



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
for
May 14, 2013
6:00 PM

CALL TO ORDER

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

Also present: Management Analyst Randy Burns; Deputy Clerk Nicole Gwyn and Council Support Specialist Cindy Patrick.

PLEDGE OF ALLEGIANCE

Councilwoman Carol Berz led the full attendance in the Pledge of Allegiance.

MEETING MINUTES APPROVAL

On motion of Councilman Anderson and seconded by Councilman Mitchell, the minutes of the previous meeting (May 7, 2013) were approved as published.

PROCEDURAL ADVISEMENT

Chairman Hakeem requested that all cell phones, pagers and electronic devices be placed on vibrate so as not to disturb the meeting. He 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.

Chairman Hakeem also advised on the procedure during the reading of the ordinances.

- Upon the reading of an ordinance, Staff would have an opportunity to give briefings on that ordinance.
- The Applicant would have a maximum of nine (9) minutes to state their position.
- Persons with concerns or opposition, if any, would be afforded nine (9) minutes to speak, but would not be allowed to yield their remaining time to others.
- The Applicant would be afforded two (2) minutes for rebuttals.
- The Council would then have a time for questions on the ordinance.

ORDINANCES – FIRST READING

On motion of Councilwoman Berz and seconded by Councilman Grohn.

ORDINANCE #12721

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, DIVISION 1, GENERALLY, SECTIONS 31-302 AND 31-303; AND DIVISION 3, LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENTATION CONTROL, SECTIONS 31-320, 31-321, 31-322, 31-323 AND 31-324 RELATIVE TO STORMWATER MANAGEMENT.

ACTION: PASSED

On motion of Councilman Henderson and seconded by Councilman Gilbert,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1825 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

failed on Roll Call vote.

| | |
|----------------------|-----|
| COUNCILMAN ANDERSON | YES |
| COUNCILWOMAN BERZ | YES |
| COUNCILMAN FREEMAN | YES |
| COUNCILMAN GILBERT | YES |
| COUNCILMAN GROHN | YES |
| COUNCILMAN HENDERSON | YES |
| COUNCILMAN MITCHELL | YES |
| COUNCILMAN SMITH | YES |
| COUNCILMAN HAKEEM | YES |

The following individuals spoke in opposition to the ordinance: Michael Ledford (Belleau Neighborhood Association), John Crawford (Belleau Neighborhood Association) and Don Shumacker (Villages at Ashwood).

ACTION: FAILED

A motion to approve by Councilman Grohn and seconded by Councilman Anderson,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2216, 2228, 2242, AND 2252 MURRAY LANE AND 7608 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

was denied on Roll Call vote as follows:

| | |
|----------------------|-----|
| COUNCILMAN SMITH | NO |
| COUNCILMAN MITCHELL | NO |
| COUNCILMAN HENDERSON | NO |
| COUNCILMAN GROHN | YES |
| COUNCILMAN GILBERT | NO |
| COUNCILMAN FREEMAN | NO |
| COUNCILWOMAN BERZ | NO |
| COUNCILMAN ANDERSON | NO |
| COUNCILMAN HAKEEM | NO |

A motion to deny by Councilman Freeman and Councilman Gilbert was considered on Roll Call vote:

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|----------------------|-----|
| COUNCILMAN ANDERSON | YES |
| COUNCILWOMAN BERZ | YES |
| COUNCILMAN FREEMAN | YES |
| COUNCILMAN GILBERT | YES |
| COUNCILMAN GROHN | YES |
| COUNCILMAN HENDERSON | YES |
| COUNCILMAN MITCHELL | YES |
| COUNCILMAN SMITH | YES |
| COUNCILMAN HAKEEM | YES |

The motion to deny was approved.

ACTION: FAILED

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12723

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1129 EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE.

ACTION: PASSED

On motion of Councilman Henderson and seconded by Councilman Gilbert,

ORDINANCE #12722

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 530 CHEROKEE BOULEVARD AND 335 STRINGER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, O-1 OFFICE ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-7 NORTHSHORE COMMERCIAL MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED

On motion of Councilman Anderson and seconded by Councilman Mitchell,

ORDINANCE #12724

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1944 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED

ORDINANCES – FINAL READING

There were no ordinances for final reading.

RESOLUTIONS

On motion of Councilman Smith and seconded by Councilman Anderson,

RESOLUTION NO. 27508

A RESOLUTION AUTHORIZING MISSIONARY RIDGE NEIGHBORHOOD ASSOCIATION C/O CONNELLY ENSIGN TO USE TEMPORARILY THE RIGHT-OF-WAY THROUGHOUT THE NEIGHBORHOOD TO INSTALL TWO (2) COMMUNITY MARKERS IN THE ASSOCIATION'S BOUNDARIES, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION NO. 27509

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. S-11-004-201 TO THOMAS BROTHERS CONSTRUCTION COMPANY, JOHNSON STREET REHABILITATION AND GREEN INFRASTRUCTURE PROJECT, IN THE AMOUNT OF \$317,626.50, WITH A CONTINGENCY AMOUNT OF \$31,700.00, FOR AN AMOUNT NOT TO EXCEED \$349,326.50.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

RESOLUTION NO. 27511

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) TO THE AGREEMENT WITH RBA CONSTRUCTION, INC. FOR ADDITIONAL SERVICES PERFORMED BY SIGNATURE BRIDGE, INC. ON THE SOUTH CHICKAMAUGA CREEK GREENWAY (CONTRACT NO. R-09-001), FOR AN INCREASED AMOUNT OF \$400.15, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$2,726,478.91.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Mitchell,

RESOLUTION NO. 27512

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FOUR-YEAR LICENSE AGREEMENT WITH FRIENDS OF THE FESTIVAL TO HOLD THE ANNUAL RIVERBEND FESTIVALS.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION NO. 27510

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF YOUTH AND FAMILY DEVELOPMENT TO ENTER INTO A CONTRACT WITH FRANKLIN ASSOCIATES ARCHITECTS FOR DESIGN SERVICES OF THE ELEVATOR ADDITION TO THE AVONDALE HEAD START CENTER, IN THE AMOUNT OF \$25,120.00.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Refunds

On motion of Councilwoman Berz and seconded by Councilman Freeman, the Administrator of Finance was authorized to issue the following refunds for 2013:

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|---|--------------|
| HRIM Partners | \$ 2,599.94 |
| Covenant Transport, Inc. | \$ 3,844.02 |
| Shiloah Hedgcoxe General Partnership c/o Suntrust Banks Incorporated | \$ 1,337.37 |
| Signal Mountain Cement Co. LP #1 & #2 | \$139,257.80 |

Purchases

On motion of Councilman Smith and seconded by Councilwoman Berz, the following purchases were approved:

General Services:

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|---|--------------|
| Goodyear Tire at Eastgate | \$150,000.00 |
| • Citywide Blanket Contract for tires | |
| Lee-Smith, Inc. | \$126,836.00 |
| • Purchase of two (2) Dump Truck Cabs & Chassis | |

Public Works:

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|--|--------------|
| Pozzolanic Contracting & Supply | \$300,000.00 |
| • Blanket Contract for Lime Kiln Dust Public Works | |
| MHC Kenworth | \$156,454.45 |
| • Purchase of one (1) Dump Truck | |

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|--|---------------|
| Environmental Systems Research Institute (ESRI) | \$ 47, 494.90 |
| <ul style="list-style-type: none"> • Purchase of Software Licenses for Engineering and Water Quality Programs | |
| Hughes Landscaping Service, Inc. | (N/A) |
| <ul style="list-style-type: none"> • Business Name Change for Mowing Services | |

Outdoor Chattanooga

Phillip Grymes, Executive Director of Outdoor Chattanooga, announced the USA-Volkswagen Professional Road & Timed Trial Championships, coming to Chattanooga. Mr. Grymes highlighted two main events:

- Timed Trials-May 25, 2013 - Starting at Enterprise South
- Road Race-May 27, 2013 - Starting in downtown Chattanooga

Personnel

- **Robin Haralson**-Head Start-Resignation-Effective 5/3/2013
- **Paul Brown**-CWS-Suspension: 1 day without pay-Effective 5/2/2013
- **Eric Cross**-CWS-Suspension: 1 day without pay-Effective 4/19/2013
- **Roy Curry**-MBWWTP-Retirement-4/30/2013
- **Richard A. Harris**-MBWWTP-Retirement-Effective 4/30/2013
- **Jack Henderson**-Traffic Operations-Promotion-Effective 4/26/2013
- **David Mcdowell**-MBWWTP-Resignation-4/17/2013
- **Terry Moore**-CWS-Resignation-Effective 4/26/2013
- **Stacy Morrison**-Land Development-Resignation-Effective 5/16/2013
- **Gary Phillips**-CWS-Retirement-Effective 4/30/2013
- **D. Randy Ridge**-Land Development-Voluntary Demotion-Effective 4/12/2013
- **Gary Robkin**-Land Development-Promotion-Effective 4/12/2013
- **Keith Sanders**-CWS-Termination-5/7/2013
- **James Simpson, III**-MBWWTP-Hire-Effective 4/23/2013
- **Alonzo Strickland**-CWS-Suspension: 5 days without pay-Effective 5/8/2013
- **Frederick Toth**-MBWWTP-Retirement-Effective 4/30/2013
- **Randall Parker**-Fire-Retirement-Effective 5/3/2013
- **Tanya Kimbell**-Police-Return to Duty: FMLA-Effective 5/6/2013
- **Derrick Stewart**-Police-Suspension: 14 days without pay-Effective 5/8/2013

COMMITTEE REPORTS

Chairman Hakeem noted the following times for upcoming Committee meetings:

- Budget and Finance Committee – May 21, 2013
(immediately following Agenda Session at 3:00 p.m.)
- Public Works and Transportation Committee – May 21, 2013
(immediately following Agenda Session at 3:00 p.m.)

OTHER BUSINESS

Upon the request of Vice Chairman Henderson, Chairman Hakeem proposed to form an ad hoc committee to bring back recommendations for enhancing voter participation in city elections. Chairman Hakeem recommended Vice Chairman Henderson as chair of this committee once it is formed. Chairman Hakeem indicated that he would bring recommendations for committee members and a set of parameters for the committee's work by next week's Council meeting.

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

Chairman Hakeem recognized the following persons wishing to address the Council:

- Gordon Anderson of 7623 Asherton Lane – Regarding two items: (1) How to redirect river water into sewer lines during dry months and (2) Equalizing billing for wastewater treatment
- Charles Clay of 705 West 46th Street – Regarding how to purchase city-owned property in the Alton Park community
- John Crawford of Zoning Appeals Board – Invited the public to the appeals board meetings on the first Wednesday of each month

ADJOURNMENT

On motion of Councilman Anderson and seconded by Councilman Gilbert, Chairman Hakeem adjourned the meeting of the Chattanooga City Council until Tuesday, May 21, 2013, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A full digital audio of this Council meeting, May 14, 2013,
has been filed in the Clerk of the Council's office)**

**(A full and complete listing of names of persons in attendance
Is filed with the minute materials of this date, May 14, 2013)**