



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**

*for*  
April 16, 2013  
6:00 PM

## **CALL TO ORDER**

Assistant City Attorney, Phil Noblett called the first meeting of the 2013-2017 City Council to order with Councilwoman Berz and Councilmen Anderson, Freeman, Gilbert, Grohn, Hakeem, Henderson, Mitchell and Smith all present. Management Analyst, Randy Burns, *Interim* Council Clerk, Sandra Freeman and Council Support Assistant, Cindy Patrick were also present.

## **PLEDGE OF ALLEGIANCE/INVOCATION**

Councilman Jerry Mitchell led the full attendance in the Pledge of Allegiance. Following the Pledge, Councilman Mitchell provided the invocation with a moment of silence and prayer for the people of Boston in light of the recent bombing tragedy.

## **MEETING MINUTES APPROVAL – APRIL 9, 2013**

On the Motion of Councilwoman Berz and second by Councilman Gilbert, the minutes of the previous meeting (*April 9, 2013*) were approved as published.

## **ELECTION OF CHAIR AND VICE CHAIR**

Mr. Noblett provided a brief summation of the City Charter regarding the election of a Council Chair person and Vice Chair person. Mr. Noblett opened the floor for nominations for the office of Council Chair. Councilman Hakeem was nominated by Councilman Henderson and the nomination was seconded by Councilman Gilbert. Councilman Henderson motioned to close the floor for Nominations. A vote was taken and Councilman Hakeem was elected as Chairman of the Council.

Chairman Hakeem opened the floor for nominations for vice chair and Councilman Henderson was nominated by Councilman Grohn and Seconded by Councilman Smith. Councilman Anderson motioned to close the floor for nominations. A vote was taken and Councilman Henderson was Elected as Vice Chairman of the Council.

Mr. Noblett presented the Chairman's gavel to Chairman Hakeem and congratulated him on his election.

Chairman Hakeem provided some heartfelt appreciation and comments on his election to Chair and indicated his, as well as the full Council's, continuing awareness that the citizens of Chattanooga and the Council were, "in this together" and that he encouraged, "input on all the issues, since no decisions are made in a vacuum."

## **COUNCIL CHAIRMAN APPOINTMENTS/COUNCIL APPOINTMENTS**

Chairman Hakeem appointed Councilman Mitchell and Councilman Smith to take the lead on making provisions for streaming media to be available for all full Council meetings.

Chairman Hakeem appointed Councilwoman Berz as Chair of the Finance and Budget Committee and Councilman Smith as Chair of the Public Works Committee.

Chairman Hakeem asked for the public's patience as the additional Committee positions would be filled (and published) as soon as possible.

## **PROCLAMATION:**

***“Celebrating the 105<sup>th</sup> birthday of the United States Army Reserve, honoring the commitment, dedication and service to America and offering our continuing support to our soldiers”***

Councilman Henderson asked that the special guests of the Council, SFC Robert Higgins, SSG Tommy Richerson, SSG Harold Scruggs and Lieutenant Colonel Ray Adkins to join him at the podium.

At this point he read the Proclamation (which has been inserted into these minutes):

**CELEBRATING THE 105TH BIRTHDAY OF THE UNITED STATES ARMY RESERVE,  
HONORING THE COMMITMENT, DEDICATION, AND SERVICE TO AMERICA, AND  
OFFERING OUR CONTINUING SUPPORT TO OUR SOLDIERS.**

**W**hereas, in 1908, the nation's leaders knew that the most up-to-date medical experience resided in the civilian sector created the first reservoir of trained officers in a reserve status, known as the Medical Reserve Corps; and

**W**hereas, today, over twenty percent of the Army's assets lie within the Army Reserve; and

**W**hereas, in 1916, Congress passed the National Defense Act, creating the Officers' Reserve Corps, the Enlisted Reserve Corps, and the Reserve Officers' Training Corps, later named the Organized Reserve Corps (ORC), all of which are forerunners of the current Army Reserve; and

**W**hereas, in both World Wars, Army Reserve Soldiers answered the call of duty. In World War I, 89,500 reserve officers were mobilized and during World War II, 200,000 members of the ORC participated, with reserve officers providing twenty-nine percent of the Army's Officers; and

**W**hereas, in 1952, legislation renamed the ORC as the Army Reserve and then divided it into three reserves, a Ready Reserve, a Standby Reserve, and a Retired Reserve. Legislation also provided that reserve units have twenty-four training days and up to seventeen days of annual training; and

**W**hereas, the Army Reserve has been an integral part of numerous conflicts. More than seventy Army Reserve units were deployed to the Korean Peninsula, well over 120,000 Soldiers have provided combat support and combat service support during Operation Desert Shield/Storm, and others offered similar support in Somalia, Haiti, Bosnia, Kosovo, Operation Enduring Freedom, Operation Noble Eagle, and Operation Iraqi Freedom; and currently over 12,000 Army Reserve Soldiers are deployed around the world and

**W**hereas, the role of the Army Reserve has changed over time. Moving from a Strategic Reserve to an Operational Force, the Army Reserve provides resources and training to first-responder organizations across the nation, trains Soldiers, implements national objectives, keeps the Army mobile, and enables the Army to do more with constrained resources; and

**W**hereas, the Army Reserve makes up twenty percent of the Army's organized units, while providing one half of the Army's combat support and one-fourth of its mobilization base expansion capabilities.

**Now Therefore,**

Be it resolved:

That, by this proclamation, we celebrate the 105th birthday of the United States Army Reserve, honor its continuing service to America, and offer them our thanks and continued support.

In Witness Whereof, I have hereunto set my hand and caused the

**Seal of the City of Chattanooga** to be affixed this the

**16th day of April, 2013**

**Mayor Andy Berke**

Chairman Hakeem seconded the Mayor's comments contained within the Proclamation and expressed his personal appreciation to the servicemen present for their service to our Nation and our Community. Lt. Colonel Adkins expressed his thanks for the comments and the four servicemen were given a rousing ovation and round of applause by all in attendance.

**ORDINANCES – FINAL READING**

There were no Ordinances for final reading.

**ORDINANCES – FIRST READING**

Greg Haynes with The Regional Planning Agency provided a brief summation and overview of the specified zoning requests:

**AMEND CITY CODE/ZONING ORDINANCE - REGARDING CONSECRATION OF PET REMAINS**

On motion of Councilman Anderson, seconded by Councilwoman Berz,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO INCLUDE FUNERAL, CEMETARY AND CREMATION REGULATIONS FOR DOMESTIC ANIMALS (CONSIDERED AS HOUSEHOLD PETS)**

**ACTION: PASSED ON FIRST READING**

**2013-006 CITY OF CHATTANOOGA/RPA:**

**AMEND CITY CODE/ZONING ORDINANCE – ASSIGNMENT OF TEMPORARY ZONES TO PERMAMENT ZONES**

On motion of Councilman Chris Anderson, seconded by Councilman Freeman,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED ON AMBERLEY TRAIL, COLONIAL PARKWAY, ELLINGTON WAY, FENCHCROFT LANCE, HAVEN CREST DRIVE, IGOU GAP ROAD, KING COURT LANE, MORRIS GLEN COURT, MORRIS HILL ROAD, PEBBLE CREEK ROAD, PINE NEEDLES TRAIL, RAY JO CIRCLE AND ANNEXATION AREA 11 A FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULL HEREIN.**

**ACTION: PASSED ON FIRST READING**

**2013-033 RICHARD DAVIS, BROKER/FIRST CITIZENS BANK & TRUST:**

**AMEND CITY CODE/ZONING ORDINANCE – CHANGE OF ZONE FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE ZONE**

On motion of Councilman Chris Anderson, seconded by Councilman Russell Gilbert,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7331 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.**

**ACTION: DENIED ON FIRST READING**

**2013-037 ROHDIE GROUP, LLC/WILLIE MAE SWEENEY:**

**AMEND CITY CODE/ZONING ORDINANCE – CHANGE OF ZONE FROM R-1 TO R-3**

On motion of Councilman Chris Anderson, seconded by Councilman Russell Gilbert,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6839 MCCUTCHEON ROAD, MORE PARTICULARY**

**DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

*SPECIFIED CONDITIONS FOR APPROVAL:*

- 1. APPROVAL BY THE CITY TRAFFIC ENGINEER**
- 2. 15 FOOT HIGH BUFFER, TO INCLUDE A 3 FOOT HIGH BERM**
- 3. INSTALLATION OF EVERGREEN STREET BUFFER AS SPECIFIED TYPE C LANDSCAPING (TREES ONLY, NO SHRUBS)**

*ADDITIONAL CONDITIONS (AS ADVISED):*

Mike Price advised the Council of additional conditions that had been specified by the developer to accommodate the neighbors and surrounding community:

- 1. DEVELOPER WILL PLANT 3 INCH CALIPER TREES**
- 2. DEVELOPER WILL INSTALL 6 FOOT HIGH VINYL FENCE**
- 3. DEVELOPER WILL PROVIDE NEIGHBORS WITH FIVE 3 INCH CALIPER TREES TO BE INSTALLED BETWEEN NOVEMBER 1, 2013 AND DECEMBER 31, 2013 AND ADDITIONAL FUNDS OF \$500.00 TO EACH FOR INSTALLATION COSTS.**

<b>ACTION: PASSED ON FIRST READING</b>
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Additionally Mr. Price wanted to extend his personal thanks to the following people for their tireless contributions to assure the success of these recommendations: Gary Hilbert, Lee Norris, Bill Payne, John Bridger, and Greg Haynes.

Chairman Hakeem asked for Councilwoman Berz's input into this specific zoning issue and she assured the Council that she had been involved extensively in the discussions and recommendations and was entirely comfortable with the passage of this zoning with all conditions being met as stated herein.

## **RESOLUTIONS**

There were no resolutions to report.

Chairman Hakeem wanted to extend his personal thank you (and that of the Council) for the extensive contributions of the retiring Council staff: Clerk of the Council, Ms. Carol O'Neal, and Assistant Clerk of the Council, Ms. Shirley Crownover and Council Secretary Ms. Carolyn Moore.

## **OVERTIME REPORT**

Overtime for the week ending April 11, 2013, totaled \$6,662.52

## DEPARTMENTAL REPORTS

### Personnel:

#### *City Attorney's Office*

MARGIE BRYCHTA – Retirement of Administrative Support Specialist, effective 4/4/2013

#### *Chattanooga Police Department:*

ALICE TURNER – Promotion of Police Records Technician, effective 4/19/2013

RICKY BROWN – Promotion of Police Records Analyst, effective 4/19/2013

#### *Waste Resources*

CAROL POLL – Retirement of Administrative Support Specialist, effective 4/4/2013

#### *Head Start*

SHARON MADISON – Resignation of Family Services Assistant, effective 4/5/2013

TOINETTE BROWN – Termination of Teacher, effective 3/26/2013

#### *Traffic Engineering*

RANDALL GARDENHIRE – Hire of Traffic Engineering Technician, effective 4/12/2013

#### *Foster Grandparent*

SUSAN KROLL – Promotion of Foster Grandparent Field Supervisor, effective 3/22/2013

## OTHER BUSINESS

### **DEFERRED:**

### **RESOLUTION DEFERRED FROM APRIL 9, 2013**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN**

**AGREEMENT WITH GAMETIME FOR THE CONSTRUCTION OF A**

**PLAYGROUND AT ALTON PARK, IN THE AMOUNT OF ONE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$135,875.00), WITH A FIVE PERCENT (5%) CONTINGENCY IN THE**

**AMOUNT OF SIX THOUSAND SEVEN HUNDRED NINETY-THREE AND 75/100 DOLLARS (\$6,793.75), FOR A TOTAL AMOUNT OF ONE HUNDRED FORTY-TWO THOUSAND SIX HUNDRED SIXTY-EIGHT AND 75/100 DOLLARS (\$142,668.75)**

Chairman Hakeem indicated that the issues surrounding this agreement had been discussed with Former Councilman Manuel Rico and Councilman Grohn. Assistant City Attorney Noblett indicated that there was an issue regarding the bid process and that City's Legal Department had recommended that the process be reopened for bids. Councilman Grohn stated that this issue had come about due to a credit report by the Chief Auditor indicating the bid process had not been done accordingly.

Councilman Grohn made the motion, seconded by Councilman Anderson that the project needed to be re-opened for bids.

**ACTION: MOTION PASSED**

**CITY ATTORNEY' OFFICE: REQUESTED SETTLEMENT:**

**Attorney Michael McMahan**

On motion from Councilman Freeman, seconded by Councilman Anderson, Attorney McMahan was given authority to pay a settlement to **Mr. Neal Brown** totaling \$15,000.00. On August 10, 2012, a Public Works Sanitation truck backed into a vehicle driven by Mr. Brown. Mr. Brown was subsequently injured and required medical care totalling \$9,278.25. Mr. Brown and his attorney had requested a settlement of \$36,000.00 but after discussion, agreed to the settlement of \$15,000.000.

**ACTION: APPROVED STATED SETTLEMENT**

**COMMITTEE REPORTS**

Councilwoman Berz scheduled a **Budget and Finance Committee meeting for Tuesday, April 23, 2013, at 1:00 p.m.** This meeting will include a final meeting with The United Way of Chattanooga.

**NEXT AGENDA: MEETING – April 23, 2013, 6:00 p.m.**

Chairman Hakeem referred to next week's agenda (April 23, 2013) and indicated that an agenda session would be held on **Tuesday, April 23, 2013, at 3:00 p.m.**

**RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL (NON- AGENDA ITEMS)**

## **CARL EPPERSON**

**Mr. Carl Epperson** of 1201 Boynton Dr, Apt 515 addressed the Council. He extended congratulations to all of the Council members on the elections. He indicated he was a political activist and felt motivated to speak to the Council as a concerned citizen. He felt that given the recent events in Boston and that with Chattanooga coming upon their busy time for large public gatherings (i.e., Riverbend, Nightfall, Chattanooga Market, etc.) it was vital that the City of Chattanooga retain the services of Chief Jimmy Dodd as the Chief of the Chattanooga Police Department.

## **CYNTHIA STANLEY CASH**

**Ms. Cynthia Stanley Cash** of 1703 Ganasita Trail addressed the Council. She extended congratulations to all of the Council members on the elections. She inquired as to the correct rules of order when addressing the Council. Ms. Cash stated that in past meetings when items were being discussed that persons wishing to address the Council were given the opportunity to do so before a motion was offered and seconded. Chairman Hakeem said that she was not the first to raise the question regarding this rule of order and that further discussion on this would take place in committee so that a clear process can be established going forward. Furthermore, he invited Ms. Cash to please take the time to join the committee meeting should she feel motivated to do so.

## **BASIL MARCEAUX**

**Mr. Basil Marceaux** of 810 High Street in Soddy Daisy addressed the Council. He indicated his initial reluctance to address the Council on “their first night together”, but felt compelled to speak up regarding what he believed was an important issue. He stated that he did not agree with the current policy in place for sending overflow cases from City Court to the Criminal Court docket. He felt that most of these overflow cases belonged in the Civil Court as opposed to Criminal Court. Mr. Marceaux presented a political cartoon that outlined this thought and mentioned that he also had a song to detail his beliefs. His time quickly expired and he did not have time to share his song with the audience.

## **KATHY CAMP**

**Ms. Kathy Camp** of 4413 Norcross Road in Hixson addressed the Council. She indicated that she was a 17 year employee of the City of Chattanooga and wished to express her concerns and grievance regarding the hiring process for the retiring Clerk of the Council position. She stated that the position was posted internally for the City of Chattanooga employees to apply for what was “a very small amount of time” before being opened to the public and the position offered to “an out of town applicant”. She felt that the time provided internally was insufficient for her or anyone to apply to the position and she took exception to the fact that an out of townner was hired for the job.



Chairman Hakeem indicated that there would be a complete review of the process and procedure by Personnel Department as well as the Council before a permanent appointment of the position of Clerk of the Council takes place.

### **DEMETRIUS KOOMROD**

**Ms. Demetrius Koomrad** of Chattanooga addressed the Council. She stated that she had an ongoing desire to be a part of what was happening with the renewal of the City of Chattanooga but felt that the younger generation and the African American population was not being fairly considered to participate. She offered her email address and again reiterated her desire to be a part of the process. Chairman Hakeem indicated that there were several organizations in the City of Chattanooga that he felt directly addressed these concerns and specifically mentioned the Leadship Chattanooga program conducted by the Chamber of Commerce.

Chairman Hakeem asked again if there were other members of the audience wishing to address the Council. No one presented themselves and Chairman Hakeem took the opportunity to acknowledge and introduce the new members of the Council Staff, Sandy Freeman, Interim Clerk of the Council and Council Support Assistant, Cindy Patrick. He further acknowledged members of the new Mayor's staff, specifically his Chief of Staff, Travis McDonough, present in the audience.

### **ADJOURNMENT**

Chairman Hakeem adjourned the meeting of the Chattanooga City Council until **Tuesday, April 23, 2013, at 6:00 p.m.**

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**CHAIRMAN**

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**INTERIM CLERK OF COUNCIL**

**(A full digital audio of this Council meeting, April 16, 2013,  
has been filed in the Clerk of the Council's office)**

**(A FULL AND COMPLETE LISTING OF NAMES OF PERSONS IN ATTENDANCE IS FILED WITH THE MINUTE  
MATERIALS OF THIS DATE, APRIL 16, 2013)**