



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
March 17, 2015
6:00 PM

CALL TO ORDER

Council Chairman Chip Henderson called the meeting to order with Vice Chair Dr. Carol Berz and Councilpersons Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Yusuf Hakeem, Jerry Mitchell and Ken Smith all present. Also present were City Attorney Wade Hinton and Council Clerk Nicole Gwyn, CMC.

PLEDGE OF ALLEGIANCE

Vice Chair Dr. Berz led the assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Vice Chair Dr. Berz and seconded by Councilman Freeman, the minutes of the last meeting (March 10, 2015) were approved as published.

SPECIAL PRESENTATION

Social Work Day 2015
By Vice Chair Dr. Berz and Dr. Valerie Radu

Vice Chair Dr. Berz invited Dr. Valerie Radu, Director of Chattanooga's Family Justice Center, and social work students from Southern Adventist University and the University of Tennessee at Chattanooga to join her. Vice Chair Dr. Berz proclaimed the following:

Whereas: The primary mission of the Social Work profession has been to enhance well-being and help meet the basic needs of all people, especially the most vulnerable in society. Social Workers celebrate the courage, hope, and strength of the human spirit throughout their careers; and

Whereas: Social Workers are change agents who put the ideals of citizenship into action every day through major legislative, regulatory and social policy victories. Social Workers apply their research and legislative advocacy skills to transform community needs into national priorities; and

Whereas: Social Workers support diverse families in every community, understanding that individuals and communities together can bring about group change. Social Workers know from experience that discrimination of any kind limits human potential and must be eliminated; and

Whereas: Social Workers know from experience that poverty and trauma can create lifelong social and economic disadvantages. Social Workers help people in every stage of life function better in their environments, improve their relationships with others, and solve personal and family problems. Research shows that all people, no matter their circumstance, at some time in their lives, may need the expertise of a skilled social worker; and

Whereas: The National Association of Social Workers is celebrating its 60th year in 2015 and is an organization committed to supporting the social work profession and bringing positive change to American society;

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim March 17th, 2015 as

Social Work Day 2015

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
23rd Day of February, 2015

Andy Berke, Mayor

ORDINANCES – FINAL READING:

2015-026
John Parrish/Carlson Consulting Engineers/
Suntrust Bank/Alvin Cannon/
William Voiles/Cornerstone Auto Broker
District No. 3
Planning Version

On motion of Councilman Smith and seconded by Councilman Gilbert,

ORDINANCE #12919

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 8607, 8613, AND 8619 NORTH HICKORY VALLEY ROAD AND 5317, 5321, 5323, 5325, 5327, 5329, AND 5331 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2015-019
Hometown Folks, LLC
c/o MAP Engineers/
Walter and Sharon Willis
District No. 6
Planning Version

On motion of Vice Chair Dr. Berz and seconded by Councilman Gilbert,

ORDINANCE #12920

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 13 SOUTH MOORE ROAD AND 4850 BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2015-022
Mike Doucoumes
District No. 6
Planning Version

On motion of Vice Chair Dr. Berz and seconded by Councilman Anderson,

ORDINANCE #12921

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1428 CRAWFORD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.

ACTION: APPROVED

2015-016
Wesley Johnson, Jr./
Dawghouse Holdings, LLC
District No. 8
Planning Version

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12922

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2847 CALHOUN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE.

ACTION: APPROVED

2015-018
Wes Bradley of University Housing Group/
Westview Drive, LP
District No. 8
Planning Version

Upon the request of the Applicant, Councilman Freeman moved to defer one (1) week, seconded by Councilman Gilbert:

ORDINANCE #12923

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1428 RIVERSIDE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: DEFERRED ONE (1) WEEK

2015-020
Thomas Palmer/Dan Rose
District No. 8
Planning Version

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12924

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1472 AND 1474 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

On motion of Councilman Mitchell and seconded by Councilman Smith,

ORDINANCE #12925

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS SECTION 38-32 LOT SIZE, LOT FRONTAGE, AND SETBACK NOT TO BE REDUCED; EXCEPTIONS TO PROVIDE CLARIFICATION AS TO WHEN A VARIANCE WILL BE REQUIRED FOR EXISTING STRUCTURE SETBACKS.

ACTION: APPROVED

On motion of Councilman Anderson and seconded by Councilman Mitchell,

ORDINANCE #12926

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 7, R-3MD MODERATE DENSITY ZONE, SECTION 38-104, TO CLARIFY THAT ONLY ONE STRUCTURE IS PERMITTED PER LOT.

ACTION: APPROVED

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12927

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, GENERAL REGULATIONS, SECTION 38-23, LOT SIZE NOT TO BE REDUCED EXCEPTION; AND ARTICLE VI, DIVISION 1, HEIGHT AND AREA EXCEPTIONS, SECTION 38-502 THROUGH 38-512, TO CLARIFY AND COMBINE ALL LOT OF RECORD REGULATIONS AND STANDARDS INTO ONE SECTION.

ACTION: APPROVED

On motion of Vice Chair Dr. Berz and seconded by Councilman Freeman,

ORDINANCE #12928

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS, SECTION 38-568, POWERS, ETC., OF BOARD; HEARINGS, SUBSECTION (23) SPECIAL PERMIT FOR TWO-FAMILY OR MULTI-FAMILY DWELLINGS ON LOTS OF RECORD.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilman Anderson and seconded by Councilman Hakeem,

ORDINANCE #12929

AN ORDINANCE TO AMEND ORDINANCE NO. 12846 APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2015 SO AS TO REAPPROPRIATE \$100,000.00 FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR USE IN THE GROWING SMALL BUSINESS INCENTIVE FUND ESTABLISHED UNDER ORDINANCE NO. 12835 AND APPROPRIATING \$100,000.00 FOR THE TECHNOLOGY WORKFORCE DEVELOPMENT FUND TO THE INDUSTRIAL DEVELOPMENT BOARD.

Attorney Hinton noted that there are two corrections to be made to the caption of this ordinance:

- The number “12846” should be listed as “12835.”

- The number "12835" should be listed as "12853."

Upon no questions from Council, the motion carried.

ACTION: PASSED ON FIRST READING

On motion of Councilman Gilbert and seconded by Councilman Freeman,

ORDINANCE #12930

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTIONS 26-17, 26-21, 26-22, 26-23, 26-24, 26-25, 26-26, 26-27, 26-28, 26-29, 26-30 AND 26-34 TO AMEND THE CODE AND ESTABLISH THE EVENT FEES FOR USAGE OF VARIOUS CHATTANOOGA YOUTH AND FAMILY DEVELOPMENT FACILITIES.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Vice Chair Dr. Berz and seconded by Councilman Mitchell,

RESOLUTION #28172

A RESOLUTION TO ENGAGE THE LAW FIRM OF MILLER & MARTIN PLLC FOR LEGAL SERVICES IN PENSION LIABILITY MATTERS (*FRAZIER, DODD, ETC.*), FOR AN AMOUNT NOT TO EXCEED \$200,000.00.

ACTION: ADOPTED

On motion of Vice Chair Dr. Berz and seconded by Councilman Anderson,

RESOLUTION #28173

A RESOLUTION TO AMEND RESOLUTION NO. 27983 BY REMOVING THE LAW FIRMS OF TIDWELL & IZELL PC; MILLER & MARTIN PLLC; AND WALLER, LANSDEN, DORTCH & DAVIS LLP AND ADDING THE LAW FIRMS OF CHAMBLISS, BAHNER & STOPHEL PC AND GEARHISER, PETERS, ELLIOTT & CANNON PLLC FOR LEGAL SERVICES FOR THE PERIOD OF JULY 1, 2014 THROUGH JUNE 30, 2015, FOR AN AMOUNT NOT TO EXCEED \$175,000.00.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION #28174

A RESOLUTION AUTHORIZING THE APPOINTMENTS OF FIREFIGHTER ENGINEER, SHAWN HAYS; CAPTAIN WILLIAM JACKSON; CAPTAIN MICHAEL WRIGHT; ASSISTANT CHIEF CARLOS TIBBS; AND DEPUTY CHIEF JAMES C. ADAMS AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE CITY OF CHATTANOOGA FIRE DEPARTMENT, TO DO SPECIAL DUTIES AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Hakeem and seconded by Councilman Anderson,

RESOLUTION #28175

A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXTEND THE AGREEMENT WITH BRIGHTBRIDGE FOR THE ADMINISTRATION OF THE EPA BROWNFIELD REVOLVING LOAN FUND, FOR AN ADDITIONAL ONE (1) YEAR TERM COMMENCING ON AUGUST 1, 2014 AND ENDING JULY 31, 2015, WITH NO NEW FUNDS AND ACCORDING TO THE DESCRIPTION OF SERVICES AS DETAILED IN THE FOURTH AMENDMENT TO INDEPENDENT CONTRACTOR AGREEMENT FOR PROFESSIONAL SERVICES RELATED TO EPA REVOLVING LOAN FUND GRANT.

ACTION: ADOPTED

On motion of Vice Chair Dr. Berz and seconded by Councilman Freeman,

RESOLUTION #28176

A RESOLUTION AUTHORIZING THE APPOINTMENTS OF LESLIE STOKES AND CAROLYN MAYNER AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE MCKAMEY ANIMAL CENTER TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Vice Chair Dr. Berz,

RESOLUTION #28177

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A CONTRACT WITH NATIONAL NETWORK OF SAFE COMMUNITIES FOR THE CHATTANOOGA VIOLENCE REDUCTION INITIATIVE – IMPLEMENTATION OF FOCUS DETERRENCE, FOR AN AMOUNT NOT TO EXCEED \$200,000.00.

ACTION: ADOPTED

RESOLUTION #28178

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH PARSONS BRINCKERHOFF, INC. RELATIVE TO CITY CONTRACT NO. T-14-032-101, FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE THIRD AND FOURTH STREET IMPROVEMENTS TO PRODUCE ENGINEERING PLANS SUITABLE FOR CONSTRUCTION BIDDING, WITH THE CITY'S PORTION IN THE AMOUNT OF \$446,826.00, FOR A TOTAL PROJECT COST IN THE AMOUNT OF \$2,234,132.00.

Councilman Grohn moved to deny, seconded by Councilman Smith. The motion failed upon roll call vote as follows:

Anderson	NO	Hakeem	YES
Berz	NO	Mitchell	NO
Freeman	NO	Smith	YES
Gilbert	NO	Henderson	YES
Grohn	YES		

YES – Four (4); NO – Five (5)

Councilman Freeman moved to approve, seconded by Councilman Anderson. The motion carried upon roll call vote as follows:

Smith	NO	Freeman	YES
Mitchell	YES	Berz	YES
Hakeem	NO	Anderson	YES
Grohn	NO	Henderson	NO
Gilbert	YES		

YES – Five (5); NO – Four (4)

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Gilbert,

RESOLUTION #28179

A RESOLUTION TO AWARD A CONTRACT TO COMPETITION ATHLETICS TO PROVIDE RESURFACING SERVICES ON THE TENNIS COURTS AT THE CHAMPION'S CLUB FACILITY LOCATED AT 1096 LUPTON DRIVE, CHATTANOOGA, TN 37415, IN THE AMOUNT OF \$52,250.00.

Upon roll call vote, the motion carried unanimously as follows:

Anderson	YES	Hakeem	YES
Berz	YES	Mitchell	YES
Freeman	YES	Smith	YES
Gilbert	YES	Henderson	YES
Grohn	YES		

YES – Nine (9); NO – Zero (0)

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Hakeem,

RESOLUTION #28180

A RESOLUTION TO AWARD A CONTRACT TO CHATTANOOGA BASKETBALL TO MANAGE AND OPERATE THE EDUCATIONAL AND LEADERSHIP ENRICHMENT AAU BASKETBALL PROGRAM, IN THE AMOUNT OF \$100,000.00.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

City Attorney's Report

Attorney Hinton thanked Councilman Grohn for participating in mediation last week in the case of James Derek Hays. That mediation resulted in a settlement of \$100,000 to the estate of Mr. Hays through Attorney Harry Burnett of Burnett, Dobson and Pinchak PLLC, in exchange for a release of all claims moving forward.

Councilman Hakeem moved to approve the settlement, seconded by Councilman Anderson. The motion carried.

ACTION: APPROVED

Purchases

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

R42730 - Public Works Estimated \$20,000 Annually
Renewal of Blanket Contract 510146 for Road Plating Services
Lowest/Best Bidder: TNT Concrete LLC

R107745 - Public Works \$215,250.00
The Purchase of one (1) Used Excavator
Lowest/Best Bidder: ASC Construction Equipment

R109600 - Public Works Estimated \$100,000 Annually
New Blanket Contract for Valve Actuator Services
Lowest/Best Bidder: Industrial Valve Sales & Service

Vice Chair Dr. Berz moved to approve, seconded by Councilman Freeman. The motion carried.

ACTION: APPROVED

OTHER BUSINESS:

Bank Branch Closure

Councilman Freeman informed the Council that Suntrust Bank on East 3rd Street has informed its customers that it is shutting down the branch, which was the only bank in that community. He is concerned that this closing will “hurt the community at large” without a financial institution. He stated that this community is now “in a lurch.” He described how the community helped build this bank. A discussion ensued, with several councilpersons voicing concerns and suggestions.

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
(No report)

HR Committee (Human Resources)

Vice Chair Dr. Berz
(No report)

Planning & Zoning

Councilman Hakeem

- The committee will meet next week (March 24) for a presentation by Planning Staff on signage for zoning. Councilman Gilbert is sponsoring legislation regarding signage. Councilpersons will be able to make amendments.

Public Safety Committee

Councilman Freeman

- The committee met today to discuss the contract with John Jay College for the Chattanooga Violence Reduction Initiative. He thanked the Council for their support of renewing the contract.

Public Works and Transportation Committee

Councilman Smith

- The committee will meet next week after the Agenda Session.

Youth and Family Development Committee

Councilman Gilbert
(No report)

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

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

- **Lisa Maguire (Nat. Assoc. of Social Workers-TN Board)** – She shared a *Survival Kit* with each Council member that included crayons, rubberbands, life savers and other small items symbolizing positive outlooks on life.
- **Tracey Fiore (Olde Town Neighborhood)** – She asked the Council for help with a stretch of city-owned property in her community that is “subjected to constant dumping.” She has requested increased patrols and suggested alternative uses for the property, but the problem has not been remedied.
 - Councilman Hakeem asked to speak with Ms. Fiore after the meeting.
- **Jessica Hill (Southern Adventist University)** – She spoke on the university’s involvement in the Family Justice Center and commends hiring a social worker as the head of the center. She read statements to affirm the utilization of social workers in law enforcement and government.
- **Khaneisha Harewood (Southern Adventist University)** – She informed Council of the deaf and hard-of-hearing population in Chattanooga, and suggested city funding for more centers like the FJC to provide services for this population.
- **Krystle Cartagena (Southern Adventist University)** – She commended Chief Fletcher and the efforts to diversity law enforcement. She asked the City to supplement Head Start in this city, increase head start teacher pay and maintain head start facilities.
- **Antonio Simpson (Southern Adventist University)** – He thanked the Mayor for the FJC and hiring Dr. Radu, a social worker, to direct the center. He wanted to bring attention to domestic violence within the families of police officers.
- **Nikkia Arnold-Jackson (Southern Adventist University)** – She recommends that the City adopt Order of Protections via video conferencing, which would help protect victims of violence.

ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, March 24, 2015, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL