



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
October 22, 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. City Attorney Wade Hinton, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

**PLEDGE OF ALLEGIANCE**

Councilman Mitchell led the assembly in the Pledge of Allegiance.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Henderson and seconded by Councilman Gilbert, the minutes of the last meeting (October 15, 2013) were approved as published.

**SPECIAL PRESENTATION #1**

***“Recognition of Sister City, Hamm Germany”***

The presentation began with a welcome in German by Attorney Hinton. Sister Cities representative, Karen Claypool, introduced 23 visitors from Chattanooga’s sister city, Hamm, Germany, who have been in the city since last week.

**SPECIAL PRESENTATION #2**

***“Domestic Violence Awareness Month”***

Chairman Hakeem presented the Partnership for Families, Children and Adults, with the following proclamation for their work in domestic violence:

# Chattanooga City Council

## Proclamation

**Whereas:** October has been proclaimed National Domestic Violence Awareness Month by the President of the United States since 1987;

**Whereas:** The family is the foundation of a safe and healthy community, but unfortunately domestic violence affects thousands of citizens of Chattanooga annually, crossing all racial, social, religious, ethnic, geographic, and economic groups, and the safety of our community and its residents is of the highest priority to this City government;

**Whereas:** The Partnership for Families, Children and Adults is a comprehensive non-profit human services agency whose mission is to strengthen families and individuals of all ages and reaches out to domestic violence victims through programs such as professional counseling, crisis intervention, and education and prevention services;

**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 and to protect victims and their families;

### Now Therefore,

on this 22nd day of October, 2013, the City Council of the City of Chattanooga supports the efforts of the Partnership and other agencies who seek to strengthen and heal families in our community by recognizing the month of October 2013 as

## **DOMESTIC VIOLENCE AWARENESS MONTH.**

Chairman Yusuf Hakeem  
Chattanooga City Council

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Regina McDevitt accepted the proclamation on behalf of the Partnership. She also announced two events during Domestic Violence Awareness Month:

- "Take Back The Night: Stand Up to Violence Against Women" - October 23 at 7:00 p.m. - Oak St. Amphitheater
- "Law Enforcement Appreciation Day" - October 25 from 12:00 to 1:00 p.m. - Chattanooga/Hamilton County Courts Building Atrium

**ORDINANCES – FINAL READING:**

**MR-2013-095**

**Jody Shea**

**Shea Properties, LLC**

On motion of Vice Chairman Henderson and seconded by Councilwoman Berz,

**ORDINANCE #12778**

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY PERPENDICULAR TO THE 600 BLOCK OF SOUTH HOLTZCLAW AVENUE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**MR-2013-098**

**Brad and Reta Standefer**

On motion of Councilman Mitchell and seconded by Councilman Smith,

**ORDINANCE #12779**

**AN ORDINANCE CLOSING AND ABANDONING AN OPENED ALLEY OFF OF THE 3900 BLOCK OF FAIRFAX DRIVE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING: (NONE)**

**RESOLUTIONS:**

On motion of Councilman Smith and seconded by Councilman Henderson,

**RESOLUTION #27681**

**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE A COMPLAINT TO FORECLOSE A JUDGMENT LIEN AGAINST DART PROPERTIES, LLC, THE RECORD OWNER OF PROPERTY LOCATED AT 4260 SAILMAKER CIRCLE, CHATTANOOGA, TENNESSEE.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Anderson,

**RESOLUTION #27682**

**A RESOLUTION AUTHORIZING JOHN W. WILCOX TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT HAMILTON AVENUE AND WOODLAND AVENUE FOR THE INSTALLATION OF A RETAINING WALL, 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 Smith and seconded by Councilman Mitchell,

**RESOLUTION #27683**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS – WASTE RESOURCES DIVISION TO ENTER INTO A TRAINING SERVICES AGREEMENT WITH CHATTANOOGA STATE COMMUNITY COLLEGE TO PROVIDE EMPLOYEES WITH ON-SITE TRAINING CLASSES TO FURTHER EFFORTS TOWARDS MAINTENANCE RELIABILITY, EFFICIENCIES, AND “LEAN” TECHNOLOGIES, SAID CLASSES TO BE OFFERED OVER SEVEN (7) SEMESTERS, FOR AN AMOUNT NOT TO EXCEED \$100,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Smith,

**RESOLUTION #27684**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT TO APPROVE THE TRANSFER OF PROPERTY FROM ROSEWOOD SUPPORTIVE SERVICES, INC. LOCATED AT 234 TUNNEL BOULEVARD, WHICH WAS DEVELOPED WITH NEIGHBORHOOD STABILIZATION PROGRAM FUNDS, TO CEO ENTERPRISES, INC. WITH CEO ENTERPRISES, INC. ASSUMING ALL RIGHTS AND RESPONSIBILITIES.**

A discussion ensued with Donna Williams, Administrator of Economic and Community Development on agenda items 7D - 7G, all related to properties owned by Rosewood Supportive Services, Inc. Chairman Hakeem noted that the neighborhood association expressed concerns to him because it was not aware of Rosewood's assisted living facility that opened in 2010. Ms. Williams noted that her office did not find any opposition on record from 2010. Chairman Hakeem allowed the following neighborhood representatives to address the Council:

1. Robert Schreane (North Brainerd Community Council)
2. Gwendolyn Blackmon (North Brainerd Community Council)

After further discussion, Councilman Anderson called the question. Chairman Hakeem called for the vote on this item. The motion carried.

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27685**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT TO APPROVE THE TRANSFER OF PROPERTY FROM ROSEWOOD SUPPORTIVE SERVICES, INC. LOCATED AT 3011 FOX DRIVE, WHICH WAS DEVELOPED WITH HOME INVESTMENT PARTNERSHIP ACT FUNDS, TO CEO ENTERPRISES, INC. WITH CEO ENTERPRISES, INC. ASSUMING ALL RIGHTS AND RESPONSIBILITIES.

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**RESOLUTION #27686**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CEO ENTERPRISES, INC. TO COVER ALL ON-GOING CITY AND FEDERAL COMPLIANCE REQUIREMENTS ASSOCIATED WITH THE ASSUMPTION OF THE PROPERTY FROM ROSEWOOD SUPPORTIVE SERVICES LOCATED AT 3011 FOX DRIVE, WHICH WAS DEVELOPED USING HOME INVESTMENT PARTNERSHIP ACT FUNDS.

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27687**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CEO ENTERPRISES, INC. TO COVER ALL ON-GOING CITY AND FEDERAL COMPLIANCE REQUIREMENTS ASSOCIATED WITH THE ASSUMPTION OF THE PROPERTY FROM ROSEWOOD SUPPORTIVE SERVICES LOCATED AT 234 TUNNEL BOULEVARD, WHICH WAS DEVELOPED USING NEIGHBORHOOD STABILIZATION PROGRAM FUNDS.

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

David Carmody, Purchasing Agent, briefed the Council on the following purchases:

**R36275 - Public Works**

Blanket Contract Extension for Tree Trimming  
Lowest/Best Bidder: Asplundh Tree Expert Company

Estimated \$200,000.00 Annually

**Surplus - Police Department** \$142.71  
Surplus Guns  
Lowest/Best Bidder: GT Distributors

**R82696 - Fire Department** \$111,600.00  
Purchase of Twenty-Four (24) Masimo Rad 57 Handhelds  
Lowest/Best Bidder: Masimo Americas, Inc.

On motion of Vice Chairman Henderson, the above-listed items were approved.

ACTION: APPROVED

Mr. Carmody continued with one other purchase:

**R83054 - Economic and Community Development** \$19,764.00  
Installation of Sculpture Foundations  
Lowest/Best Bidder: Eastman Construction

On motion of Councilwoman Berz, R83054 was approved, with Vice Chairman Henderson voting "NO" on this item.

ACTION: APPROVED 8-TO-1

**OTHER BUSINESS:**

**Board Appointment**

- Councilman Gilbert appointed Wayne S. Brown to the Police Department's (Civilian) Administrative Review Committee.

**COMMITTEE REPORTS:**

*Economic and Community Development Committee*

Councilman Anderson

- The committee will meet on November 5, immediately following Public Works and Transportation Committee. He will announce the agenda next week.

*Budget and Finance Committee*

Councilwoman Berz

(No report)

*Public Safety Committee*

Councilman Freeman

(No report)

*Youth and Family Development Committee*

Councilman Gilbert

- He thanked Lurone Jennings, Administrator at Youth and Family Development, and his staff for launching the Chattanooga Ambassadors Program on Saturday. He commended the young men who signed agreements to participate in the leadership development program.
- The 5<sup>th</sup> District Summit will take place on Thursday, October 24, at 6:00 p.m. at New Monumental Baptist Church.

*Audit Committee*

Councilman Grohn

(No report)

*RPA (Planning Committee)*

Vice Chairman Henderson

(No report)

*HR Committee (Human Resources)*

Councilman Mitchell

(No report)

*Public Works and Transportation Committee*

Councilman Smith

- The committee met today after Agenda Session and covered several Public Works and Transportation items.

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

Attorney Hinton read the rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Hakeem recognized the following persons:

- **Cynthia Stanley-Cash (North Brainerd/Districts 5 & 6)** - In response to comments made regarding Rosewood properties, she noted that her community has been asking for affordable housing; yet, group homes are not the type of affordable housing they seek.
- **Mike Price (MAP Engineers)** - He asked the Council for clarification regarding Ordinance No. 12646, which states in the special conditions: "No access to North Joiner Road." He stated that contractors need access to Joiner Road solely for construction of the parking lot at Wilkins Research.
  - Chairman Hakeem asked Attorney Hinton to perform the necessary research on this.
- **Lynn Wilkins (Wilkins Research)** - She expounded on Mr. Price's need for temporary access to Joiner Road for construction at her company.

- **Katherine Mitchell (District 2)** - She opposes the city extending benefits to those who fall outside of the "traditional marriage" and cited that 81-percent of Tennesseans voted for the Tennessee Marriage Protection Amendment. She also read information regarding the benefits of traditional marriage.
- **Daniel Freeman (Lake Resort Terrace)** - He supports Equal Benefits for Equal Work. He believes the Council should seek direction from lesbian, gay, bisexual, transgendered and intersex employees--not others indirectly affected--on how they should be represented on this issue.
- **Jo Peckinpaugh (Hixson)** - She opposes benefits for same-sex and domestic partnerships. She believes granting same-sex and domestic partner benefits will make the city vulnerable to litigation regarding the language defining the types of partnerships that are covered.
  - Chairman Hakeem noted that the City Attorney's Office is researching this matter.
- **Lawrence Curry (District 8)** - He asked the Council to install speed humps from 1100 to 1300 Arlington Avenue for the safety of children. He also asked the Council if anything could be done about the sagging pants fashion trend.
- **Marcus Ellsworth (District 7)** - He asked supporters of Equal Benefits for Equal Works to stand in the assembly. He has grown tired of seeing hatred and elitism defended, but is hopeful that the proposed legislation to extend partner benefits will help Chattanooga become a model city where everyone can grow and prosper.
- **Mark Gilliland (Lake Resort Road)** - He voiced support of Equal Benefits for Equal Works on behalf of himself and Concerned Citizens for Justice. He believes it is discriminatory for employees in same-sex relationships to be denied the same benefits as other employees.
- **Charles Wysong (Chattanooga)** - He thanked the Council for honoring his son's military service a few weeks ago. He also asked if the Council would publically release a draft of the proposed legislation regarding same-sex benefits.
  - Chairman Hakeem noted that the public would be given advance notice of proposed legislation on the Council's agenda.
- **Bryce Current (Chattanooga)** - He believes that granting domestic partner/same-sex benefits make good business sense. He believes that granting domestic partner/same-sex benefits would give Chattanooga a competitive advantage in recruitment and retention of a larger, more talented workforce.
- **Mario Forte (Chattanooga)** - He is a business owner who has granted equal benefits for all of his employees and, on occasion, does business with the city. He believes that one system of religion should not be used to discriminate or cause a "disparity of rights" against others.
- **Chuck Hill (District 6)** - He thanked council members who attended this year's Pride Week festival and noted that over half of the event's 3,000 attendees were "straight." He also noted that there were over 200 children in attendance.



**ADJOURNMENT**

On motion of Councilman Mitchell, the meeting of the Chattanooga City Council was adjourned until Tuesday, October 29, 2013, at 6:00 p.m.

  
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CHAIRMAN

  
\_\_\_\_\_  
CLERK OF COUNCIL

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