



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
September 20, 2016  
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 Support Specialist Keren Campbell were also present.

## **PLEDGE OF ALLEGIANCE**

Councilman Smith led the Assembly in the Pledge of Allegiance. The invocation was led by Joe Smith, YCAP Regional Director.

## **APPROVAL OF LAST MINUTES**

**On motion of Councilman Anderson** and seconded by Councilman Gilbert, the minutes of the last meeting (September 13, 2016) were approved as published.

## **SPECIAL PRESENTATION**

Councilman Henderson invited Joe Smith to recognize Ryan Martin, a professional boxer from Chattanooga who is the new world Boxing Council's Continental Americas Lightweight Champion.

## **ORDINANCES – FINAL READING:**

**2016-103**  
**Asa Engineering**  
**c/o Allen Jones/Russell Bean**  
**C-O- Executor**  
**Alternate Version No. 3**

On motion of Councilman Henderson and seconded by Councilman Smith,

### **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.**

**ACTION: APPROVED**

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

On motion of Councilman Gilbert and seconded by Councilman Hakeem,

**ORDINANCE #13108**

**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.**

**ACTION: APPROVED**

**2016-117**  
**Robert Bullard and**  
**Nooga Investments LLC**  
**District No. 1**  
**Planning Version**

On motion of Councilman Henderson and seconded by Councilman Smith,

**ORDINANCE #13109**

**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: APPROVED**

**ORDINANCES – FIRST READING:**

**2016-060**  
**Jack Haylett Branch Acquisition Company, LLC/**  
**Defoor Brothers, LLC/Tommy Thompson/**  
**Winona Sims/Steven Dobbs Family Trust**  
**District No. 4**  
**Alternate Version #3**

On motion of Councilman Grohn and seconded by Councilman Hakeem,

**ORDINANCE #13110**

**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 and R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**On motion of Councilman Grohn** and seconded by Councilman Smith; Section 11a remove *"Any unconnected portions of the pathway must be constructed within three years of this rezoning date."*

**On motion of Councilman Grohn** and seconded by Councilman Smith; Section 11c remove *"The developer shall bear all expenses related to the acquisition."*

**On motion of Councilman Grohn** and seconded by Councilman Smith; Section 11b add bolded wording *-"Due to the additional traffic issues that will be caused by the development at the intersection of Shallowford Road and Napier Road **during Phase 2**, the intersection must be reconfigured to remove the east bound left turn lane and left turn traffic signal, to add a dedicated south bound right turn lane, and to alter traffic signal phases in order to mitigate the impacts.*

**On motion of Councilman Grohn** and seconded by Councilman Smith; add bolded wording *-"When warranted by the development progress **during Phase 2**, an additional east bound left turn lane must be constructed at the intersection of Shallowford Road and Lifestyle Way to accommodate the anticipated increased traffic turning into the development and Lifestyle Way must be widened to accommodate a corresponding double receiving lane. The City of Chattanooga shall assist procedurally in providing any required additional rights of way."*

**ACTION: PASSED ON FIRST READING**

## RESOLUTIONS:

On motion of Councilman Anderson and seconded by Councilwoman Berz,

### RESOLUTION #28783

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE GRANTING OF INCENTIVES TO DEVELOP HOUSING IN CHATTANOOGA; TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL, HOUSING FACILITY BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE (THE "HEB"); TO AUTHORIZE THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO AGREEMENTS FOR PAYMENTS IN LIEU OF AD VALOREM TAXES MEETING THE CRITERIA OF SAID PROGRAM AND TO PROVIDE FOR A TERMINATION OF THIS INCENTIVE PROGRAM IN TEN (10) YEARS.**

A discussion ensued, in which several amendments were made as follows:

**On motion to amend by Councilman Anderson** and seconded by Councilman Hakeem, GENERAL PROVISIONS, First sentence of Section 4 should read, *"The PILOT Freeze Period of each project shall be determined by the project evaluation and scoring sheets as determined by the HEB."*

**On motion to amend by Councilman Anderson** and seconded by Councilman Hakeem, GENERAL PROVISIONS, Section 5a should read: *"Applications must be made on a written form to be promulgated by the HEB, or its designee, and must be accompanied by a \$3,500 fee for administration and processing..."*

**On motion to amend by Councilman Anderson** and seconded by Councilwoman Berz, Add to GENERAL PROVISIONS where the City Attorney designates; *"A closing fee dedicated to enforcement of all provisions by the appropriate department up to \$15,000."*

**On motion to amend by Councilman Henderson** and seconded by Councilman Grohn, GENERAL PROVISIONS, Section 6 should read: *"All PILOT In-Lieu-of-Tax Agreements shall contain mandatory clawback language spelling out what shall happen if the developer does not meet the commitments represented in the PILOT application."*

**On motion to amend by Councilman Henderson** and seconded by Councilman Hakeem, GENERAL PROVISIONS section 7 should read: *"All PILOT agreements shall be subject to an annual review and report of status to the City Council."*

**On motion to amend by Councilman Mitchell** and seconded by Councilman Anderson, GENERAL PROVISIONS section 5F should read: *If the project on the property subject to a PILOT Lease does not break ground within two (2) years or if the property has been unoccupied for a period of two (2) years, the PILOT Lease will be terminated and the property will be returned to private ownership and full property taxation;*

**On the friendly amendment by Councilman Anderson** and seconded by Councilwoman Berz, Section 3 add - *50% Affordable Units. Not less than 50% of the units developed shall be available at an affordable cost to persons of low and/or moderate income and/or elderly or handicapped persons with 80% percent **area** median income.*

The motion to amend carried upon roll call vote as follows:

|          |     |           |         |
|----------|-----|-----------|---------|
| Anderson | YES | Henderson | NO      |
| Berz     | YES | Mitchell  | ABSTAIN |
| Gilbert  | YES | Smith     | NO      |
| Grohn    | NO  | Freeman   | YES     |
| HAKEEM   | YES |           |         |

YES – Five (5); NO – Three (3); ABSTAIN – One (1)

**ACTION: ADOPTED**

On motion of Councilman Hakeem and seconded by Councilman Anderson,

**RESOLUTION #28784**

**A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO A CONTRACT WITH SUMMIT 7 SYSTEMS, INC. FOR PROFESSIONAL SERVICES FOR WEBSITE DEVELOPMENT IN THE AMOUNT OF \$35,978.00 AND ONE (1) INITIAL YEAR OF SUPPORT IN THE AMOUNT OF \$6,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$41,978.00.**

**ACTION: ADOPTED**

**AGENDA ITEM VII(C):**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH OM HICKORY, LLC FOR THE SALE AND PURCHASE, IN SUSTANTIALLY THE FORM ATTACHED, FOR PROPERTY LOCATED AT 2455 HICKORY VALLEY ROAD, TAX MAP NO. 138M-A-001, IN THE AMOUNT OF \$80,000.00, FOR THE CONSTRUCTION OF A WET WEATHER STORAGE FACILITY, A CONSENT DECREE PROJECT, AND TO EXECUTE ALL DOCUMENTS RELATED TO THE TRANSACTION, WITH CLOSING COSTS, FOR AN AMOUNT NOT TO EXCEED \$1,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$81,000.00.**

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

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28785**

**A RESOLUTION AUTHORIZING STEVE BEAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED NEAR 250 MOCCASIN BEND ROAD FOR THE PURPOSE OF INSTALLING A MEMORIAL MARKER, 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 #28786**

**A RESOLUTION AUTHORIZING TIMOTHY KELLY, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 900 RIVERFRONT PARKWAY FOR THE PURPOSE OF INSTALLING A CONCRETE PAD WITH TWO BENCHES AND A DRINKING FOUNTAIN AT THE CORNER OF RIVERFRONT PARKWAY AND W. MARTIN LUTHER KING BOULEVARD, 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 #28787**

**A RESOLUTION AUTHORIZING DEBBIE SUE PRZYBYSZ, PROPERTY OWNER, TO USE TEMPORARILY THE ALLEY LOCATED BEHIND 1410 W. 52ND STREET FOR THE PURPOSE OF IMPROVING THE ALLEYWAY FOR VEHICLE ACCESS TO THE REAR OF THE PROPERTY, 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 Henderson,

**RESOLUTION #28788**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH THOMAS BROTHERS CONSTRUCTION RELATIVE TO CONTRACT NO. T-14-006 FOR CONSTRUCTION SERVICES ASSOCIATED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SIDEWALK INSTALL/REPAIR IN THE AMOUNT OF \$547,490.00, WITH A CONTINGENCY AMOUNT OF \$54,750.00, FOR A TOTAL AMOUNT OF \$602,240.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**RESOLUTION #28789**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH SUPERIOR PAVEMENT MARKING RELATIVE TO CONTRACT NO. T-16-012-201 FOR CONSTRUCTION SERVICES ASSOCIATED WITH CITYWIDE PAVEMENT MARKING REQUIREMENTS CONTRACT FOR TWELVE (12) MONTHS WITH THE OPTION TO RENEW, IN THE AMOUNT OF \$230,563.50.**

**ACTION: ADOPTED**

## DEPARTMENTAL REPORTS:

### Public Works

Justin Holland, Administrator, introduced Mike Patrick, Director of Waste and Michael Marino of Jacobs Engineering for a presentation on the Consent Decree Program. There was a slide show presentation on the Overview of Capacity Assurance Program. They presented information on the following:

- ISS Background
- Consent Decree
- Chattanooga System
- Who it serves
- Pump Stations
- Treatment Plan
- Phase 1&2
- When Effective
- Goals
- Summary of Program
- Overview
- Timeline
- Key Components
- Chronic SSO's
- Credit and Banking System
- Analysis and Certification
- CAP Compliance

### Emergency Purchase

David Carmody, Deputy Chief Operating Officer, informed the Council of the below-listed emergency purchase. A purchasing letter was signed in open meeting by Justin Holland, Administrator of Public Works.

#### **R142586 – Youth & Family**

Not to Exceed \$40,000

#### **Contract NO. Y-16-003-101**

Emergency Purchase Design of Roof Repair

Supplier: Integrated Structural Services Inc., 40 Stagecoach Road, Ringgold, CA 30736

### Proposed Purchases

Mr. Carmody also briefed the Council on the following proposed purchases:

#### **R142816 – General Services**

\$523,628.00

Purchase of Two Elgin Eagle Dual Street Sweepers

City Wide Services-Fleet Management

Lowest/Best Bidder: Sansom Equipment Company

2800 Powell Ave

Birmingham, AL 35233

#### **R140545 – Public Works**

\$91,245.00

Purchase of Three Fairbanks Morse Pumps

Waste Resources Division

Lowest/Best Bidder: Guthrie Sales & Service

7003 Chadwick Dr, Ste 300

Brentwood, TN 37027

**R142366 – Public Works**

\$361,327.95

Purchase of Three Track Hoes

Waste Resources Division

Lowest/Best Bidder: Stowers Machinery Corporation  
4066 South Access Rd.  
Chattanooga, TN 37406

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

**ACTION: APPROVED**

**OTHER BUSINESS:**

**City Attorney's Report**

The City Attorney reported on two lawsuits that have been consolidated through mediation. Case #120778 and #130842 Rogers vs. City of Chattanooga and Bradford Brown vs. City of Chattanooga. The settlement cost was of \$103,000.00 and \$4,000.00 for mediation cost. **Councilman Mitchell moved** to approve, seconded by Councilman Anderson. The motion carried.

**COMMITTEE REPORTS:**

*Audit & I.T. Committee*

Councilman Grohn

(No report)

*Budget and Finance Committee*

Councilwoman Berz

(No report)

*Economic and Community Development Committee*

Councilman Anderson

- The committee met today in open meeting for a briefing on the housing PILOT Program.

*HR Committee (Human Resources)*

Vice Chair Mitchell

(No report)

*Planning & Zoning Committee*

Councilman Hakeem

(No report)

*Public Safety Committee*

Councilman Henderson

(No report)



*Public Works and Transportation Committee*  
Councilman Smith

- The committee will meet next week (September 27<sup>th</sup>) following the Agenda Session.

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

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

Chairman Freeman asked if there were persons in the Assembly who wished to address the Council on non-agenda matters. Seeing none, this portion of the agenda was closed.

**ADJOURNMENT**

Chairman Freeman adjourned the meeting of the Chattanooga City Council until Tuesday, September 27, 2016, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**