



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
July 23, 2013
6:00 PM

CALL TO ORDER

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Henderson and councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present. Assistant City Attorney Phil Noblett, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

PLEDGE OF ALLEGIANCE

Councilman Anderson led the Pledge of Allegiance and invited Tamaya Jordan, a Battle Academy graduate and Tyner Middle School freshman, to lead the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson, the minutes of the last meeting (July 16, 2013) were approved as published.

SPECIAL PRESENTATION

***Alton Park Youth-to-Work/Enrichment Program
Presentation of Youth Created Artwork to the City of Chattanooga***

Dr. Eleanor Woods of the Alton Park Development Corporation brought dozens of youth from the Youth-to-Work/Enrichment Program to present artwork designed by the youth for the Council and the Mayor. Their theme for the artwork was "Renew Chattanooga/Renew Our Youth." Four (4) youth--Ciandra Gardner, Jerriann Robinson, Ashley Hill and Dion Bumpus--addressed the Council about the positive impact of this program in their lives. Dr. Woods recognized Rex Gantt (Solarex Inc.) and Greg Walton for all their help with the program. Sharon Dregg of APDC thanked the staff members for their efforts with the program.

ORDINANCES – FINAL READING:

On motion of Councilman Anderson 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: APPROVED

2013-080

Richard W. McCoy/Arlington Properties, Inc.

District No. 3

Planning Version

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

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.

During discussion, Councilman Smith noted that the community was in support of this zoning.

ACTION: APPROVED

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: APPROVED

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

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.

ACTION: APPROVED

ORDINANCES – FIRST READING:

RESOLUTIONS:

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

RESOLUTION #27575

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$387,840.08 FROM HAMILTON COUNTY AS THE CITY'S PORTION FROM THE 2013 REAL PROPERTY BACK TAX SALE FOR MARCH 2013 WITH \$381,225.18 BEING APPLIED AS THE CITY'S PORTION AND \$6,614.90 BEING APPLIED TO CITY ATTORNEY'S FEES.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Gilbert,

RESOLUTION #27576

A RESOLUTION AUTHORIZING POLICE CHIEF BOBBY H. DODD TO SIGN VOUCHERS, REQUISITIONS AND OTHER NECESSARY DOCUMENTS FOR AND ON BEHALF OF THE CHATTANOOGA POLICE DEPARTMENT, EFFECTIVE JULY 23, 2013.

ACTION: ADOPTED

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

RESOLUTION #27577

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR A UTILITY EASEMENT CONTRACT RELATIVE TO PIN #101431.00, SR-320, FROM 325 FEET EAST OF GRAYSVILLE ROAD TO 900 FEET EAST OF BELL-AIR ROAD FOR SANITARY SEWER RELOCATIONS, CONTRACT NO. W-10-011-802, FOR AN AMOUNT OF \$84,436.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Smith,

RESOLUTION #27578

A RESOLUTION AUTHORIZING THE APPROVAL OF ADDITIONAL FUNDS TO BE DEPOSITED INTO THE LOCAL GOVERNMENT INVESTMENT POOL RELATIVE TO THE STATE INDUSTRIAL ACCESS ROAD SERVING VOLKSWAGEN GROUP OF AMERICA, CONTRACT NO. E-09-015-801, TDOT PIN NO. 114048.00, FOR A REVISED AMOUNT OF \$299,843.00.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Anderson,

RESOLUTION #27579

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH JACOBS ENGINEERING GROUP, INC. FOR CONTINUATION OF SERVICES FOR PROGRAM MANAGEMENT, CONSENT DECREE IMPLEMENTATION.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Anderson,

RESOLUTION #27580

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-13-003-201 TO ADMAN ELECTRIC, INC. FOR UNOX VARIABLE FREQUENCY MOTOR CONTROLLER'S PURCHASE AND INSTALLATION, FOR AN AMOUNT NOT TO EXCEED \$392,761.80.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Smith,

RESOLUTION #27581

A RESOLUTION AUTHORIZING WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1000 WESTWOOD AVENUE TO CONNECT TO A SANITARY SEWER MANHOLE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilwoman Berz,

RESOLUTION #27582

A RESOLUTION AUTHORIZING UTC ONE LLC C/O EDWARD MARTIN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 418 VINE STREET TO REPLACE EXISTING WINDOW SASHES THAT EXTEND INTO THE CITY RIGHT-OF-WAY, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #27583

A RESOLUTION AUTHORIZING CUSTOM CANVAS AWNINGS, LLC C/O W. ERIC SCHWIETER FOR HELEN GRZYBOWSKI TO USE TEMPORARILY THE 500 BLOCK OF BROAD STREET FOR THE INSTALLATION OF AN OUTDOOR SEATING AREA AND AWNING AT A COMMERCIAL ESTABLISHMENT, AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilwoman Berz,

RESOLUTION #27584

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TRANSFERRING PROPERTY TO REBOUND, LLC THAT IS A PORTION OF THE BUCKLEY STREET RIGHT-OF-WAY BETWEEN CHAMBERLAIN AVENUE AND DUNCAN AVENUE.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #27585

A RESOLUTION TO AMEND RESOLUTION NO. 27406 BY DELETING ALL REFERENCES TO HEALTHSOUTH, WHICH IS AN ENTITY OWNING HOSPITALS AND REPLACING WITH REBOUND, LLC, THE NAME OF THE AFFILIATED REAL ESTATE HOLDING COMPANY WHO WILL ACQUIRE THE REAL PROPERTY.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION #27586

A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT WITH PUBLIC FINANCIAL MANAGEMENT, INC. (PFM) RELATIVE TO FINANCIAL ADVISORY SERVICES, IN THE AMOUNT OF \$90,500.00.

During discussion, Chief of Staff Travis McDonough responded to questions. Upon no further questions or comments, the motion carried.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Refunds

On motion of Councilman Anderson, the following refund by Finance (Treasury Division) was approved:

- **ASTEC Inc. - Map #PER 0052308** \$ 5,783.00

ACTION: APPROVED

Purchases

Mr. Kean briefed the Council on the following seven (7) purchases:

- **R75574 - Public Works**
Blank Contract for Portable Toilet Services Est. \$13,000.00 Annually

- **R77328 - Public Works**
Blanket Contract for Mowing Services Est. \$66,000.00 Annually
- **R76920 - General Services**
Blanket Contract for Vehicle Cleaning Services Est. \$12,000.00 Annually
- **R76619 - General Services**
Blanket Contract for Police Car Decals Est. \$10,000.00 Annually
- **R79737 - Information Services**
Cisco Smartnet Mainetnace Renewal \$22,727.00
- **R76221 - Public Works**
Autobrush Parts \$11,503.95 Plus Freight
- **R79827 - Information Services**
Oracle OAB Software Support Renewal \$15,881.25

On motion of Councilwoman Berz, the above-listed purchases were approved. A discussion ensued about two items: R77328 and R7927. Doug Eckert, Deputy Chief Information Officer, joined Mr. Kean in responding to questions on R7927. Upon no further questions or comments, the motion carried.

ACTION: APPROVED

OTHER BUSINESS:

Animal Control Ordinance

Chairman Hakeem informed the public that the animal control ordinance originally slated for reading at tonight’s meeting had been withdrawn by the City Attorney. There will be a “blue ribbon committee” or task force put together to broaden input on drafting a new ordinance.

Councilman Freeman moved “to kill” the animal control ordinance package; it was seconded by Councilman Mitchell. After discussion, Councilman Anderson called the question, seconded by Vice Chairman Henderson. Upon which, the issue was closed.

Employee Transactions

(Employee Transaction Report received by Council)

Appointments

Councilman Gilbert announced the appointment of **James McKamey, Jr.** to the Police Department’s Civilian Administrative Review Committee.

Chairman Hakeem announced the appointment of **Quenston Coleman** to the Police Department’s Civilian Administrative Review Committee.

COMMITTEE REPORTS:

Economic and Community Development Committee

Councilman Anderson

(No report at this time)

Budget and Finance Committee

Councilwoman Berz

- Budget educational sessions have started, with the first meeting being held earlier today. The proposed budget for FY14 will be presented at next week immediately following 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 further report)

HR Committee (Human Resources)

Councilman Mitchell

(No further report)

Public Works and Transportation Committee

Councilman Smith

(No further report)

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

Attorney Noblett read the guidelines for those persons wishing to address the Council. Chairman Hakeem then recognized the following speakers:

- **Dr. Lynette Williams** (of Chattanooga) - She had a mold problem at a rental property that is forcing her to pursue a lawsuit against the landlord. She inquired about the city's plan for dealing with landlord-tenant matters.
 - Councilman Grohn noted that he had already spoken with Dr. Williams since this involves property in his district and that he would see what assistance he could offer her.
 - Chairman Hakeem noted that he had discussed this matter with Councilman Grohn and Councilman Freeman. This matter may fall under the Public Safety Committee. They will study and research the matter to see where it would go from here.
- **Pam Gibson** (of District 1) - As a member of the Chattanooga Kennel Club, she thanked the Council for revamping the animal control ordinance and opening the door for other viewpoints to be considered when re-drafting the ordinance.

ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, July 30, 2013, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A full digital audio of this Council meeting, July 23, 2013,
has been filed in the Clerk of the Council's office)**