



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
for  
June 18, 2013  
6:00 PM

## **CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Chip Henderson, Councilwoman Carol Berz and Councilmen Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present.

Also present Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn.

## **PLEDGE OF ALLEGIANCE**

Vice Chairman Henderson led the assembly in the Pledge of Allegiance. He read verses beginning at I-Kings 3:5, then led the assembly in prayer.

## **PROCEDURAL ADVISEMENT**

Chairman Hakeem requested that cell phones and electronic devices be placed on vibrate. He also advised that the main doors at the front of the assembly room would be locked at 6:00 p.m., allowing attendees to exit, but not re-enter through those doors.

## **APPROVAL OF MINUTES**

On motion of Councilman Freeman and seconded by Vice Chairman Henderson, the minutes of the previous meeting (June 11, 2013) were approved as published.

**ACTION: APPROVED**

## **ORDINANCES – FINAL READING:**

**2013-061**  
**Priority Partnership**  
**District No. 5**  
**Alternate Version**

Upon Attorney Noblett reading the conditions of the ordinance, Councilman Gilbert made a motion to approve, seconded by Councilman Anderson.

**ORDINANCE #12730**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO CHANGE CONDITIONS OF SECTION 2, ORDINANCE NO. 9789, FROM CASE NO. 1992-157 ON PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-062  
Priority Partnership  
District No. 5  
Alternate Version

Upon Attorney Noblett reading the conditions of the ordinance, Councilman Gilbert made a motion to approve, seconded by Vice Chairman Henderson.

**ORDINANCE #12731**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-063  
Ben O'Daniel/  
Country Oaks GP  
District No. 3  
Planning Versions

On motion of Councilman Smith and seconded by Vice Chairman Henderson,

**ORDINANCE #12732**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1-3 OF ORDINANCE NO. 10201 FROM CASE NO. 1995-059, ON PROPERTY LOCATED AT 5681 HIGHWAY 153, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-064  
Ben O'Daniel/Country Oaks GP  
District No. 3  
Applicant Version

On motion of Councilman Smith and seconded by Councilman Anderson,

**ORDINANCE #12733**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5681 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: APPROVED

**ORDINANCES – FIRST READING**

MR-2013-032  
Jack P. Reid/Stuart L. Myers/Patricia A. Lowry

On motion of Councilman Mitchell and seconded by Councilman Anderson,

**ORDINANCE #12734**

AN ORDINANCE CLOSING AND ABANDONING OF TWO (2) SEWER EASEMENTS WITHIN THE PROPERTY LINES OF 2907 BRALY PLACE.

ACTION: PASSED ON FIRST READING

On motion of Councilman Freeman and seconded by Councilman Anderson,

**ORDINANCE #12735**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTION 5-108, RELATIVE TO LOCATIONS AND SIGNS FOR LIQUOR STORES.

ACTION: PASSED ON FIRST READING

## RESOLUTIONS

On motion of Councilman Anderson and seconded by Councilman Mitchell,

### ***RESOLUTION #27538***

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH B & W CONTRACTORS D/B/A CHEROKEE CONSTRUCTION COMPANY TO CONSTRUCT FIRE STATION NO. 9 IN EAST LAKE, FOR A BASE BID OF \$1,351,234.00, AND THE FIRE DEPARTMENT WOULD LIKE TO ALSO ACCEPT ALTERNATE NO. 3 WHICH IS TO ADD A FLOOR GRAPHIC WATER JET CUT INTO THE LVT-1 IN THE STATION'S FOYER AT A COST OF \$1,785.00, PLUS A 10% CONTINGENCY OF \$135,302.00, FOR A TOTAL COST OF \$1,488,321.00.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Vice Chairman Henderson,

### ***RESOLUTION 27539***

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING FIFTY (50%) PERCENT OWNERSHIP INTEREST IN THE PROPERTY LOCATED AT 740 EAST 12<sup>TH</sup> STREET, BEING KNOWN AS LOT ONE (1) OF EAST 12<sup>TH</sup> STREET SUBDIVISION, OF RECORD IN PLAT BOOK 97, PAGE 44, REGISTER'S OFFICE OF HAMILTON COUNTY, TENNESSEE, TO HAMILTON COUNTY, TENNESSEE.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Anderson,

### ***RESOLUTION 27540***

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR EASTMAN CONSTRUCTION, LLC RELATIVE TO PURCHASE ORDER NO. 516374 FOR THE INTERIOR FIT-OUT AT THE 11<sup>TH</sup> STREET POLICE STATION, FOR AN INCREASED AMOUNT OF \$29,472.19, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$203,661.19.

ACTION: ADOPTED

On motion of Vice Chairman Henderson and seconded by Councilman Smith,

**RESOLUTION #27541**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-12-002-201, CDBG SIDEWALK REQUIREMENTS CONTRACT, TO YERBEY CONCRETE CONSTRUCTION, FOR AN AMOUNT NOT TO EXCEED \$350,000.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Smith,

**RESOLUTION #27542**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 WITH EARTHWORX, LLC RELATIVE TO CONTRACT NO. S-09-007-101, GIS INVENTORY OF ANNEXED AREAS OF CHATTANOOGA, IN THE AMOUNT OF FOURTEEN THOUSAND EIGHT HUNDRED NINETEEN AND 16/100 DOLLARS (\$14,819.16), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED NINETY THOUSAND THREE HUNDRED EIGHTY-FOUR AND 16/100 DOLLARS (\$90,384.16), PLUS AN EXPANDED SCOPE OF WORK FOR AREAS 4A AND 4C WHEN ANNEXED UP TO AN ADDITIONAL THIRTY THOUSAND DOLLARS (\$30,000.00), FOR A REVISED TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND THREE HUNDRED EIGHTY-FOUR AND 16/100 DOLLARS (\$120,384.16).**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilwoman Berz,

**RESOLUTION #27543**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 TO ENGINEERING AGREEMENT WITH CTI, FOR A FIVE (5) YEAR FINANCIAL ANALYSIS AND COST OF SERVICE STUDY RELATIVE TO WASTEWATER SERVICES, FOR AN AMOUNT NOT TO EXCEED \$13,500.00, FOR AN INCREASE OF THE CONTRACT AMOUNT FROM \$84,000.00 TO \$97,500.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #27544**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS FOR SCOPE OF WORK RELATIVE TO THE FLOOD PLAIN MANAGEMENT SERVICES PROGRAM, CONTRACT NO. S-13-003, NORTH CHICKAMAUGA AND LOOKOUT CREEKS AND HEC-RTS COMPUTER DEVELOPMENT FOR ALL WATERSHEDS, AUTHORIZING A 56% MATCH, FOR AN AMOUNT NOT TO EXCEED \$195,000.00.**

The motion carried on Roll Call vote as follows:

<b>Anderson</b>	<b>Yes</b>	<b>Henderson</b>	<b>No</b>
<b>Berz</b>	<b>Yes</b>	<b>Mitchell</b>	<b>Yes</b>
<b>Freeman</b>	<b>Yes</b>	<b>Smith</b>	<b>No</b>
<b>Gilbert</b>	<b>Yes</b>	<b>Hakeem</b>	<b>Yes</b>
<b>Grohn</b>	<b>Yes</b>		

**YES: SEVEN (7) - NO: TWO (2)**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Mitchell,

**RESOLUTION #27545**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS FOR SCOPE OF WORK RELATIVE TO THE FLOOD PLAIN MANAGEMENT SERVICES PROGRAM, CONTRACT NO. S-13-004, CITICO AND MOUNTAIN CREEK WATERSHEDS AND OTHER MINOR UNNAMED TRIBUTARIES, AUTHORIZING A 50% MATCH, FOR AN AMOUNT NOT TO EXCEED \$105,000.00.**

The motion carried on Roll Call vote as follows:

<b>Smith</b>	<b>No</b>	<b>Freeman</b>	<b>Yes</b>
<b>Mitchell</b>	<b>Yes</b>	<b>Berz</b>	<b>Yes</b>
<b>Henderson</b>	<b>No</b>	<b>Anderson</b>	<b>Yes</b>
<b>Grohn</b>	<b>Yes</b>	<b>Hakeem</b>	<b>Yes</b>
<b>Gilbert</b>	<b>Yes</b>		

**YES: SEVEN (7) - NO: TWO (2)**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Mitchell,

**RESOLUTION #27546**

**A RESOLUTION AUTHORIZING THE RENEWAL OF THE PERSONAL SERVICES CONTRACT FOR FISCAL YEAR 2013-2014 WITH DON SNEED D/B/A DON SNEED APPRAISALS AND INVESTIGATIONS TO PERFORM VEHICLE APPRAISALS AND ACCIDENT INVESTIGATIONS FOR THE CITY FOR AN ESTIMATED ANNUAL AMOUNT OF \$15,000.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #27547**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH CATAMOUNT CONSTRUCTORS, INC. FOR CONSTRUCTION OF INDOOR RANGE BULLET TRAP AND TARGETING SYSTEMS FOR THE CHATTANOOGA POLICE DEPARTMENT, IN THE AMOUNT OF \$1,103,000.00, WITH A 10% CONTINGENCY OF \$110,300.00, FOR AN AMOUNT NOT TO EXCEED \$1,213,300.00.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

On motion of Vice Chairman Henderson and seconded by Councilman Anderson, the following purchase was approved:

**R77705 – FIRE DEPARTMENT**

Purchase of Emergency Water Heater Replacement \$ 13,568.36

The signed emergency purchase document for the Fire Department is attached, to be part of the record hereof.

**ACTION: APPROVED**

## OTHER BUSINESS:

### Appointments

- Councilman Anderson appointed **Michael Plummer** (District 7) to the **Board of Sign Appeals**;
- Councilman Smith appointed **Joe Manuel** (District 3) to the **Board of Zoning Appeals**;
- Attorney Noblett noted that the Board of Sign Appeals and Board of Zoning Appeals do not require Council vote for appointments.

### Words of Thanks

Councilman Grohn thanked three (3) employees—John Van Winkle (Traffic), Greg Haynes (RPA) and Karen Rennich (RPA)—for meeting with him and District 4 residents regarding a planned development.

## COMMITTEE REPORTS

### *Economic and Community Development Committee*

Councilman Anderson  
(No report at this time)

### *Budget and Finance Committee*

Councilwoman Berz

- Budget and Finance Committee Meeting – Next week (June 25, 2013) immediately after Agenda Session.

### *Public Safety Committee*

Councilman Freeman  
(No report at this time)

### *Youth and Family Development Committee*

Councilman Gilbert  
(No report at this time)

### *Audit Committee*

Councilman Grohn  
(No report at this time)

### *RPA (Planning Committee)*

Vice Chairman Henderson  
(No report at this time)

*Personnel Committee*  
Councilman Mitchell  
(No report at this time)

*Public Works and Transportation Committee*  
Councilman Smith  
(No further report)

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

Chairman Hakeem advised of the procedural rules for addressing the Council and recognized the following persons wishing to address the Council:

1. Don Leonard of 13<sup>th</sup> Avenue – Voiced concerns about people threatening neighborhood. (Mr. Leonard was referred to Police Chief Bobby Dodd, who was present.)
2. Frank DiPinto of Chattanooga – Read a statement from Chattanooga’s Underground regarding Mayor Berke’s position on a proposal presented for Chattanooga’s African American community. (After warning Mr. DiPinto to stick with discussing his issues and not making personal statements about someone’s family, Chairman Hakeem instructed Mr. DiPinto to leave the podium.)
3. Monty Bell of Chattanooga – Voiced concerns on several matters: his name not being attributed in the May 28<sup>th</sup> minutes; issues with the Court system; restoration of his public relations firm; distribution of his resume to the Council; and youth programming he has developed. (Mr. Bell was referred to Lurone Jennings, Administrator of Youth & Family Development, who was present.)
4. Rev. Leroy Griffith – Wanted to ensure that councilpersons had received documents earlier in the week from the Westside Community Association, and distributed documents that Mr. Karl Epperson had mentioned at a previous council meeting.

## **ADJOURNMENT**

On motion of Councilman Anderson and seconded by Councilman Gilbert, the meeting of the Chattanooga City Council was adjourned until Tuesday, June 25, 2013, at 6:00 p.m.

---

**CHAIRMAN**

---

**CLERK OF COUNCIL**

**(A full digital audio of this Council meeting, June 18, 2013,  
has been filed in the Clerk of the Council’s office)**