



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
April 14, 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 Deputy City Attorney Phil Noblett and Council Clerk Nicole Gwyn, CMC.

PLEDGE OF ALLEGIANCE

Chairman Henderson led the assembly in the Pledge of Allegiance with assistance from his granddaughter, Katelyn Rowell. After reading Proverbs 22:1 of the Bible, he led the Assembly in the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Freeman, the minutes of the last meeting (April 7, 2015) were approved as published.

ORDINANCES – (NONE)

ORDINANCES – FIRST READING:

2015-028
Fred Ervin and W. C. Hunter
District No. 5
Applicant Version

Move to deny by Councilman Gilbert and seconded by Councilman Mitchell,

AGENDA ITEM VI(a):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3525 GARNER ROAD, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

Greg Haynes of Regional Planning made a presentation on this item. A discussion ensued regarding the Planning Commission's recommendation to deny. The Applicant was not present today; however, Opposition was present. Upon no further discussion, the motion carried.

ACTION: DENIED

2015-034
Julie Gardenhire and Betty Silvers
District No. 6
Planning Version
(Version 3)

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

ORDINANCE # 12934

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7104 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on this item. A discussion ensued about the revised version, in which conditions had been added. Mr. Haynes read all conditions into the record. The Applicant, Julie Gardenhire, stated that she was in agreement with the additional conditions. No Opposition was present.

Upon Councilman Anderson's second, Councilman Hakeem objected due to his indicator light being activated. Councilman Anderson withdrew his second. Councilman Hakeem seconded. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

2015-039
City of Chattanooga/RPA and
Johnston Southern Company, LLC
District No. 6
Planning Version

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

ORDINANCE #12935

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 9337 AND 9339 BRADMORE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY C-2 CONVENIENCE COMMERCIAL ZONE TO PERMANENT ZONE PER CITY CODE, ARTICLE XII, SECTION 38-653 PLANNING COMMISSION ZONING PLAN TO ESTABLISH PERMANENT ZONES FOR AREA ANNEXED AS IDENTIFIED IN ORDINANCE NO. 12897 AND KNOWN AS CAMBRIDGE SQUARE ADOPTED JANUARY 20, 2015, BY CITY COUNCIL.

Mr. Haynes made a presentation on this item. The Applicant was present today; however, there was no Opposition present. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

2015-038
Gabe Thomas of Collier Construction
and Tammy Development Company, LLC
(Hickory Land)
District No. 7
Planning Version

On motion of Councilman Anderson and seconded by Councilman Smith,

ORDINANCE #12936

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3100 SAINT ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE AND UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on this item. The Applicant was present today, but no Opposition was present. Councilman Anderson commented on the community's support of this ordinance. A discussion ensued about the new road that would be built. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

2015-033
Passpointe Engineering/Jan Pass &
JJMP GP/Jasmin Patel
District No. 7
Planning Version

On motion of Councilman Anderson and seconded by Councilman Grohn,

ORDINANCE #12937

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 216 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on this item. The Applicant was present, but no Opposition was present. Councilman Anderson confirmed that the store currently located at 216 Market Street would remain open during the rezoning. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

2015-035
Skip Pond and Alfred Jayne
District No. 8
Planning Version

On motion of Councilman Freeman and seconded by Councilman Anderson,

ORDINANCE #12938

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 941 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Haynes made a presentation on this item. The Applicant was present today, but no Opposition was present. Councilman Freeman stated that he met and spoke with the Fortwood Association regarding this matter and that most neighbors were in approval. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

On motion of Councilman Hakeem and seconded by Councilman Freeman,

ORDINANCE #12939

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 15, C-3 CENTRAL BUSINESS ZONE TO REMOVE THE TEN (10) FEET BUILDING SEPARATION REQUIREMENT.

ACTION: PASSED ON FIRST READING

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

ORDINANCE #12940

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 9, R-4 SPECIAL ZONE AND DIVISION 12, O-1 OFFICE ZONE RELATIVE TO REMOVAL OF SIGN AREA REQUIREMENTS.

A discussion ensued with Mr. Haynes about the purpose of this ordinance. Councilman Anderson also made comments on the overlap in the code that would be removed due to this ordinance. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Freeman and seconded by Councilman Hakeem,

RESOLUTION #28202

A RESOLUTION TO AUTHORIZE THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO AMEND THE CONTRACT WITH CODE STUDIO, INC. FOR PROFESSIONAL SERVICES TO DEVELOP A FORM-BASED CODE, FROM \$199,974.00 TO \$222,474.00.

ACTION: ADOPTED

On motion of Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION #28203

A RESOLUTION TO AUTHORIZE THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO A CONTRACT WITH JONES & JONES, LTD., FOR THE DESIGN OF FOUR (4) PUBLIC SPACE AREAS IN THE NORTHSORE AREA, IN THE AMOUNT OF \$387,000.00.

The motion carried, with Councilman Grohn voting “NO.”

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #28204

A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT BIKE PATROL TO ACCEPT A DONATION OF TWO (2) PATROL BICYCLES FROM THE DOWNTOWN COUNCIL OF THE CHAMBER OF COMMERCE.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Freeman,

RESOLUTION #28205

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED LEASE AGREEMENT WITH MARINEMAX, INC., IN SUBSTANTIALLY THE SAME FORM AS ATTACHED, INCLUSIVE OF EXTENDING THE ORIGINAL AGREEMENT FOR FIVE (5) YEARS, WITH A TERMINATION DATE OF APRIL 30, 2020.

ACTION: ADOPTED

On motion of Councilman Anderson and seconded by Councilman Grohn,

RESOLUTION #28206

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ACCESS RAMP LICENSE AGREEMENT WITH RIVER CITY DUCKS, LLC TO EXERCISE AN OPTION TO RENEW, FOR A RENEWAL TERM OF ONE (1) YEAR, FOR THE PERIOD OF MAY 1, 2015 THROUGH MAY 1, 2016.

ACTION: ADOPTED

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

RESOLUTION #28207

A RESOLUTION AUTHORIZING THE WAIVER OF LANDFILL DISPOSAL FEES FOR SCENIC CITIES BEAUTIFUL ASSOCIATED WITH THE GREAT AMERICAN CLEAN-UP, FOR THE PERIOD OF MAY, 2015 THROUGH JUNE, 2015, FOR AN AMOUNT NOT TO EXCEED \$1,500.00.

ACTION: ADOPTED

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

RESOLUTION #28208

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO APPLY FOR AND ACCEPT FUNDING THROUGH THE TENNESSEE DEPARTMENT OF HUMAN SERVICES (UNDER AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE) 2015 SUMMER FOOD SERVICE PROGRAM (SFSP), FOR AN APPROXIMATE AMOUNT OF \$180,000.00.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Purchases

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

R86145 - General Services Estimated \$200,000 Annually
New Blanket Contract for Fencing Materials, Repair & Installation
Lowest/Best Bidders: All Fences Company & River City Fence Inc.

R90104 - Public Works Estimated 1,000,000 Annually
Blanket Contract Renewal for Cured In-Place Pipe Lining Services
Lowest/Best Bidder: Improved Technologies Group LLC

Councilman Anderson moved to approve, seconded by Councilman Freeman. The motion carried.

ACTION: APPROVED

OTHER BUSINESS:

Councilman Hakeem requested two (2) things:

1. A meeting in the next week or two regarding the “next steps” in affordable housing and housing options;
2. Information on the development impact of the new water retention standards.
 - o Chairman Henderson stated that it might be too early to gage the impact because the standards have not been enacted for a full year.
 - o Councilman Anderson responded that this would be discussed in Economic and Community Development Committee, most likely within the next four (4) weeks.

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

- The committee will meet in two weeks (April 28) immediately following the Agenda Session to discuss two (2) upcoming downtown housing PILOTs.

HR Committee (Human Resources)

Vice Chair Dr. Berz

(No report)

Planning & Zoning

Councilman Hakeem

(No report)

Public Safety Committee

Councilman Freeman

(No report)

Public Works and Transportation Committee

Councilman Smith

- The committee met earlier today to discuss the timber removal ordinance. He stated that he looked forward to answering questions from councilpersons.
- The committee will meet again next week (April 21).

Youth and Family Development Committee
Councilman Gilbert
(Had left the meeting prior to committee reports)

ELECTION OF CHAIR AND VICE CHAIR

Prior to the election, **Councilman Anderson moved** for a 10 minute recess to give Councilman Gilbert time to return to the meeting.

Councilman Freeman asked for a *point of personal privilege* to pay homage to Chairman Henderson for the “magnificent job” he has done for the Council. During this time, Councilman Gilbert returned to the meeting; therefore, Councilman Anderson withdrew his motion.

Pursuant to Section 8 of the City Charter, Attorney Noblett read the rules of procedure governing the election of the Chair and Vice Chair of the Council.

Council Election of Officers: Chair

Councilman Gilbert nominated Carol Berz as Chair of the Council. Councilman Hakeem seconded. **Councilman Freeman moved** to close the nominations. There was no dissent. Chairwoman Berz was elected upon unanimous acclamation. She expressed her thanks to Councilman Henderson for his past leadership.

Council Election of Officer: Vice Chair

Councilman Smith nominated Moses Freeman as Vice Chair of the Council. Councilman Hakeem seconded. **Councilman Anderson moved** to close the nominations and move for acclamation. Councilman Grohn voted “NO.” All other Council members were in favor. Councilman Freeman thanked Councilman Smith for the nomination and thanked the Council for their confidence in him.

Presentation of the Gavels

Attorney Noblett presented gavels to Councilman Henderson and Chairwoman Berz, who expressed words of thanks to her colleagues.

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

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

- **Steve West (SEIU)** – He thanked the Council on behalf of SEIU and city employees, and offered his congratulations to Chairwoman Berz.

ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, April 21, 2015, at 6:00 p.m.

CHAIRWOMAN

CLERK OF COUNCIL