



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
October 13, 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, Yusuf Hakeem, Chip Henderson, Jerry Mitchell and Ken Smith all present. City Attorney Wade Hinton and Council Clerk Nicole Gwyn, CMC, were also present.

PLEDGE OF ALLEGIANCE

Councilman Henderson led the Assembly in the Pledge of Allegiance and read Proverbs 8:14 of the Bible before leading the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Smith, the minutes of the last meeting (September 29, 2015) were approved as published.

SPECIAL PRESENTATION

***Domestic Violence Awareness Month
By Chairwoman Carol Berz and Dr. Valerie Radu***

Chairwoman Berz read the following proclamation:

- Whereas:** October has been proclaimed National Domestic Violence Awareness Month by the President of the United States since 1987; and
- Whereas:** The family is the foundation of a safe and healthy community and it is a goal of this mayoral administration for our communities to be safe; and
- Whereas:** Domestic violence affects all citizens of Chattanooga, crossing all racial, social, religious, ethnic, geographic, and economic groups; and
- Whereas:** On average, nearly 20 people per minute are victims of physical violence by an intimate partner in the United States. During one year, this equates to more than 10 million women and men; and
- Whereas:** In our country, intimate partner violence accounts for 15% of all violent crime; and

Whereas: Ending domestic violence requires a collaborative effort involving every part of our society and requires our law enforcement and justice system to work together to hold offenders accountable for their crimes and protect victims and their children.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby
proclaim the month of October as

Domestic Violence Awareness Month

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the 1st Day of October, 2015

Andy Berke, Mayor

Dr. Valerie Radu, Director of Chattanooga's Family Justice Center, accepted the proclamation and recognized The Rev. Ann Weeks of St. Paul's Episcopal Church, who has worked with the FJC and continues to work with faith-based organizations in bringing awareness to domestic violence.

SPECIAL PRESENTATION #2:

***Foster Grandparent National Program's 50th Anniversary
By Councilman Gilbert***

Councilman Gilbert read the following proclamation:

Whereas: The Foster Grandparent Program was established in 1965 by Sargent Shriver as part of President Lyndon Johnson's War on Poverty.

Whereas: The Foster Grandparent Program provides volunteer opportunities for people aged 55 and older from all economic, educational, and social backgrounds to mentor and serve children.

Whereas: Since 1980, the Foster Grandparent Program has provided valuable resources to the community of Chattanooga.

Whereas: Nationwide, Foster Grandparents volunteer an average of 1,040 hours every year—15 to 40 hours per week—to help young people increase their self-confidence, overcome negative circumstances in life, and achieve their personal dreams.

Now Therefore,

On behalf of the Chattanooga City Council and Mayor Andy Berke,
I, Russell Gilbert, do hereby express our thanks
to the City of Chattanooga's own Foster Grandparent's Program
for its impact on the lives of young people in Chattanooga.

Russell Gilbert, Sr., Councilman

Andy Berke, Mayor

Foster Grandparents Sharon Gas and "Coach" Leroy Alexander told the Council some of their experiences with the program. Councilman Gilbert also recognized the employees working with the Foster Grandparents Program.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

2015-108
Jim Richard and Bill Reason
District No. 1
Planning Version

On motion of Councilman Henderson and seconded by Councilman Grohn,

ORDINANCE #12993

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 405 NORTH MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO C-7 NORTHSORE COMMERCIAL MIXED USE ZONE.

ACTION: PASSED ON FIRST READING

2015-107
Rocky Chambers/
Chattanooga Engineering Group/
Mike Oswald
District No. 4
Planning Version

On motion of Councilman Grohn and seconded by Councilman Smith,

ORDINANCE #12994

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 6913, 6917, AND 6921 GREENWAY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2015-101
City of Chattanooga/
Regional Planning Agency
District No. 7
Planning Version

ORDINANCE #12995

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES GENERALLY BOUNDED ON THE NORTH BY THE NORFOLK SOUTHERN RAILWAY, ON THE SOUTH BY CUMMINGS HIGHWAY, ON THE EAST BY WILLIAMS STREET, AND ON THE WEST BY INTERSTATE 24, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE, M-2 LIGHT INDUSTRIAL ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, AND R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE.

John Bridger, RPA Executive Director identified two parcels—155FC001.06 and 155FC001.07—that recommended for removal from the ordinance after a meeting with the owner of those properties. A discussion ensued.

Councilman Anderson moved to amend and strike 155FC001.06 and 155FC001.07, seconded by Councilman Mitchell. The motion carried. There was no opposition present.

Councilman Anderson moved approval of the amended ordinance, seconded by Councilman Smith. The motion carried.

ACTION: PASSED ON FIRST READING
AS AMENDED

2015-100
Choo Choo Partners, LP/
Jon Kinsey
District No. 8
Planning Version

ORDINANCE #12996

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1400 MARKET STREET, 1435 ROSSVILLE AVENUE, AND 13 EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

A discussion ensued. Vice Chair Freeman moved to eliminate the height restriction in the conditions. He was seconded by Councilman Anderson. Chairwoman Berz opened the floor to the Applicant, Jon Kinsey.

During discussion, Councilman Anderson called the *question*. Councilman Henderson objected due to further questions from the Council. Chairwoman Berz ruled to continue the discussion. Councilman Anderson withdrew the *question*. There was no opposition present.

Upon further discussion with Mr. Bridger, **Vice Chair Freeman moved** to amend by striking conditions B & C and replace the *maximum height* of new structure to *100-feet*. Councilman Anderson seconded. The motion carried upon roll call vote as follows:

Anderson	YES	Henderson	YES
Freeman	YES	Mitchell	YES
Gilbert	YES	Smith	YES
Grohn	YES	Berz	YES
Hakeem	YES		

Vice Chair Freeman moved approval as amended, seconded by Councilman Anderson. The motion carried.

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

2015-113
ASA Engineering/Allen Jones/
Woodwork Realty Company
District No. 8
Planning Version

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

ORDINANCE #12997

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 405 EAST MAIN 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

On motion of Councilman Anderson and seconded by Councilman Grohn,

ORDINANCE #12998

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IX, LANDSCAPING PROVISIONS BY REMOVING SECTION 38-596 – STORMWATER CREDITS.

ACTION: PASSED ON FIRST READING

On motion of Councilman Smith and seconded by Councilman Hakeem,

ORDINANCE #12999

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE I, SECTION 31-14 RELATIVE TO MULTI-USER PRIVATE SEWER SYSTEMS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Anderson and seconded by Councilman Hakeem,

RESOLUTION #28424

A RESOLUTION (I) TO MAKE CERTAIN FINDINGS RELATING TO THE EXPANSION OF AN EXISTING MANUFACTURING FACILITY LOCATED IN THE ENTERPRISE SOUTH INDUSTRIAL PARK (THE "PROJECT") TO BE CONSTRUCTED, EQUIPPED AND OPERATED BY GESTAMP CHATTANOOGA, LLC ("GESTAMP") ON PROPERTY LOCATED AT 4120 JERSEY PIKE, CHATTANOOGA, HAMILTON COUNTY, TENNESSEE (THE "SUPPLEMENTAL PROJECT"), AND (II) TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE (THE "BOARD"), GESTAMP, AND HAMILTON COUNTY, TENNESSEE (THE "COUNTY") WITH RESPECT TO THE PROJECT TO ENCOMPASS THE SUPPLEMENTAL PROJECT (THE "PILOT AGREEMENT AMENDMENT").

Councilman Smith followed up with Attorney Hinton about a previous request from the Council to add language to this ordinance specifying that Gestamp has acquired the property. Attorney Hinton confirmed that language had been added. The motion carried.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #28425

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A DECLARANT WAIVER AGREEMENT BETWEEN THE CITY OF CHATTANOOGA AND GESTAMP CHATTANOOGA, LLC.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #28426

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A DECLARANT WAIVER AGREEMENT (II) BETWEEN THE CITY OF CHATTANOOGA AND GESTAMP CHATTANOOGA, LLC.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #28427

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A RESTRICTIVE COVENANT AGREEMENT BETWEEN THE CITY OF CHATTANOOGA AND GESTAMP CHATTANOOGA, LLC.

Attorney Hinton noted that there was some language to clean up in the resolution, but that language would be in substantially the same form as the other resolutions. Therefore, **Councilman Anderson moved** to approve in substantially the same form, seconded by Councilman Smith. The motion carried.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Anderson,

RESOLUTION #28428

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ACCEPT GRANT FUNDS FROM THE BENWOOD FOUNDATION IN THE AMOUNT OF \$50,000.00 FOR PUBLIC ART AND SIGNAGE ON THE SOUTH CHICKAMAUGA CREEK GREENWAY AND TO EXECUTE A GRANT AGREEMENT IN CONNECTION THEREWITH.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Anderson,

RESOLUTION #28429

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONSERVATION SERVICES AGREEMENT WITH THE TRUST FOR PUBLIC LAND TO BE PAID IN FOUR (4) QUARTERLY INSTALLMENTS OF \$25,000.00 EACH FOR A TERM OF ONE (1) YEAR BEGINNING JULY 1, 2015 THROUGH JUNE 30, 2016, FOR AN AMOUNT NOT TO EXCEED \$100,000.00.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Mitchell,

RESOLUTION #28430

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. Y-15-007-201 TO DORE & ASSOCIATES CONTRACTING, INC., HIXSON YFD DEMOLITION PROJECT THREE-STORY BUILDING, FOR A CONTRACT AMOUNT OF \$282,800.00, WITH NO CONTINGENCY.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Purchases

David Carmody, Chief Operating Officer, informed the Council of the following emergency purchase:

R124312 - Public Works	\$33,840
Emergency Purchase of a Replacement Sodium Bisulfite Tank	
Lowest/Best Bidder: Liquid Handling Equipment, Inc.	

The purchasing letter was signed in open meeting by Lee Norris, Public Works Administrator. Mr. Carmody also briefed the Council on the following proposed purchases:

R121861 - Public Works	Estimated \$500,000 Annually
Supply and Delivery of Liquid Sodium Bisulfite	
Lowest/Best Bidder: Southern Ionics Inc.	

R116008 - Purchasing	Estimated \$150,000 Annually
New Blanket Contract for Newspaper and On-Line Advertising of Events	
Lowest/Best Bidder: Chattanooga Times Free Press	

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

ACTION: APPROVED

OTHER BUSINESS:

City Attorney's Report

Attorney Hinton informed the Council of a lawsuit by United Pet Supply that had been negotiated to dismiss against the City of Chattanooga. He stated that the lawsuit had been filed against the City of

Chattanooga, McKamey Animal Center and its officers, but the City had settled separately from McKamey. He asked the Council to approve the settlement in the amount of \$150,000.00. **Councilman Anderson moved to approve**, seconded by Councilman Grohn. The motion carried.

ACTION: APPROVED

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 have a panel discussion on affordable housing on October 27. The panel will include six (6) stakeholders.

HR Committee (Human Resources)

Vice Chair Freeman
(No report)

Planning & Zoning

Councilman Hakeem
(No report)

Public Safety Committee

Councilman Henderson

- The committee met today in open meeting and heard a presentation by Brad Bennett on Moccasin Bend. They also received an update from Chief Fletcher on the firing range.

Public Works and Transportation Committee

Councilman Smith

- The committee will meet next week immediately following the Agenda Session.

Youth and Family Development Committee

Councilman Gilbert
(No report)

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

Chairwoman Berz asked if there were persons in the Assembly wishing to address the Council on non-agenda matters. Seeing none, this portion of the agenda was closed.

ADJOURNMENT

On motion of Councilman Henderson, Chairwoman Berz adjourned the meeting of the Chattanooga City Council until Tuesday, October 20, 2015, at 6:00 p.m.

CHAIRWOMAN

CLERK OF COUNCIL