



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
September 13, 2016  
6:00 PM

**CALL TO ORDER**

Council Chairman Moses Freeman called the meeting to order. A quorum was present, including Council members Chris Anderson, Carol Berz, Russell Gilbert, Yusuf Hakeem, Chip Henderson, Larry Grohn, and Ken Smith all present. Deputy City Attorney Phil Noblett and Council Clerk Nicole Gwyn, CMC, were also present. Vice Chair Jerry Mitchell was not present.

**PLEDGE OF ALLEGIANCE**

Chairman Freeman led the Assembly in the Pledge of Allegiance.

**APPROVAL OF LAST MINUTES**

**On motion of Councilman Anderson** and seconded by Councilman Gilbert, the minutes of the last meeting (September 6, 2016) were approved as published.

**ORDINANCES – FINAL READING:**

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**ORDINANCE #13106**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 21, BY CREATING A NEW CHAPTER ENTITLED, “ADMINISTRATIVE HEARING OFFICER” TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 6-54-1001 ET SEQ.**

**ACTION: APPROVED**

On motion of Councilman Smith and seconded by Councilman Hakeem,

**ORDINANCE #13104**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE III, DIVISION 4, SECTION 57, SUBSECTIONS (A), (B), AND (D) RELATING TO THE WASTEWATER REGULATIONS AND APPEALS BOARD.**

**ACTION: APPROVED**

MR-2016-100  
Johnston Southern Company, LLC  
District 8

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**ORDINANCE #13105**

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY OFF THE 1400 BLOCK OF ADAMS STREET, DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

**ORDINANCE #13078**

**AN ORDINANCE GRANTING A FRANCHISE TO ZAYO GROUP, LLC FOR THE PURPOSE OF ALLOWING IT TO CONSTRUCT, INSTALL, AND OPERATE CERTAIN TELECOMMUNICATIONS WIRES AND CABLING WITHIN THE PUBLIC RIGHTS-OF-WAY IN ORDER TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS HEREIN.**

**Councilwoman Berz moved to defer two (2) weeks**, seconded by Councilman Smith. She also requested an educational session on cable and fiber optics during the Council's Strategic Planning meeting next week. Maura Sullivan, Chief Operating Officer, confirmed that Administration would be prepared for an educational session next week. **The motion carried.**

**ACTION: DEFERRED TWO (2) WEEKS**

2016-103  
ASA Engineering % Allen Jones/  
Russell Bean Co-Executor  
Alternate Version No. 3  
District 1

**ORDINANCE #13107**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 1105 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Attorney Noblett noted that a condition about the costs of a roundabout had been added after today's 3:00 p.m. Agenda Session. Condition # 6 now read: *all costs for the construction of an approved mini-roundabout shall be borne by the developer.*

Councilman Henderson requested a hearing on this matter. The Applicant was present; however, no Opposition was present. Councilman Henderson informed the Council that there had been two community meetings on this item and the community was in support of the rezoning with the attached conditions. After which, **Councilman Henderson moved** to approve, seconded by Councilman Smith. The motion carried.

**ACTION: PASSED ON FIRST READING**

**2016-060**  
**Jack Haylett Branch Acquisition Company, LLC/**  
**Defoor Brothers, LLC/Tommy Thompson/**  
**Winona Sims/Steven Dobbs Family Trust**  
**Alternate Version No. 2**  
**District 4**

**ORDINANCE #13108**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 2300 TO 2500 BLOCKS OF GUNBARREL ROAD, 7325 THROUGH 7342 BLOCKS OF MCCUTCHEON ROAD, 2500 BLOCK OF LIFESTYLE WAY, AND 2300 THROUGH 2400 BLOCKS OF ELAM LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM MXU MIXED USE ZONE TO R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Councilman Grohn informed the Council that there are still issues between the developer and the city's Transportation Department. Therefore, **Councilman Grohn moved** to defer one (1) week. He was seconded by Councilman Smith. The motion carried.

**ACTION: DEFERRED ONE (1) WEEK**

**2016-108**  
**Chattanooga Metropolitan Airport Authority**  
**Planning Version**  
**District 5**

On motion of Councilman Gilbert and seconded by Councilman Grohn,

**ORDINANCE #13109**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PORTION OF 1001 AIRPORT ROAD AND ALL PROPERTIES LOCATED IN THE 5900 BLOCK OF PINEHURST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS.**

John Bridger of Regional Planning confirmed for Councilman Gilbert that the Council would be voting on the two sections. The motion carried.

**ACTION: PASSED ON FIRST READING**

**2016-117**  
**Robert Bullard and Nooga Investments, LLC**  
**Planning Version**  
**District 1**

On motion of Councilman Henderson and seconded by Councilman Smith,

**ORDINANCE #13110**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PART OF PROPERTY LOCATED AT 3401 CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN FROM M-2 LIGHT INDUSTRIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**ORDINANCE #13111**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, DEFINITIONS; ARTICLE IV, GENERAL REGULATIONS; AND ARTICLE V, ZONE REGULATIONS RELATIVE TO SHORT TERM VACATION RENTALS.**

**Councilman Gilbert moved** to defer until October 11, 2016, seconded by Councilman Anderson. Discussion ensued, with Councilman Gilbert citing the need to hold a meeting with District 5 residents to hear concerns on how the ordinance would affect their district. Other councilpersons indicated that would like to attend the meeting to hear further from residents. Upon further discussion about the need for the full Council to hear further from the public, Chairman Freeman

scheduled a second public hearing on September 27, 2016, immediately following the Council's 6:00 p.m. meeting. The motion carried.

**ACTION: DEFERRED UNTIL OCTOBER 11, 2016**

**RESOLUTIONS:**

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28773**

**A RESOLUTION AUTHORIZING THE CHATTANOOGA FIRE CHIEF TO ANNUALLY SOLICIT AND ACCEPT DONATIONS FROM BUSINESSES AND OTHER ORGANIZATIONS IN SUPPORT OF THE CHATTANOOGA FIRE DEPARTMENT ANNUAL AWARDS CEREMONY FOR WHICH THE CITY HAS NO OBLIGATION TO ENTER INTO A CONTRACT/AGREEMENT OR PERFORM SERVICES FOR SAID DONATIONS.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28774**

**A RESOLUTION AUTHORIZING THE CHATTANOOGA FIRE CHIEF TO ANNUALLY SOLICIT AND ACCEPT DONATIONS FROM BUSINESSES AND OTHER ORGANIZATIONS IN SUPPORT OF THE CHATTANOOGA FIRE DEPARTMENT'S FIRE PREVENTION ACTIVITIES FOR WHICH THE CITY HAS NO OBLIGATION TO ENTER INTO A CONTRACT/AGREEMENT OR PERFORM SERVICES FOR SAID DONATIONS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Smith,

**RESOLUTION #28775**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO EXERCISE OPTION TO RENEW FOR THE BERTHING AGREEMENT OF THE RIVER GORGE EXPLORER WITH THE TENNESSEE AQUARIUM FOR A RENEWAL TERM OF ONE (1) YEAR COMMENCING OCTOBER 1, 2016 AND CONTINUING THROUGH SEPTEMBER 30, 2017.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Hakeem,

**RESOLUTION #28776**

**A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF THERESA LEE AS CITY TREASURER.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Grohn,

**RESOLUTION #28777**

**A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENTS OF DAVID BARLEW, MATTHEW WHITAKER, HEIDI HEFFERLIN, GABE THOMAS, LADELL PEOPLES, GRACE FRANK, JASON HAVRON, WILLIAM SMITH, AND JOHN STRAUSSBERGER TO THE NEWLY-FORMED FORM-BASED CODE COMMITTEE.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28778**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR HAZEN AND SAWYER, P.C. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-11-012-101, DESIGN AND CONSTRUCTION OF BAR SCREEN AND FINE SCREEN REPLACEMENTS FOR MOCCASIN BEND WWTP, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$60,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$783,500.00.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Henderson,

**RESOLUTION #28779**

**A RESOLUTION AUTHORIZING TERESA GROVES, AGENT ON BEHALF OF PROPERTY OWNER, DEBORAH MARTIN, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 914 CLARENDON STREET FOR AN EXISTING DRIVEWAY, STONE WALLS, AND SHED, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**RESOLUTION #28780**

**A RESOLUTION AUTHORIZING JORGE PARA, AGENT ON BEHALF OF PROPERTY OWNER, GILBERTO PARA, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1639 ROSSVILLE AVENUE FOR THE PURPOSE OF CONSTRUCTION DURING THE MANDATORY REFERRAL PROCESS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Smith,

**RESOLUTION #28781**

**A RESOLUTION AUTHORIZING HEFFERLIN + KRONENBERG ARCHITECTS % CRAIG KRONENBERG, AGENT ON BEHALF OF PROPERTY OWNER, DON BENEDICT, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1804 COWART STREET FOR THE PURPOSE OF INSTALLING A BALCONY AND AWNING, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Hakeem and seconded by Councilman Gilbert,

**RESOLUTION #28782**

**A RESOLUTION AUTHORIZING RIVER CITY COMPANY % JIM WILLIAMSON, AGENT ON BEHALF OF PROPERTY OWNER, LARRY TORRENCE, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 736 E. MARTIN LUTHER KING BOULEVARD FOR THE PURPOSE OF INSTALLING A PARKLET PATIO, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

The motion carried, with Chairman Freeman abstaining.

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

Bonnie Woodward, Purchasing Director, briefed the Council on the following purchases:

**R142617 - Fire Department** \$1,000,000.00  
Purchase of Two (2) Smeal Fire Pumpers  
with Equipment Fire Department  
Lowest/Best Bidder: Smeal Fire Apparatus Co.  
610 West 4th Street  
Snyder, NE 68664

**R142437 - Mayor's Office** \$37,100.00  
Purchase of 2016/2017 Tennessee Municipal League  
Annual Membership Dues Mayor's Office  
Lowest/Best Bidder: Tennessee Municipal League  
226 Capitol Boulevard, Ste 710  
Nashville, TN 37219

**PO 534560 - Transportation** Estimated \$50,000 Annually  
Blanket Contract Extension for Traffic Signal Inserts -  
Transportation Department  
Lowest/Best Bidder: General Traffic Equipment Corp.  
259 Broadway  
Newburg, NY 12550

**Councilman Anderson moved** to approve, seconded by Councilwoman Berz. The motion carried.

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Project for Ex-Offenders**

Councilman Hakeem commended Mayor Andy Berke for the new project to help ex-offenders restore some of their rights. He also commended Troy Rodgers, who is organizing a job fair in January for ex-offenders.

**Usher Raymond Concert**

Councilman Gilbert informed the Council of a free concert held at Dalewood Middle School in District 5 by international recording artist Usher. He commended Usher for addressing the youth and encouraging them to stay in school.

**Fire Rescue Story**

Councilman Henderson asked Fire Chief Chris Adams to tell about a recent rescue that took place in Bristol, TN. Chief Adams informed the Council about reviving a woman who had crashed her car,



which was on fire and leaking gas. He had been in Bristol with his family and came upon the accident.

### **Boy Scouts**

Councilman Anderson pointed out that members of a Boy Scout troop were present: Troop 24 from St. Stephens Catholic Church were present as part of their citizenship badge.

### **Wine in Grocery Stores:**

Vickey Haley of the Finance Department presented the following:

- a) Earth Fare (District 3), 5414 Hixson Pike, Hixson, TN 37343**
- b) Kankus #1 (District 4), 7640 E. Brainerd Road, Chattanooga, TN 37421**

Certifications for both stores were signed in open meeting by five (5) councilpersons per certification.

### **Thanks to Interim Treasurer**

Daisy Madison, Chief Finance Officer, thanked Ms. Haley for taking on the role of Interim Treasurer over the past five months and asked the Assembly to recognize her for maintaining office operations during the time.

## **COMMITTEE REPORTS:**

### *Audit & I.T. Committee*

Councilman Grohn

(No report)

### *Budget and Finance Committee*

Councilwoman Berz

(No report)

### *Economic and Community Development (ECD) Committee*

Councilman Anderson

- The committee will meet next week (September 20) for a discussion on the revised PILOT program.

### *Human Resources (HR) Committee*

Councilman Mitchell

(No report)

### *Planning & Zoning*

Councilman Hakeem

(No report)

*Public Safety Committee*  
Councilman Henderson  
(No report)

*Public Works and Transportation Committee*  
Councilman Smith

- The committee met today to discuss items voted on tonight and on next week's agenda.
- The committee will meet again in two weeks (September 27).

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

## **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 Freeman recognized the following persons:

- **Lil Coker (Hickory Valley)** – She received a letter from Regional Planning about a sewer tower on Hickory Valley Road. She is concerned about the original sewer project for that area.
- **Jack Saddle (Hickory Valley)** – He asked the Council to consider the original sewer project that was unfinished. He asked for clarification on the subdivision maintenance requirement, property impact, resolving the new project, and resolving the old project.
  - Councilwoman Berz informed the Council that she had already spoken to Justin Holland, Public Works Administrator, about the tower project. She stated that Mr. Holland will set a time to meet with the Cokers.
- **David Coker (Hickory Valley)** – He is concerned about the devaluation of the property and the impact of the odor in the area due to the tower project.
  - Councilwoman Berz asked them to speak with her after the meeting is adjourned.
- **Tresa McCallie (Reed Avenue)** – She read a statement that applauded Mayor Berke on the PILOT document. She suggested requiring developers to cover the cost of application fees and closing fees. She compared Chattanooga's fees with those in Memphis and Knoxville. She also listed the five (5) strengths of the PILOT.
  - Councilman Anderson has already met with the McCallies, along with Helen Burns Sharp, and he will make a recommendation regarding the changing of some fees.
- **Helen Burns Sharp (Walnut Street)** – She described the memo to the Council where suggested changes were inserted into the draft of the PILOT program.
- **Cary Garrett (Vista Drive)** – He asked that developers carry the burden of the application and closing fees in the PILOT program.

- **Bruce Stewart (Walnut Street)** – Under the old PILOT program, he felt that many of the apartments were not affordable. He asked the Council to require affordable housing with the new PILOT program.
- **Patrick Knoll (Lindsey Court)** – He suggested strengthening the clawback provision in the new PILOT program and encouraged enforcement of it.
- **Franklin McCallie (Reed Avenue)** – The group, Accountability for Taxpayer Money, is thankful to participate in the PILOT legislation. He calls on the Council to weigh the public good with the rights of developers and realtors. He is concerned with high, moderate and low income housing. He also shared the mission statement of the National Association of Counties.
- **Debra Scott (Mountain Creek Road)** – She suggested the following regarding the PILOT: Correcting the fact that the PILOT program terminates in 10 Years, but the PILOT agreements last 14 years; leaving out the Project Approval Scoring; considering a mechanism for mandatory reporting; creating a well-defined program (policies and procedures); and enabling the PILOT program to transcend the collective governing body.
- **Lynn Ashbrook (Stonebrook)** – She read the PILOT and proposed changes. She asked why the Council is in a hurry to pass the PILOT legislation.
  - Chairman Freeman commented on the need to rebuild the city, the need to broaden the city’s tax base and the need to bring in revenue downtown through the program.
  - Councilman Henderson commented on the Council already having deferred once.
  - Councilman Anderson reminded the Assembly that there is an ECD Committee meeting next Tuesday for discussing the PILOT program.
- **Ty O’Brady (St. Elmo)** – He reiterated the claim that there must be strong clawback language in PILOT agreements and stated that people want to build in Chattanooga.

## ADJOURNMENT

**On motion of Councilman Anderson,** Chairman Freeman adjourned the meeting of the Chattanooga City Council until Tuesday, September 20, 2016, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**