



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
February 17, 2015  
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. Also present were City Attorney Wade Hinton and Council Clerk, Nicole Gwyn, CMC.

**PLEDGE OF ALLEGIANCE**

Councilman Mitchell led the assembly in the Pledge of Allegiance.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Freeman and seconded by Councilman Gilbert, the minutes of the last meeting (February 10, 2015) were approved as published.

**SPECIAL PRESENTATIONS**

*Special Presentation to Officers Stephen Huckabee,  
Joshua Branam and Eddie Mansell  
Presented by CPD Chief of Staff David Roddy*

Chief Roddy presented the Life Saving Award to Officers Huckabee and Branam for administering CPR to a 2-month-old baby and Officer Mansell for rescuing a choking child.

**ORDINANCES – FINAL READING:**

**2015-001**

**Frank Goodwin/Hard Luck Land & Cattle Company**

**District No. 1**

**Planning Version**

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

**ORDINANCE #12905**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 500 WHITEHALL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

2015-010  
Phil Whitfield/Capitol Toyota  
District No. 6  
Planning Version

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

**ORDINANCE #12906**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 211 AND 301 CHICKAMAUGA ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

**ACTION: APPROVED**

2014-139  
The Broadway Group, LLC/Joseph E. Proctor  
District No. 2  
Planning Version

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

**ORDINANCE #12907**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 6514 AND 6518 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried, with Councilman Grohn voting "NO" and Councilman Anderson abstaining.

**ACTION: APPROVED**

2015-005  
Allen Jones/Alton Properties  
District No. 7  
Planning Version

On motion of Councilman Anderson and seconded by Councilman Smith,

**ORDINANCE #12908**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 510 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION: APPROVED**

**2015-007**  
**David Hudson/New Home Missionary Baptist Church**  
**District No. 8**  
**Planning Version**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**ORDINANCE #12909**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1001 AND 1019 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, AND R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION: APPROVED**

**2015-009**  
**Choo Choo Partners, LP**  
**District No. 8**  
**Planning Version**

On motion of Councilman Freeman and seconded by Councilman Smith,

**ORDINANCE #12910**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1400 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION: APPROVED**

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

**ORDINANCE #12911**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, SECTION 38-2, DEFINITIONS AND ARTICLE V, DIVISION 13, SECTION 38-185; DIVISION 14, SECTION 38-205; DIVISION 15, SECTION 38-224; DIVISION 16, SECTION 38-246, USES PERMITTED AS SPECIAL EXCEPTIONS BY THE CITY COUNCIL; DIVISION 17, SECTION 38-266, PROHIBITED USES AND STRUCTURES; AND ARTICLE V, DIVISION 18, SECTION 38-289, USES WHICH REQUIRE A SPECIAL PERMIT; AND ARTICLE V, DIVISION 19, SECTION 38-303, USES PERMITTED AS SPECIAL EXCEPTIONS BY THE CITY COUNCIL; AND ARTICLE V, DIVISION 9, SECTION 38-125, PROHIBITED USES AND STRUCTURES; AND ARTICLE V, DIVISION 10, SECTION 38-134, GENERAL FUNCTION (PERMITTED USES); AND ARTICLE VI, DIVISION 2, SECTION 38-529, SPECIAL EXCEPTION PERMIT FOR ALTERNATIVE FINANCIAL SERVICES ESTABLISHMENT.

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

**MR-2014-087**  
**David Noblit**

On motion of Councilman Mitchell and seconded by Councilman Smith,

**ORDINANCE #**

**AN ORDINANCE CLOSING AND ABANDONING AN OPENED ALLEYWAY IN THE 1000 BLOCK OF ENDICOTT STREET, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**MR-2014-135**  
**James E. Campbell**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**ORDINANCE #**

**AN ORDINANCE CLOSING AND ABANDONING AN OPENED UNNUMBERED BLOCK OF 4<sup>TH</sup> STREET AND CLOSING AND ABANDONING AN UNOPENED ALLEYWAY IN THE 300 BLOCK OF NORTH HAWTHORNE STREET, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilman Anderson and seconded by Councilman Gilbert,

**RESOLUTION #28152**

**A RESOLUTION APPROVING THE PROPOSED CHARTER OF THE CHATTANOOGA LAND BANK AUTHORITY; AUTHORIZING THE SUBMISSION OF SAID CHARTER TO THE SECRETARY OF STATE FOR CERTIFICATE OF INCORPORATION; AND DELEGATING AND AUTHORIZING CERTAIN POWERS TO THE CHATTANOOGA LAND BANK AUTHORITY.**

Attorney Hinton read the amendment to this ordinance previously made in open meeting today by Council.

**ACTION: ADOPTED**

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

**RESOLUTION #28153**

**A RESOLUTION TO CALL ON THE TENNESSEE GENERAL ASSEMBLY FOR THE DEFEAT OF LEGISLATION THAT WILL, IF PASSED, ALLOW STATE GOVERNMENT TO (1) INTERFERE WITH LOCAL GOVERNMENTS' MANAGEMENT OF THEIR OWN EMPLOYEES; (2) DICTATE HOW LOCAL GOVERNMENTS MUST INTERACT WITH EMPLOYEES FUNDED BY LOCAL TAXPAYERS; AND (3) MANDATE AN UNCONSTITUTIONAL CHANGE TO THE SEPARATION OF POWERS ADOPTED BY LOCAL CITIZENS ACCORDING TO THEIR OWN VALUES AND PREFERENCES.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Gilbert,

**RESOLUTION #28154**

**A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENTS OF WILBERT ROBERTS AND EDNA VARNER TO THE CHATTANOOGA HOUSING AUTHORITY BOARD.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Smith,

**RESOLUTION #28155**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AWARD CONTRACT NO. W-12-002-201, RIVERBANK STABILIZATION SLOPE FAILURE REPAIR RIVER MILE 466, TO STEPHENS CONSTRUCTION AND CONCRETE, INC., IN THE AMOUNT OF \$565,489.08, WITH A CONTINGENCY AMOUNT OF \$28,274.00, FOR AN AMOUNT NOT TO EXCEED \$593,763.08. CONTRACT TO BE ESTABLISHED FROM UNITED STATES ARMY CORP OF ENGINEERS CONTRACT NO. W912P5-14-C-0010 WITH STEPHENS CONSTRUCTION AND CONCRETE, INC.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Anderson,

**RESOLUTION #28156**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR HURST EXCAVATING, LLC RELATIVE TO CONTRACT NO. W-10-006-201, PINEVILLE ROAD SEWER BASIN IMPROVEMENTS, FOR A DECREASED AMOUNT OF \$210,549.86), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$904,885.14, AND TO RELEASE THE REMAINING CONTINGENCY OF \$110,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Gilbert,

**RESOLUTION #28157**

**A RESOLUTION AUTHORIZING MARK BALDWIN, ON BEHALF OF RICHARD KRAUSE, TO USE TEMPORARILY THE RIGHT-OF-WAY FOR USE OF THE SIDEWALK LOCATED IN FRONT OF 100 MARKET STREET TO INSTALL A RAIL AND PUT TABLES AND CHAIRS WITHIN ALIGNMENT, AS SHOWN ON THE ATTACHED PHOTO AND DRAWINGS AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Gilbert,

**RESOLUTION #28158**

**A RESOLUTION AUTHORIZING S. REGINALD RUFF, III AND THOMAS BROOKS TO INSTALL TWO ALUMINUM CANOPIES ABOVE THE SIDEWALK AT 431 MARTIN LUTHER KING BOULEVARD, AS SHOWN ON THE ATTACHED PHOTO AND DRAWING 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:

**R107573 - General Services** Estimated \$50,000 Annually  
New Blanket Contract for OEM Kenworth  
Truck Parts & Service  
Lowest/best bidder: MHC Kenworth

**R68049 - General Services** Estimated \$250,000 Annually  
Renewal of Blanket Contract No. 519076  
for Panasonic Arbitrator Cameras  
Lowest/best bidder: Insight Public Sector

**Councilman Anderson moved** to approve, seconded by Vice Chair Dr. Berz. The motion carried.

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Liquor Store Application**

City Treasurer Barry Teague reported a liquor store application for Matthew R. Kearns and Jennifer Dixon of Scenic City Beverage Company, located at 1805 E. 23<sup>rd</sup> Street. The Certificate

of Compliance was duly signed by five (5) councilpersons. A letter in opposition to this license was received from Kay Naik of 2121 E. 23<sup>rd</sup> Street (business address) and read into the records of the meeting; see attached letter.

Passenger Vehicle for Hire Board

Councilman Hakeem (District 9) nominated Floyd Kilpatrick to represent Districts 7, 8 & 9 on the Passenger Vehicle for Hire Board. Councilman Anderson (District 7) and Councilman Freeman (District 8) concurred. **Councilman Hakeem moved** to put forth the name of Floyd Kilpatrick to be made a member of the PVH Board. He was seconded by Councilman Anderson. The motion carried.

**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

- The committee will meet next Tuesday (February 24) following Agenda Session to discuss the building development fee structure.

*HR Committee (Human Resources)*

Vice Chair Dr. Berz

(No report)

*Planning & Zoning*

Councilman Hakeem

(No report)

*Public Safety Committee*

Councilman Freeman

(No report)

*Public Works and Transportation Committee*

Councilman Smith

- The committee will meet next Tuesday following Agenda Session to discuss agenda items for the next two (2) weeks and to hear a presentation by CARTA.

*Youth and Family Development Committee*

Councilman Gilbert

(No report)

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

Chairman Henderson asked the Assembly if there were persons wishing to address Council on non-agenda items. Seeing none, this portion of the agenda was closed.

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, February 24, 2015, at 6:00 p.m.



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**CHAIRMAN**



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**CLERK OF COUNCIL**

KAY NAIK

2121 East 23rd St.

CHATTANOOGA, TN

37404

(423) 6226605

2/15/15

CITY TREASURER, CITY HALL  
101 EAST 11<sup>th</sup> ST, CHATTANOOGA  
37402.

CC: ABC BOARD  
CHATT, TN.

RE: PREMISE 1805 E 23<sup>rd</sup> ST,  
CHATT, TN

LICENSE : OFF PREMISE RETAIL LIQUOR PERMIT

DEAR SIR/MADAM

I wish to confirm that we the business owners and community have an interest in this application which is greater than the public generally on the following basis:

- proximity of social amenities, and other business near this location
- dealing with effects of liquor/drug/violence abuse linked to alcohol sales.

We object to the granting of an "off licence" permit at this location because of its impact on the eastside businesses / restaurants / clubs / medical facility / and community. We ask the authorities to consider the impact on the neighborhood when considering this application. Granting this licence at this premises will not promote licensing objectives, particularly the prevention of neighborhood crimes, disorder and antisocial behavior. Granting a license at this location would provide a further source of alcohol within an area so heavily populated with licensed premises (bars / clubs / liquor stores)... that crime, disorder and public nuisance have already reached problems level for the local police authorities. Residents in this area already suffer noise and anti-social behaviour at all hours.

The grant of this permit at this location would increase, rather than reduce, the misuse / abuse of alcohol, drugs and violence in this "project" community of deprived, disadvantaged socio-economic group.

The social impact can be evidenced by the numerous 911 and police calls made by businesses and residents in this area for vandalism, foul litter, loitering and anti social behavior, underage drinking, emergency ~~attenders~~ attendees to handle these situations.

The economic impact can be witnessed by public unwillingness to shop in neighborhood due to social concerns.

The owners of nearby liquor stores and clubs reject to the permit at this location ~~at~~ premises due to proximity of the business of same nature creating greater social disorder.

The access road to this premise (like 23rd + Willow) is very hazardous for traffic of 23rd street. Willow street was eventually closed for right turns, and the same may have to be done at this intersection.

Thirdly there is a new public medical clinic opening in a very close proximity to this location and any liquor service additional here would be negative to such sensitive local amenity.

For all of the reasons above we object to grant the off premise liquor permit at this location as it would lead to a significant negative social, economic impact on this east side of Chatsworth community.

Yours sincerely  
concerned citizen

Kay Wake  
KOW