



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
October 8, 2013
6:00 PM

CALL TO ORDER

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Henderson and Councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present. City Attorney Wade Hinton, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

PLEDGE OF ALLEGIANCE & INVOCATIONS

Chairman Hakeem led the assembly in the Pledge of Allegiance. Pastor Shad Smith of Temple Baptist Church led the invocation. In honor of three firefighters who were severely injured this week while battling a fire, Councilman Smith requested a moment of silence for the men and women serving to protect us.

APPROVAL OF LAST MINUTES

On motion of Vice Chairman Henderson and seconded by Councilman Anderson, the minutes of the last meeting (October 1, 2013) were approved as published.

ORDINANCES – FINAL READING:

MR-2013-056
Jibewe, Inc.

On motion of Councilman Mitchell and seconded by Councilman Freeman,

ORDINANCE #12772

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY BEGINNING AT ITS INTERSECTION WITH THE NORTH LINE OF THE 2600 BLOCK OF EAST 24TH STREET NORTHEAST SOME SIXTY-FIVE (65') FEET TO THE NORTHEAST CORNER OF TAX MAP NO. 156K-B-001, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2013-067
James Hibbs

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

ORDINANCE #12773

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE 300 BLOCK OF PINE RIDGE ROAD.**

ACTION: APPROVED

MR-2013-069
Don Carlisle

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

ORDINANCE #12774

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE 600 BLOCK OF SPEARS AVENUE.**

ACTION: APPROVED

ORDINANCES – FIRST READING:

2013-084
Burt Schaerer/BTS Development
District No. 6
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #12775

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 2 OF
ORDINANCE NO. 12018 FROM PREVIOUS CASE NO. 2007-142, ON
PROPERTY LOCATED AT 2245 HICKORY VALLEY ROAD, BEING MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS.**

ACTION: PASSED ON FIRST READING

2013-104
Troy Cox
District 2
Planning Version

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

ORDINANCE #12776

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND AND REPLACE CONDITIONS OF ORDINANCE NO. 12472 FROM CASE NO. 2013-104 ON PROPERTY LOCATED AT 706, 710, AND 716 ASHLAND TERRACE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

The Applicant was present. Since there was no Opposition present, the Applicant did not wish to address the Council on this item.

ACTION: PASSED ON FIRST READING

2013-113
Jesse O. Farr
District No. 6
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Freeman,

ORDINANCE #12777

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2712 WALKER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Berz noted that she did not know of any opposition to this item.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #27667

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A WATER LINE EASEMENT AGREEMENT WITH FATD-H, LLC TO ESTABLISH A PERMANENT WATER LINE EASEMENT WITHIN A PORTION OF PROPERTY JOINTLY-OWNED BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA AT ENTERPRISE SOUTH INDUSTRIAL PARK.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Freeman,

RESOLUTION #27668

A RESOLUTION AUTHORIZING THE CONSENT AND CONFIRMATION TO THE MODIFICATION AGREEMENT BETWEEN THE CITY OF CHATTANOOGA AND THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY.

ACTION: ADOPTED

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

RESOLUTION #27669

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR HAREN CONSTRUCTION COMPANY, INC., RELATIVE TO CONTRACT NO. W-09-002-201, MOCCASIN BEND WASTEWATER TREATMENT PLANT ODOR CONTROL PROJECT, FOR AN INCREASED AMOUNT OF \$56,324.16, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$2,978,324.16, AND TO RELEASE THE REMAINING CONTINGENCY FUNDS IN THE AMOUNT OF \$235,675.84.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilwoman Berz,

RESOLUTION #27670

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR YERBEY CONCRETE CONSTRUCTION RELATIVE TO CONTRACT NO. E-12-002-201, CDBG SIDEWALK REQUIREMENTS CONTRACT, FOR AN INCREASED AMOUNT OF \$178,805.33, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$528,805.33.

ACTION: ADOPTED

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

RESOLUTION #27671

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-10-011-201, EAST BRAINERD ROAD SEWER LINE REPLACEMENT (PHASE 1), TO BROWN BROTHERS, INC., FOR A CONTRACT AMOUNT OF \$558,795.42, WITH A CONTINGENCY AMOUNT OF \$60,000.00, FOR AN AMOUNT NOT TO EXCEED \$618,795.42.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Gilbert,

RESOLUTION #27672

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. S-12-009-102, CARTER STREET CULVERT REHABILITATION, FOR AN AMOUNT NOT TO EXCEED \$40,000.00.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilwoman Berz,

RESOLUTION #27673

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT TO SUBMIT AN APPLICATION TO THE ROCKEFELLER FOUNDATION 100 RESILIENT CITIES-CENTENNIAL CHALLENGE.

ACTION: ADOPTED

The following agenda item came before the Council:

2013-109 James Pratt/John C. Whitmire/Colony Land & Investments

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED AT 5650 CASSANDRA-SMITH ROAD.

Greg Haynes gave a presentation on behalf of Planning. It was noted that the Applicant and Opposition were present. The Applicant, James Pratt, indicated that he was unaware of certain information that existed at the time of his application and, therefore, he requested to withdraw his permit request.

A discussion ensued about the withdrawal. Chairman Hakeem afforded an opportunity to hear from the following speakers in Opposition:

1. Jim Mullenix (Represented the property sellers in 2005)
2. Melinda Hunter (Amberbrook Gardens)
3. Brian Starnes (Amberbrook Gardens)

Mr. Pratt did not wish to make a rebuttal. He reiterated his intent to withdraw his permit request. After further discussion, Councilman Freeman asked the Council to move forward with the agenda. Attorney Hinton explained that the Council was not required to take action on the withdrawal. The Council accepted the withdrawal without further action.

DEPARTMENTAL REPORTS:

Think Bike Event

Blythe Bailey, Administrator of the Transportation Department, reported on the city's first Think Bike event that took place September 23-24, 2013. The City of Chattanooga was commended for its high attendance at all activities and participation of volunteers. The event resulted in an actionable bike infrastructure and several implementable ideas.

Purchases

Brent Goldberg, Deputy Chief Operating Officer, briefed the Council on the following purchases:

R80010 - Public Works \$329,839.39

Emergency Purchase: Repair of the
Roadway Slope at Shallowford and Obey
Lowest/Best Bidder: Talley Construction

R83914 - Public Works \$11,608.00

Emergency Purchase: Mudslide Restoration
Lowest/Best Bidder: Ooltewah Nursery

R81749 - Public Works \$30,159.94

Emergency Purchase: Liquid Oxygen
Lowest/Best Bidder: Linde LLC

R83897 - Public Works \$60,820.57

Emergency Purchase: Repair Work
on Liquid Oxygen Plant
Lowest/Best Bidder: Solutionwerks Inc.

R47060 - Public Works Estimated \$14,000.00 Annually
Extension of Blanket Contract for
Traffic Detector Loop Installation
Lowest/Best Bidder: Howell Specialty Company

R80489 - Public Works Estimated \$15,000.00 Annually
Blanket Contract for Tire Recycling Services
Lowest/Best Bidder: Liberty Tire Recycling

R81748 - Public Works Estimated \$30,000.00 Annually
Blanket Contract for Trees
Lowest/Best Bidder: Newby Tree Farm, Hidden Valley
Nursery, John Deere Landscapes, Stewart Nursery

R80443 - Public Works Estimated \$12,000.00 Annually
Blanket Contract for Pedestrian Tactile Warning Surfaces
Lowest/Best Bidder: Centerline Supply

R80782 - Police Department Estimated \$23,000.00 Annually
Blanket Contract for Sig Sauer Handguns
Lowest/Best Bidder: Elmer Arms South

R82394 - Fire Department \$13,260.48
Purchase of AmbuBus Equipment
Lowest/Best Bidder: First Line Technology

Councilwoman Berz moved to approve the above-listed purchases. It was seconded by Councilman Anderson.

ACTION: APPROVED

OTHER BUSINESS:

Note of Thanks

Councilman Gilbert thanked Mayor Berke for going door-to-door in his district (Dee Drive area) to get opinions from constituents about improvements to the Wilcox Tunnel.

Council Process and Procedures

Councilman Hakeem noted that the Council is reviewing its processes and procedures on how to afford time for community input on agenda items.

COMMITTEE REPORTS:

Economic and Community Development Committee
Councilman Anderson

- The committee will meet next week (Oct. 15) following Agenda Session and HR Committee meeting. At that time, we will hear from Friends of Moccasin Bend National Park about the future of the park.

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)

HR Committee (Human Resources)
Councilman Mitchell

- The committee will meet next week (Oct. 15) immediately following Agenda Session.

Public Works and Transportation Committee
Councilman Smith

- The committee met today to discuss Public Works and Transportation items on the agenda. He thanked Justin Holland, Deputy Administrator at Public Works, for stepping in during today's meeting in the absence of Public Works Administrator Lee Norris.

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

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

- **Pastor Shad Smith (Temple Baptist Church)** - He opposes same-sex partner benefits for city employees and asked others in opposition to stand. He asked the Council to research this matter from the standpoint of financial costs.
- **Janelle Jackson (Concerned Citizens For Justice)** - She wanted to know if the Council will publically address the community about the Emmer-Cooley appeal and police brutality in general.
 - Chairman Hakeem reminded everyone that the Mayor and the Council were in support of the Emmer-Cooley appeal, and that papers had been filed today in regards to the appeal. He also noted that there will be discussions as to how the Council can give citizens an opportunity to address this item.
 - Councilman Freeman said that the Public Safety Committee might hold a public hearing at some point to look at "police standards," but not specifically the Emmer-Cooley case.
 - Attorney Hinton noted that the Emmer-Cooley case was still in litigation, so his Office and the Council would reserve comment on that case.
- **Daniel Wysong (of Chattanooga)** - He noted that he is a Marine sergeant and combat veteran who has fought for individual liberties, but believes the Council would violate the Tennessee constitution by approving same-sex partner benefits. He asked the Council to use taxpayer funds to increase the pay of police and fire employees rather than use funds to extend benefits to same-sex partners.
 - Chairman Hakeem thanked Mr. Wysong for his military service.
- **Keeley Gilman (of Ivy Street)** - She supports same-sex partner benefits for city employees and asked others to stand who were pro-benefits. She noted that many individuals standing in support wore t-shirts promoting equal benefits for employees. She noted that the Council would see these shirts again as a reminder of those who support same-sex partner benefits.

ADJOURNMENT

On motion of Councilman Freeman, the meeting of the Chattanooga City Council was adjourned until Tuesday, October 15, 2013, at 6:00 p.m.



CHAIRMAN



CLERK OF COUNCIL

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