



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
January 12, 2016
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

Councilman Smith led the Assembly in the Pledge of Allegiance. He invited Pastor Darryl Davenport, Senior Executive Pastor of Stuart Heights Baptist Church, to give the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Gilbert, the minutes of the last meeting (January 5, 2016) were approved as published.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

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

ORDINANCE #13020

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-361 TO UPDATE THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBERS.

ACTION: PASSED ON FIRST READING

AGENDA ITEM VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED A 1335 O'GRADY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

The Applicant, Tennessee Riverplace, was represented by Attorney Mark Litchford (of Grant, Konvalinka & Harrison, P.C.). On behalf of the Applicant, Mr. Litchford asked to withdraw the

rezoning request. A discussion ensued. Upon no further questions, Councilman Henderson moved to accept withdrawal for R-3 zoning. The motion carried.

ACTION: WITHDRAWN

AGENDA ITEM VI(c):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PARTS OF PROPERTIES LOCATED AT 2012 AND 2018 JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

A hearing ensued with the Applicant and Opposition present. John Bridger of Regional Planning began with a brief overview of the case. Vice Chair Freeman requested a full presentation, which Chairwoman Berz granted.

Chairwoman Berz recognized the Applicant, Lori Cantrell (Jenkins Road). Members of the Opposition did not accept Chairwoman Berz's invitation to address the Council.

Councilpersons asked Mr. Bridger to discuss Planning and Staff's recommendation to deny. Further discussion took place with the Applicant. Upon no further discussion, Vice Chair Freeman called the *question*. Chairwoman Berz ended the discussion and called for a vote. The motion carried.

ACTION: DENIED

AGENDA ITEM VI(d):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7712 AND 7716 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE.

A hearing ensued with the Applicant and Opposition present. Mr. Bridger made a presentation and discussed Planning and Staff's recommendations. Chairwoman Berz recognized the Applicant, Sergey Lyashevskiy, and his attorney, Ben McGowen, of the firm Summers, Ruffolo & Rodgers.

Chairwoman Berz also recognized the following members of the Opposition:

- Yul Shulson (Ashwoode Way)
- Greg Vital (Owner, Morning Pointe)

Councilman Grohn moved to deny. Councilman Henderson asked Attorney Hinton about how long it would take to make another rezoning request if this item is denied tonight. Attorney Hinton stated that it would take nine (9) months. After further discussion, **Councilman Anderson moved** to defer one (1) month; the motion failed for lack of a second. Discussion continued with Mr. Bridger, Mr. Shulson and Mr. Vital.

Mr. Lyashevskiy was given the opportunity to make a rebuttal. During which, he gave a slide show presentation and provided handouts to the Council. Mr. Vital was also given the opportunity to make additional comments and respond to questions from the Council.

Vice Chair Freeman moved to defer 60 days with the following stipulations: the Applicant must meet with the neighborhood association to work out the mechanics and an agreement; and (2) the Applicant and the neighborhood association agree and understand that some form of condo must be built on the property.

Upon further discussion, **Vice Chair Freeman amended his motion** to defer for 90 days. Councilman Anderson seconded the amendment. The motion failed upon roll call vote as follows:

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

Councilman Grohn called the *question*. Chairwoman Berz ended the debate. **Councilman Grohn moved** to deny, seconded by Councilman Smith. The motion carried, with Councilman Freeman and Councilman Anderson voting “NO.”

ACTION: DENIED

On motion of Councilman Gilbert and seconded by Councilman Grohn,

ORDINANCE #13021

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4203 BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

A hearing took place, in which Mr. Bridger read the recommended conditions. The Chairwoman Berz recognized the Applicant, Steven Ryan (Trenton, GA). She also recognized Alan Richelson (Tuxedo Avenue), who spoke on behalf of the Opposition. Mr. Richelson informed the Council that the neighborhood was now in favor of this rezoning. Upon no further questions, the motion carried.

ACTION: PASSED ON FIRST READING

On motion of Councilman Anderson and seconded by Councilman Mitchell,

ORDINANCE #13022

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 7, ARTICLE II, SECTIONS 7-17 AND 7-18, RELATIVE TO LICENSING AND VACCINATION OF DOGS AND CATS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Anderson and seconded by Councilman Grohn,

RESOLUTION #28498

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR PARTNERSHIP BETWEEN WHITFIELD COUNTY, GEORGIA AND THE TENNESSEE VALLEY REGIONAL COMMUNICATIONS SYSTEM (“TVRCS”) PARTNERS, AND AUTHORIZING THE RECEIPT OF THE MASTER SITE ACCESS FEES IN THE AMOUNT OF \$600,000.00 FOR ACCESS TO THE TVRCS MASTER SITE.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Grohn,

RESOLUTION #28499

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 3 FOR FDM SOFTWARE, LTD TO EXTEND THE ANNUAL SUPPORT AND MAINTENANCE TERM TO THREE (3) YEARS FOR TECHNICAL SERVICES AND MAINTENANCE FOR RMS MODULES FOR CHATTANOOGA FIRE DEPARTMENT FOR AN ANNUAL AMOUNT OF \$34,283.41, FOR A TOTAL AMOUNT NOT TO EXCEED \$102,855.00.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Anderson,

RESOLUTION #28500

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. E-13-002-102, WALNUT STREET BRIDGE REHABILITATION-PHASE 1, FOR AN AMOUNT NOT TO EXCEED \$236,000.00.

ACTION: ADOPTED

PURCHASES:

Emergency Purchases

David Carmody briefed the Council on the following emergency purchases:

R128787 – Public Works	\$28,570.00
Emergency Purchase of Two (2) Replacement Pump Impellers	
Supplier: Guthrie Sales and Service	

R129082 – Public Works \$45,000.00
Emergency Purchase of one (1) Replacement Pump Impeller
due to an emergency at the 19th St. pump station
Supplier: Chase Services, LLC

Proposed Purchases

Mr. Carmody also briefed the Council on the following proposed purchases:

R129110 - Economic and Community Development \$223,196.06
Purchase Order for an Accela Annual Subscription
and Professional Services
Lowest/Best Bidder: Accela Government Software

R125221 - Fire Department \$42,753.75
Two Purchase Orders for Fire Hoses
Lowest/Best Bidder: Tactical Fire Equipment and
Municipal Services, Inc.

R86158 - General Services Estimated \$2,000,000 Annually
Blanket Contract Renewal for Electrical Services
Lowest/Best Bidder: Triad Electric

R119418 - General Services Estimated \$160,000 Annually
A New Blanket Contract for Vehicle Oils, Lubricants and Fluids
Lowest/Best Bidder: Parman Energy

R45591 - General Services Estimated \$305,000 Annually
Increase to the Authorized Annual Expenditure
for Fueling Station Repair Services
Lowest/Best Bidder: SPATCO

R127360 - Public Works \$44,485.00
The Purchase of one (1) Generator
Lowest/Best Bidder: Trinity Contracting Services, LLC

R125926 - Public Works \$254,918.42
The Purchase of two (2) Mini - Excavators
Lowest/Best Bidder: Stowers Machinery

R125927 - Public Works \$149,923.00
The Purchase of one (1) Excavator
Lowest/Best Bidder: ASC Construction Equipment

R52230 - Public Works Estimated \$200,000 Annually
Blanket Contract Renewal for Sodium Hypochlorite
Lowest/Best Bidder: Brenntag Mid-South Inc.

R127358 - Public Works \$91,072.00
The Purchase of One (1) Electric Motor
Lowest/Best Bidder: Gexpro

R127606 - Public Works \$42,800.00
The Purchase of One (1) Electric Motor
Lowest/Best Bidder: Louis Allis

R127772 - Public Works \$91,166.00
The Purchase of two (2) Fairbanks Morse
10" Fairbanks Morse 10" Pumps
Lowest/Best Bidder: Guthrie Sales & Service Inc.

R126359 - Youth and Family Development \$62,087.85
New Blanket Contract for Disposable Baby Diapers
and Wipes
Lowest/Best Bidder: Global Infinity Enterprise

A discussion ensued with Justin Holland, Public Works Deputy Administrator, on the emergency purchases and why they were needed. (Councilman Hakeem stepped out of the meeting momentarily during this discussion.) Mr. Carmody responded to questions on R126359 and R129110.

Upon no further questions, **Councilman Anderson moved** to approve, seconded by Councilman Smith. The motion carried.

ACTION: APPROVED

OTHER BUSINESS:

Board Appointments

Councilman Hakeem appointed Sharon Cannon to represent District 9 on the *Office of Multicultural Affairs Advisory Board*.

Councilman Hakeem also appointed Mark Huth to represent District 9 on *Youth and Family Development's Human Services Board*.

COMMITTEE REPORTS:

Audit & I.T. Committee
Councilman Grohn
(No report)

Budget and Finance Committee
Councilman Mitchell
(No report)

Economic and Community Development Committee
Councilman Anderson

- The committee met today and heard about the Yanfeng PILOT (Payment in Lieu of Taxes). He noted that Attorney Hinton will make one more edit to the PILOT agreement before it is placed on the Council's agenda.
- The committee also heard a report today on the Tech Goes Home program.

HR Committee (Human Resources)

Vice Chair Freeman
(No report)

Planning & Zoning

Councilman Hakeem
(No report)

Public Safety Committee

Councilman Henderson
(No report)

Public Works and Transportation Committee

Councilman Smith

- The committee will meet next week to discuss agenda items.

Youth and Family Development Committee

Councilman Gilbert
(No report)

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

Chairwoman Berz asked if there were any individuals in the Assembly wishing to address the Council on non-agenda matters. There were none.

ADJOURNMENT

On motion of Councilman Anderson, Chairwoman Berz adjourned the meeting of the Chattanooga City Council until Tuesday, January 19, 2016, at 6:00 p.m.

CHAIRWOMAN

CLERK OF COUNCIL