



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
January 3, 2017  
6:00 PM

## **CALL TO ORDER**

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

## **PLEDGE OF ALLEGIANCE**

Councilman Anderson 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 (December 20, 2016) were approved as published. [There was no Council meeting on December 27, 2016 due to holiday recess.]

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

**ORDINANCES – FIRST READING:**

### **AGENDA ITEM VI(A):**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, BY AMENDING ARTICLE V, DIVISION 1, R-1 RESIDENTIAL ZONE, SECTION 38-44(3), RELATIVE TO SIDE BUILDING SETBACKS.**

John Bridger, Regional Planning Executive Director, noted that there had been a discussion in committee meeting about deferring this item. Councilman Hakeem noted that there was a public hearing scheduled on this item on January 24, 2017. **Councilman Hakeem moved** to defer to January 24, 2017, seconded by Councilman Henderson. The motion carried.

**ACTION: DEFERRED UNTIL JANUARY 24, 2017**

**MR-2016-168**  
**RTB Holdings, LLC**  
**District No. 2**

On motion of Vice Chair Mitchell and seconded by Councilman Gilbert,

**ORDINANCE #13139**

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY OF THE 300 BLOCK OF SYLVAN STREET ADJACENT TO 336 AND 338 SYLVAN STREET TO INCORPORATE RETAINING WALLS BUILT WITHIN THE RIGHT-OF-WAY IN THE ADJACENT PRIVATE PROPERTIES, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**MR-2016-166**  
**Highland Park Commons/**  
**Cullon Hooks**  
**District No. 9**

On motion of Councilman Hakeem and seconded by Councilman Henderson,

**ORDINANCE #13140**

**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY OFF OF THE 2000 BLOCK OF KIRBY AVENUE TO ALLOW FOR CONSTRUCTION OF A NEW SOCCER FIELD, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Gilbert and seconded by Vice Chair Mitchell,

**ORDINANCE #13141**

**AN ORDINANCE AMENDING ORDINANCE NO. 13072, KNOWN AS “THE FISCAL YEAR 2016-2017 BUDGET ORDINANCE”, SO AS TO APPROPRIATE \$100,000.00 FROM THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT FISCAL YEAR 2016/2017 ANNUAL BUDGET TO THE UNITED WAY.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

**RESOLUTION #28876**

**A RESOLUTION TO AMEND RESOLUTION NO. 28750 BY ADDING FROST BROWN TODD LLC AND BRADLEY ARANT BOULT CUMMINGS LLP AND AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO ENGAGE THESE LAW FIRMS FOR LEGAL SERVICES FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2017.**

**Councilman Grohn moved** to defer one (1) week until January 10, seconded by Councilman Smith. He stated the need to defer so that he could get answers to questions he had raised earlier today about this item. **The motion failed upon roll call vote as follows:**

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

**Councilman Anderson moved** to approve, seconded by Councilman Hakeem. **The motion carried, with Councilmen Grohn and Smith voting “No.”**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Anderson,

**RESOLUTION #28877**

**A RESOLUTION TO CONFIRM THE MAYOR’S RE-APPOINTMENT OF JOHN TUCKER TO THE AIR POLLUTION CONTROL BOARD.**

**ACTION: ADOPTED**

**153 Business Park 135 LLC/  
Natural Infusions, LLC  
District No. 5**

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

**RESOLUTION #28878**

**A RESOLUTION AUTHORIZING NATURAL INFUSIONS, LLC TO OPERATE A SPIRIT MANUFACTURING PLANT AND APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN ALCOHOL DISTILLERY, SMALL AT 4295 CROMWELL ROAD, SUITE 517.**

Mr. Bridger confirmed for Councilman Gilbert that the application for the special exceptions permit indicates that alcoholic consumption is “off-premises only.” The Applicant, Danette Newton, confirmed that there would be no sales to the public. **Councilman Gilbert moved** to approve by amending to limit sales only to off-site distributors. He was seconded by Councilwoman Berz. **The motion carried, with Councilman Henderson abstaining.**

**Councilman Gilbert moved** to approve as amended, seconded by Councilwoman Berz. The motion carried, with Councilman Henderson voting “No.”

**ACTION: ADOPTED AS AMENDED**

**Frogel Properties, Inc./**  
**Trusha Corporation**  
**District No. 7**

On motion of Councilman Anderson and seconded by Councilman Grohn,

**RESOLUTION #28879**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A LIQUOR STORE AT 2700 BROAD STREET, SUITE 124.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Anderson,

**RESOLUTION #28880**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A CONTRACT FOR A PERIOD OF ONE (1) YEAR WITH INSIGHT PUBLIC SECTOR SLED FOR THE ARBITRATOR CAMERA SYSTEM USED BY THE PATROL DIVISION, FOR AN AMOUNT NOT TO EXCEED \$37,557.90.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #28881**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. Y-16-012-201 TO THOMAS BROTHERS CONSTRUCTION COMPANY, INC. OF HIXSON, TN, TYNER YFD CENTER PLAYGROUND PAD, FOR A CONTRACT AMOUNT OF \$32,922.50, WITH A CONTINGENCY OF \$3,300.00, FOR AN AMOUNT NOT TO EXCEED \$36,222.50.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**RESOLUTION #28882**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR TALLEY CONSTRUCTION COMPANY, INC. OF ROSSVILLE, GA, RELATIVE TO CONTRACT NO. W-15-015-201, 818 GEORGIA AVENUE (19 PATTEN PARKWAY) SEWER RELOCATION, A NON-CONSENT DECREE PROJECT, FOR A DECREASED AMOUNT OF \$169,163.18, TO RELEASE THE REMAINING CONTINGENCY OF \$20,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$56,395.31.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**RESOLUTION #28883**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR ADAMS CONTRACTING, LLC OF LEXINGTON, KY, RELATIVE TO CONTRACT NO. W-15-013-201, CITICO CREEK HANDRAIL PROJECT, FOR AN INCREASED AMOUNT OF ZERO DOLLARS, TO RELEASE THE REMAINING CONTINGENCY OF \$6,000.00, FOR A FINAL CONTRACT AMOUNT NOT TO EXCEED \$60,600.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Smith,

**RESOLUTION #28884**

**A RESOLUTION TO ACCEPT THE QUALIFICATIONS FOR THE ON-CALL BLANKET CONTRACT(S) FOR LANDSCAPE ARCHITECT DESIGN SERVICES, CONTRACT NO. S-16-011 FOR (1) ASA ENGINEERING & CONSULTING, INC.; (2) BARGE, WAGGONER, SUMNER & CANNON, INC.; (3) CRAIG DESIGN GROUP; (4) STANTEC; AND (5) W.M. WHITAKER & ASSOCIATES, TO ENTER INTO FIVE (5), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS ESTIMATED AT \$300,000.00 TOTAL ANNUALLY, FOR ALL FIVE (5) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Anderson,

**RESOLUTION #28885**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE RENEWAL FOR ON-CALL MODELING AND FLOODPLAIN ANALYSIS SERVICES FROM (1) LDA ENGINEERING; (2) CDM SMITH; (3) STANTEC; (4) AECOM; (5) AMEC FOSTER WHEELER; (6) BSWSC; (7) FULGHUM MACINDOE, AND (8) HDR, TO ENTER INTO EIGHT (8), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS SUBJECT TO THREE (3) YEAR RENEWAL OPTIONS FOR PROFESSIONAL SERVICES ESTIMATED AT \$650,000.00 TOTAL ANNUALLY FOR ALL EIGHT (8) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Henderson,

**RESOLUTION #28886**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR VOLKERT, INC. RELATIVE TO CONTRACT NO. W-10-012-101B, TELEMETRY AND SCADA UPGRADES AT MBWWTP AND REMOTE FACILITIES, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$125,055.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$561,055.00.**

**ACTION: ADOPTED**

On motion of Councilman Hakeem and seconded by Councilman Anderson,

**RESOLUTION #28887**

**A RESOLUTION AUTHORIZING PROPERTY OWNER, ROBERT VANNOY, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 55 E. MAIN STREET FOR THE PURPOSE OF INSTALLING PLANTERS ON SUITES 102 AND 104, AS WELL AS FOR THE EXISTING BALCONY FOR SUITE 204, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

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

**PO 523552 & 523553 - Fire Department** Total Estimated \$300,000 Annually

Blanket Contract Renewal for Firefighter's Protective Clothing - Fire Department

Lowest/Best Bidders:

1. North Alabama Fire Equipment Co. (NAFECO), 1515 Moulton Street W, Decatur, AL 35601
2. Municipal Emergency Services, 6601-P Northpark Boulevard, Charlotte, NC 28216

**R137041 - General Services** Estimated \$30,000 Annually

New Blanket Contract for Industrial Gases & Welding Supplies - Fleet Management

Lowest/Best Bidder: C&C Oxygen Company  
3615 Rossville Road  
Chattanooga, TN 37407

**R138475 - General Services** Estimated \$100,000 Annually

New Blanket Contract for Elgin Street Sweeper & Vactor Sewer Cleaner OEM Parts & Service - Fleet Management

Lowest/Best Bidder: Sansom Equipment Company  
1225 Vanderbilt Road  
Birmingham, AL 35254

**R147054 - Police Department** \$48,964.45

Purchase of One (1) Photo Processing System Police Department

Lowest/Best Bidder: Noritsu America Corporation  
6900 Noritsu Avenue  
Buena Park, Ca 90620

**R145940 - Public Works** Total Estimated \$2,000,000 Annually

Two (2) New Blanket Contracts for Supply and Delivery of Liquid Sodium Hypochlorite - Waste Resources Division

Lowest/Best Bidders:

1. Olin Chlor Alkali Products 490 Stuart Rd NE Cleveland, TN 37312
2. Allied Universal Corp, 3901 NW 115 Ave., Miami, FL 33178

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

**ACTION: APPROVED**

## **OTHER BUSINESS:**

### **Trusha Corporation: TABC Certification**

Theresa Lee, City Treasurer, presented the certificate of compliance to the Tennessee Alcoholic Beverage Commission for Trusha Corporation, d/b/a/ Bell Smoke Shop, 2700 Broad Street, Suite 104. The certificate was signed in open meeting by five (5) Council members.

### **City Attorney's Report**

Attorney Hinton reported on a settlement reached via mediation with Jeremiah Brashear for \$141,000.00 and asked the Council to authorize the settlement by resolution.

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

#### **RESOLUTION #28888**

**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO SETTLE A LAWSUIT CONCERNING A CLAIM BY JEREMIAH BRASHEAR, THROUGH HIS ATTORNEY, ZACHARY WILLIAM ENGLAND, SUBJECT TO THE EXECUTION OF A GENERAL RELEASE OF ALL CLAIMS AND A DISMISSAL WITH PREJUDICE, IN THE AMOUNT OF ONE HUNDRED FORTY-ONE THOUSAND DOLLARS (\$141,000.00).**

**ACTION: ADOPTED**

### **Municipal Election & Early Voting Sites**

Councilman Gilbert asked for further information from Attorney Hinton on the estimated cost of the regular election and early voting sites chosen by the City Council for the March 7, 2017 municipal election. A discussion ensued, with Councilman Gilbert voicing concerns about the cost that was originally quoted per site. Councilwoman Berz also questioned the cost and not having received confirmation on the exact cost.

Councilman Smith informed the Council that Attorney Phil Noblett had sent an email today with a detailed breakdown of the cost for the five (5) voting locations: \$222,570.00. Attorney Hinton confirmed that amount. Councilman Hakeem noted that Administration had sent the cost of the 2013 election: \$182,000. Upon no further questions, the issue was closed.

## **COMMITTEE REPORTS:**

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

Councilman Grohn

(No report)

### *Budget and Finance Committee*

Councilwoman Berz

- She announced a special meeting of the Council on next Tuesday, January 10, 2017 at 1:00 p.m. in the Council Assembly Room regarding the two (2) following resolutions:



**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$12 MILLION DOLLARS PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017A, AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO.**

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**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$19 MILLION DOLLARS PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017B, AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO.**

*Economic and Community Development Committee*  
Councilman Anderson

- The committee will meet on next Tuesday (January 10) for a discussion on a grant application for the Tubman sewer relocation project.

*HR Committee (Human Resources)*  
Vice Chair Mitchell  
(No report)

*Planning & Zoning*  
Councilman Hakeem

- The committee met today to review items on this and next week's agenda.
- The committee will meet again on January 17 for an update on Form-Based Code.

*Public Safety Committee*  
Councilman Henderson

- The committee met today to hear from Police Chief Fred Fletcher on license plate readers and the arbitrator camera systems.

*Public Works and Transportation Committee*  
Councilman Smith

- The committee met today to discuss items voted on tonight and next week's agenda.
- The committee will meet again in two weeks (January 17).

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

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

Chairman Freeman inquired if there were persons in the Assembly wishing to address the Council on non-agenda matters. Seeing none, this portion was adjourned.

## **ADJOURNMENT**

**On motion of Councilman Anderson,** Chairman Freeman adjourned the meeting of the Chattanooga City Council until Tuesday, January 10, 2017 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**