



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
November 19, 2013  
6:00 PM

**CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order. A quorum was present, including Vice Chairman Henderson and Councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Jerry Mitchell and Ken Smith. Councilman Larry Grohn was not present.

Assistant City Attorney Phil Noblett, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

**PLEDGE OF ALLEGIANCE**

Councilwoman Berz led the assembly in the Pledge of Allegiance.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson and seconded by Councilman Freeman, the minutes of the last meeting (November 12, 2013) were approved as published.

**SPECIAL PRESENTATION**

***"Proclamation - Pancreatic Cancer Awareness Month"***

On behalf of the Chattanooga City Council, Councilman Chris Anderson made the following proclamation:

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**WHEREAS in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;**

**WHEREAS pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;**

**WHEREAS** when symptoms of pancreatic cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

**WHEREAS** this disease will cause approximately 800 deaths in Tennessee in 2013;

**WHEREAS** the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020;

**WHEREAS** the U.S. Congress passed the *Recalcitrant Cancer Research Act* last year, which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

**WHEREAS** the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in Chattanooga and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

**WHEREAS** the Pancreatic Cancer Action Network and its local affiliate in Chattanooga support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

**WHEREAS** the good health and well-being of the residents of Chattanooga are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

**RESOLVED** that the Chattanooga City Council designate the month of November 2013 as "Pancreatic Cancer Awareness Month" in the City of Chattanooga, Tennessee

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Charlie Steinhice accepted the award in memory of his father. Councilman Anderson also noted that his father had succumbed to the disease.

**ORDINANCES – FINAL READING:**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**ORDINANCE #12781**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, SECTIONS 2-137, 2-138, 2-149, 2-151, 2-152, 2-153, 2-165.1, 2-183 AND PART II, CHAPTER 2, ARTICLE XIII, SECTION 2-751, RELATIVE TO DOMESTIC PARTNERSHIP AND NON-DISCRIMINATION.**

Chairman Hakeem noted that the City Attorney's Office had looked into the ethics complaint filed against Councilman Anderson and found that there was no merit in the allegations. He also asked if there were any questions or comments from the Council on Councilman Anderson's statement last week about the allegations. Upon no questions, a roll call vote on the motion to approve was recorded as follows:

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

The motion carried 5-to-3.

YES - Five (5); NO - Three (3)

**ACTION: APPROVED**

2013-119  
Jack Edwards  
District No. 6  
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Freeman,

**ORDINANCE #12783**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7630 BONNIE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

2013-128  
Aaron White/Vulcan Lands, Inc.  
District No. 7  
Planning Version

On motion of Councilman Anderson and seconded by Councilman Smith,

**ORDINANCE #12784**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 556 MOLLY LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-130  
Green Real Estate Group, LLC/  
David Devaney  
District No. 7  
Planning Version

On motion of Councilman Anderson and seconded by Councilman Mitchell,

**ORDINANCE #12785**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 324 VINE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2013-129  
Jack Killian  
District No. 3  
Planning Version

On motion of Councilman Smith and seconded by Councilman Anderson,

**ORDINANCE #12782**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NOS. 1 AND 2 OF ORDINANCE NO. 11533 OF PREVIOUS CASE NO. 2004-031, ON PROPERTY LOCATED AT 2857 NORTHPOINT BOULEVARD, BEING MORE PARTICULARLY DESCRIBED HEREIN.

ACTION: APPROVED

**ORDINANCES – FIRST READING: (NONE)**

**RESOLUTIONS:**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27706**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE FIRE DEPARTMENT TO PAY THE ANNUAL SUPPORT AND MAINTENANCE AGREEMENT FOR THE DEPARTMENT'S RECORD MANAGEMENT SYSTEM TO FDM SOFTWARE, IN THE AMOUNT OF \$52,602.98.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Freeman,

**RESOLUTION #27707**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-10-004-202, EAST BRAINERD SANITARY SEWER REHABILITATION, TO LAYNE INLINER, LLC, IN THE AMOUNT OF \$7,494,471.00, WITH A CONTINGENCY AMOUNT OF \$374,700.00, FOR AN AMOUNT NOT TO EXCEED \$7,869,171.00, SUBJECT TO SRF LOAN APPROVAL.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Smith,

**RESOLUTION #27708**

**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO PAY VICTOR MOORE THROUGH HIS ATTORNEY, LLOYD A. LEVITT, CONCERNING A MOTOR VEHICLE ACCIDENT CLAIM, SUBJECT TO HIS EXECUTION OF A RELEASE OF ALL CLAIMS, IN THE AMOUNT OF \$12,000.00, FOR MEDICAL TREATMENT AND PHYSICAL THERAPY.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilwoman Berz,

**RESOLUTION #27709**

**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST JAMES P. LITTLE, M.D. ON THE PROPERTY LOCATED AT 1335 O'GRADY DRIVE, CHATTANOOGA, TN 37419.**

A discussion ensued. Assistant City Attorney Keith Reisman gave a brief background on what led to these proceedings. John Anderson addressed the Council on behalf of his clients, James and Rebecca Little, who oppose the eminent domain proceedings. Both attorneys were allowed to give a rebuttal to the other's argument. Attorney Reisman gave closing statements.

**The motion carried, with Councilman Mitchell voting "NAY." Vice Chairman Henderson abstained.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Smith,

**RESOLUTION #27710**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO EXECUTE AN AGREEMENT WITH ONSITE RX, INC. TO PROVIDE ONSITE PHARMACY SERVICES FOR CITY EMPLOYEES, RETIREES, AND DEPENDENTS COVERED UNDER THE CITY'S HEALTH PLAN AND FOR ON THE JOB INJURIES AT THE RATE OF \$19.35 PER EMPLOYEE PER MONTH (PEPM) FOR A CONTRACT PERIOD OF THREE (3) YEARS WITH ADDITIONAL TWO (2) ONE (1) YEAR RENEWAL TERM OPTIONS.**

Councilman Mitchell noted that the Council had heard from Todd Dockery, Human Resources, regarding this agenda item.

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Anderson,

**RESOLUTION #27712**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO RETAIN THE LAW FIRMS OF KATTEN, MUCHIN, AND ROSENMAN, LLP AND MCKOON, WILLIAMS, AND HEGEMAN TO PROVIDE LEGAL COUNSEL IN THE ISSUANCE OF GENERAL OBLIGATION BONDS DURING FISCAL YEAR 2013-2014.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Anderson,

**RESOLUTION #27711**

**A RESOLUTION TO CONFIRM THE CITY COUNCIL'S APPOINTMENTS OF TONY SANDERS, VINCE BUTLER, T. HICKS ARMOR, DEMETRUS MENIFEE, MORRIS CHAPMAN, RAY ADKINS, BILL LOCKHART, AND JASON FORD TO THE SPORTS AUTHORITY BOARD.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Mitchell,

**RESOLUTION #27713**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH JP MORGAN CHASE BANK, NATIONAL ASSOCIATION ("LENDER") AS AN INDUCEMENT TO LENDER IN MAKING A LOAN TO HARBOR HOTEL, LLC, WHICH WILL BE SECURED, IN PART, BY A LIEN GRANTED BY TENANT UPON TENANT'S RIGHTS AND INTERESTS UNDER THAT CERTAIN GROUND LEASE DATED APRIL 3, 2008, BY AND BETWEEN THE CITY OF CHATTANOOGA, AS LANDLORD, AND HARBOR LODGING, LLC, AS TENANT.**

A discussion ensued, with Assistant City Attorney Valerie Malueg briefly describing the agreement.

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Veterans Bridge Flag Initiative**

Blythe Bailey, Transportation Administrator, announced the *Veterans Bridge Flag Initiative*: Individuals or groups may honor a U.S. service man or woman by donation \$75 for an American flag to fly on the Veterans Bridge from May through November. Anyone interested in donating may contact Caroline Johnson at the city's Department of Transportation.

**Purchases**

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

**R84300 - Police Department**

Estimated \$30,000.00

Annually

Blanket Contract for Ballistic Body Armor

Lowest/Best Bidder: GT Distributors

**R85252 - Police Department** \$202,953.00  
Purchase of Fifty (50) Motorola Radios  
& Accessories  
Lowest/Best Bidder: Motorola Solutions, Inc.

**R66464 - Fire Department** Estimated \$60,000.00 Annually  
Blanket Contract Extension for  
Firefighter's Station & Dress Uniforms  
Lowest/Best Bidder: ASR/Apparel Sewn Right

**R85682 - Public Works** \$17,500.00  
Invoice Payments for Citiworks Server Site  
Licenses Hamilton County Government

**R85244 - General Services** Estimated \$165,000.00 Annually  
Blanket Contract for Heil OEM Truck Parts & Service  
Lowest/Best Bidder: Stringfellow Inc.

On motion of Councilman Anderson, the above-listed purchases were approved.

ACTION: APPROVED

#### OTHER BUSINESS:

##### Bond Sale

Attorney Noblett noted that there will be a Bond Sale (General Obligation Bonds, Series 2013) on **Tuesday, December 3rd, 2013, at 10:00 a.m.** Eastern Time in the City Council Assembly Room.

##### Council Recess

The Council will be in recess for the holidays and will hold no public meetings during the following periods:

**Monday, November 25 through Friday, November 29, 2013**  
(resuming regular schedule on December 3, 2013)

**Monday, December 23 through Friday, January 3, 2014**  
(resuming regular schedule on January 7, 2014)

#### COMMITTEE REPORTS:

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



*Budget and Finance Committee*

Councilwoman Berz

- December 3 @ 1:30 PM - Bond sale
- December 3 @ 2:00 PM - Purchasing Educational Session
- December 10 @ 2:00 PM - Educational Session on Funding for Non-Profit/Quasi-Governmental Agencies

*Public Safety Committee*

Councilman Freeman

- He thanked Chairman Hakeem for explaining the cancellation of the Public Safety meeting to his colleagues. The Annual Report by McKamey Animal Center, originally scheduled during that meeting, has been postponed. No further Public Safety meetings are scheduled at this time.

*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

(No report)

*Public Works and Transportation Committee*

Councilman Smith

- The committee will meet on December 3, 2013.


**RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL**


**(Non-Agenda Items)**

Attorney Noblett read the rules of procedure for this portion of the agenda. Chairman Hakeem asked for a show of hands of those wishing to address the Council on non-agenda items. Seeing none, Chairman Hakeem closed this portion of the agenda.

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, December 3, 2013, at 6:00 p.m.

  
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CHAIRMAN

  
\_\_\_\_\_  
CLERK OF COUNCIL

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