



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
for  
July 9, 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, and Councilpersons Carol Berz, 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 Gilbert led the assembly in the Pledge of Allegiance and read Proverbs 3:5-6 from the Bible.

## **APPROVAL OF MINUTES**

On motion of Councilman Anderson, the minutes of the last meeting (July 2, 2013) were approved as published.

**ACTION: APPROVED**

## **ORDINANCES – FINAL READING:**

Councilman Freeman moved to accept the following ordinance:

**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 seconded the motion. Prior to Council discussion, Chairman Hakeem allowed members of the public-- a maximum of five (5) persons in support and a maximum of five (5) persons in opposition--to voice their concerns on the urban chicken permits section of

the ordinance. Once Attorney Noblett read the guidelines for addressing the Council on this agenda item, Chairman Hakeem recognized the following speakers:

Speakers in Support

1. Lana Sutton (of E. Brainerd)
2. Jaime Brown (of Hixson)
3. Betsy Flory (of Brainerd)
4. Kimberly Cook
5. Lori Carter (outside of city limits)

Speakers in Opposition

1. Ron Roy (of Chattanooga)
2. Marina Robards (of Eastdale)
3. Anthony Randolph
4. Susan Roy (of Chattanooga)

After discussion by the Council, the motion failed on roll call vote as follows:

<b>Anderson</b>	<b>Yes</b>	<b>Henderson</b>	<b>Yes</b>
<b>Berz</b>	<b>No</b>	<b>Mitchell</b>	<b>No</b>
<b>Freeman</b>	<b>Yes</b>	<b>Smith</b>	<b>No</b>
<b>Gilbert</b>	<b>No</b>	<b>Hakeem</b>	<b>No</b>
<b>Grohn</b>	<b>No</b>		

**Yes - Three (3); No - Six (6)**

**ACTION: NOT PASSED**

**ORDINANCES – FIRST READING:**

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**ORDINANCE #12738**

**AN ORDINANCE GRANTING UNTO RIVER CITY COMPANY C/O JIM WILLIAMSON AND THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) A FRANCHISE TO CONSTRUCT AN ELEVATED PLATFORM FOR THE BLOCK DEVELOPMENT AT 215 BROAD STREET ON A PORTION OF THE 200 BLOCK OF BROAD STREET BEGINNING AT THE NORTHEAST CORNER , AS REFERENCED IN CASE NO. MR-2013-087, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**2013-072**  
**Walks2Campus Properties**  
**c/o Roe Elam/UTC Three, LLC**  
**District No. 8**  
**Planning Version**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**ORDINANCE #12739**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 863 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.**

The motion to approve with conditions carried.

**ACTION: PASSED ON FIRST READING**

**2013-074**  
**Roy Williams/Nathaniel and Linda Long**  
**District No. 9**  
**Planning Version**

On motion of Councilman Freeman and seconded by Councilman Gilbert,

**ORDINANCE #12740**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1113 EAST 11TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.**

**ACTION: PASSED ON FIRST READING**

**2013-080**  
**Richard W. McCoy/Arlington Properties, Inc.**  
**District No. 3**  
**Planning Version**

Per the Applicant's request, Councilman Freeman moved to defer one week and was seconded by Councilman Gilbert,

**ORDINANCE #12742**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 5300 BLOCK OF HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE.**

The motion carried.

**ACTION: DEFERRED ONE WEEK**

**2013-086**  
**Independent Healthcare Properties/  
National Bank of Tennessee**  
**District No. 4**  
**Planning Version**

On motion of Councilman Grohn and seconded by Councilman Gilbert,

**ORDINANCE #12741**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7715, 7719, AND 7721 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO APPROVAL.**

The motion carried, with one (1) abstention.

**ACTION: PASSED ON FIRST READING,  
With Councilwoman Berz Abstaining**

**MR-2013-078**  
**City of Chattanooga**  
**c/o Bill Payne**

On motion of Vice Chairman Henderson and seconded by Councilman Mitchell,

**ORDINANCE #12737**

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE NORTHERN RIGHT-OF-WAY OF THE 5300 BLOCK OF MOUNTAIN CREEK ROAD, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

**2013-066**  
**Marie and Jeff Fisher**  
**District No. 2**

Councilman Mitchell moved to deny, seconded by Councilman Gilbert,

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL HOME FOR THE AGED FOR PROPERTY LOCATED AT 4301 FOREST PLAZA DRIVE.**

The applicant was present; opposition was also present. Therefore, Attorney Noblett read the regular process for addressing the Council on zoning items.

The Applicants, Marie and Jeff Fisher, addressed the Counsel. The following persons spoke in opposition on this resolution: David Finn (of Forest Plaza Drive) and Mary Kay Hyatt (of Forest Plaza Drive). After rebuttal by Mr. Fisher and discussion by the Council, the motion carried.

**ACTION: NOT ADOPTED**

**2013-085**  
**Independent Healthcare Properties/**  
**National Bank of Tennessee**  
**District No. 4**

On motion of Councilman Grohn and seconded by Councilman Smith,

**RESOLUTION #27564**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN INSTITUTIONAL PLANNED UNIT DEVELOPMENT ON PROPERTIES LOCATED AT 7715, 7719, AND 7721 SHALLOWFORD ROAD, SUBJECT TO CERTAIN CONDITIONS.**

The Applicant was present; there was no opposition. Greg Vital of Independent Healthcare responded to questions and recognized people from the neighborhood who were present today in support of the resolution. After discussion, the motion to adopt carried, with one (1) abstention.

**ACTION: ADOPTED,  
With Councilwoman Berz Abstaining**

**DEPARTMENTAL REPORTS:**

**Public Works**

Lee Norris, Public Works Administrator, was pleased to report on his department's efforts in sustainability. They have been working to improve the character of the soil used for capping molehills in the city landfill. With the help of consultants, they have found another way to utilize biosolids from the wastewater plant: by mixing the biosolids with wheat or bermudagrass. As a result, they have had very good results in growing lush vegetation in the landfill cells without the need to purchase additional soil.

**Purchases**

- (None to report this meeting)

**OTHER BUSINESS:**

**Board Appointment**

Councilman Anderson appointed Paige Wichman as District 7 representative on the Community Citizen Advisory Board.

### **World Changers**

Councilman Grohn brought attention to the special presentation next week regarding the World Changers organization. World Changers is coming to Chattanooga next week to work with the Department of Economic and Community Development in serving the city's neediest communities. Lunches are needed for the World Changers volunteers. To assist with food donations, contact Anthony Sammons at the Department of Economic and Community Development.

### **City Attorney's Report**

City Attorney Hinton notified the Council on the mediation tomorrow at 9:30 a.m.

### **Employee Transactions**

- (Employee Transaction Report has been submitted)

### **COMMITTEE REPORTS:**

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

*Budget and Finance Committee*  
Councilwoman Berz  
(No report)

*Public Safety Committee*  
Councilman Freeman  
(No report)

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

*Audit Committee*  
Councilman Grohn  
(No report)

*RPA (Planning Committee)*  
Vice Chairman Henderson  
(No report)

*Human Resources Committee*

Councilman Mitchell

- Committee will meet next Tuesday, July 16, 2013, immediately after Public Works and Transportation Committee meeting

*Public Works and Transportation Committee*

Councilman Smith

- Committee will meet next Tuesday, July 16, 2013, immediately after Agenda Session

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

- (There were no speakers on non-agenda items this meeting)

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, July 16, 2013, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

(A full digital audio of this Council meeting, July 9, 2013,  
has been filed in the Clerk of the Council's office)