



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
September 16, 2014
6:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Councilman Hakeem led the Assembly in the Pledge of Allegiance and invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Gilbert, the minutes of the last meeting (September 9, 2014) were approved as published.

SPECIAL PRESENTATIONS (2)

Presentation #1

***Fire Department Homeland Security Recognition of Danny Hogue
By Fire Chief Lamar Flint and Councilman Freeman***

Chief Flint announced that Assistant Chief Danny Hogue was recognized in Nashville recently by Tennessee Homeland Security with an award from the Governor's office for his dedication to disaster preparedness. He also awarded Chief Hogue and Captain David Tallent with the department's certificate of merit and medal for meritorious service for outstanding performance in "emergency response and preparation for the overall safety of the citizens of Chattanooga and homeland security."

Presentation #2

***Introduction by the Chattanooga Police Department
of visitors from Moldova, Russia
By Police Chief Fred Fletcher***

Chief Fletcher recognized police leaders from Moldova, Russia, who were visiting Chattanooga: Igor Ignatiuc, Aliona Simcic, Efim Juncu, Adrian Talpa, Cristina Lesnic Born and Evghenii Sologubenco. The leaders were here to share information and learn how the department emphasizes relationships, relationship building and community policing.

ORDINANCES – FINAL READING:

2013-144
Napier Associates and
Gunbarrel Partners
District No. 4
Planning Version

On motion of Councilman Grohn and seconded by Councilman Smith,

ORDINANCE #12854

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2418, 2424, 2428, AND 2440 ELAM LANE AND 2501, 2511, 2515, 2519, AND 2527 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-4 PLANNED COMMERCE CENTER ZONE TO MXU ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-145
Gunbarrel Partners
District No. 4
Applicant Version

On motion of Councilman Grohn and seconded by Councilman Smith,

ORDINANCE #12855

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2515, 2519, AND 2527 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE.

ACTION: APPROVED

2014-086
MAP Engineers, LLC/Heatec, Inc.
District No. 7
Planning Version

ORDINANCE #12856

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5200 WILSON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO O-1 OFFICE ZONE, AND SO AS TO LIFT CONDITION NO. 1 FROM ORDINANCE NO. 11820 AND REPLACE WITH CONDITIONS THERETO.

A discussion ensued with John Bridger, Regional Planning's Executive Director, who briefed on the condition that would be lifted. **Councilman Anderson moved** to deny the rezone, but lift the condition. Councilman Freeman seconded. **The motion carried.**

**ACTION: REZONING DENIED AND
AND CONDITION NO. 1 LIFTED**

2014-023
Elemi Architecture, LLC/
Matt Winget/Paul Teruya/
ALC Holdings, LLC
District No. 7

On motion of Councilman Anderson and seconded by Councilman Smith,

ORDINANCE #12857

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1690 SILVELS LANE, 109 OLD MOUNTAIN ROAD, AND 1605 W. 39TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, TO BE APPROVED AS AMENDED PER SITE PLAN AT PLANNING COMMISSION.

ACTION: APPROVED

2014-077
Allen Jones/Watkins Street Project, LLC
District No. 9
Planning Version

On motion of Councilman Freeman and seconded by Councilman Hakeem,

ORDINANCE #12858

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1700 AND 1800 WATKINS STREET AND 2461 EAST 18TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE, M-1 MANUFACTURING ZONE, AND M-2 LIGHT INDUSTRIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Attorney Noblett noted that an amendment that had been made to Section 3, as requested, which would change the limit in the number of units to "205."

ACTION: APPROVED

ORDINANCE #12859

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 14, UGC URBAN GENERAL COMMERCIAL ZONE, SECTION 38-201, INTENT, AND SECTIONS 38-207 THROUGH 38-213, DIVISION 29, OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, SECTION 38-473(12).

Attorney Noblett noted that the Planning Commission last week found some clerical errors in the ordinance. One error had already been corrected for today's reading:

- To include the word "*Urban*" between the words "UGC and General Commercial Zone"

He noted two (2) other clerical errors that needed to be amended:

- Delete the words "*maximum of 12,000 square feet*" due to redundancy in the ordinance;
- Reference to add "*auto-oriented*" to the heading of Section 38-212.

Councilman Hakeem moved to accept the amendments to the ordinance. Councilman Grohn seconded. **The motion carried.**

Councilman Freeman moved to approve the ordinance as amended. Councilman Gilbert seconded. **The motion carried.**

ACTION: APPROVED AS AMENDED

ORDINANCES – FIRST READING:

On motion of Councilman Anderson and seconded by Vice Chair Dr. Berz,

ORDINANCE #12853

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ARTICLE XVI, SECTION 11-456, RELATIVE TO THE SMALL BUSINESS INCENTIVE GRANT PROGRAM.

The motion carried, with Councilman Gilbert abstaining.

ACTION: PASSED ON FIRST READING

MR-2014-082

Jonathan Woche, AICP, Leed GA

On motion of Councilman Freeman and seconded by Vice Chair Dr. Berz,

ORDINANCE #12860

AN ORDINANCE CLOSING AND ABANDONING OF A SEWER EASEMENT LYING BETWEEN PROPERTIES AT 1300 AND 1450 EAST 3RD STREET AND 340 NORTH HOLTZCLAW, SUBJECT TO RELOCATION OF THE SANITARY SEWER AS APPROVED BY THE CITY ENGINEER.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Mitchell and seconded by Councilman Smith,

RESOLUTION #28011

A RESOLUTION AUTHORIZING THE APPOINTMENT OF LARRY MINNIEAR AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Vice Chair Dr. Berz,

RESOLUTION #28012

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE DONATION OF AED DEFIBRILLATORS FROM PETER METCALF AT NO COST TO THE CHATTANOOGA POLICE DEPARTMENT OR THE CITY OF CHATTANOOGA.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Gilbert,

RESOLUTION #28013

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-11-009-201, TO STOWERS MACHINERY CORPORATION, 1.5 MEGA WATT PORTABLE GENERATOR FOR ISS PRIORITY SITES, FOR AN AMOUNT NOT TO EXCEED \$441,000.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Anderson,

RESOLUTION #28014

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-11-009-202, TO NABCO ELECTRIC COMPANY, INC., MOCCASIN BEND WASTEWATER TREATMENT PLAN ADMINISTRATIVE BUILDING PERMANENT GENERATOR AND GENERATOR CONNECTIONS AT PRIORITY ISS SITES PROJECT, IN THE AMOUNT OF \$432,359.00, WITH A CONTINGENCY AMOUNT OF \$40,000.00, FOR AN AMOUNT NOT TO EXCEED \$472,359.00, SUBJECT TO SRF LOAN APPROVAL.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Grohn,

RESOLUTION #28015

A RESOLUTION AUTHORIZING THE WAIVER OF RENTAL FEES FOR THE USE OF THE WARNER PARK POOL ON SATURDAY, SEPTEMBER 27, 2014, FOR THE MCKAMEY ANIMAL SHELTER ANNUAL DOGGIE POOL PARTY, IN THE AMOUNT OF \$350.00.

Lurone Jennings, Administrator of Youth and Family Development, was asked to discuss the Annual Doggie Pool Party.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Fire Department

Brent Goldberg, Chief Operating Officer, informed Council of the Fire Department's recent MDA Fundraiser. Assistant Fire Chief Randy Jacks reported that the department raised \$48,386.31 over the course of three (3) days. He also noted that the Local 820 made a donation of \$2,500.

Purchases

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

R85244 - General Services Department Estimated \$165,000 Annually
Blanket Contract renewal for Heil OEM
Truck Parts and Service
Lowest/Best Bidder: Stringfellow, Inc

R86350 - General Services Department Estimated \$125,000 Annually
Blanket Contract increase for Chemicals
for City Golf Courses
Lowest/Best Bidder: Harrell's & John Deere Landscape

R94943 - Public Works Department Estimated \$540,000 Annually
Rescind and Re-award blanket contract
for Machining and Fabrication Services
Lowest/Best Bidder: Riverside Machine Company Inc.

R49342 - Public Works Department Estimated \$290,000 Annually
Extension of Blanket Contract for Refuse Transport
Lowest/Best Bidder: Tennessee Waste Haulers LLC

R100223 - Purchasing Department Estimated \$65,000 Annually
Blanket Contract for Soft Drinks
Lowest/Best Bidder: Coca Cola Bottling Company

Vice Chair Dr. Berz moved to approve all the proposed purchases. Councilman Gilbert seconded. **The motion carried.**

ACTION: APPROVED

OTHER BUSINESS:

IDB Board Appointments

Councilman Anderson reported on a special ad hoc committee to develop two (2) options for the Industrial Development Board appointment process. He also noted having discussed the committee's recommendations during the Council's Strategic Planning meeting earlier today.

Councilman Anderson moved to accept the IDB Board Selection Process with Option 1, vetting process and qualifying criteria for candidates. Councilman Gilbert seconded. Discussion ensued wherein **Councilman Freeman moved** to make an amendment to eliminate the two options developed by the committee and substitute, in lieu thereof, a process in which Administration vets the applicants during the selection process and submits those names to Council. **Councilman Anderson respectfully declined the amendment** to his motion.

Councilman Hakeem called a Point of Clarity, asking if he correctly understood that all three (3) council members in a district group must be unanimously agree on a candidate. Councilman Anderson stated that he would accept that as a friendly amendment.

Further discussion ensued about the recommended selection method. Councilman Gilbert asked for clarification on rotating district appointments. Councilman Hakeem was recognized and allowed to respond to Councilman Gilbert. Councilman Anderson said that he would be willing to entertain an amendment to the selection process.

Vice Chair Dr. Berz discussed the “two levels” of selecting the candidates: Rotating District Appointments during the selection process and Vetting Candidates who meet the qualifications.

Councilman Gilbert moved to change to “*any two*” instead of three (3) council members. Councilman Anderson seconded that amendment.

After further discussion, Councilman Anderson called the question. With no objections to the question, Chairman Henderson called for a roll call vote on the amendment. Upon roll call vote, the **motion to amend carried** as follows:

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

YES - Five (5); NO - Two (2); ABSTAIN - Two (2)

Chairman Henderson restated the motion to accept Option 1 with any two council members agreeing. Councilman Anderson called the question. With no objections to the question, Chairman Henderson called for a roll call vote.

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

YES - Five (5); NO - Four (4); ABSTAIN - Zero (0)

The motion carried 5-to-4 to approve a new IDB Board Selection Process with Option 1.

COMMITTEE REPORTS:

Audit & I.T. Committee

Councilman Grohn

- The Committee will meet next Tuesday (September 23) for an Information Technology Department update.

Budget and Finance Committee

Councilman Mitchell

- The committee met today for a presentation on ChattaData.

Economic and Community Development Committee

Councilman Anderson

(No report)

HR Committee (Human Resources)

Vice Chair Dr. Berz

- The committee held an educational session today regarding personnel matters;
- The committee will meet soon for an educational session on benefits for council members.

Planning & Zoning

Councilman Hakeem

(No report)

Public Safety Committee

Councilman Freeman

(No report)

Public Works and Transportation Committee

Councilman Smith

- The committee will meet next Tuesday (September 23) to hear agenda items for September 23 and October 7. The committee will also hear two presentations:
 - Vaughn & Melton Consulting Engineers - Services they offer
 - Blythe Bailey - Dept. of Transportation update on paving initiatives

Youth and Family Development Committee

Councilman Gilbert

- The committee met today to learn about the selection process for the fitness zones recently donated to the city.

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

Attorney Noblett read the seven (7) rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Henderson recognized the following persons:

- **Cynthia Nesson (Williams Street)** - Informed Council of a violation of the controlled sound ordinance ("noise ordinance") that took place on Sunday behind Clyde's Bar.

- **Bruce Neeson (Williams Street)** - Confirmed the incident that his wife had just reported to the Council; informed Council that he did not call the police about the alleged controlled sound violation.

ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, September 23, 2014, at 6:00 p.m.



CHAIRMAN



CLERK OF COUNCIL

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