



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
August 13, 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 Grohn led the assembly in the Pledge of Allegiance and invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Mitchell, the minutes of the last meeting (August 6, 2013) were approved as published.

SPECIAL PRESENTATION

Presentation #1

"100 Black Women Scholarship Winners" **Presented by Chairman Hakeem**

The Council recognized eleven (11) scholarship recipients and presented certificates to each recipient who was present. Chairman Hakeem then proclaimed the following:

Whereas: The mission of the Coalition of 100 Black Women, Inc., Chattanooga Chapter, conducts the "Sista to Sista" mentoring program for teenage girls at the Chattanooga Girls Leadership Academy and the Tyner Academy in Chattanooga, Tennessee, to provide hope, vision, and tools which will enable young women to realize their potential and pursue their dreams for success;

Whereas: Today the City of Chattanooga wishes to recognize the effective outreach of the Jamal M. Rashed Memorial Scholarship Fund, Inc., sponsored by the 100 Black Women of Chattanooga, that promotes the pursuit of bright future opportunities for young women through higher education that might not otherwise be realized;

Whereas: Miss Arnesha Biffle, Miss Chyna Cate, Miss Aleia Clemons, Miss DaNakia Conner, Miss Kelsie Jones, Miss Jasmine Moss, Miss Aldazia Walker, Miss Dierra Worbington, Miss Cierra Brooks, Miss Courtney Lewis, and Miss Danyell Luster have all demonstrated and are recognized by the 100 Black Women of Chattanooga as possessing the character, determination, and willingness to succeed, despite circumstances or conditions that might otherwise have prohibited them from achieving;

Whereas: The 100 Black Women of Chattanooga, believing in the leadership ability and desire of these young ladies to succeed, wish to invest in their futures and have awarded them an educational scholarship to set them forth on solid foundations from which to pursue their goals and dreams.

Now Therefore,

on this 13th day of August, 2013, the Chattanooga City Council does hereby commend the 100 Black Women Chattanooga Chapter for their dedicated life-changing efforts to invest in the futures of these young women, and does hereby congratulate these young women for possessing the leadership potential and promise to have been chosen as a 2013 scholarship winner! May God bless you – enjoy the journey!

Presentation #2

"Proclamation – Chatype"
Official Typeface of the City of Chattanooga
Presented by Councilman Anderson

On behalf of Mayor Berke, Councilman Anderson proclaimed the following:

Whereas: The artistic achievement of Jeremy Dooley, Jonathan Mansfield, DJ Trischler, and Robbie de Villiers in developing a typeface representative of the City of Chattanooga is worthy of recognition; and

Whereas: Their public service and commitment to the City of Chattanooga has been demonstrated by giving to its citizens the culmination of hundreds of hours of work, a typeface for municipal (public and private) use; and

Whereas: The goal of this proclamation is to encourage and celebrate creative citizenship through forms of artistic expression; and

Whereas: This proclamation denotes an honorary status upon Chatype, making the City of Chattanooga the first city in the United States of America to have its own official municipal typeface and represents a major cornerstone for artistic achievement in our city and nationwide

Now Therefore.

I, Andy Berke, Mayor of the City of Chattanooga, do hereby
proclaim *Chatype* as

The Official Typeface of the City of Chattanooga

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
13th day of August, 2013

Andy Berke, Mayor

ORDINANCES – FINAL READING:

MR-2013-043
Wise North Shore, LLC
c/o John Wise

A motion to approve by Councilman Mitchell and seconded by Councilman Smith,

ORDINANCE #12748

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF RIGHT-OF-WAY FOR THE 200 BLOCK OF SPEARS AVENUE TO THE 200 BLOCK OF VELMA STREET, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2013-055
Frank Goodwin

A motion to approve by Councilman Freeman and seconded by Councilman Mitchell,

ORDINANCE #12747

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED PORTION OF THE 1400 BLOCK OF JEFFERSON STREET.

ACTION: APPROVED

ORDINANCES – FIRST READING:

A motion to approve by Councilman Anderson and seconded by Councilman Freeman,

ORDINANCE #12752

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 502, RELATIVE TO SCHEDULE II, SPEED ON THROUGH STREETS.

ACTION: PASSED ON FIRST READING

A motion to approve by Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12749

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 25, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

Chairman Hakeem opened the floor to Greg Haynes from Planning, who took this opportunity to discuss related Ordinances #12749 and #12750. Upon no further questions or comments, **the motion carried.**

ACTION: PASSED ON FIRST READING

A motion to approve by Vice Chairman Henderson and seconded by Councilman Anderson,

ORDINANCE #12750

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 26, PLANNED UNIT DEVELOPMENT-INSTITUTIONAL.

ACTION: PASSED ON FIRST READING

2013-073

John R. Anderson/

Dallas and Beverly Bunton

District No. 6

Planning Version

A motion to approve by Councilwoman Berz and seconded by Councilman Mitchell,

ORDINANCE #12751

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2910 SILVERDALE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2013-079
Continental 171 Fund, LLC/
Ken Liem/Fenella Pinewood, LLC/
K&L Enterprises, Inc.
District No. 4
Planning Version

The following ordinance was read:

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1 OF ORDINANCE NO. 12305 FROM CASE NO. 2009-129 ON PROPERTIES LOCATED IN THE 7400 BLOCK OF PINWOOD DRIVE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

A discussion ensued. Mr. Haynes discussed the position of Planning and Staff. Blythe Bailey, Transportation Administrator, responded to questions about a transportation study in this area.

Councilman Freeman moved to defer, but withdrew his motion because the Applicant and the Opposition had not yet been heard. Chairman Hakeem asked Attorney Noblett to read the guidelines for those wishing to address the Council on zoning matters. After which, Chairman Hakeem opened the floor to the following individuals speaking on behalf of the Applicant:

1. Eric Till (Continental Properties)
2. Wayne McCoy (Miller-McCoy, Inc.)
3. Charlie Miller (Miller-McCoy, Inc.)

The following individuals addressed the Council on behalf of the Opposition:

1. Mark Fallo (faculty, St. Nicholas School)
2. Pat Bell (resident, Columbine Trail)
3. Paul McDaniel (resident, Queens Lake Trail)
4. Bradley Hanner (resident, Twin Brook Drive)
5. Robert Garnet (resident, Columbine Trail)
6. Eddie Holmes (resident, Commons Boulevard)

Mr. Till returned to give a rebuttal. Upon further discussion, Mr. Bailey responded to questions on whether or not the capital funds for widening Gunbarrel Road are allocated in the proposed budget. Mr. Bailey indicated that he would get back to the Council with that information.

Councilman Henderson moved to defer. The motion failed to garner a second.

Councilman Freeman moved to deny the ordinance. It was seconded by Councilman Anderson. After further discussion, Councilman Freeman called the Question. Properly seconded, Chairman Hakeem ended the discussion.

The motion to deny carried upon Roll Call Vote as follows:

Anderson	YES	Henderson	NO
Berz	YES	Mitchell	YES
Freeman	YES	Smith	YES
Gilbert	YES	Hakeem	YES
Grohn	NO		

ACTION: DENIED 7-TO-2

Councilman Freeman moved to send this case back to Planning to begin the process of rezoning to the R-1 zoning that existed prior to 2009. It was seconded by Councilman Anderson.

The motion passed on Roll Call vote as follows:

Smith	NO	Freeman	YES
Mitchell	NO	Berz	YES
Henderson	NO	Anderson	YES
Grohn	NO	Hakeem	YES
Gilbert	YES		

Upon roll call vote, the motion carried 5-to-4, with Vice Chairman Henderson and councilpersons Grohn, Mitchell and Smith voting "NO."

2013-089
Jacob Becker/
PTC Properties
District No. 1
Planning Version

The following ordinance was read:

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 503 HAMILTON AVENUE AND 502 NORTH MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-7 NORTHSHORE COMMERCIAL MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS.

A discussion ensued. The Applicant, Jacob Becker of PTC Properties, was given the opportunity to address the Council. No opposition was present. Councilman Mitchell moved to defer one week. It was seconded by Councilman Anderson. The motion carried.

ACTION: DEFERRED ONE WEEK

2013-091
Britt Goodson/
State of Tennessee
District No. 3
Planning/Application Version

A motion to approve by Councilman Smith and seconded by Councilman Henderson,

ORDINANCE #12754

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5528 AND 5530 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

A discussion ensued. The Applicant, Britt Goodson, addressed the Council. No opposition was present. Upon no further questions or comments, **the motion carried.**

ACTION: PASSED ON FIRST READING

2013-096
Jody Shea/
Shea Properties
District No. 8
Planning Version

A motion to approve by Councilman Freeman and seconded by Councilman Gilbert,

ORDINANCE #12753

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1800 E. 25TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

A discussion ensued about the conditions of the ordinance. **The motion carried to approve Planning's Version of the ordinance.**

Vice Chairman Henderson moved to amend the motion to change the buffer requirement from 30- to 20-feet. Councilman Freeman seconded. **The motion carried.**

ACTION: PASSED ON FIRST READING
WITH A CHANGE IN ONE CONDITION

2013-097
David Jones/
Hamilton Avenue Properties
District No. 1
Planning Version

A motion to approve by Councilman Mitchell and seconded by Councilman Anderson,

ORDINANCE #12755

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 677 HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO C-7 NORTHSORE COMMERCIAL MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2013-099
Caressa Martin
District No. 5
Planning Version

The following ordinance was read:

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3820 MONTVIEW DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3MD MODERATE DENSITY ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes gave the position of Planning and Staff on this ordinance. Attorney Valerie Epstein addressed the Council on the Applicant's position, and then asked the Council to defer this matter so that the Applicant could make modifications recommended just today by the Land Development Office.

Carrie Robinson (resident, Montview Drive) spoke on behalf of the Opposition: 26 people, including herself, who signed a petition opposing the zoning. Attorney Epstein returned to give a rebuttal.

After further discussion, **Councilman Gilbert moved to deny the ordinance.** It was seconded by Vice Chairman Henderson. **The motion carried.**

ACTION: DENIED

RESOLUTIONS:

A motion to approve by Councilwoman Berz and seconded by Councilman Anderson,

RESOLUTION #27615

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO GRANT AND CONVEY A CONSERVATION EASEMENT UNTO THE TENNESSEE WILDLIFE RESOURCES FOUNDATION, INC., CONSISTING OF APPROXIMATELY TWENTY-SEVEN (27) ACRES ON TAX MAP NOS. 138M-A-002, 138M-C-002.01, 138M-C-003.01, 138M-C-004.01, AND 138K-J-011.01, RELATIVE TO THE FRIAR BRANCH STREAM RESTORATION PROJECT.

ACTION: ADOPTED

A motion to approve by Councilwoman Berz and seconded by Councilman Anderson,

RESOLUTION #27616

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENTS OF GLADYS PINEDA-LOHER, NICHOLAS SILER, NANDINI MAKRANDI, JOCELYN LOZA, REBECCA CLAY-FLORES, AND TELETHA MCJUNKIN TO THE BOARD OF THE OFFICE OF MULTICULTURAL AFFAIRS.

ACTION: ADOPTED

A motion to approve by Councilman Anderson and seconded by Councilwoman Berz,

RESOLUTION #27617

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF JIM LEVINE TO THE CHATTANOOGA HOUSING AUTHORITY BOARD.

ACTION: ADOPTED

A motion to approve by Councilwoman Berz and seconded by Councilman Anderson,

RESOLUTION #27618

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF ANJ MCCLAIN TO THE AIR POLLUTION CONTROL BOARD.

ACTION: ADOPTED

A motion to approve by Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION #27619

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF JOE RAMSEY TO THE BEER AND WRECKER BOARD.

ACTION: ADOPTED

On behalf of the Chattanooga City Council, Councilman Freeman read the following resolution:

RESOLUTION #27620

Whereas the United States government is currently confronting major decisions regarding our nation's budget and fiscal policies; and

Whereas the American economy continues its slow and inadequate recovery from the Great Recession; unemployment stubbornly remains at more than 7 percent; and a weak economy undermines the nation's social fabric and deprives future generations of the opportunity to live rich and fulfilling lives; and

Whereas Social Security, Medicare, and Medicaid are central to the vitality of the middle class and keep millions of Americans out of poverty and federal investments in education, child care, infrastructure; and services for the elderly and vulnerable are essential to the nation's future prosperity; and

Whereas unwise cuts to the federal spending inevitably shift costs onto states and municipalities, which, unlike the federal government, have to balance their budgets every year, forcing cuts to vital services that all Americans depend upon; and

Whereas real median family income has been nearly stagnant for four decades despite continued growth in productivity; economic inequality has expanded to levels unseen since the 1930s; the wealthiest Americans, including corporations, receive an ever-larger share of national income and pay an ever-smaller percentage of taxes; and millions of families are unable to afford basic necessities;

Now, therefore, be it RESOLVED that the Chattanooga City Council hereby calls upon Congress to adopt Federal budget policies that prioritize the revitalization of the economy, the creation of millions of new jobs, and a return to broadly-shared prosperity; to avoid cuts to Social Security, Medicare, or Medicaid benefits or shifting of costs to the states; to resist cuts to the safety net or to vital services for the most disadvantaged members of society; and to restructure our tax system so that wealthy Americans and corporations pay their fair share.

The motion to approve carried 5-to-4, with Vice Chairman Henderson and councilpersons Grohn, Mitchell and Smith voting "NO."

ACTION: ADOPTED 5-TO-4

DEPARTMENTAL REPORTS:

Purchases

Mr. Kean briefed the Council on the following purchases:

- | | |
|---|------------------------------|
| PO505161 - General Services
Blanket Contract Renewal
of Light Duty Vehicle Parts
Lowest/Best Bidder: Lee-Smith Inc. | Est. \$1,650,000.00 Annually |
| PO505134 - General Services
Blanket Contract Renewal
of Heavy Duty Vehicle Parts
Lowest/Best Bidder: Lee-Smith Inc. | Est. \$550,000.00 Annually |
| PO511969 - Public Works
Blanket Contract Renewal
for Chlorination System Parts
Lowest/Best Bidder: Specialized Operations Services Inc. | Est. \$150,000.00 Annually |
| PO511700 - Public Works
Blanket Contract Renewal for
Motorola Moscad Telemetry Service & Support
Lowest/Best Bidder: Diversified Integration Inc. | Est. \$50,000.00 Annually |
| PO511192 - General Services
Renewal of Citywide Blanket Contract
for Temporary Labor Employment Services
Lowest/Best Bidder: Outsource Staffing | Est. \$800,000.00 Annually |
| R78991 - Public Works
Blanket Contract for Mowing at Landfills
Lowest/Best Bidder: Lovin Contracting Company, Inc. | Est. \$80,000.00 Annually |

Chief Dodd joined the discussion on the following emergency purchase:

- | | |
|---|-------------|
| R80288 - Police Department
Emergency Purchase Chiller Compressor
& Condenser Fan Replacement
Lowest/Best Bidder: Callahan Mechanical Contractor | \$10,385.00 |
|---|-------------|

On motion of Councilman Anderson and seconded by Councilman Mitchell, all of the above-listed purchases were approved.

ACTION: APPROVED

OTHER BUSINESS:

Board Appointments

Councilman Gilbert appointed **Jeff A. Brown** as District 5 representative to the *Board of Zoning Appeals*.

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
(No further report)

- The Committee had a very productive Budget Work Session today. She thanked her colleagues for their great participation and representation.
- Next meeting - August 20, 2013 from 10:00 a.m. - 2:00 p.m. in the J.B. Collins Conference Room, 1000 Lindsay Street, to discuss the general budget and capital budget

Public Safety Committee
Councilman Freeman
(No report at this time)

Youth and Family Development Committee
Councilman Gilbert
(No report at this time)

- He attended an event by the Department of Youth and Family Development last week and commended the talented youth who participated. He also commended Lurone Jennings, YFD Administrator, for doing a great job of presenting the Mayor's vision for the department to the community.

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 six (6) rules for persons wishing to address the Council on non-agenda items. After which, Chairman Hakeem opened the floor to those in the audience wishing to speak. 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, August 20, 2013, at 6:00 p.m.


CLERK OF COUNCIL


CHAIRMAN

(A full digital audio of this Council meeting, August 13, 2013,
has been filed in the Clerk of the Council's office)