



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
November 15, 2016
6:00 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 Carol Berz, Russell Gilbert, Larry Grohn, Yusuf Hakeem, Chip Henderson and Ken Smith all present. Deputy City Attorney Phil Noblett and Council Clerk Nicole Gwyn, CMC, were also present. Councilman Chris Anderson was not present.

PLEDGE OF ALLEGIANCE

Vice Chair Mitchell led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilwoman Berz and seconded by Councilman Gilbert, the minutes of the last meeting (November 8, 2016) were approved as published.

ORDINANCES – FINAL READING:

On motion of Councilman Grohn and seconded by Councilman Hakeem,

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.

At the request of Councilwoman Berz, Attorney Noblett confirmed that passage of this ordinance will make the city compatible with the state statute, and that the state law would put the city in this position whether the ordinance passes tonight or not. Upon no further discussion, the motion carried, with Councilwoman Berz and Councilman Henderson voting "NO."

ACTION: APPROVED

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

On motion of Councilman Hakeem and seconded by Councilman Gilbert,

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.

ACTION: APPROVED

2016-148
Fredrick Harden
Planning Version
District 8

On motion of Councilman Hakeem and seconded by Councilman Gilbert,

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: APPROVED

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: APPROVED

On motion of Councilman Hakeem and seconded by Councilman Henderson,

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: APPROVED

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

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

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: APPROVED

ORDINANCES – FIRST READING:

MR-2016-137
Taylor Vickers

Agenda Item VI(a):

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY OFF OF THE 300 AND 400 BLOCKS OF BECK AVENUE, AS DETAILED ON THE ATTACHED MAP.

Vice Chair Mitchell moved to defer four (4) weeks so that the applicant could meet further with the neighborhood. Councilman Smith seconded. The motion carried.

ACTION: DEFERRED FOUR (4) WEEKS

MR-2016-135
Chattanooga Metropolitan Airport Authority
% John Naylor

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

ORDINANCE #13124

AN ORDINANCE CLOSING AND ABANDONING THE 5900 BLOCK OF PINEHURST AVENUE TO ALLOW FOR CONSTRUCTION OF ADDITIONAL HANGARS FOR THE AIRPORT, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

MR-2016-141
Jamarillo Gilberto Para

Agenda Item VI(c):

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY AT THE INTERSECTION OF THE 1600 BLOCK OF ROSSVILLE AVENUE AND THE 200 BLOCK OF EAST 17TH STREET TO ALLOW FOR NEW BUILDING CONSTRUCTION, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.

At the request of Councilman Henderson, Chairman Freeman opened the floor to Donna Shepherd, representative of AD Engineering Services, to address the Council on this District 7 matter. Ms. Shepherd discussed the following: confusion about the map of East 17th; the current condition for a retainment easement by Tennessee American; the correct map and property card; an email she received indicating that the easement would not be required; and request for a 1-week deferral. Attorney Noblett read city code regarding the necessary permits from Land Development and a full width utility easement, and recommended a 2-week deferral to clear up any confusion. John Bridger of Regional Planning recommended meeting with the Land Development Office.

Vice Chair Mitchell moved to defer two (2) weeks, seconded by Councilman Henderson. The motion carried for a 2-week deferral.

ACTION: DEFERRED TWO (2) WEEKS

RESOLUTIONS:

On motion of Councilman Grohn and seconded by Councilman Henderson,

RESOLUTION #28841

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO RENEW AN EXISTING AGREEMENT WITH BLUECROSS/BLUESHIELD OF TENNESSEE TO PROVIDE THE CITY OF CHATTANOOGA MEDICARE ELIGIBLE RETIREES WITH TWO (2) MEDICARE ADVANTAGE HEALTH PLANS AT THE RATES OF \$286.00 PER MEMBER PER MONTH AND \$354.00 PER MEMBER PER MONTH, FOR THE POLICY TERM OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, WHICH WILL BE THE FIRST TWELVE (12) MONTH RENEWAL WITH THREE (3) ADDITIONAL TWELVE (12) MONTH RENEWALS REMAINING.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Smith,

RESOLUTION #28842

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO EXTEND AN EXISTING AGREEMENT WITH ONSITE RX, INC. TO PROVIDE ON-SITE PHARMACY SERVICES FOR CITY EMPLOYEES, RETIREES, AND DEPENDENTS COVERED UNDER THE CITY'S HEALTH PLAN AND FOR ON-THE-JOB INJURIES AT THE RATE OF \$19.35 PER EMPLOYEE, PER MONTH (PEPM), FOR THE FIRST ONE (1) YEAR RENEWAL IN A THREE (3) YEAR CONTRACT, WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS, IN ADDITION TO PURCHASING PRESCRIPTIONS AND OVER-THE-COUNTER PRODUCTS THROUGH ONSITE RX, INC., AT THE COST OF APPROXIMATELY \$8 MILLION PER YEAR, AND PAYING APPLICABLE SALES TAXES AT THE APPROXIMATE RATE OF \$12,000.00 PER YEAR.

ACTION: ADOPTED

On motion of Councilman Grohn and seconded by Councilman Smith,

RESOLUTION #28843

A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER (CIO) TO EXECUTE A CONTRACT WITH SMART HOMES CHATTANOOGA AS PROVIDERS OF SYSTEMS AUTOMATION AND TECHNOLOGY INSTALLATION SERVICES TO THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR THE PERIOD OF ONE (1) YEAR BEGINNING NOVEMBER 1, 2016 THROUGH NOVEMBER 1, 2017 (WITH THE OPTION TO EXTEND FOR TWO (2) ADDITIONAL YEARS), FOR AN AMOUNT NOT TO EXCEED \$250,000.00 PER CONTRACT YEAR.

A discussion ensued with Councilwoman Berz and Brent Messer, Chief Information Officer, about the work on the Council's Assembly Room under this contract, the scope of work of the contract and the timeline for the work to be done in the Assembly Room. Upon no further discussion, the motion carried.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

RESOLUTION #28844

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) TO SAK CONSTRUCTION, LLC OF O'FALLON, MO, RELATIVE TO CONTRACT NO. W-12-023-201, CHATTANOOGA CREEK INTERCEPTOR REHABILITATION, A CONSENT DECREE PROJECT, FOR A DECREASED AMOUNT OF \$61,995.74, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$4,109,074.26, AND TO RELEASE THE REMAINING CONTINGENCY OF \$417,000.00.

ACTION: ADOPTED

On motion of Councilman Hakeem and seconded by Councilman Henderson,

RESOLUTION #28845

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.

Councilwoman Berz asked Councilman Smith if the body is satisfied that all questions have been answered on this ordinance. Councilman Smith noted that he was not satisfied, but would wait on the vote. Justin Holland, Administrator of Public Work, confirmed that this item is not subject to SRF loan approval, as read. Councilman Hakeem moved to approve, seconded by Councilman Henderson. The motion carried upon roll call vote as follows:

Smith	NO	Grohn	NO
Mitchell	YES	Gilbert	YES
Henderson	YES	Berz	(Abstained)
Hakeem	YES	Freeman	YES

YES – Five (5); NO – Two; ABSTAIN – One (1)

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Henderson,

RESOLUTION #28846

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS IS HEREBY AUTHORIZED TO AWARD CONSENT DECREE CONTRACT NO. W-10-012-201 TO NABCO ELECTRIC COMPANY, INC., CHATTANOOGA, TN, TELEMETRY AND SCADA UPGRADES, IN THE AMOUNT OF \$898,759.45, WITH A CONTINGENCY AMOUNT OF \$90,000.00, FOR AN AMOUNT NOT TO EXCEED \$988,759.45.

ACTION: ADOPTED

RESOLUTION #28847

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO JOIN THE TEXAS BUY BOARD WHICH WILL ALLOW THE FLEXIBILITY TO PURCHASE SOME ITEMS THAT HAVE ALREADY BEEN NEGOTIATED OR PURCHASED BY THIS COOPERATIVE.

Councilman Henderson moved to approve, seconded by Councilman Grohn. David Carmody, Deputy Chief Operating Officer, informed the Council that this item should give authority to the *“Purchasing Agent of the City of Chattanooga,”* instead of the Chief of Police. Mr. Noblett noted that he had discussed that change earlier today with Mr. Carmody.

Councilman Hakeem moved to amend the resolution to substitute in lieu of the “Chief of the Chattanooga Police Department” with “Purchasing Agent.” He was seconded by Councilman Smith.

Vice Chair Mitchell moved to rescind the vote, seconded by Councilman Smith. After consulting Attorney Noblett, Chairman Freeman rescinded the main and amendment votes by unanimous consensus of the Council.

Councilman Hakeem moved to amend the wording, seconded by Councilman Smith.

Councilman Henderson moved to approve as amended, seconded by Councilman Smith. The motion carried.

ACTION: ADOPTED AS AMENDED

DEPARTMENTAL REPORTS:

Youth and Family Development (YFD)

Administrator Lurone Jennings introduced Dr. David Banks for a report on the department’s Workforce Development Division. Dr. Banks discussed the following:

- Training Programs
- Collaborations
- Success Stories

Councilwoman Berz expressed thanks to Dr. Banks and the department. Councilman Hakeem expressed thanks and commented on giving credit “from the top down.” Councilman Henderson inquired about ways to improve programs, certifications for program participants and employment

opportunities for those with certificates. Councilman Gilbert commented on young men's responses to Dr. Banks and his method of training.

Mr. Jennings informed the Council that the City had been awarded a \$50,000 grant for Tech Workforce Development to work at two (2) YFD sites. He invited the Council to the U.S. Conference of Mayors ceremony to announce the award on Thursday, November 17, at 2:30 p.m. at the South Chattanooga YFD Center.

Purchases

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

PO 523764 - General Services Estimated \$165,000 Annually

Blanket Contract Renewal for Heil OEM Truck Parts and Services Fleet Management

Lowest/Best Bidder: Stringfellow Inc.
2710 Locust Street
Nashville, TN 37207

PO 523974 - General Services Estimated \$125,000 Annually

Blanket Contract Renewal for Equipment Parts & Services Fleet Management

Lowest/Best Bidder: CMI Equipment Sales
2405 Dickerson Rd.
Nashville, TN 37207

PO 538199 - General Services Estimated \$250,000 Annually

Blanket Contract Renewal for Knoll Open Office Landscape Furniture City Wide General Services

Lowest/Best Bidder: Knoll, Inc.
1235 Water Street East
Greenville, PA 18041

PO 528980 - Information Technology Estimated \$2,400,000 Annually

Blanket Contract Renewal for Computer Technology, Equipment & Supplies

Lowest/Best Bidder: CDW Government, Inc.
230 N. Milwaukee Ave.
Vernon Hills, IL 60061

R 142766 - Chattanooga Police Department Estimated \$35,000 Annually

New Blanket Contract for Police Leather Gear Chattanooga Police Department

Lowest/Best Bidder: GT Distributors of Georgia, Inc.
100 McFarland Ave.
Rossville, GA 30741

PO 519305 - Public Works

Estimated \$550,000 Annually

Blanket Contract Renewal for CCTV & Sonar Sewer
Inspection Services Waste Resources Division
Lowest/Best Bidder: Amtec Surveying, Inc.
3355 Lenox Rd, Ste. 750
Atlanta, GA 30326

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

ACTION: APPROVED

Air Quality Warning

Stacy Richardson, Chief of Staff, informed the Assembly of the Air Pollution Control Board’s Code Red Air Quality Alert for tomorrow (November 16). Air quality will be in the unhealthy range tomorrow. She also informed the Assembly of precautions being taken for employees with strenuous outdoor activities. She also noted that additional information could be found online at www.apcb.org.

OTHER BUSINESS:

City Attorney’s Report

Attorney Noblett reported on a conflict of interest disclosure form that was submitted to the City Attorney, who is also Chief Ethics Officer. Pursuant to Chattanooga City Code Section 2-753 (Code of Ethics), city employee Anthony Sammons disclosed that his wife worked for an agency that receives federal funding. In compliance with city code, Mr. Noblett publically informed the Council of the disclosure and read the following facts:

- The city’s funding of the agency makes up less than 1-percent of the agency’s \$5,000,000 budget.
- The city has funded the agency with approximately \$35,000 per year for over 20 years now due to its charitable works.
- Mr. Sammons will have no responsibilities related to granting of funds to the agency.
- Mr. Sammons’ wife is being offered the position solely on her qualifications. She holds an MBA and PhD in Human Services that are relative to the agency.
- Mr. Sammons has been married for two months.

Mr. Noblett read the Chief Ethics Officer’s opinion that there is no conflict of interest, and that Mr. Sammons has satisfied all the requirements of the Code of Ethics. Mr. Noblett also noted that no action was needed from the Council in this matter since the Chief Ethics Officer had given his opinion. He also instructed the Council Clerk to append the opinion letter to the minutes [see attached].

Board Appointment

Vice Chair Mitchell announced the resignation of Heather Degaetano as District 2 appointee to the Board of Zoning Appeals and appointed Paul Betbeze to fill the unexpired term.

COMMITTEE REPORTS:

Audit & I.T. Committee
Councilman Grohn
(No report)

Budget and Finance Committee
Councilwoman Berz reported:

- The budgeting process has begun. The Council will work on its strategic planning for the BFO process during the next Strategic Planning meeting on November 29.

Economic and Community Development Committee
(Councilman Anderson not present)

- In the absence of Councilman Anderson, Councilman Hakeem announced a meeting of the Economic and Community Development Committee on November 29 immediately following the 3:00 p.m. Agenda Session. The topic of discussion will be the Standard Coosa Thatcher PILOT.

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

Planning & Zoning

Councilman Hakeem reported:

- The committee will meet on December 6 immediately following the 3:00 p.m. Agenda Session.

Public Safety Committee
Councilman Henderson
(No report)

Public Works and Transportation Committee
Councilman Smith reported:

- The committee's meeting regularly-scheduled meeting next week has been cancelled due to the Council's recess for the Thanksgiving holiday. Therefore, the committee will meet again two (2) weeks after that on December 6 immediately 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 inquired if there persons in the Assembly wishing 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, November 29, 2016, at 6:00 p.m. [The Council will not meet on November 22, 2016.]

CHAIRMAN

CLERK OF COUNCIL

ATTACHMENT:
City Attorney's Report



City of Chattanooga

Office of the City Attorney

Wade A. Hinton
City Attorney

November 11, 2016

Phillip A. Noblett
Deputy City Attorney

Ms. Sandra Gober
Community Development Manager
Department of Economic & Community Development
101 East 11th Street, Suite 200
Chattanooga, Tennessee 37402

RE: **Anthony Sammons – Disclosure of Conflict**

Dear Sandra:

In response to the request, attached hereto as ATTACHMENT A, for an Ethics Opinion, the Office of the City Attorney finds as follows:

Pursuant to Chattanooga City Code, Section 2-753, an “employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the Office of the City Attorney. In addition, the official or employee shall not participate in any way on matters in which they have a personal interest.”

According to our records, Mr. Sammons has indeed submitted a disclosure form with the Office of the City Attorney disclosing the potential of a conflict of interest based on his wife working for a vendor receiving federal funds. In this instance, it would be considered an Employment Interest as defined in the Code of Ethics. Based on the submission of this form and the fact that Mr. Sammons will not be involved in the selection, supervision, and the like with the vendor, it is our opinion that Mr. Sammons has satisfied the requirements of the Code of Ethics.

To meet all federal requirements, this opinion will be referenced in a public meeting at the next general meeting of the Chattanooga City Council and made a part of the minutes of said meeting.

Sincerely,

WADE A. HINTON
City Attorney / Chief Ethics Officer



DISCLOSURE OF CONFLICT STATEMENT CODE OF ETHICS IN ARTICLE XIII

This statement is filed in accordance with the Code of Ethics of the Chattanooga City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the Office of the City Attorney.

Please print or type all information. Attach additional pages if more space is needed.

Check One	Fill in Appropriate Information	
<input type="checkbox"/> Elected Official	Office Held	
<input type="checkbox"/> Appointed Official	Board or Commission/Title	
<input checked="" type="checkbox"/> City Employee	Department/Title	

Name of Employee/Official: ANTHONY O. "TINY" SAMMONS

I, ANTHONY O. SAMMONS, have a conflict as defined in the Code of Ethics, Article XIII, of the Chattanooga City Code in the following matter:
My spouse, Sabrina Robinson-Sammons, is being offered an Administrative position with Partnership for Families, Children & Adults, Inc. (PFCA). PFCA has over the past twenty years applied for and received City Federal funds (CDBG & ESG) through the Community Development Division of CED Department.

Nature of Conflict:
A perceived conflict of interest because, by nature of my position in CED, I could conceivably participate in decision-making processes or gain inside information with regard to funding and activities/programs assisted by the City with these funds.

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Anthony O. Sammons Signature of Employee/Official 11-14-16 Date

BEFORE ME, the undersigned authority, on this day personally appeared ANTHONY O. SAMMONS, who on oath stated that the above facts are within his/her personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 14th day of November, 2016, to certify which, witness my hand and seal.

<NOTARY SEAL>
Paula R. Coleman Signature of officer administering oath
Paula R. Coleman Printed name of officer administering oath
Community Development Specialist Title of officer administering oath

Please return to: Office of the City Attorney, Chief Ethics Officer, 100 E. 11th St., Chatt., TN 37403 - or - ethics@chattanooga.gov