



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
for
July 2, 2013
6:00 PM

CALL TO ORDER

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Chip Henderson, Assistant City Attorney Phil Noblett, Councilwoman Carol Berz and Councilmen Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present.

Also present was Randy Burns, Management Analyst; and Nicole Gwyn, Deputy Clerk

PLEDGE OF ALLEGIANCE

Councilman Mitchell led the assembly in the Pledge of Allegiance. He invited Mr. Carl Greene, a member of St. Marks United Methodist Church, to bring the invocation.

PROCEDURAL ADVISEMENT

Chairman Hakeem requested that cell phones be placed on silent or vibrate. He also advised that the main doors at the front of the assembly room would be locked at 6:00 p.m., allowing attendees to exit, but not re-enter through those doors.

SPECIAL PRESENTATION

**“Eric Jones, II and Terence Norman”
By Council Chairman Hakeem**

Chairman Hakeem recognized Mr. Jones and Mr. Norman for being young men of outstanding character and valor, and for being an inspiration to others. Mr. Jones and Mr. Norman placed in the National African-American History Challenge by the 100 Black Men of America.

Councilman Smith presented a plaque to Mr. Jones, a Hixson High School graduate who intends to participate in the Navy ROTC at the University of Memphis. Councilman Freeman, a member of the 100 Black Men of Chattanooga, presented a plaque to Mr. Norman, who is a senior at Hixson High School who is active in the ROTC.

Ordinances – Final Reading:

On motion of Vice Chairman Henderson and seconded by Councilwoman Berz,

ORDINANCE #12736

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE TO DELETE ALL REFERENCES TO THE HUMAN SERVICES DEPARTMENT IN ARTICLE IX, CHAPTERS 2-641 THROUGH 2-660 RELATIVE TO THE RENAMED AND REORGANIZED CHATTANOOGA YOUTH AND FAMILY DEVELOPMENT DEPARTMENT; ARTICLE III, DIVISIONS 1 AND 2, CHAPTERS 2-138, 2-139, AND 2-143 RELATIVE TO HUMAN RESOURCES; ARTICLE I, CHAPTERS 24-30 AND 24-37; ARTICLE II, CHAPTER 24-63, AND ARTICLE VII, DIVISION 2, CHAPTER 35-252 RELATIVE TO TRANSPORTATION; ARTICLE 1, CHAPTERS 32-13 AND 32-14; AND ARTICLE V, DIVISION 18, CHAPTER 38-285 RELATIVE TO ECONOMIC AND COMMUNITY DEVELOPMENT; ARTICLE XII, CHAPTER 11-377; ARTICLE I, CHAPTERS 26-7, 26-13, AND 26-14 RELATIVE TO PUBLIC WORKS; ARTICLE VI, CHAPTERS 2-581 AND 2-584; AND ARTICLE I, CHAPTER 26-24 RELATIVE TO GENERAL SERVICES TO BE CONSISTENT WITH NEW ADMINISTRATIVE DEPARTMENTS EXISTING IN THE CURRENT ADMINISTRATION.

ACTION: APPROVED

Ordinances – First Reading:

The following ordinance was read:

ORDINANCE #12737

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 7, RELATIVE TO ANIMAL PERMITS. AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, RELATIVE TO ANIMALS AND FOWL TO REFERENCE "THE ANIMAL CENTER" AND TO AMEND CHATTANOOGA CITY CODE, CHAPTER 7, RELATIVE TO ANIMAL PERMITS BY CREATING NEW PROVISIONS FOR DEALER PERMITS, KENNEL PERMITS, ANIMAL PERFORMANCE PERMITS, ANIMAL RESCUE PERMITS, URBAN CHICKEN PERMITS, AND DOGS IN OUTDOOR DINING AREAS PERMITS.

Councilman Anderson made a motion, seconded by Councilman Freeman, to adopt the ordinance with one additional amendment to the bill: to move the setback from 10' to 15'.

A discussion ensued, in which Attorney Noblett enumerated on the amendments to the ordinance package thus far, including a change in the caption for the ordinance:

- 7-495 - Adding: “...two-thirds of those active members as defined by that neighborhood association, may opt out of the provisions...” and “No permit will be issued when an applicant is prohibited from possessing chickens based on the terms of a restrictive covenant...”
- 7-552 - Annual permit fees for dogs in outdoor dining areas will be \$50
- 7-485 (b) - Changing setback from 10’ to 15’ as follows: “...coop and the fenced enclosure must be set back at least fifteen feet (15’) from the property line...”
- 7-484(a) - “No more than eight (8) Urban Chickens are allowed for any single-family dwelling.”

Attorney Noblett indicated that the latest version of the ordinance package would be available to the public on the city’s website.

Councilman Anderson moved to adopt the amended, substitute animal control ordinance package today that deals with general provisions for permits, dealer permits, kennel permits (insofar as it does not relate to zoning ordinances), animal performance permits, animal rescue permits, urban chickens and dogs in outdoor dining areas permits, **including the amendment to the setback from 10’ to 15’ in Section 7-485(b)**. Councilman Freeman seconded the amended motion.

After Attorney Noblett read the rules of procedure for those wishing to address the Council, Chairman Hakeem allowed members of the public to make comments regarding this ordinance:

- **Ron Roy (of Ashton Street)** - Opposes urban chickens: Wanted to point out the food chain had changed very much since 1776 and also wanted to point out the health issues associated with chickens; believes the 15’ barrier is not sufficient; believes urban chickens will have negative effects on real estate.
- **Susan Roy (of Ashton Street)** - Opposes urban chicken: Played audio of the four (4) chickens in coops next to her daughter’s property; her daughter’s family has been negatively affected in indescribable ways; hopes the city will examine the health issues and financial issues of allowing urban chickens.
- **Kathy Trundell (of North Chattanooga)** - Opposes urban chickens: doesn’t believe citizens are informed enough about this issue; has a chicken coop next door and was surprised that the city is voting to allow urban chickens; recommends allowing people to vote on whether or not to allow urban chickens.

After further discussion, **Councilman Grohn made a motion to defer for one week, seconded by Councilman Gilbert**. Chairman Hakeem called for a roll call vote:

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

The motion failed on roll call vote.

YES: Four (4) - NO: Five (5)

After further discussion, **Councilman Mitchell made a motion, seconded by Vice Chairman Henderson, to amend the ordinance package to include that no permit may be granted without written permission of all adjoining neighbors on the initial application.**

Chairman Hakeem called for a roll call vote:

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

The motion carried on roll call vote.

YES: Five (5); NO: Two (2); Abstain: Two (2)

After further discussion, Chairman Hakeem called for a roll call vote on the main motion by Councilman Anderson and second by Councilman Freeman to accept the amended, substituted ordinance package:

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

The motion carried upon roll call vote.

YES: Six (6) - NO: THREE (3)

ACTION: ORDINANCE #12737 PASSED ON FIRST READING

A discussion ensued about the educational session on Ordinance #12737. Chairman Hakeem asked Councilman Anderson and Councilman Grohn to bring two persons--one (1) for the ordinance and one (1) against the ordinance--who could speak at the educational session. Chairman Hakeem informed the assembly that the Council would publish the date and time of the educational session through media and the city's website.

Resolutions:

On motion of Councilman Freeman and seconded by Councilman Gilbert,

RESOLUTION #27557

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, AND ACCEPT, A 2013 JUSTICE ASSISTANCE GRANT FOR THE PURCHASE OF SOFTWARE UPGRADE AND PATROL RIFLES FOR THE CHATTANOOGA POLICE DEPARTMENT, IN THE AMOUNT OF \$131,441.00, WITH \$43,302.00 OF THIS GRANT GOING TO THE HAMILTON COUNTY SHERIFF'S OFFICE.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Henderson,

RESOLUTION #27558

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR GRIGGS & MALONEY, INC. TO PROVIDE CONTINUATION OF ENGINEERING SERVICES FOR GROUNDWATER SAMPLING, MONITORING, AND REPORTING SERVICES AT THE SUMMIT LANDFILL, CITY LANDFILL, BIRCHWOOD PIKE, AND THE FORMER J.H. HOLDING SITE.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Mitchell,

RESOLUTION #27559

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR TALLEY CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. E-12-012-201, 2012 CITY OF CHATTANOOGA RESURFACING, FOR AN INCREASED AMOUNT OF \$254,785.61, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$2,017,626.96.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilwoman Berz,

RESOLUTION #27560

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR TALLEY CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. E-11-015-201, 2012 HOT IN PLACE RECYCLING PROJECT, FOR A DECREASED AMOUNT OF \$254,785.61, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$370,719.19, AND TO RELEASE THE CONTINGENCY FUNDS IN THE AMOUNT OF \$62,495.20.

ACTION: ADOPTED

On motion of Councilman Grohn and seconded by Councilwoman Berz,

RESOLUTION #27561

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR VOLKERT AND ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-03-027-101, GOODWIN ROAD EXTENSION – GUNBARREL ROAD TO JENKINS ROAD, FOR AN INCREASED AMOUNT OF \$110,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$388,656.00.

ACTION: ADOPTED

Councilman Grohn moved to adopt the following ordinance, seconded by Councilwoman Berz:

A Resolution Authorizing The Administrator of The Economic And Community Development Department To Accept An Emergency Solutions Grant From The U.S. Department of Housing and Urban Development, In The Amount of \$118,552.00.

Upon discussion, Councilman Anderson noted that the resolution had been amended during the Economic and Community Development meeting today.

On motion of Councilman Anderson and seconded by Councilman Mitchell, the amended version of the resolution was adopted. The caption would read as follows:

RESOLUTION #27562

A RESOLUTION APPROVING THE ACCEPTANCE AND DISTRIBUTION OF FISCAL YEAR 2013-2014 EMERGENCY SOLUTIONS GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF ONE HUNDRED EIGHTEEN THOUSAND FIVE HUNDRED FIFTY-TWO DOLLARS (\$118,552.00).

ACTION: ADOPTED WITH AMENDMENTS

On motion of Councilman Anderson and seconded by Councilman Mitchell,

RESOLUTION #27563

RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF TRAVIS LYTLE TO THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY TO FILL THE VACANCY OF COUNCILMAN MOSES FREEMAN, PURSUANT TO TENNESSEE CODE ANNOTATED SECTIONS 42-4-101, ET SEQ.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Purchases

Mr. Kean briefed the Council on the following purchases:

R76488– Public Works

Purchase of Blanket Contract for Metal Pipe \$ 41,000.00

On motion of Councilwoman Berz and seconded by Councilman Mitchell, the above-listed purchase was approved.

ACTION: APPROVED

Finance Department

Ms. Madison announced that the Department of Finance had been awarded the Certificate of Achievement for Excellence in Financial Reporting, for the 21st time, by the Government Finance Officers Association of the U.S. and Canada. She asked the Finance personnel to stand for recognition.

OTHER BUSINESS:

City Attorney's Report

- Litigation resolved by summary judgment - Employment discrimination case dismissed by the court
- Mediated Settlement for Inside Services - Settlement amount of \$35,000

On motion of Councilwoman Berz and seconded by Vice Chairman Henderson, the Council approved the mediated settlement of \$35,000. The motion carried, with Councilman Anderson abstaining.

**ACTION: APPROVED, WITH
COUNCILMAN ANDERSON ABSTAINING**

HIV/AIDS Awareness

Councilman Anderson noted that he and other councilpersons wore red ribbons for HIV/AIDS Awareness to celebrate Chattanooga CARES "Open House and Ribbon Wearing" at its new location: 1000 Third Street, Ste. 300. Chattanooga CARES provides HIV/AIDS education and services.

New Fire Marshal

Chairman Hakeem announced that Mr. Beau Matlock has been designated by Administration as the city's new Fire Marshall.

Personnel Transactions

(Had been submitted to the Council this week)

COMMITTEE REPORTS:

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

Budget and Finance Committee
Councilwoman Berz
(No report at this time)

Public Safety Committee
Councilman Freeman
(No report at this time)

Youth and Family Development Committee
Councilman Gilbert

- The Youth and Family Development Committee will meet for an update on July 9, 2013, immediately following Agenda Session.

Audit Committee
Councilman Grohn
(No report at this time)

RPA (Planning Committee)
Vice Chairman Henderson

- The ad hoc committee studying city election dates met earlier today for an informational session. The committee members left with further information to research and should be able to make recommendations after their next meeting.

Personnel Committee
Councilman Mitchell

- The committee expects to meet soon now that Mr. Todd Dockery has been appointed Human Resources Director.

Public Works and Transportation Committee
Councilman Smith
(No further report)

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

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

- **James McKamey, Jr. (of Hwy. 58 community)** - Brought attention to police brutality cases in Chattanooga; wanted to know what citizens could do to provide a greater level of accountability for Chattanooga police.

Councilman Hakeem discussed some of the steps and resources the city has undertaken for accountability. Councilman Gilbert also asked Mr. McKamey to speak with him after the meeting.

- **Frank DePinto (of Chattanooga)** - He took a 60-second moment of silence to protest what he called the “death” of his constitutional rights during the Council’s meeting on June 18, 2013.

After the moment of silence, Mr. DePinto yielded the floor to return to his seat. At that time, Attorney Noblett notified Mr. DePinto that he could not address the Council again until August 6, 2013. Mr. DePinto acknowledged the rules of procedure.

ADJOURNMENT

On motion of Councilman Anderson and seconded by Councilman Gilbert, the meeting of the Chattanooga City Council was adjourned until Tuesday, July 9, 2013, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A full digital audio of this Council meeting, July 2, 2013,
has been filed in the Clerk of the Council’s office)**