



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
November 12, 2013  
6:00 PM

## **CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Henderson and Council members 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 Gilbert led the assembly in the Pledge of Allegiance and invited his brother, Ron Gilbert, to lead the invocation.

## **APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson and seconded by Councilwoman Berz, the minutes of the last meeting November 5, 2013 were approved as published.

## **SPECIAL PRESENTATION**

***"The Secretary of Defense Freedom Award"  
Presented to Police Chief Bobby Dodd on behalf  
Of the Chattanooga Police Department  
By the Employer Support of the Guard and Reserve (ESGR)***

Chris Cole, of the ESGR National Committee, recognized the nomination of the Chattanooga Police Department (CPD) for the Secretary of Defense Freedom Award. Assistant Chief of Police Randy Dunn accepted the nomination on behalf of the department. The Secretary of Defense Freedom Award was created to publically recognize employers who provide exemplary support of employees in the Guard and Reserve.

Chairman Hakeem recognized police and fire personnel, and those who have served in the military for their "blanket of protection" that enables our freedom.

**ORDINANCES – FINAL READING:**

**2012-097**  
**MAP Engineers**  
**c/o Mike Price/Wilkins Partners**  
**District No. 4**  
**Staff Version**

On motion of Councilman Gilbert and seconded by Councilman Grohn,

**ORDINANCE #12780**

**AN ORDINANCE TO CLARIFY ORDINANCE NO. 12646 SO AS TO ALLOW TEMPORARY ACCESS DURING CONSTRUCTION ON PROPERTY LOCATED AT 1735 JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS.**

After discussion, the motion to approve passed 8-to-1, with Councilman Anderson voting "NAY."

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

**ORDINANCE #12781**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, SECTIONS 2-137, 2-138, 2-149, 2-151, 2-152, 2-153, 2-165.1, 2-183 AND PART II, CHAPTER 2, ARTICLE XIII, SECTION 2-751, RELATIVE TO DOMESTIC PARTNERSHIP AND NON-DISCRIMINATION.**

Councilman Grohn called a point of order, objecting on the grounds that this ordinance should be brought to voters for a decision via the "ballot box." Chairman Hakeem consulted with Attorney Noblett. Councilman Freeman moved the previous question, seconded by Councilman Anderson.

Councilman Grohn called a point of order, asking for a "division of the question." He objected because he thought the two components of the ordinance--domestic partnership and non-discrimination--could stand alone. Attorney Noblett read Robert's Rules regarding debate procedures. A discussion ensued.

After much discussion, Councilman Freeman moved the previous question to end the debate. Councilman Anderson seconded. Chairman Hakeem proceeded with the vote on Councilman Grohn's pending motion to divide the question--specifically Section 2-183.

On roll call vote:

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

The motion to divide the question failed.

YES - FOUR (4) ; NO - FIVE (5)

Councilman Anderson, seconded by Councilman Freeman, **moved to approve** the ordinance. A discussion ensued, whereby Chairman Hakeem afforded an opportunity for each council member to make statements prior to voting on the ordinance. During the discussion, Councilman Anderson reiterated his "second" to Councilman Freeman's motion to move the previous question. Once all Council statements had been made, Chairman Hakeem called for a vote on Councilman Anderson's main motion to approve the ordinance.

On roll call vote:

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

The motion to approve carried.

YES - FIVE (5); NO - FOUR (4)

ACTION: PASSED ON FIRST READING

Councilman Anderson, seconded by Councilman Freeman, motioned to lay on the table:

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III BY INSERTING A NEW DIVISION XX ENTITLED "EMPLOYMENT NON-DISCRIMINATION ORDINANCE".**

On roll call vote:

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

The ordinance was tabled.

ACTION: TABLED

2013-119  
Jack Edwards  
District No. 6  
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Anderson,

**ORDINANCE #12783**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7630 BONNIE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2013-128  
Aaron White/Vulcan Lands, Inc.  
District No. 7  
Planning Version

On motion of Councilman Anderson and seconded by Councilman Mitchell,

**ORDINANCE #12784**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 556 MOLLY LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2013-130  
Green Real Estate Group, LLC/David Devaney  
District No. 7  
Planning Version

On motion of Councilman Anderson and seconded by Councilman Smith,

**ORDINANCE #12785**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 324 VINE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2013-129  
Jack Killian  
District No. 3  
Planning Version

On motion of Councilman Smith and seconded by Councilman Anderson,

**ORDINANCE #12782**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NOS. 1 AND 2 OF ORDINANCE NO. 11533 OF PREVIOUS CASE NO. 2004-031, ON PROPERTY LOCATED AT 2857 NORTHPOINT BOULEVARD, BEING MORE PARTICULARLY DESCRIBED HEREIN.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27699**

**A RESOLUTION AUTHORIZING HEWITT COLEMAN TO PAY AN ON-THE-JOB INJURY SETTLEMENT TO FORMER CITY EMPLOYEE, JAMES HOGWOOD (EN44566), IN THE AMOUNT OF \$50,000.00 BASED UPON HIS ESTABLISHED PERMANENT TOTAL IMPAIRMENT RATING, SUBJECT TO HIS EXECUTION OF A RELEASE OF ALL CLAIMS, AND IN ACCORDANCE WITH ORDINANCE NO. 12573.**

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Smith and seconded by Councilman Mitchell,

**RESOLUTION #27700**

**A RESOLUTION TO ACCEPT THE QUALIFICATIONS FOR ON-CALL MODELING AND FLOODPLAIN ANALYSIS SERVICES FROM URS CORPORATION; AMEC ENVIRONMENTAL AND INFRASTRUCTURE, INC.; HDR ENGINEERING, INC.; CDM SMITH; AND LAMAR DUNN ASSOCIATES, INC. AND TO ENTER INTO FIVE (5), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS SUBJECT TO ONE (1) YEAR RENEWAL OPTIONS FOR PROFESSIONAL SERVICES ESTIMATED AT \$650,000.00 TOTAL ANNUALLY FOR ALL FIVE (5) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.**

**ACTION: ADOPTED**

**2013-127**  
**Clara Edwards/Tommye Montgomery**  
**District No. 9**

On motion of Councilman Freeman and seconded by Councilman Gilbert,

**RESOLUTION #27701**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL HOME FOR HANDICAPPED AND/OR AGED PERSONS OPERATED ON A COMMERCIAL BASIS ON PROPERTY LOCATED AT 1503 TAYLOR STREET.**

**ACTION: ADOPTED**

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

**RESOLUTION #27702**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM ARTSBUILD COMMUNITY CULTURAL CONNECTIONS FOR THE USE OF PROGRAMMING AT THE SOLDIERS AND SAILORS MEMORIAL AUDITORIUM RELATED TO PUBLIC ARTS AND HEALING WORKSHOPS BENEFITTING RETURNED ARMED FORCES TROOPS AND VETERANS, IN THE AMOUNT OF \$3,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Anderson,

**RESOLUTION #27703**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR TWH ARCHITECTS, INC. FOR DESIGN SERVICES RELATED TO THE CITY OF CHATTANOOGA WELLADVANTAGE HEALTH AND WELLNESS CENTER, FOR AN INCREASED AMOUNT OF \$14,974.54, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$315,434.69.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilman Anderson,

**RESOLUTION #27704**

**A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF ELISABETH B. DONNOVIN TO THE MCKAMEY ANIMAL CARE TRUST BOARD OF DIRECTORS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Freeman,

**RESOLUTION #27705**

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE WOODBRIDGE CHATTANOOGA FORMED PLASTICS LP PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

Brent Goldberg, Deputy Chief Operating Officer, briefed the Council on the following purchase:

<b>R85046 - Transportation Department</b>	<b>\$12,250.00</b>
Payment of Invoice for Drivers Education Services Lowest/Best Bidder: Haman's New Drivers	
<b>PO511960 - General Services</b>	Estimated \$10,000.00 Annually
Blanket Contract Renewal for Shredding & Recycling Services Lowest/Best Bidder: Shred-It	
<b>PO512650 - General Services</b>	Estimated \$500,000.00 Annually
Blanket Contract Renewal for Electrical Supplies Lowest/Best Bidder: Electric Motor Sales & Supply Company Inc.	
<b>PO519098 - General Services</b>	Estimated \$150,000.00 Annually
Blanket Contract Renewal for Elevator, Escalator, & Lift Maintenance Lowest/Best Bidder: Chattanooga Elevator	
<b>PO507429 - General Services</b>	Estimated \$60,000.00 Annually
Blanket Contract Renewal for City-Wide Paint & Paint Supplies Lowest/Best Bidder: PPG Porter Paints	
<b>PO505931 - Public Works</b>	Estimated \$20,000.00 Annually
Blanket Contract Renewal for Trees Lowest/Best Bidder: Little Creek Nursery	

**PO505933 - Public Works** Estimated \$20,000.00 Annually  
Blanket Contract Renewal for Trees  
Lowest/Best Bidder: Select Trees

**PO505934 - Public Works** Estimated \$20,000.00 Annually  
Blanket Contract Renewal for Trees  
Lowest/Best Bidder: Heather Farms Nursery

**R81757 - Public Works** Estimated \$35,000.00 Annually  
Blanket Contract for Fire Extinguishers/  
Fire Suppression Systems & Service  
Lowest/Best Bidder: Chattanooga Fire Protection Inc.

**PO501675, 501678, 501680 -** Estimated \$300,000.00 Annually  
**Economic & Community Development**  
Blanket Contract Renewal for Demolition  
Lowest/Best Bidders: Pates Hauling & Demolition LLP,  
Bee Cee Enterprise, Inc. & Tower Construction Company

**On motion of Councilwoman Berz**, the above-listed purchases were approved.

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Ethics Complaint**

Councilman Anderson stated that there had been an anonymous ethics complaint filed against him, alleging that he should abstain from voting on the benefits ordinance. He said that the resulting investigation has been closed in his favor. He read a letter dated November 12, 2013 that states that he is not eligible for domestic partner benefits because he does not qualify "per the provisions stated." He stated that, although he and all other council members would have the ability to apply for said benefits in the future, he has no plan to apply for those benefits at this time.

**COMMITTEE REPORTS:**

*Economic and Community Development Committee*  
Councilman Anderson  
(No report)

*Budget and Finance Committee*  
Councilwoman Berz  
(No report)



*Public Safety Committee*

Councilman Freeman

- The committee will meet next week (Nov. 19) immediately following Public Works and Transportation Committee. McKamey Animal Center will present its annual report at that time.
- Council members should let Councilman Freeman know if there are any public safety matters that the committee should add to their agenda.

*Youth and Family Development Committee*

Councilman Gilbert

(No report)

*Audit Committee*

Councilman Grohn

(No report)

*RPA (Planning Committee)*

Vice Chairman Henderson

- The Planning Commission met on Monday. He asked that if any council member has not received their zoning packets, please let him know. He relies on the Council to make him aware of zoning matters in each of their districts.

*HR Committee (Human Resources)*

Councilman Mitchell

- He thanked the Human Resources Department for their work in putting together the benefits ordinance.

*Public Works and Transportation Committee*

Councilman Smith

- The committee will meet next week immediately following Agenda Session.

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

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

- **Marcus Ellsworth (District 7)** - Invited the Council the Transgendered Day of Remembrance 2013: November 20 at 7:00 p.m.- Unitarian Church of Chattanooga
- **Mark West (Chattanooga Tea Party)** - Invited the Council to a public forum on domestic partner benefits: Thursday, November 14 at 6:30 p.m. - Westview Elementary
- **Steve West (District 3)** - He asked to Council to look at ways to provide benefits to school patrol officers and part-time employees.
- **Charles Wysong (District 6)** - He filed an ethics complaint today against Councilman Anderson, alleging that Councilman Anderson should have recused himself or abstained from voting on the benefits ordinance because, he alleges, the councilman has a conflict of interest.

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, November 19, 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)**