



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
April 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 Anderson led the Assembly in the Pledge of Allegiance. He also read statements highlighting "Equal Pay Day," recognized nationally on today, April 12.

### **APPROVAL OF LAST MINUTES**

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

### **SPECIAL PRESENTATION**

Chairwoman Berz introduced Linda Moss Mines, Committee Chair, who is also the City Historian. Ms. Mines discussed some of the women who have contributed to Chattanooga's growth; some of whom, she stated, may have faded from the collective memory of the city. She gave an overview of the scope of work of the committee. Committee members who were present stood to introduce themselves. They were as follows:

- Kendall McKeldin Stokes-Ray (Unum/Serving on behalf of her grandmother)
- Jessica Mines Dumitru (Art Creations)
- Susan Ackerman (UTC History Dept.)
- Lisa Clark Diller (Southern Adventist University)

Ms. Ackerman and Ms. Dumitru discussed the committee's oral history project, where they will "build a repository for women's voices" by interviewing an initial list of 120 women. UTC's Special Collections Archives is putting these oral history archives on their databases, which will be accessible around the world. Ms. Mines noted that the committee is still accepting names of women to include on their interview list. She also highlighted a subcommittee, chaired by Attorney Marcy Eason, that is looking at the design and funding of a monument honoring women who were involved in the passage of the 19<sup>th</sup> Amendment (women's right to vote).

## PLANNING AND ZONING HEARINGS

Chairwoman Berz informed the Assembly that the planning and zoning items on today's agenda had been discussed last week in committee. She gave the following process for today's hearings:

- She will ask if the Applicant and Opposition are present.
- She will ask councilpersons if they wish to have a full presentation from Staff.
- Applicants and Opposition would be afforded a total of nine (9) minutes each side to address the Council.
- Applicants would be given the opportunity to make rebuttals.

## ORDINANCES – FINAL READING:

On motion of Councilman Anderson and seconded by Councilman Smith,

### ORDINANCE #13038

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE VIII, SECTIONS 24-242(4), 24-501, AND 24-502, RELATING TO SPEED ON THROUGH STREETS.**

Attorney Hinton confirmed for Councilman Anderson that St. Elmo Avenue and Manufacturers Road had been added to the list of decreased speeds. **The motion carried, with Councilman Grohn voting "No."**

**ACTION: APPROVED**

## ORDINANCES – FIRST READING:

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

### ORDINANCE #13039

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY CHARTER BY AMENDING THE PROVISION RELATED TO THE MANAGEMENT ANALYST POSITION IN THE INTEREST OF THE PUBLIC POLICY AND TO GENERALLY IMPROVE THE CHARTER.**

**ACTION: PASSED ON FIRST READING**

**AGENDA ITEM VI(b):**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ADDING ARTICLE XVII, TO INCLUDE REGULATIONS FOR THE PROPER DISPOSAL OF TIRES AND REGISTRATION OF CERTAIN TIRE BUSINESSES AND TIRE HAULERS WITHIN THE CITY OF CHATTANOOGA.**

Councilman Smith noted that there were still some questions from the Council regarding this ordinance, so to allow the City Attorney's Office time to fully respond to any remaining questions, **Councilman Smith moved** to defer two (2) weeks, seconded by Councilman Anderson. The motion carried.

**ACTION: DEFERRED TWO (2) WEEKS**

**2016-042**  
**Field, LLC, Gabe Thomas,**  
**and Jennifer Langworthy**  
**District No. 1**  
**Planning Version**

**ORDINANCE #13040**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 721, 725, AND 729 NORTH MARKET STREET; 14, 16, 18, AND 20 PEAK STREET; AND 718 SPEARS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Councilman Henderson wanted to confirm that the conditions were included in the ordinance still. Therefore, John Bridger, Executive Director of Regional Planning, gave a visual presentation on this request to rezone to from R-1 to UGC. He discussed the three (3) conditions recommended by Planning to ensure compatibility with the 2007 North Shore plan. Neither the Applicant nor Opposition were present.

**Councilman Henderson moved** to approve with the conditions listed, seconded by Councilman Smith. The motion carried.

**ACTION: PASSED ON FIRST READING**

2016-037  
Eric Emery/Tammy Cagle/  
Greg Brock/Norma Mahaffey  
District No. 5  
Planning Version

A hearing ensued about the following agenda item:

**ORDINANCE #13041**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5116 AND 5120 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE.**

Mr. Bridger gave a visual presentation on this request to rezone a tract of land from R-2 and C-5 to C-5, and a request to rezone a tract of land currently zoned as C-5, requested to rezone to M-2 in order to build a warehouse for storage units. He detailed Staff's recommendation to deny the M-2 zone, but approve the C-5 zone.

Chairwoman Berz afforded an opportunity for the Applicant and Opposition to address the Council. She recognized the following members of the Applicant:

- **Troy King** (Attorney from AL representing the Applicant) – He requested a 6-week deferral of this matter so that they could meet with the community again and restart the rezoning process again.

Mr. Bridger offered insights to the Applicant on the option to withdraw the case instead of restarting the entire rezoning process again.

**The following member of the Opposition addressed the Council:**

- **Edward Freeman** (Mimosa Circle) - He voiced concerns about flooding from Highway 58.

Councilman Gilbert discussed the community meetings that took place, where residents were in opposition to the M-2 zoning. He also distributed a petition signed by over 40 neighbors who were in opposition to the zoning.

Mr. King made a rebuttal, and again asked to withdraw the current proposal in order to meet with Councilman Gilbert and the community again. Reiterating the community's opposition to the M-2 zoning, **Councilman Gilbert moved to deny M-2 zoning**, seconded by Councilman Grohn. **The motion carried, with Councilman Smith abstaining.**

**Councilman Gilbert moved to approve C-5 zoning**, seconded by Councilman Anderson. The motion carried.

**ACTION: M-2 ZONING DENIED; C-5 ZONING PASSED ON FIRST READING**

(Councilman Gilbert stepped out of the meeting at this time.)

**2016-033**  
**Wallace Braud**  
**District No. 6**  
**Planning Version**

**ORDINANCE #13042**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITION NO. 2 FROM ORDINANCE NO. 12841 OF PREVIOUS CASE NO. 2014-046 REGARDING SIGNAGE REPLACEMENT AND DESIGN RESTRICTIONS OF PROPERTY LOCATED AT 1349 GUNBARREL ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN.**

A condition was previously dropped in this matter. Mr. Bridger explained lifting conditions regarding placement of a sign on the site. **Councilman Grohn moved** to approve, seconded by Vice Chair Freeman. The motion carried. Councilman Gilbert was not present during this discussion and vote.

**ACTION: PASSED ON FIRST READING**

**2016-35**  
**Miller Industries Towing Equipment, Inc./**  
**Amon A.C. and Doris York**  
**District No. 6**  
**Planning Version**

**ORDINANCE #13043**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 8534 OOLTEWAH-HARRISON ROAD AND 5226 AND 5242 TRACIE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE.**

Chairwoman Berz asked if there was any Opposition present. Seeing none, she asked Mr. Bridger to read the conditions approved by Planning and Staff. After which, **Councilman Smith moved** to approve, seconded by Councilman Grohn. The motion carried. Councilman Gilbert was not present during this discussion and vote.

**ACTION: PASSED ON FIRST READING**

2016-023  
Wanda Threat  
District No. 6  
Planning Version

A hearing ensued on the following:

**AGENDA ITEM VI(q):**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6420 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE.**

Chairwoman Berz asked the Applicant, Dr. Roger Alay, to address the Council since he had requested to speak with councilpersons individually. Dr. Alay addressed the Council by describing the type and size of the pharmacy he intends to operate. He also discussed the senior clientele that he expected to use his pharmacy.

Others speaking in support of the rezoning:

- **Lamar and Wanda Threat** (Edgmon Forest Lane)
- **Mike Price** (MAP Engineers)

*(Councilman Gilbert returned to the meeting at this time.)*

Mr. Bridger gave a visual presentation on this agenda item. Mr. Price proposed to meet with the community again to respond to questions about landscaping and access.

The following individual spoke on behalf of the Opposition:

- **Ron Marshall** (Edgmon Forest Lane)

Councilman Hakeem questioned Mr. Marshall about his objections to lifting conditions. Councilman Grohn questioned Mr. Bridger about the process for changing conditions and the adopted plan for the area.

Upon no further questions, **Councilman Henderson moved to deny**, seconded by Vice Chair Freeman. The motion carried upon roll call vote as follows:

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

**YES – Seven (7); NO – One (1); ABSTAIN – One (1)**

**ACTION: DENIED**

**2016-031**  
**Silverdale Baptist Church, Inc.**  
**District No. 6**  
**Planning Version**

On motion of Councilman Smith and seconded by Councilman Henderson,

**ORDINANCE #13044**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 2916 SILVERDALE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.**

**ACTION: PASSED ON FIRST READING**

**2016-036**  
**ALC Holdings, LLC**  
**District No. 7**  
**Planning Version**

A hearing ensued on the following:

**ORDINANCE #13045**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1605 AND 1691 WEST 39<sup>TH</sup> STREET, 109 OLD MOUNTAIN ROAD, AND 1690 SILVELS LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND UGC URBAN GENERAL COMMERCIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE.**

**Councilman Anderson moved to amend** the Zoning Ordinance by adding language after the condition “*six ... lots only*” that would read: “*...and that all said single-family lots be rear-loaded as shown on the plan attached hereto.*” He was seconded by Councilman Smith. The motion carried.

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

**ACTION: PASSED ON FIRST READING  
AS AMENDED**

2016-024  
Belle Investment Company/  
Third Street Partners/  
Jimmy & Molly Seal  
District No. 8  
Planning Version

**AGENDA ITEM VI(i):**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1028 AND 1042 EAST 3<sup>RD</sup> STREET AND 1039, 1043, AND 1047 EAST 4<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Vice Chair Freeman informed the Council that a representative for the Applicant had requested a one (1) week deferral. Therefore, **Vice Chair Freeman moved to defer** one (1) week, seconded by Councilman Anderson. The motion carried.

**ACTION: DEFERRED ONE (1) WEEK**

**RESOLUTIONS:**

On motion of Councilman Anderson and seconded by Councilman Grohn,

**RESOLUTION #28579**

**A RESOLUTION TO AMEND RESOLUTION NO. 28400 BY ADDING CIVIC POINT AND KING & SPALDING FOR LEGAL/CONSULTING SERVICES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28580**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT THE 2015 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT WHICH IS FUNDED THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), IN THE AMOUNT OF \$1,840,356.00.**

**ACTION: ADOPTED**



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

**RESOLUTION #28581**

**A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO EXECUTE A CONTRACT WITH ZYCRON INFORMATION TECHNOLOGY SERVICES & SOLUTIONS AS THE PROVIDER OF PROFESSIONAL SERVICES FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR THE PERIOD OF ONE (1) YEAR BEGINNING MARCH 1, 2016 THROUGH MARCH 1, 2017 (WITH THE OPTION TO EXTEND FOR TWO (2) ADDITIONAL YEARS), FOR AN AMOUNT NOT TO EXCEED \$1 MILLION PER CONTRACT YEAR.**

**ACTION: ADOPTED**

**2016-040**  
**Joseph Ingram/Marcus Jones/**  
**Magnolia Investors, LLC/**  
**Jack Thompson/Allen Headrick**  
**District No. 2**

On motion of Councilman Mitchell and seconded by Councilman Henderson,

**RESOLUTION #28582**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED AT 604 AND 638 SAMOYED TRAIL, 1038 MERONEY STREET, 1400 HAMILTON AVENUE, AND UNNUMBERED WERT STREET.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

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

**R90925 - Public Works** Estimated \$150,000 Annually  
Blanket Contract Renewal for Manhole Components  
Lowest/Best Bidder: Acheson Foundry and Machine Works, Inc.  
P.O. Box 2196  
Chattanooga, TN 37409

**R42097 - Public Works** Estimated \$30,000 Annually  
Blanket Contract Renewal for Aluminum Sign Blanks  
Lowest/Best Bidder: US Standard Sign Company  
11400 West Addison Street  
Franklin Park, IL 60131

**R109872 - PO531715- Public Works**

Estimated \$80,000 Annually

Blanket Contract Renewal for Overhead Crane  
Maintenance and Repair Services  
Lowest/Best Bidder: Konecranes, Inc.  
4638 Resource Drive, Suite 100  
Chattanooga, TN 37416

**R131859 - Public Works**

Estimated Total \$1,500,000 Annually

Two New Blanket Contracts for Mechanical Services  
Lowest/Best Bidders:  
1. H&H Brown, Inc.  
1803 Polk Street Chattanooga, TN 37408

2. Southeast Company, Inc.  
P.O. Box 2316 Chattanooga, TN 37409

**R131501 - Public Works**

\$196,900.00

The Purchase of Two (2) Heat Exchangers  
Lowest/Best Bidder: CleanTek Water Solutions  
7984 University Avenue  
Fridley, MN 55432

**R133736 - General Services**

Estimated \$38,880 Annually –  
Total 60-month Lease \$194,400

New Blanket Contract for Pitney Bowes  
Mail Machine Master Lease, Equipment  
and Upgrades  
Lowest/Best Bidder: Pitney Bowes  
P.O. Box 85390  
Louisville, KY 40285

**R129998 - General Services**

Estimated Total \$200,000 Annually

Two New Blanket Contracts for Paper Goods, Citywide  
Lowest/Best Bidders:  
1. American Paper & Twine Company  
2134 Amnicola Highway, Chattanooga, TN 37406  
  
2. The Stockroom Supply  
200 Cassidy Lane Ringgold, GA 30736

**R73655 Transportation Department**

Estimated \$60,000 Annually

Blanket Contract Renewal for Speed Cushions  
Lowest/Best Bidder: Traffic Logix Corp.  
3 Harriet Lane  
Spring Valley, NY 10977

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

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Office of the City Attorney**

Attorney Hinton informed the Council that the month of April is recognized nationally as "Fair Housing Month." He discussed that each year, the Office of Multicultural Affairs and the City Attorney's Office work to inform the public about the Fair Housing compliance. City departments had joined together this year to develop a week of events highlighting compliance. He then introduced James McKissic, Director of the Office of Multicultural Affairs, and Antonia Morgan, Compliance Officer for the City Attorney's Office, to discuss the city's 1<sup>st</sup> Annual Compliance Week, April 18-22, 2016.

Attorney Hinton distributed a list of events scheduled for Compliance Week. Mr. McKissic informed the Council about the planning and promotion for the week of training activities. Ms. Morgan proclaimed the following on behalf of Mayor Berke:

*Whereas:* The City of Chattanooga Compliance Office proclaims April 18<sup>th</sup>-22<sup>nd</sup>, 2016, as Compliance Week; and

*Whereas:* In conjunction with the National Fair Housing Month and the City of Chattanooga Fair Housing Celebration, the City of Chattanooga Compliance Office will be hosting a series of presentations of compliance, record review process, fair housing program, and other City services with the purpose of our ongoing effort and commitment to service our community; and

*Whereas:* The Compliance Office encourages directors and employees to initiate discussions in their work areas about ethical issues and to assess risks related to the following subjects and disciplines; and

*Whereas:* Compliance, Fair Housing, Americans with Disabilities Act (ADA), Limited English Proficiency (LED), Code of Conduct for City employees, Confidentiality for City employees, Retaliation, Data Privacy/Record Review, Written Standards for City employees, and other subjects; and

***Now Therefore,***

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim

April 18<sup>th</sup> – 22<sup>nd</sup>, 2016 as

***COMPLIANCE WEEK***

In Witness Whereof, I have hereunto set my hand and caused the

Seal of the City of Chattanooga to be affixed this the

12<sup>th</sup> Day of April, 2016

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*Andy Berke, Mayor*

## **Case No. MR-2016-032**

Councilman Henderson informed the Council that case number MR-2016-032—regarding the abandonment of an unopened right of way—was supposed to have been on today’s agenda. **Councilman Henderson moved** to suspend the rules to add this case to next week’s agenda. He was seconded by Councilman Anderson. The motion carried.

### **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 meeting originally scheduled for next week has been cancelled. It will be scheduled some time in May. The omnibus advertising bill will be discussed.

#### *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 met today to discuss items that the Council voted on this week and will vote on next week’s agenda.
- The committee will meet again in two (2) weeks.

#### *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 persons in the Assembly 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,** Chairwoman Berz adjourned the meeting of the Chattanooga City Council until Tuesday, April 19, 2016, at 6:00 p.m.

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**CHAIRWOMAN**

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**CLERK OF COUNCIL**