilman Hakeem and seconded by Councilman Smith,

RESOLUTION #28002

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE VAN DE WIELE, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES.

The motion carried, with Chairman Henderson voting "NO" on this resolution. Later in the meeting, Councilman Anderson stated that he had stepped out of the meeting just as a vote on this item took place. Therefore, he wanted the record to reflect his "YES" vote.

ACTION: ADOPTED

Move to approve by Vice Chair Dr. Berz and seconded by Councilman Gilbert,

RESOLUTION #28003

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MATTHEW DUGGAN AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE MCKAMEY ANIMAL CENTER TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

Move to approve by Vice Chair Dr. Berz and seconded by Councilman Mitchell,

RESOLUTION #28004

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH TRITECH SOFTWARE SYSTEMS FOR ANNUAL SUPPORT AND MAINTENANCE OF THE RMS SYSTEM FOR THE PERIOD OF JULY 1, 2014 THROUGH JUNE 30, 2015, FOR AN AMOUNT NOT TO EXCEED \$251,219.35.

ACTION: ADOPTED

Move to approve by Vice Chair Dr. Berz and seconded by Councilman Anderson,

RESOLUTION #28005

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH INSIGHT PUBLIC SECTOR FOR THE ANNUAL CONTRACT RENEWAL FOR THE SUPPORT AND MAINTENANCE OF THE ARBITRATOR IN-CAR VIDEO SYSTEM, FOR AN AMOUNT NOT TO EXCEED \$31,801.90.

ACTION: ADOPTED

Move to approve by Councilman Smith and seconded by Councilman Mitchell,

RESOLUTION #28006

A RESOLUTION AUTHORIZING FOUR BRIDGES OUTFITTERS C/O LYNN BARTOLETTI TO USE TEMPORARILY A 4 FT. X 4 FT. SIGN THAT EXTENDS ABOVE A CITY SIDEWALK LOCATED AT 315 N. MARKET STREET, AS SHOWN ON THE PHOTO ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

Move to approve by Councilman Freeman and seconded by Vice Chair Dr. Berz,

RESOLUTION #28007

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ACCEPT PAYMENT AND ENTER INTO A DEVELOPMENT AGREEMENT (T-14-012) WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA FOR MATERIALS FOR A FLASHING PEDESTRIAN CROSSWALK AT EAST 5TH STREET, EAST OF DOUGLAS STREET, IN THE AMOUNT OF \$12,000.00.

ACTION: ADOPTED

Move to approve by Councilman Freeman and seconded by Vice Chair Dr. Berz,

RESOLUTION #28008

A RESOLUTION AUTHORIZING SEKISUI CHATTANOOGA C/O KUNIKAZU SHIBATA TO USE TEMPORARILY THE LAND BETWEEN THE BUILDING AND SIDEWALK OF 1120 HOUSTON STREET FOR A PATIO FOR CUSTOMERS VISITING SEKISUI CHATTANOOGA, AS SHOWN ON THE PHOTO ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

Move to approve by Councilman Gilbert and seconded by Councilman Mitchell,

RESOLUTION #28009

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR YERBEY CONCRETE CONSTRUCTION RELATIVE TO CONTRACT NO. E-13-003-201, CITY SIDEWALK REQUIREMENTS, USED TO SUPPLEMENT EXISTING SIDEWALK REQUIREMENTS CONTRACT, FOR AN INCREASED AMOUNT OF \$225,507.23, FOR A TOTAL AMOUNT OF \$475,507.23.

ACTION: ADOPTED

Move to approve by Councilman Anderson and seconded by Councilman Gilbert,

RESOLUTION #28010

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR YERBEY CONCRETE CONSTRUCTION RELATIVE TO CONTRACT NO. E-12-002-201, CITY SIDEWALK REQUIREMENTS, TO FINISH THE EXISTING SCOPE OF WORK AND TO EXPAND THE ALLOCATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, FOR AN INCREASED AMOUNT OF \$96,225.00, FOR A TOTAL AMOUNT OF \$625,030.33.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Emergency Purchases

Brent Goldberg, Chief Operating Officer, informed the Council of two (2) emergency purchases:

R100561 - Public Works Department Estimated \$5,000
Emergency Purchases of Aeration Services
for South Chickamauga Creek Spill
Vendor: Xylem Dewatering Solutions. Inc

R100531 - Public Works Department Estimated \$75,000
Emergency Purchase of Dead Fish Removal Services
for South Chickamauga Creek Spill
Vendor: Marion Enviromental

Duly reported, the emergency purchases were signed in open meeting by Lee Norris, Public Works Administrator.

Proposed Purchases

David Carmody, Deputy Chief Operating Officer, presented the following proposed purchases:

R82560 - General Services Estimated \$40,000 Annually
Blanket Contract Renewal for Tractor
and Mower Parts and Service
Lowest/Best Bidder: Chattanooga Tractor and Equipment

R48213 - General Services Estimated \$65,000 Annually
Blanket Contract Renewal for Fasters and Hardware
Lowest/Best Bidder: Atlas Bolt and Supply

Vice Chair Dr. Berz moved to approve the proposed purchases, seconded by Councilman Hakeem. The motion carried.

ACTION: APPROVED

OTHER BUSINESS:

Audience Recognition

Vice Chair Dr. Berz recognized and thanked the social work students from UTC that were attending today's meeting to observe Council procedure.

District 6 Event

Vice Chair Dr. Berz announced the Grassroots Midtown 1st Annual Festival on Saturday, September 13, 2014, from 10:00 a.m. - 4:00 p.m. at Brainerd Village.

Beer & Wrecker Board

Councilman Anderson noted that there were vacant seats on the Beer & Wrecker Board that should be filled for the board to effectively continue its business. Councilman Gilbert clarified that those were mayoral, not Council, appointments. Attorney Noblett confirmed that those were mayoral appointments.

United Way Day of Caring

Councilman Gilbert announced that city employees would participate in the United Way's Day of Caring on Thursday, September 11, at Dalewood Middle School. Employees will enhance the school with paint projects. He and Councilman Hakeem planned to stopped by the school.

MDA Kick-off Event

Chairman Henderson announced that the Chattanooga Fire Department will host its kick-off for this year's MDA boot campaign on Thursday, September 11, at 9:15 a.m. at Station 1.

COMMITTEE REPORTS:

Audit & I.T. Committee

Councilman Grohn

- The committee will meet next Tuesday (September 16) for an I.T. Department update and the EPB Audit.

Budget and Finance Committee

Councilman Mitchell

- The committee will meet next Tuesday for a ChattaData update by Administration.

Economic and Community Development Committee (ECD)

Councilman Anderson

(No report)

HR Committee (Human Resources)

Vice Chair Dr. Berz

- There will be two (2) educational sessions for councilpersons during their 1:30 p.m. Strategic Planning meetings:

September 16 - Educational session for councilpersons on personnel matters

September 23 - Educational session for councilpersons on the pension plan

Planning & Zoning

Councilman Hakeem

(No report)

Public Safety Committee

Councilman Freeman

- The committee met today to discuss amendments to the Animal Control Ordinance. The ordinance is scheduled to appear for first reading on next week's agenda.

Public Works and Transportation Committee

Councilman Smith

- The committee met today to discuss agenda items for the next two weeks.
- The next meeting will take place in two weeks (September 23).

Youth and Family Development Committee

Councilman Gilbert

- The committee will meet next Tuesday for an educational session.

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

Attorney Noblett read the seven (7) rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Henderson recognized the following persons:

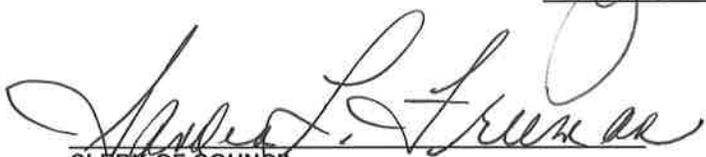
- **Joan Barrell (Hixson)** - Asks Council to ban the TWRA (Tennessee Wildlife Resource Agency) hunts at Enterprise South; asks Council to “rescind the 2005 exclusive hunting contract and restore local control” of this park.
- **Gil Schropshire (Alton Park/Piney Woods)** - Concerned about the Affordable Housing initiative in the area of 39th Street in Alton Park.
 - Councilman Anderson indicated that he had asked to speak with Mr. Schropshire and Donna Williams, ECD Administrator, after the meeting to discuss this.
- **Angie Jennings (Play Dog eXcellent)** - Concerned about the animal control ordinance negatively impacting businesses like hers and pure bred hobbyists; believes the ordinance will not affect those who are causing the animal control problems.
 - Councilman Freeman asked Ms. Jennings to speak with Assistant City Attorney Melinda Foster about this.

ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, September 16, 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)