



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
December 1, 2015  
6:00 PM

## **CALL TO ORDER**

Council Chairwoman Carol Berz called the meeting to order with Vice Chair Moses Freeman and Council members Chris Anderson, Russell Gilbert, Larry Grohn, Yusuf Hakeem, Chip Henderson, Jerry Mitchell and Ken Smith all present. City Attorney Wade Hinton and Council Clerk Nicole Gwyn, CMC, were also present.

## **PLEDGE OF ALLEGIANCE**

Vice Chair Freeman led the Assembly in the Pledge of Allegiance. Anthony Cothorn, a Police chaplain and Chair of the local World AIDS Day observance, gave the invocation.

## **APPROVAL OF LAST MINUTES**

**On motion of Councilman Anderson** and seconded by Councilman Gilbert, the minutes of the last meeting (November 24, 2015) were approved as published.

## **SPECIAL RECOGNITION**

Councilman Anderson recognized the Boy Scout Troop #2 of St. Elmo Presbyterian Church, who were present in the Assembly.

## **SPECIAL PRESENTATION**

***World AIDS Day 2015***  
**By the Mario Forte and Councilman Anderson**

Councilman Anderson asked Mario Forte, Care Chair of the Southeast Tennessee Council of the Southeast Tennessee Council on HIV/AIDS Care and Prevention, to come forward and address the Council on today's global observance of World AIDS Day 2015. Mr. Forte informed the Council of the latest statistics for persons living with HIV/AIDS in Hamilton County and distributed handouts containing information about HIV/AIDS.

Councilman Anderson made the following proclamation:

**Whereas,** World AIDS Day began on December 1, 1988, with the goals of increasing awareness, improving education about HIV/AIDS and raising funds to find a cure;

**Whereas,** World AIDS Day is a time to celebrate the extraordinary advances made in the battle against HIV and AIDS, and to remind Chattanooga residents and people everywhere that there is much work yet to be done;

**Whereas,** In 2013, there were 939 people in Hamilton County living with HIV, and 1.2 Million people throughout the United States living with HIV; 14-percent of those 1.2 Million individuals did not even know they were infected;

**Whereas,** The theme for World AIDS Day 2015 encourages us to “Re-think” what we know about HIV and AIDS, as we strive for zero new HIV infections; zero AIDS-related deaths and zero discrimination for those living with HIV and AIDS.

**Now Therefore,**

On behalf of the Chattanooga City Council,  
I, Councilman Chris Anderson,  
do proclaim December 1, 2015 as

**World AIDS Day**

in the City of Chattanooga. I urge all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS and to join the global effort to prevent the further spread of HIV/AIDS.

***DONE this 1<sup>st</sup> day of December 2015***

**Chris Anderson  
Councilman, District 7  
Chattanooga City Council**

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To commemorate the occasion, children of CHACP members and the Chattanooga Alumnae Chapter of Delta Sigma Theta Sorority, Inc., distributed red scarves to Council members that were handmade by persons living with HIV.

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**RESOLUTION MOVED TO TOP OF AGENDA:**

**Councilman Hakeem, the bill sponsor, made a motion** to move agenda item VII(c) to the top of the Council’s agenda. He was seconded by Councilman Anderson, co-sponsor.

On motion of Councilman Hakeem and seconded by Councilman Grohn,

**RESOLUTION #28468**

**A RESOLUTION REQUESTING REMOVAL OF THE QUESTION PERTAINING TO CRIMINAL CONVICTIONS FROM THE CITY OF CHATTANOOGA EMPLOYMENT APPLICATIONS.**

A discussion ensued.

- Councilman Hakeem recognized members of the NAACP who were present and thanked them for bringing this initiative to the attention of the Council.
- Chairwoman Berz asked Todd Dockery, Human Resources Administrator, to come forward to help clarify any misinformation that may have been disseminated about this resolution.
- Councilman Anderson further spoke on “what the resolution does not do.”

Upon further discussion, Councilmen Gilbert, Freeman and Anderson made comments in support of the resolution. Councilman Henderson informed the Council of why he could not support the resolution. **The motion carried, with Councilman Henderson voting “No.”**

**ACTION: ADOPTED**

**ORDINANCES – FINAL READING:**

**2015-124**  
**Belle Investment Company**  
**and BYD Cowart, GP**  
**District No. 7**  
**Alternate Version**

**ORDINANCE #13003**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION 2C #4, “48 FEET MAXIMUM HEIGHT” FROM ORDINANCE NO. 12059 OF PREVIOUS CASE NO. 2007-190 OFF PROPERTY LOCATED IN THE 1200 BLOCK OF COWART STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN.**

Discussion ensued with the Mike Price of MAP Engineering, who spoke on behalf of the Applicant in this case.

Chairwoman Berz also afforded 9 minutes total for the following members of the Opposition to speak on this case:

- Thomas Johnson (Market St. property owner)
- Jack Simmons (TVPPA)
- Stroud Martin (Market Street)

During the discussion, Councilmen Hakeem and Anderson made rebuttal remarks to Mr. Johnson.

Mr. Simmons asked the Council to consider a setback for their building in case this ordinance passes. Councilman Anderson recommended a 6-foot setback and also recommended adding a condition that specified “commercial grade development on the two corners of Cowart Street.”

Chairwoman Berz gave Mr. Price an opportunity to make a rebuttal to the Opposition. After which, Councilman Anderson noted that the alternative version lifts the height restriction and the “residential, restaurant and deli” condition.

Upon no further questions or comments, **Councilman Anderson moved** to amend on final reading to require commercial development on the two corners of Cowart Street and to further amend to a 6-foot setback on the Western side of the building. Councilman Grohn seconded. Attorney Hinton stated that amendment would send the ordinance back to first reading, if passed. The motion carried.

**Councilman Anderson moved** to approve the amended version, seconded by Vice Chair Freeman. The motion carried.

ACTION: ALTERNATE VERSION AMENDED AND  
CONDITIONS ADDED FOR READING ON 12/8.

**ORDINANCES – FIRST READING:**

**MR-2015-131**  
**Paul Fuchar, Executive Director,**  
**Council for Alcohol and Drug Abuse Services**

On motion of Councilman Henderson and seconded by Councilman Smith,

**ORDINANCE #13004**

**AN ORDINANCE CLOSING AND ABANDONING APPROXIMATELY ONE HUNDRED THIRTY (130’) SQUARE FEET OF RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST MANNING AND MINOR STREETS TO ACCOMMODATE CONSTRUCTION OF A NEW BUILDING TO THIS CORNER, SUBJECT TO CERTAIN CONDITIONS.**

ACTION: PASSED ON FIRST READING

MR-2015-103  
Smyrna Ready Mix Concrete/  
Jag Realty, LLC/RDP Properties

On motion of Vice Chair Freeman and seconded by Councilman Anderson,

**ORDINANCE #13005**

**AN ORDINANCE CLOSING AND ABANDONING TWO ALLEY RIGHTS-OF-WAY OFF OF 2510, 2560, 2614, AND 2700 ASBURY PARK TO DEVELOP THE PROPERTY FOR A CONCRETE PLANT, SUBJECT TO CERTAIN CONDITIONS.**

Vice Chair Freeman informed the Council that a member of the group, The Impressions, who once lived at 2614 Asbury Park, died last week.

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Mitchell and seconded by Councilman Anderson,

**ORDINANCE #13006**

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, ARTICLE VII, DIVISION 2, SECTION 35-252, RELATIVE TO PEDAL CARRIAGE OR PEDICABS.**

The motion carried, with Councilmen Hakeem and Henderson voting “No.”

**ACTION: PASSED ON FIRST READING**

**REMAINING RESOLUTIONS:**

On motion of Councilman Grohn and seconded by Councilman Anderson,

**RESOLUTION #28466**

**A RESOLUTION ADOPTING AN INFORMATIONAL, RECORDS MANAGEMENT POLICY, AND REVISED RETENTION SCHEDULE FOR THE CITY OF CHATTANOOGA.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Grohn,

**RESOLUTION #28467**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A CONSULTING CONTRACT WITH IMERGE FOR RECORDS MANAGEMENT CONSULTING, TO ASSIST WITH THE CITY’S IMPLEMENTATION OF ITS INFORMATION AND RECORDS RETENTION POLICY AND RETENTION SCHEDULE, FOR AN AMOUNT NOT TO EXCEED \$50,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Henderson,

**RESOLUTION #28469**

**A RESOLUTION ACCEPTING THE QUALIFICATIONS FOR GEOENVIRONMENTAL AND CONSTRUCTION MATERIALS CONSULTING SERVICES FROM THOMPSON ENGINEERING; TERRACON CONSULTANTS; AND S&ME AND TO ENTER INTO THREE (3), ONE (1) YEAR BLANKET CONTRACTS SUBJECT TO ONE (1) YEAR RENEWAL OPTIONS FOR PROFESSIONAL CONSULTING SERVICES ESTIMATED AT \$475,000.00 TOTAL ANNUALLY FOR ALL THREE (3) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Anderson,

**RESOLUTION #28470**

**A RESOLUTION ACCEPTING THE QUALIFICATIONS FOR SURVEYING SERVICES FROM EARTHWORX; THOMPSON ENGINEERING; THE RLS GROUP; AND ARCADIS U.S. AND TO ENTER INTO FOUR (4), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS SUBJECT TO ONE (1) YEAR RENEWAL OPTIONS FOR PROFESSIONAL SURVEYING SERVICES ESTIMATED AT \$350,000.00 TOTAL ANNUALLY FOR ALL FOUR (4) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Hakeem,

**RESOLUTION #28471**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF AWARDED, ACCEPT A TENNESSEE VALLEY AUTHORITY, REVISED INDUSTRIAL WASTE HEAT RECOVERY & COMBINED HEAT AND POWER PROJECT GRANT FOR AN AMOUNT NOT TO EXCEED \$3,400,000.00.**

Lee Norris, Public Works Administrator, informed the Council of the money estimated to be saved on the electric bill at Moccasin Bend if awarded this grant. Councilmen Grohn and Smith made comments in support of the resolution.

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Vice Chair Freeman,

**RESOLUTION #28472**

**A RESOLUTION AUTHORIZING DAMAR PROPERTIES, LLC C/O MARTIN KLINGHARD TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ALLEY LOCATED ON THE WEST OF 1713 WEST 56<sup>TH</sup> STREET TO INSTALL DRIVEWAY ACCESS TO PROPERTY, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Smith,

**RESOLUTION #28473**

**A RESOLUTION AUTHORIZING SOUTHSIDE CENTRE, LLC C/O JOHN STRAUSSBERGER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON THE SOUTH SIDE OF WEST 17<sup>TH</sup> STREET AND THE WEST SIDE OF COWART STREET IN FRONT OF 1700 BROAD STREET TO INSTALL APPROXIMATELY TEN (10) AWNINGS ABOVE STOREFRONT ENTRIES, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Vice Chair Freeman and seconded by Councilman Anderson,

**RESOLUTION #28474**

**A RESOLUTION AUTHORIZING RIVER CITY COMPANY C/O JIM WILLIAMSON, AGENT FOR THE PROPERTY OWNER, CORKER PROPERTIES C/O LYNDA HAWKS, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON THE SOUTHEAST SIDE OF GEORGIA AVENUE IN FRONT OF 826 GEORGIA AVENUE TO INSTALL SIGNAGE FOR THE BUSINESS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Hakeem and seconded by Vice Chair Freeman,

**RESOLUTION #28475**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. RELATIVE TO CITY CONTRACT NO. T-14-006-101 FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TO PRODUCE ENGINEERING PLANS SUITABLE FOR CONSTRUCTION BIDDING, IN THE AMOUNT OF \$29,500.00, WITH A CONTINGENCY AMOUNT OF \$2,950.00, FOR A TOTAL AMOUNT OF \$32,450.00.**

**ACTION: ADOPTED**

## DEPARTMENTAL REPORTS:

### Fire Department

Chief James (Chris) Adams made introductory remarks. The following members from Chief Adams's command staff each addressed the Council with updates on their divisions:

- Seth Miller (Deputy Chief) – He spoke on the Fire Department's reactive response and proactive prevention methods. He discussed the department's positive community engagement in the operations division. He also noted the department's increase in community participation, including distribution of 630 door hangers that resulted in 535 engagements with citizens.
- Chief Beau Matlock (Fire Marshall) – He spoke on the Fire Prevention Staff's face-to-face interactions, including hundreds of inspections per month, 631 fire alarm installations and attendance at over 1,000 events.
- Phil Hyman (Training Division) – The division just completed a 5-week training in Urban Search and Rescue School, where 172 employees were instructed in four disciplines. The department also graduated 21 recruits who completed a 6-month course.

There were also questions and comments from Councilmen Gilbert, Hakeem and Henderson.

### Purchases

David Carmody, Chief Operating Officer, briefed the Council on the following proposed purchase:

#### **R66191 – Public Works**

Estimated \$75,000.00 Annually

Blanket Contract Renewal for MSA Parts

Lowest/Best Bidder: Daly Instrumentation & Controls Inc.

**Councilman Anderson moved** to approve, seconded by Councilman Smith. The motion carried.

**ACTION: APPROVED**

**OTHER BUSINESS: (NONE)**

## COMMITTEE REPORTS:

### *Audit & I.T. Committee*

Councilman Grohn

(No report)

### *Budget and Finance Committee*

Councilman Mitchell

- The committee will meet on December 15 to hear a report on the Fire and Police Pension Fund.
- Chief Finance Officer Daisy Madison will make a debt obligation report next week (December 8) at the 6:00 p.m. Council meeting.



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

*HR Committee (Human Resources)*  
Vice Chair Freeman  
(No report)

*Planning & Zoning*  
Councilman Hakeem

- The committee met today where all zoning items were discussed.

*Public Safety Committee*  
Councilman Henderson

- The committee met today to discuss the amendment to the pedicab ordinance. The discussion on animal licensing will be postponed until the committee meets again next month (January 5, 2016).

*Public Works and Transportation Committee*  
Councilman Smith

- The committee met today to review agenda items and will meet again in two weeks (December 15).

*Youth and Family Development Committee*  
Councilman Gilbert  
(No report)

## **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, Chairwoman Berz recognized the following persons:

- **Lynn Walsh (Ooltewah)** – She supports the City of Chattanooga funding horse trails at Enterprise South and read a letter of support that she wrote to the Chattanooga Times Free press.
  - In response to a statement by Ms. Walsh, Councilman Smith clarified that the Council has not made a final decision on funding yet.
- **Joanne Grimes Mitchell (Sweetwater)** – She supports the City of Chattanooga funding horse trails and wanted to make the Council aware of the revenue from equestrian events that could be generated for the City of Chattanooga.
- **John Chenkus (Chattanooga)** – He supports the City of Chattanooga funding horse trails and made comments about the economic impact. He also made statements to debunk the idea that all equestrians are wealthy.
  - Councilman Anderson commented on the Council's hesitance to partner on funding horse trails and stated that he needed to hear from Chattanooga city residents who are passionate about this subject matter.

- **Adam Presley (Soddy Daisy)** – He runs the 4-H program in Hamilton County and wanted to show his support of horse trails in Chattanooga city limits because of the 7-8 youth in his program who are equestrians. He also discussed the possible economic impact of horse trails in Chattanooga City limits.
  - Councilman Gilbert commented that he has not heard support from constituents in his district. He stated that he has heard from constituents who feel that funding could be better used in other areas.
- **Debbie Wallace (Chattanooga)** – She supports the City of Chattanooga funding horse trails because she owns horses that are currently boarded outside of city limits. She also informed the Council that there is an equine program at Hiwassee College.
- **J. Wilson (Cayhill Road)** – He is concerned about the safety of Hamm Road because cars are now riding on the shoulder of the road to avoid the potholes, which poses a danger to pedestrians.
- **Charles Owen (Forest Plaza Drive)** – He is a horse owner and supports horse trails in Chattanooga. He gave his horses away to a therapeutic program and informed the Council of the benefits of having horse trails in the city limits.
- **Bobby Mitchell (Sweetwater)** – He is a member of the Southern Appalachian Backcountry Horsemen of Tennessee and was present at two meetings at Enterprise South when the horse trails were first introduced. He noted that those meetings were “standing room only.”
- **Donna Snowden (Ooltewah)** – She works in Chattanooga and likes the diversity of recreation in Chattanooga. She stated that horse owners may not be affluent, but spend a large portion of their income in caring for their horses.
- **Carl Lindvest (Sale Creek)** – He supports horse trails in the City of Chattanooga because he believes it would be a good economic opportunity.
- **Pam Hamilton (Chattanooga)** – She supports horse trails in the City of Chattanooga for the economic impact. She stated that the City of Chattanooga won’t know the full economic impact of horse trails within city limits until a horse show comes to town.

## ADJOURNMENT

**On motion of Councilman Anderson**, Chairwoman Berz adjourned the meeting of the Chattanooga City Council until Tuesday, December 8, 2015, at 6:00 p.m.

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**CHAIRWOMAN**

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**CLERK OF COUNCIL**