



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
December 10, 2013  
6:00 PM

### **CALL TO ORDER**

Vice Chairman Chip Henderson called the meeting to order. There was a quorum present, including Council members Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith. Chairman Yusuf Hakeem was not present.

Others present: City Attorney Wade Hinton; Mayor's Office: Brent Goldberg, Deputy Chief Operating Officer; Planning: John Bridger, Executive Director, and Greg Haynes, Director of Development; Land Development: Richard Hutsell, Assistant Director; Public Works: Lee Norris, Administrator; Council Office: Randy Burns, Management Analyst, and Nicole Gwyn, Deputy Clerk.

### **PLEDGE OF ALLEGIANCE**

Councilman Freeman led the assembly in the Pledge of Allegiance.

### **APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson and seconded by Councilman Smith, the minutes of the last meeting (December 3, 2013) were approved as published.

### **CITY ATTORNEY REPORT**

Attorney Hinton announced a mediation that took place on December 9, 2013 between the Chattanooga Police Department and Adam Tatum, the plaintiff, that resulted in a settlement and release of all claims in the amount of \$115,000 total. Of that settlement, \$112,500 would be the city's responsibility and \$2,500 would be Erlanger's responsibility, upon the release of all claims by Mr. Tatum. Deputy City Attorney Phil Noblett was the lead attorney for the proceeding and was available for questions.

**On motion Councilman Mitchell** and seconded by Councilman Anderson, the report was approved.

**ORDINANCES – FINAL READING:**

MR-2013-026

Artech Design Group, Inc./

David Hudson

On motion of Councilman Freeman, seconded by Councilman Grohn,

**ORDINANCE #12787**

**AN ORDINANCE CLOSING AND ABANDONING A SANITARY SEWER  
EASEMENT LOCATED AT 702 E. 11<sup>TH</sup> STREET.**

**ACTION: APPROVED**

MR-2013-136

Bridgeway Chattanooga Realty Partners, LLC

Move to approve by Councilwoman Berz, seconded by Councilman Mitchell,

**ORDINANCE #12786**

**AN ORDINANCE CLOSING AND ABANDONING AN EASEMENT BEING  
PART OF THE PROPERTY LOCATED A 6839 MCCUTCHEON ROAD,  
SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

**ORDINANCE #12788**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,  
ARTICLE V, SECTION 2-552, PURCHASING, CONTRACTS,  
AND PROPERTY DISPOSITION, RELATIVE TO BIDS.**

A discussion ensued. Brent Goldberg responded to questions about the sealed bid threshold and the Council approval threshold. He and Attorney Hinton noted that legislation regarding the Council approval threshold was planned for next week's agenda. Councilman Freeman moved to defer this ordinance until next week, seconded by Councilman Gilbert. Upon further discussion, Councilman Freeman withdrew his motion, seconded by Councilman Gilbert. **Councilman Grohn moved to approve**, seconded by Councilman Smith. The motion carried.

**ACTION: PASSED ON FIRST READING**

2013-134  
B&M Development  
District No. 6  
Applicant Version

A discussion ensued about the following:

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1 FROM ORDINANCE NO. 12581 OF PREVIOUS CASE NO. 2012-015, ON PROPERTY LOCATED AT 1309 PANORAMA DRIVE, BEING MORE PARTICULARLY DESCRIBED HEREIN.**

Greg Haynes made a presentation on behalf of Planning. John Bridger and Richard Hutsell contributed to the discussion.

The Applicant, Matt Hullander, was allowed nine (9) minutes to address the Council. After eight (8) minutes, he yielded to Denis Dobash, an adjacent homeowner who spoke in favor of Mr. Hullander's zoning request.

Vice Chairman Henderson gave the Opposition up to nine (9) minutes to address the Council, with the option of three persons to speak for up to three (3) minutes each. The following individuals spoke in Opposition:

- Tina Pelletier (Resides adjacent to 1309 Panorama Dr.)
- Paul Pelletier (Resides adjacent to 1309 Panorama Dr.)
- Steve Clowdus (Resides on Panarama Dr.)

Mr. Hullander gave a rebuttal. Mr. Haynes returned to respond to questions. **Councilman Freeman moved to deny**, seconded by Councilwoman Berz.

On roll call vote:

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

The motion to deny carried.

YES - Six (6); NO - Two (2)

**ACTION: NOT PASSED**

2013-146  
John Anderson/  
James P. Little

Motion to approve by Councilman Freeman, seconded by Councilman Smith,

**ORDINANCE #12790**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1418 O'GRADY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION: PASSED ON FIRST READING**

2013-148  
Thomas Palmer/Dan Rose

Motion to approve by Councilman Anderson, seconded by Councilwoman Berz,

**ORDINANCE #12791**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1512 MARKET STREET AND 5 EAST 16<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION: PASSED ON FIRST READING**

MR-2013-007  
Samuel W. Clemons, Surveyor/  
The McCallie School

Move to approve by Councilman Freeman, seconded by Councilman Gilbert,

**ORDINANCE #12792**

AN ORDINANCE CLOSING AND ABANDONING THE 2600 BLOCK OF BENNETT AVENUE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION: PASSED ON FIRST READING**

MR-2013-030  
TDK Construction Company  
c/o Tim Keach

Councilman Grohn moved to deny, seconded by Councilwoman Berz,

**AN ORDINANCE CLOSING AND ABANDONING A SEWER  
MAIN AND EASEMENT IN THE 2200 BLOCK OF MURRAY  
LANE.**

A discussion ensued with Lee Norris (Public Works) on this item. The motion to deny carried.

**ACTION: NOT PASSED**

MR-2013-036  
Tennessee Valley Museum c/o Tim Andrews

Move to approve by Councilman Anderson, seconded by Councilman Smith,

**ORDINANCE #12793**

**AN ORDINANCE CLOSING AND ABANDONING SEVERAL UNOPENED  
STREETS AND ALLEYS WEST OF THE 500 TO 600 BLOCKS OF NORTH  
CREST ROAD, SUBJECT TO A FULL-WIDTH EASEMENT FOR EPB,  
TENNESSEE AMERICAN WATER COMPANY, AND THE CITY OF  
CHATTANOOGA (SANITARY SEWER ONLY).**

**ACTION: PASSED ON FIRST READING**

MR-2013-106  
Susan Cruze

A discussion ensued about the following:

**AN ORDINANCE CLOSING AND ABANDONING AN OPEN  
ALLEY UNIT BLOCK (28 AND 34) OF SHALLOWFORD ROAD.**

Councilman Freeman moved to approve, seconded by Councilman Gilbert. Blythe Bailey, Transportation Administrator, explained why Transportation recommended denial of this ordinance. **Councilman Freeman amended his motion by clarifying a "motion to deny,"** seconded by Councilman Anderson. After further discussion, Councilman Smith called the Question. Vice Chairman Henderson called the vote. The motion to deny carried.

**ACTION: NOT PASSED**

MR-2013-115  
Hopkins Surveying-  
Willow Plaza Realty

Move to approve by Councilman Gilbert, seconded by Councilman Freeman,

**ORDINANCE #12789**

**AN ORDINANCE CLOSING AND ABANDONING OF AN UNOPENED ALLEY  
PARALLEL TO THE 2000 BLOCK OF SOUTH WILLOW STREET, SUBJECT  
TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

MR-2013-124  
Jody Shea

A discussion ensued about the following:

**AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF  
2500 SOUTH HAWTHORNE STREET.**

Mr. Bailey joined the discussion to expound upon why Transportation recommended denial of this ordinance. Councilman Freeman moved to deny, seconded by Councilman Anderson. The **motion failed** to garner five (5) votes upon roll call vote as follows:

<b>Smith</b>	<b>NO</b>	<b>Gilbert</b>	<b>YES</b>
<b>Mitchell</b>	<b>NO</b>	<b>Freeman</b>	<b>YES</b>
<b>Henderson</b>	<b>NO</b>	<b>Berz</b>	<b>YES</b>
<b>Grohn</b>	<b>NO</b>	<b>Anderson</b>	<b>YES</b>

**YES - Four (4); NO - Four (4)**

**Councilman Grohn moved to approve**, seconded by Councilman Smith. Further discussion took place with Mr. Norris and John Bridger, Executive Director of Regional Planning.

Upon further discussion, **Councilman Grohn moved to defer until January 7, 2014**, seconded by Councilman Gilbert. The motion to defer carried.

**ACTION: DEFERRED UNTIL JAN. 7, 2014**

**RESOLUTIONS:**

Move to approve by Councilman Anderson, seconded by Councilman Mitchell,

**RESOLUTION #27744**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE OFFICE OF MULTICULTURAL AFFAIRS TO ACCEPT A \$500.00 DONATION FROM CHATTANOOGA COCA-COLA BOTTLING COMPANY TO SUPPORT HUMAN RIGHTS AND FAIR HOUSING EDUCATION PROGRAMMING.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilman Anderson,

**RESOLUTION #27745**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CRIMEVIEW FOR PROFESSIONAL SERVICES TO UPDATE IMPORT SERVER AND IMPLEMENT CRIMEVIEW DASHBOARD, IN THE AMOUNT OF \$36,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilman Anderson,

**RESOLUTION #27746**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR ARCGIS FOR DESKTOP BASIC SINGLE USE LICENSE, IN THE AMOUNT OF \$11,475.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilwoman Berz,

**RESOLUTION #27747**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY GOVERNMENT AND HAMILTON COUNTY 911 EMERGENCY COMMUNICATIONS DISTRICT RELATIVE TO THE HAMILTON COUNTY ADDRESS VERIFICATION PROJECT, AND AUTHORIZING THE CITY'S SHARE, IN THE AMOUNT OF \$307,884.67.**

**ACTION: ADOPTED**

Move to approve by Councilman Mitchell, seconded by Councilman Anderson,

**RESOLUTION #27749**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO EXECUTE AN AGREEMENT WITH COLLINS AND COMPANY, INC. TO PROVIDE THIRD PARTY ADMINISTRATOR SERVICES FOR THE CITY'S ON THE JOB INJURY PROGRAM FOR A THREE (3) YEAR CONTRACT AT THE RATE OF \$5,900.00 PER MONTH FOR YEAR ONE (1); \$6,200.00 PER MONTH FOR YEARS TWO (2) AND THREE (3); AND AN OPTION TO RENEW AT \$6,200.00 PER MONTH FOR A TOTAL OF FIVE (5) YEARS. THERE WILL BE A ONE (1) TIME SET UP FEE OF \$8,500.00.**

**ACTION: ADOPTED**

**2013-149**

**Joseph Ingram/Leslie C. Fox**

Councilman Mitchell moved to approve with condition of the sidewalk,  
seconded by Councilman Anderson,

**RESOLUTION #27748**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT ON PROPERTIES LOCATED IN THE 1000 BLOCK OF DALLAS ROAD.**

The motion carried, with Councilwoman Berz abstaining.

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

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

**R36180 - General Services**

Estimated \$150,000.00 Annually

Blanket Contract Extension for Oils & Lubricants

Lowest/Best Bidder: Parman Lubricants

**R51982 - General Services**

Estimated \$100,000.00 Annually

Blanket Contract Extension for Elgin Sweeper Parts

Lowest/Best Bidder: Lee-Smith, Inc.



**R82207 - Public Works**

\$15,689.68

Purchase of Four (4) Sensors & Controllers  
Lowest/Best Bidder: Products Unlimited, Inc.

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

**ACTION: APPROVED**

Mr. Goldberg noted a correction to last week's purchasing letter that listed Special Touch Lawn Care as the Vendor for R71152. The correct bidder name on the letter should have been Certified Maintenance Service, Inc. as follows:

R71152 - Youth & Family Development Estimated \$14,814.00 Annually  
Blanket Contract Extension for Janitorial Services  
Lowest/Best Bidder: Certified Maintenance Service, Inc.

Attorney Hinton noted that the Council needed no additional action on R71152.

**OTHER BUSINESS: (NONE)**

**COMMITTEE REPORTS:**

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

*Budget and Finance Committee*  
Councilwoman Berz

- The Council is invited to an educational session on budgeting for outcomes on this Thursday, December 12, from 10:00 a.m. - 12:00 p.m.

*Public Safety Committee*  
Councilman Freeman  
(No report)

*Youth and Family Development Committee*  
Councilman Gilbert

- He reminded everyone about the "Santa Train" and the December 24 event benefitting the Forgotten Child Fund.

*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 will meet next week immediately following Agenda Session.

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

Vice Chairman Henderson asked for a show of hands of members of the public who wished to address the Council on non-agenda matters. Seeing none, this portion of the agenda was closed.

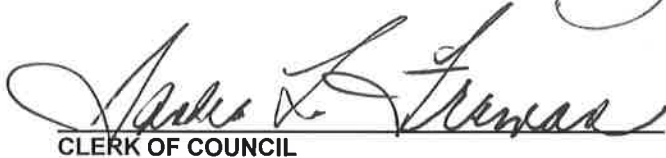
**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, December 17, 2013, at 6:00 p.m.



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**VICE CHAIRMAN**



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**CLERK OF COUNCIL**

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