



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
November 11, 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, 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. Councilman Larry Grohn was not present.

## **PLEDGE OF ALLEGIANCE**

Councilman Freeman led the Pledge of Allegiance. Afterwards, he reminded the Assembly of today's national observance of Veteran's Day. He asked the Assembly to "remember in our prayers" the homeless veterans in our community. Chairman Henderson asked all veterans to stand in special recognition.

## **APPROVAL OF LAST MINUTES**

**On motion of Councilman Anderson** and seconded by Councilman Gilbert, the minutes of the last meeting (November 4, 2014) were approved as published.

## **SPECIAL PRESENTATION**

Councilman Smith and Public Works Administrator Lee Norris recognized Dennis "Buck" Saunders, Jr., long-time employee at the Wastewater Treatment Plant. During which, Councilman Smith made the following proclamation on behalf of Mayor Berke:

**Whereas:** Dennis Buck Saunders, Jr. came to work for the City of Chattanooga on November 6, 1964. November 6, 2014 marked his 50<sup>th</sup> year of service for the City; and

**Whereas:** Buck's father, Dennis Saunders, Sr., was employed by the City Of Chattanooga from 1934-1984; and

**Whereas:** As a small child Buck would often watch construction workers do their job, trying to learn from them. He knew one day he wanted to do similar work; and

**Whereas:** He served his country for two years in Vietnam as a supply delivery truck driver. After his military service, Buck began working for the City of Chattanooga on November 6, 1964 in the Public Utilities Department; and

Whereas: He is always willing to help others and has given away most of his accumulated personal leave time to fellow City employees who were in need. Buck has been a loyal employee to the City and goes above and beyond what is asked of him.

**Now Therefore,**

I, Andy Berke, Mayor of the City of Chattanooga, do hereby  
proclaim November 11<sup>th</sup>, 2014 as

**Buck Saunders, Jr. Appreciation Day**

In Witness Whereof, I have hereunto set my hand and caused the  
Seal of the City of Chattanooga to be affixed this the  
11<sup>th</sup> day of November, 2014

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**Andy Berke, Mayor**

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**ORDINANCES – FINAL READING: (NONE)**

**ORDINANCES – FIRST READING:**

**2014-109**  
**Hixson Investors, LLC/**  
**Mary Eastman**  
**District No. 3**  
**Planning Version**

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

**ORDINANCE #12873**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1 THROUGH 9 FROM ORDINANCE NO. 11827 OF PREVIOUS CASE NUMBER 2006-028 FROM PROPERTIES LOCATED AT 6300, 6302, AND 6306 GRUBB ROAD AND PART OF THE 5800 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN.**

**ACTION: PASSED ON FIRST READING**

**2014-110**  
**Polestar Development, LLC/**  
**Sarah Henshall Rutherford**  
**District No. 4**  
**Planning Version**

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

**ORDINANCE #12874**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7911 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**2014-111**  
**Polestar Development, LLC/**  
**First Cumberland Presbyterian**  
**District No. 5**  
**Planning Version**

On motion of Councilman Gilbert and seconded by Councilman Anderson,

**ORDINANCE #12875**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1505 NORTH MOORE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.**

**ACTION: PASSED ON FIRST READING**

**2014-105**  
**Charles Ankar/Joyce Douglas**  
**District No. 7**  
**Planning Version**

On motion of Councilman Anderson and seconded by Councilman Smith,

**ORDINANCE #12876**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1812, 1816, AND 1818 MADISON STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

2014-112  
Passpointe Engineering, PLLC/  
Walnut Street Enterprises/  
Marvin Berke/Claudette C. Braley  
District No. 7  
Alternate Version

ORDINANCE #12877

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 102 WALNUT STREET AND 213 EAST AQUARIUM WAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Greg Haynes, Regional Planning's Director of Development, discussed the two (2) conditions that had been added in the alternate version on the agenda. **Councilman Anderson moved** to amend by adding the wording, "...*only be used for a hotel or residential use for no less than 20 years,*" to the Certificate of Occupancy. Councilman Hakeem called a *Point of Clarity* and inquired of the Applicants if they were in agreement with the amendment.

Chairman Henderson ruled by allowing the Applicants to speak at this time and recognized the following speakers:

- Mike St. Charles
- Mitch Patel (Vision Hospitality Group)
- Craig Peavy (Architect)

A discussion ensued with the Applicants and Mr. Bridger regarding retail space on the property. After working through the language with all parties, Attorney Noblett offered the following wording:

- *"The property shall be used as a boutique hotel or residential use for a period of not less than twenty (20) years."*
- *"Retail is permissible on the first floor."*

**Councilman Anderson moved** to accept the revised language as an amendment to his amendment for the alternate version. He was seconded by Councilman Mitchell. Councilman Freeman called the question. **Councilman Anderson moved** to approve the ordinance as amended. He was seconded by Councilman Hakeem.

**ACTION: PASSED AS AMENDED  
ON FIRST READING**

**ORDINANCE #12878**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1200 SOUTH WATKINS STREET, 1206 LYERLY STREET, AND 2308 EAST 12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Mr. Haynes gave an overview for Council and recommended that the legal description should be the "Staff" version. The Applicant and Opposition were present. Chairman Henderson recognized the following speaker:

- Alan Haniszewski (Applicant)

Chairman Henderson recognized the following speakers on behalf of the Opposition:

- Alex Herweyer (E. 12<sup>th</sup> Street)
- Gary Ball (Ridgedale Community Association & Tower Construction)

Chairman Henderson afforded an opportunity for Mr. Haniszewski to make a rebuttal. After which, Councilman Freeman questioned Mr. Ball about the history of the R-2 zoning in this area. After further discussion, the Applicant and the Opposition came to an agreement regarding the condition of "30-foot setback from the building."

**Councilman Mitchell moved** to defer one (1) week, seconded by Councilman Freeman. The motion carried.

**ACTION: DEFERRED ONE (1) WEEK**

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

**ORDINANCE #12879**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO AMEND ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS; ADD AND AMEND ARTICLE II, DEFINITIONS; AND ADD TO ARTICLE V, ZONE REGULATIONS TO INCLUDE SPECIAL PERMIT FOR TWO-FAMILY OR MULTI-FAMILY DWELLINGS ON LOTS OF RECORD.**

A discussion ensued with Mr. Bridger on how the amendment will create a process for granting a variance for minimum lot sizes. The **motion carried, with Councilman Mitchell abstaining.**

**ACTION: PASSED ON FIRST READING**

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

**ORDINANCE #12880**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, RELATIVE TO REFERENCE “THE ANIMAL CENTER” AND TO AMEND CHATTANOOGA CITY CODE, CHAPTER 7, RELATIVE TO ANIMAL PERMITS BY CREATING NEW PROVISIONS FOR DEALER PERMITS, KENNEL PERMITS, ANIMAL PERFORMANCE PERMITS, ANIMAL RESCUE PERMITS, AND DOGS IN OUTDOOR DINING AREAS PERMITS.**

A discussion ensued with Attorney Noblett about two (2) alternate versions of this ordinance that were distributed to Council. **Councilman Mitchell moved** to amend the alternated version prepared by the City Attorney’s Office (“red-lined” version).

**Councilman Freeman moved** to approve the redlined version of this ordinance. He was seconded by Vice Chair Dr. Berz. Chairman Henderson recognized the following speakers:

- Melinda Foster (Assistant City Attorney)
- Mike Mallen (Chair, Animal Control Board)

Councilman Freeman called a *Point of Order*. He objected, stating that there was a motion already on the floor and that Council did not have to hear from any other governmental body at this point in the debate. Chairman Henderson ruled to allow Mr. Mallen to address Council since there were still questions from Council on this ordinance.

A discussion ensued with Mr. Mallen about why hobby breeders are included certain portions of the permit process. After Mr. Mallen’s response, Councilman Mitchell withdrew his amendment to the redlined version. Upon no further questions, **the motion carried, with Councilman Gilbert and Chairman Henderson voting “NO.”**

**ACTION: PASSED ON FIRST READING**

**ORDINANCE #12881**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, SECTIONS 31-301 THROUGH 31-356 RELATIVE TO STORMWATER MANAGEMENT.**

**Councilman Hakeem moved** to amend with the following language:

*SECTION 3. BE IT FURTHER ORDAINED That the City Engineer and City Attorney shall propose an appeals process in addition to the procedure set forth in Division 8 of this Article for Stormwater Management on or before March 31, 2015 which shall be brought to the City Council for consideration at that time.*

SECTION 4. BE IT FURTHER ORDAINED That the City Engineer and City Attorney will develop an evaluation process to determine the effectiveness of the Stormwater Management program on or before December 31, 2015.

Vice Chair Dr. Berz seconded the amendments. **The motion carried, with Councilman Freeman voting “NO” and Chairman Henderson abstaining.**

**Councilman Hakeem moved** to approve the ordinance as amended, seconded by Vice Chair Dr. Berz. **The motion carried, with Chairman Henderson voting “NO.”** Councilman Smith requested a roll call vote. Chairman Henderson concurred. **The motion carried 5-to-3 upon roll call vote as follows:**

Anderson	YES	Hakeem	YES
Berz	YES	Mitchell	NO
Freeman	YES	Smith	NO
Gilbert	YES	Henderson	NO

Citing the absence of himself and one other council member next week, **Councilman Anderson moved to postpone the final reading of this ordinance for two (2) weeks.** He was seconded by Councilman Mitchell. **The motion carried.**

ACTION: PASSED ON FIRST READING;  
SECOND READING DEFERRED TWO (2) WEEKS

**MR-2014-059**  
**Brad Slayden, Ragan-Smith Associates/**  
**Parkridge Health System**

On motion of Councilman Hakeem and seconded by Councilman Smith,

**ORDINANCE #12882**

**AN ORDINANCE CLOSING AND ABANDONING OF THE OPENED 200 BLOCK OF MCCONNELL STREET, OPENED AND UNOPENED PORTIONS OF THE 200 BLOCK OF MCCONNELL LANE, AND THE 200 BLOCK OF WATKINS STREET, SUBJECT TO CERTAIN CONDITIONS.**

**The motion carried, with Councilman Gilbert abstaining.**

ACTION: PASSED ON FIRST READING

**RESOLUTIONS:**

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**RESOLUTION #28056**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ALLOCATE AND ENTER INTO AN AGREEMENT WITH CHATTANOOGA COMMUNITY DEVELOPMENT HOUSING ORGANIZATION (CCHDO) FOR \$109,899.00 IN HOME INVESTMENT PARTNERSHIP FUNDS, RESERVED FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS, TO DEVELOP AFFORDABLE HOUSING.**

**ACTION: ADOPTED**

**RESOLUTION #28057**

**A RESOLUTION TO AMEND THE MASS MUTUAL RETIREMENT PLAN DOCUMENT TO COMPLY WITH RECENT REGULATORY GUIDANCE FROM THE IRS PURSUANT TO REVENUE RULING 2013-17 AND NOTICE 2014-19.**

Attorney Noblett recommended deferring this item. **Councilman Gilbert moved** to defer, seconded by Councilman Hakeem. Councilman Anderson noted that he did not hear a timeframe for deferring this item. **Councilman Gilbert moved** to defer one (1) week, seconded by Councilman Hakeem. The motion carried.

Later in the meeting, **Councilman moved** to reconsider the previous vote on deferring this item for one (1) week and **moved to** amend it to two (2) weeks since he and Councilman Grohn will be absent next week. The **motion carried, with Councilman Smith and Councilman Mitchell voting "NO" on deferring two (2) weeks.**

**ACTION: DEFERRED TWO (2) WEEKS**

On motion of Councilman Hakeem and seconded by Councilman Freeman,

**RESOLUTION #28058**

**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH PUBLIC FINANCIAL MANAGEMENT, INC. FOR FINANCIAL ADVISORY SERVICES FOR A PERIOD OF THREE (3) YEARS BEGINNING NOVEMBER 1, 2014, PLUS TWO (2) ONE (1) YEAR EXTENSIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$110,000.00.**

**ACTION: ADOPTED**

2014-107  
Southern Land Company/  
Obar Investments, LLC  
District No. 1

On motion of Councilman Freeman and seconded by Councilman Hakeem,

**RESOLUTION #28059**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED IN THE 900 BLOCK OF RIVER GORGE DRIVE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Anderson,

**RESOLUTION #28060**

**A RESOLUTION AUTHORIZING VINCENT PROPERTIES C/O MACK B. MCCARLEY, P.E. TO USE TEMPORARILY A PORTION OF 221 RIVER STREET TO COMPLETE LANDSCAPING WORK TO IMPROVE APPEARANCE AND STABILIZATION, AS SHOWN ON THE ATTACHED MAP, DRAWING, AND PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

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

**RESOLUTION #28061**

**A RESOLUTION AUTHORIZING OAK HILLS NEIGHBORHOOD ASSOCIATION C/O TERRY MCCULLOUGH TO USE TEMPORARILY 4221 GRAND AVENUE FOR A BUS SHELTER, AS SHOWN ON THE MAPS, DRAWINGS, 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 Mitchell,

**RESOLUTION #28062**

**A RESOLUTION AUTHORIZING STURM HAUS BEER MARKET C/O MARSHA STURM TO USE TEMPORARILY A SIDEWALK LOCATED AT 1120 HOUSTON STREET FOR OUTDOOR PATIO SEATING, AS SHOWN ON THE PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

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

<b>R103863 - Fire Department</b> A proprietary purchase of eight (8) Motorola Radios and Accessories Lowest/Best Bidder: Motorola Solutions, Inc.	\$40,717.28
<b>R100046 - General Service</b> Approval for the payment of six (6) invoices/proposals for building repairs at City Hall Annex Lowest/Best Bidder: Drake Construction	\$28,151.75
<b>R104643 - Information Technology</b> Final payment of invoice 92815865 Lowest/Best Bidder: En Pointe Technologies	\$37,130.33
<b>R104681 - Public Works</b> New purchase contract for Software Design Services for Customer Notification System Lowest/Best Bidder: NuOrigin Systems, Inc.	\$10,400 (Rolling 12 month expenditure exceeds \$25,000)
<b>R69128 - Public Works</b> Blanket contract renewal for Mixer Gear Reducer Repair Services Lowest/Best Bidder: SPX Flow Technologies c/o Rodgers-Turner & Associates, Inc.	Estimated \$50,000 Annually
<b>R102841 - Public Works</b> The purchase of one (1) KSB Submersible Pump Lowest/Best Bidder: Water & Waste Equipment, Inc.	\$38,487
<b>R86164 - Public Works</b> Blanket contract renewal for Seepex Pump Parts Lowest/Best Bidder: Southern Sales Company	Estimated \$75,000 Annually
<b>R58176 - Public Works</b> Extension of blanket contract 515892 for Sidewalk Light Poles Lowest/Best Bidder: Sun Valley Lighting	Estimated \$89,000 Annually
<b>R90925 - Public Works</b> Budget increase on blanket contract 527095 for Manhole Components. Lowest/Best Bidder: Acheson Foundry	\$156,000 Annually

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

**ACTION: APPROVED**

## **OTHER BUSINESS:**

### Council Technical Issue

At the request of Vice Chair Dr. Berz, Chairman Henderson asked Mr. Burns to check into why she and some council members had trouble hearing the Clerk's microphone at times.

## **COMMITTEE REPORTS:**

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

(Councilman Grohn not present)

### *Budget and Finance Committee*

Councilman Mitchell

(No report)

### *Economic and Community Development Committee*

Councilman Anderson

(No report)

### *HR Committee (Human Resources)*

Vice Chair Dr. Berz

(No report)

### *Planning & Zoning*

Councilman Hakeem

- The committee meeting scheduled for next week has been postponed to December.

### *Public Safety Committee*

Councilman Freeman

(No report)

### *Public Works and Transportation Committee*

Councilman Smith

- The committee will meet next Tuesday (November 18) immediately after Agenda Session.

### *Youth and Family Development Committee*

Councilman Gilbert

(No report)

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

Attorney Noblett read the rules of procedure for those wishing to address Council on non-agenda matters. After which, Chairman Henderson recognized the following individuals:

- **Joanne Holiday Johnson (Chattanooga)** - She voiced concerns with the management of the Villages at Alton Park and wanted to know what happened to the Hope VI program in that community.

- Chairman Henderson asked Brent Goldberg, Chief Operating Officer, to connect Ms. Johnson to Donna Williams (ECD Administrator). Councilman Anderson also recommended connecting her to Rep. Chuck Fleischmann's office.
- **Patrick Kellogg (Chattanooga)** - He presented 37 signatures on a document entitled "Harriet Tubman: Neighborhood Concern-Asbestos." He voiced concerns about dust particles not being safe at the Tubman site, and asked for an OSHA-certified company and the Air Control Bureau to look into this matter.

## **ADJOURNMENT**

**On motion of Councilman Anderson**, the meeting of the Chattanooga City Council was adjourned until Tuesday, November 18, 2014, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**