



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
July 16, 2013
6:00 PM

CALL TO ORDER

Chairman Yusuf Hakeem called the meeting to order with Councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith present. Vice Chairman Chip Henderson was not present. Assistant City Attorney Phil Noblett, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

PLEDGE OF ALLEGIANCE

Councilwoman Berz led the assembly in the Pledge of Allegiance.

PROCEDURAL ADVISEMENT

Chairman Hakeem requested that cell phones be placed on silent or 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 LAST MINUTES

On motion of Councilman Grohn and seconded by Councilman Mitchell, the minutes of the last meeting (July 9, 2013) were approved as published.

SPECIAL PRESENTATION

World Changers Volunteer Recognition
By Donna Williams, Anthony Sammons and Vanessa Jackson
Department of Economic and Community Development

Ms. Jackson introduced the World Changers delegation working in Chattanooga for two weeks:

- Pam Rector, Project Coordinator –Hixson, Tennessee
- Erin Kicklighter, Office Manager/Team Leader-Atlanta, Georgia
- Doug Forsythe, Communications and Media Specialist- Grand Junction, Colorado
- Micah Boutwell, World Changer Youth Volunteer- Soddy Daisy, Tennessee
- Bobby Boutwell, Associational Coordinator- Soddy Daisy, Tennessee
- Greg Hauss, Minister of Missions and Ministry, Chattanooga Tennessee

Ms. Jackson recognized World Changers for its impact in Chattanooga for 12 years. Chief Operating Officer Andrew Kean delivered Mayor Berke's proclamation for this day:

Whereas: Since 1990, World Changers, a ministry of the North American Mission Board and Life Way Student Ministries, has sought to provide youth and adults with opportunities to meet the needs of others both nationally and internationally by providing practical learning experiences and opportunities to serve through mission work; and

Whereas: World Changers provides "hands-on" mission involvement through participation in home construction and renovation with government, community agencies, and churches and this year World Changers will work on 74 projects in 65 cities in the United States; and

Whereas: Locally, World Changers has been in Chattanooga since the summer of 2001 partnering with the Department of Economic and Community Development, Brainerd Baptist Church and other area churches to improve Chattanooga's neighborhoods and most importantly, the quality of life of those who receive their services; and

Whereas: This year 700 young people will come to Chattanooga and work on exterior and interior painting, carpentry, installation of ramps and decks, replacement of doors and windows, floor repair and bathroom modifications and repairs with the motto, "Change the City, Change the World"

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga,

do hereby proclaim July 8-20, 2013 as

World Changers Repair Weeks

In Witness Whereof, I have hereunto set my hand and caused the

Seal of the City of Chattanooga to be affixed this the

16th day of July, 2013

Andy Berke, Mayor

ORDINANCES – FINAL READING:

On motion of Councilman Anderson and seconded by Councilwoman Berz,

ORDINANCE #12738

AN ORDINANCE GRANTING UNTO RIVER CITY COMPANY C/O JIM WILLIAMSON AND THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) A FRANCHISE TO CONSTRUCT AN ELEVATED PLATFORM FOR THE BLOCK DEVELOPMENT AT 215 BROAD STREET ON A PORTION OF THE 200 BLOCK OF BROAD STREET BEGINNING AT THE NORTHEAST CORNER, AS REFERENCED IN CASE NO. MR-2013-087, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-072
Walk2Campus Properties
c/o Roe Elam/UTC Three, LLC
District No. 8
Planning Version

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12739

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 863 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-074
Roy Williams/Nathaniel and Linda Long
District No. 9
Planning Version

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12740

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1113 EAST 11TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.

ACTION: APPROVED

2013-086
Independent Healthcare Properties/
National Bank of Tennessee
District No. 4
Planning Version

On motion of Councilman Grohn and seconded by Councilman Gilbert,

ORDINANCE #12741

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7715, 7719, AND 7721 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO APPROVAL.

ACTION: APPROVED

MR-2013-078
City of Chattanooga
c/o Bill Payne

On motion of Councilman Freeman and seconded by Councilman Mitchell,

ORDINANCE #12737

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE NORTHERN RIGHT-OF-WAY OF THE 5300 BLOCK OF MOUNTAIN CREEK ROAD, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilman Smith and seconded by Councilwoman Berz,

ORDINANCE #12743

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 18, ARTICLE VII, SECTION 18-106, RELATIVE TO WOOD RECYCLING AND COMPOST FACILITY.

ACTION: PASSED ON FIRST READING

2013-080

Richard W. McCoy/Arlington Properties, Inc.

District No. 3

Planning Version

On motion of Councilman Smith and seconded by Councilwoman Berz,

ORDINANCE #12742

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 5300 BLOCK OF HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE.

ACTION: PASSED ON FIRST READING

MR-2013-051

Valor c/o Ken Defoor Properties

On motion of Councilman Smith and seconded by Councilman Mitchell,

ORDINANCE #12744

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE NORTHERN RIGHT-OF-WAY OF THE 2100 BLOCK OF NORTHPOINT BOULEVARD, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

On motion of Councilman Gilbert and seconded by Councilman Grohn,

ORDINANCE #12745

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. After which, the motion passed on Roll Call Vote as follows:

Anderson	No	Grohn	Yes
Berz	Yes	Mitchell	No
Freeman	No	Smith	Yes
Gilbert	Yes	Hakeem	Yes

YES - Five (5); NO - Three (3)

ACTION: PASSED ON FIRST READING

The Animal Control Board was asked to provide feedback on the following topics before next week's final reading of the ordinance:

- Feedback on vendor setting the fees
- Feedback on the rise in "kills"

RESOLUTIONS:

On motion of Councilwoman Berz and seconded by Councilman Mitchell,

RESOLUTION #27565

A RESOLUTION AUTHORIZING THE APPOINTMENT OF U.S. BANK AS SUCCESSOR AGENT TO DEUTSCHE BANK NATIONAL TRUST COMPANY AND FURTHER AUTHORIZING THE CHIEF FINANCE OFFICER TO ENTER INTO AN AGREEMENT OF RESIGNATION, APPOINTMENT, AND ACCEPTANCE WITH DEUTSCHE BANK AND U.S. BANK EFFECTIVE AUGUST 23, 2013.

ACTION: ADOPTED

On motion of Councilman Grohn and seconded by Councilman Smith,

RESOLUTION #27566

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR HDR ENGINEERING RELATIVE TO CONTRACT NO. E-10-012-101, ROSS'S LANDING PARK IMPROVEMENTS AND REPAIRS, PHASE II (DETAILED DESIGN AND ENGINEERING), FOR A DECREASED AMOUNT OF \$425,923.88, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$402,930.12.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Anderson,

RESOLUTION #27567

A RESOLUTION AUTHORIZING TRON WILDER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1207 HANOVER STREET TO BUILD A RETAINING WALL AND CREATE A LEVEL FRONT YARD, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Grohn and seconded by Councilman Smith,

RESOLUTION #27569

A RESOLUTION AUTHORIZING JACK ROBISON TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1172 GREENS ROAD FOR INSTALLATION OF A DRIVEWAY OFF THE CUL-DE-SAC FOR A PRIVATE RESIDENCE, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Freeman,

RESOLUTION #27570

A RESOLUTION AUTHORIZING RIVER CITY COMPANY C/O JIM WILLIAMSON AND CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 215 BROAD STREET FOR THE INSTALLATION OF CANOPIES AND SIGNAGE, AS SHOWN ON THE MAP AND DRAWINGS, FOR A PERIOD OF NINETY (90) DAYS UNTIL A FRANCHISE AGREEMENT BECOMES OPERATIVE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Smith,

RESOLUTION #27568

A RESOLUTION AUTHORIZING MID AMERICA APARTMENTS C/O AMANDA DAVIS TO USE TEMPORARILY ALONG THE RIGHT-OF-WAY LOCATED AT 1175 PINEVILLE ROAD FOR THE INSTALLATION OF A NEW SIGN AT THE ENTRANCE OF THE COMMUNITY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #27571

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF NANCY E. POSTON AND ROBERT GUSTAFSON TO THE HISTORIC ZONING COMMISSION, PURSUANT TO TENNESSEE CODE ANNOTATED SECTIONS 42-4-101, ET SEQ.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Mitchell,

RESOLUTION #27572

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE PERTAINING TO THE SETTLEMENT OF THE *BOBBY RODGERS, ET AL VS. CITY OF CHATTANOOGA* LAWSUIT, CHANCERY COURT NO. 06-0048, PART 2, IN THE AMOUNT OF \$725,000.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Smith,

RESOLUTION #27573

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, AND ACCEPT, A GRANT AWARDED BY THE STATE OF TENNESSEE TO INSTITUTE A PLANNING PROCESS TO DETERMINE THE FEASIBILITY OF ESTABLISHING A FAMILY JUSTICE CENTER IN CHATTANOOGA MODELED AFTER FAMILY JUSTICE CENTERS ACROSS THE COUNTRY, IN THE AMOUNT OF \$240,000.00.

ACTION: ADOPTED

On motion of Councilman Grohn and seconded by Councilwoman Berz,

RESOLUTION #27574

A RESOLUTION A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-005, THE SIP SANITARY SEWER PROJECT FOR TRACT NO. 11, A PORTION OF THE PROPERTY JOINTLY HELD BY THE CITY OF CHATTANOOGA AND HAMILTON COUNTY CURRENTLY KNOWN AS RAILROAD WEST.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Purchases

Mr. Kean briefed the Council on the following purchase:

R72150 – Public Works

Rescind the blanket contract for grounds maintenance at Moccasin Bend Wastewater Treatment Plant; Lowest/Best Bidder: R&A Lawn Maintenance	\$40,000.00
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On motion of Councilwoman Berz and seconded by Councilman Gilbert, the above-listed purchase was approved.

ACTION: APPROVED

OTHER BUSINESS:

Employee Transactions

(Employee Transaction Report received by Council)

COMMITTEE REPORTS:

Economic and Community Development Committee

Councilman Anderson

(No report at this time)

Budget and Finance Committee

Councilwoman Berz

- Budget educational sessions will begin next week on Tuesday, July 23, 2013 from 1:00 - 3:00 p.m in the Council Conference Room.

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 - Vice Chairman Henderson not present)

HR Committee (Human Resources)

Councilman Mitchell

- The HR Committee met today: Marathon Health reported on the city's wellness centers.

Public Works and Transportation Committee

Councilman Smith

(No further report)

Community Meeting

Chairman Hakeem reported that a District 9 "Solutions" meeting took place yesterday with over 100 participants.

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

Attorney Noblett read six (6) rules for persons wishing to address the Council on non-agenda items. After which, Chairman Hakeem recognized the following persons:

- **Gary Ball** of the Ridgedale Community Association - He owns a business at 2520 East 14h Street. He came to voice concerns on behalf of Ridgedale and Highland Park communities about clubs operating without licenses and contributing to crime. He will attend the Beer & Wrecker Board meeting Thursday to discuss.
 - The City Attorney's Office will research who regulates this issue.
 - Mr. McDonough conveyed Administration's concerns on these issue; they have already been researching it.
 - Councilman Freeman would like to work with Administration in seeking legislative solutions to this issue and will report to the Council.
- **Cynthia Stanley Cash** - Her neighborhood borders Districts 5 & 9. They have also dealt with illegal clubs. She hopes the Council will include neighborhood leaders in their discussions on crime. She thanked Chairman Hakeem for the District 9 meeting yesterday, and offered her assistance for a District 5 community meeting.
- **Milton Jackson** (Alton Park/Piney Wood Neighborhood Association) - He invited the Council to join his association at the corner of 37th Street and Alton Park Boulevard on this Friday, July 19, at 10:00 a.m. for planting flowers at the corner. At that event, he will update the Council on happenings in that community.
- **Tim Shields** of Mellow Mushroom - He has problems with the law prohibiting his establishment from selling "Growlers," 32-64 oz. canisters of beer, just because they sale liquor. He wanted to know how to get the law changed. He has already contacted the Tennessee Alcohol Beverage Commission and the Beer and Wrecker Board to no avail.
 - Attorney Noblett advised Mr. Shields that he should contact his state legislator because it would require a change in the state statute that regulates this type of beer sale.

ADJOURNMENT

On motion of Councilman Mitchell, the meeting of the Chattanooga City Council was adjourned until Tuesday, July 23, 2013, at 6:00 p.m.


CLERK OF COUNCIL


CHAIRMAN

(A full digital audio of this Council meeting, July 16, 2013,
has been filed in the Clerk of the Council's office)