



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
November 8, 2016
4:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Councilman Henderson led the Assembly in the Pledge of Allegiance and read Isaiah 26:2 of the Bible before giving the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Henderson, the minutes of the last meeting (November 1, 2016) were approved as published.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

ORDINANCE #13118

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, ARTICLE III, TO AMEND SECTIONS 5-47, 5-48, AND 5-78 RELATIVE TO BEER IN MOTION PICTURE THEATERS.

Councilman Anderson moved to amend, but failed to garner a second. A discussion ensued with Attorney Hinton, who verified for Councilman Smith that the current legislation did not include wording to put the city in compliance with state law. Therefore, **Councilman Smith moved** to amend to replace the current wording with additional wording to come into compliance with state law. Councilman Anderson seconded the amendment. The motion carried, with Councilman Henderson abstaining. **Councilman Anderson moved** to approve as amended, seconded by Councilman Smith. The motion carried, with Councilman Henderson voting “NO.”

**ACTION: PASSED ON FIRST READING
AS AMENDED**

2016-149
Asa Engineering
% Allen Jones and Doug Battaglia
Planning Version
District No. 3

On motion of Councilman Gilbert and seconded by Councilman Anderson,

Agenda Item VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6107 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

Councilman Smith confirmed the request by the developer, Allen Jones, about deferring this item so that Mr. Jones could meet further with the community. Upon confirmation with Mr. Jones, **Councilman Smith moved** to defer four (4) weeks, seconded by Vice Chair Mitchell. The motion carried.

ACTION: DEFERRED FOUR (4) WEEKS

2016-147
March Adams & Associates/
Erlanger Health System
Alternate Version
District 3

On motion of Councilman Gilbert and seconded by Councilman Anderson,

ORDINANCE #13119

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 900 EAST THIRD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

John Bridger of Regional Planning confirmed with that the Alternate Version of this item had been read. Upon no further discussion, the motion carried.

ACTION: PASSED ON FIRST READING

2016-148
Fredrick Harden
Planning Version
District 8

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

ORDINANCE #13120

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1306 SOUTH WILLOW STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

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

ORDINANCE #13121

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, DEFINITIONS; ARTICLE V, DIVISION 6, R-2 RESIDENTIAL ZONE, SECTION 38-91, PERMITTED USES; AND ARTICLE V, DIVISION 6, R-2 RESIDENTIAL ZONE, SECTION 38-94, HEIGHT AND AREA REGULATIONS RELATIVE TO TOWNHOUSES.

ACTION: PASSED ON FIRST READING

On motion of Councilman Anderson and seconded by Councilman Hakeem,

ORDINANCE #13122

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(7), RELATIVE TO OFF-STREET PARKING IN THE FORM-BASED CODE AREA TO THE BOARD'S POWER TO GRANT SPECIAL EXCEPTIONS.

ACTION: PASSED ON FIRST READING

MR-2016-121
Chattanooga Metropolitan Airport Authority
% Kirby Yost Attorney
District 5

On motion of Councilman Gilbert and seconded by Councilman Anderson,

ORDINANCE #13123

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 900 BLOCK OF JUBILEE DRIVE, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Anderson and seconded by Councilman Hakeem,

RESOLUTION #28835

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE RIVER VIEW HOUSING ASSOCIATES, LP PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE CHATTANOOGA HOUSING AUTHORITY, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES.

Councilman Anderson thanked citizens who helped with the PILOT process and asked Jaycee Tower residents who were present to stand for recognition. Attorney Hinton noted that the agreement had been updated with the following:

- A sentence added to Section C at the end: *additionally, the company shall maintain a resident services coordinator for the project;*
- Regarding clawback provision, the “legalese” had been removed in Section 6(c). Language was revised in Section 6(c) to read: *“Upon the occurrence and during the continuance of a default, the City and County shall adjust the terms of the conditions of the tax abatement.”*

The motion carried.

ACTION: ADOPTED

RESOLUTION #28836

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PREMISES USE AGREEMENT WITH LOOKOUT VALLEY RECREATION ASSOCIATION, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE USE OF THE ATHLETIC FIELDS AND BUILDINGS LOCATED AT 370 WARREN PLACE, TAX MAP NO. 144J-B-008, FOR A TERM OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR TERMS.

Cary Bohannon of General Services confirmed that adding a punch list to the Premises Use Agreement had been discussed with Councilman Henderson. **Councilman Henderson moved** to amend the resolution to read: "...*subject to completion of the punch list.*" He was seconded by Councilman Hakeem. Further discussion ensued, with Vice Chair Mitchell inquiring about who would complete the punch list, and Councilman Gilbert inquiring about the items on the punch list. Mr. Bohannon informed the Council of the items on the punch list, which would be the responsibility of the City: (1) fencing around the transformer and (2) a double gate. Upon no further discussion, **Councilman Henderson moved** to approve as amended, seconded by Vice Chair Mitchell. The motion carried.

ACTION: ADOPTED

2016-145
Southeast Land Partners/
Marie M. Marshall/Rick Pollard
District No. 1

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

RESOLUTION #28837

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 5440 MOUNTAIN CREEK ROAD, SUBJECT TO CERTAIN CONDITIONS.

Councilman Henderson recognized residents from the Mountain Creek Road area who were in attendance today. He noted that there were three (3) new conditions that had been agreed upon and asked Attorney Hinton to read them into the record. Attorney Hinton read all conditions, which totaled four (4) as follows:

- (1) Density shall be limited to forty-three (43) buildable lots.
- (2) Access shall be limited to one (1) vehicular entrance off of Mountain Creek Road.
- (3) A fifteen (15') foot vegetative buffer shall be provided along the northern, southern, eastern, and western boundaries. Vegetative buffer to provide a Type "C" (or equivalent) screening. Existing trees within said buffer shall remain and not be removed unless diseased or present a safety hazard. Existing trees within said buffer removed shall have new trees or shrubs planted as necessary to provide Type "C" (or equivalent) screening.
- (4) These conditions shall remain with property in perpetuity.

The motion carried.

ACTION: ADOPTED WITH NEW CONDITIONS

On motion of Councilman Anderson and seconded by Councilman Smith,

RESOLUTION #28838

A RESOLUTION TO ADOPT AN UPDATED RIGHT-OF-WAY CLOSURE AND ABANDONMENT POLICY FOR CHATTANOOGA, HAMILTON COUNTY, EAST RIDGE, LAKESITE, RIDGESIDE, WALDEN, AND LOOKOUT MOUNTAIN.

ACTION: ADOPTED

On motion of Councilman Hakeem and seconded by Councilman Henderson,

RESOLUTION #28839

A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO AMEND A CONTRACT WITH AMEC WHEELER FOSTER FOR PROFESSIONAL SERVICES TO COMPLETE THE INTEGRATED ZONING SOLUTION DIGITAL PLATFORM, FOR AN INCREASED AMOUNT OF \$27,464.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$127,464.00.

ACTION: ADOPTED

AGENDA ITEM VII(F):

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONSENT DECREE CONTRACT NO. W-12-016-202 TO P. F. MOON AND COMPANY, INC. OF WEST POINT, GEORGIA, CITICO CSOTF AND PUMP STATION IMPROVEMENTS, IN THE AMOUNT OF \$2,313,000.00, WITH A CONTINGENCY AMOUNT OF \$230,000.00, FOR AN AMOUNT NOT TO EXCEED \$2,543,000.00, SUBJECT TO SRF LOAN APPROVAL.

Councilman Hakeem moved to approve, seconded by Councilman Gilbert. The motion failed upon roll call vote due to a lack of a majority of the Council.

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

The motion failed upon roll call vote due to the lack of a majority. A discussion ensued with Attorney Hinton about the option for the prevailing side to reconsider this item. After which, **Vice Chair Mitchell moved** to reconsider, seconded by Councilman Hakeem. The motion carried.

ACTION: WILL BE RECONSIDERED NEXT WEEK (Nov. 15, 2016)

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

RESOLUTION #28840

A RESOLUTION AUTHORIZING DARWIN SAWYER ON BEHALF OF MICHAEL BORODIMOS (RESTAURANT OWNER) AND R. L. WILLIAMS (PROPERTY OWNER) TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 249 RIVER STREET (FRAZIER AVENUE) FOR THE PURPOSE OF HAVING DOUBLE DOORS SWING OPEN OVER THE FRAZIER AVENUE SIDEWALK, AND FOR POTTED PLANTS TO BE PLACED ON THE FRAZIER AVENUE SIDEWALK TO ALERT PEDESTRIANS TO THE SWINGING DOORS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Purchases

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

R 126598 - General Services Total Estimated \$40,000 Annually

New Blanket Contract for Automotive Paint
& Supplies General Services

Lowest/Best Bidders:

1. Southern Auto Body Supply, 1823 Rossville Avenue, Chattanooga, TN 37408
2. Paradise Paint, 2811 Dodson Avenue, Chattanooga, TN 37406

R 137424 - General Services Total Estimated \$70,000 Annually

New Blanket Contract for Fasteners
(Nuts, Bolts, Washers) General Services
Atlas Bolt & Supply Company

Lowest/Best Bidders:

1. 615 E. Main Street Chattanooga, TN 37408
2. Hayward Bolt & Specialty, 2805 S. Orchard Knob Ave., Chattanooga, TN 37407

PO 535197 - Purchasing Estimated \$150,000 Annually

Blanket Contract Renewal for Newspaper
& Online Advertising-City Wide Purchasing

Lowest/Best Bidders: Chattanooga Times-Free Press
400 East 11th Street, Chattanooga, TN 37403

R 141835 - Public Works \$153,000.00

Purchase & Installation of Catenary
Bar Screen Waste Resources Division

Lowest/Best Bidders: P.F. Moon and Co.
P.O. Box 346, West Point, GA 31833

R 142573 - Public Works

Estimated \$25,000 Annually

New Blanket Contract for Vapor Phase Products
& Services Waste Resources Division

Lowest/Best Bidders: Bio Triad Environmental, Inc.
11 Foundry St., Ste. 109, Stroudsburg, PA 18360

PO 535021 Youth and Family Development

Estimated \$500,000 Annually

Blanket Contract Renewal for Playground Equipment
Youth and Family Development

Lowest/Best Bidders: GameTime, Inc.
150 Playcore Dr. SE, Ft. Payne, AL 35967

Councilman Anderson informed the Council of some of the centers receiving the playground equipment (PO 535021). **Councilman Hakeem moved** to approve, seconded by Councilman Anderson. The motion carried.

ACTION: APPROVED

OTHER BUSINESS: (NONE)

COMMITTEE REPORTS:

Audit & I.T. Committee
(Councilman Grohn not present)

Budget and Finance Committee
(Councilwoman Berz not present)

Economic and Community Development Committee
Councilman Anderson
(No report)

- He thanked Councilman Henderson for his words at the beginning of the meeting.

HR Committee (Human Resources)
Vice Chair 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 in open meeting to discuss items on this week's and next week's agendas.

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 items. Seeing none, this portion of the agenda was closed.

ADJOURNMENT

On motion of Councilman Anderson, Chairman Freeman adjourned the meeting of the Chattanooga City Council until Tuesday, November 15, 2016, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL