



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
for  
June 25, 2013  
6:00 PM

## **CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Chip Henderson, Assistant City Attorney Phil Noblett, Councilwoman Carol Berz and Councilmen Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present.

Also present was Randy Burns, Management Analyst; and Nicole Gwyn, Deputy Clerk.

## **PLEDGE OF ALLEGIANCE**

Councilman Smith led the assembly in the Pledge of Allegiance.

## **PROCEDURAL ADVISEMENT**

Chairman Hakeem requested that cell phones be placed on silent or vibrate. He also advised that the main doors at the front of the assembly room would be locked at 6:00 p.m., allowing attendees to exit, but not re-enter through those doors.

## **APPROVAL OF MINUTES**

On motion of Councilman Anderson and seconded by Councilwoman Berz, the minutes of the previous meeting (June 18, 2013) were approved as published.

**ACTION: APPROVED**

### **Ordinances – Final Reading:**

On motion of Councilman Mitchell and seconded by Councilman Anderson,

#### **MR-2013-032**

**Jack P. Reid/Stuart L. Myers/Patricia A. Lowry**

### **ORDINANCE # 12734**

**AN ORDINANCE CLOSING AND ABANDONING OF TWO (2) SEWER EASEMENTS WITHIN THE PROPERTY LINES OF 2907 BRALY PLACE.**

**ACTION: APPROVED**

On motion of Councilman Anderson and seconded by Councilman Freeman,

**ORDINANCE # 12735**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTION 5-108, RELATIVE TO LOCATIONS AND SIGNS FOR LIQUOR STORES.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

On motion of Councilwoman Berz and seconded by Vice Chairman Henderson,

**ORDINANCE # 12736**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE TO DELETE ALL REFERENCES TO THE HUMAN SERVICES DEPARTMENT IN ARTICLE IX, CHAPTERS 2-641 THROUGH 2-660 RELATIVE TO THE RENAMED AND REORGANIZED CHATTANOOGA YOUTH AND FAMILY DEVELOPMENT DEPARTMENT; ARTICLE III, DIVISIONS 1 AND 2, CHAPTERS 2-138, 2-139, AND 2-143 RELATIVE TO HUMAN RESOURCES; ARTICLE I, CHAPTERS 24-30 AND 24-37; ARTICLE II, CHAPTER 24-63, AND ARTICLE VII, DIVISION 2, CHAPTER 35-252 RELATIVE TO TRANSPORTATION; ARTICLE 1, CHAPTERS 32-13 AND 32-14; AND ARTICLE V, DIVISION 18, CHAPTER 38-285 RELATIVE TO ECONOMIC AND COMMUNITY DEVELOPMENT; ARTICLE XII, CHAPTER 11-377; ARTICLE I, CHAPTERS 26-7, 26-13, AND 26-14 RELATIVE TO PUBLIC WORKS; ARTICLE VI, CHAPTERS 2-581 AND 2-584; AND ARTICLE I, CHAPTER 26-24 RELATIVE TO GENERAL SERVICES TO BE CONSISTENT WITH NEW ADMINISTRATIVE DEPARTMENTS EXISTING IN THE CURRENT ADMINISTRATION.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilman Anderson and seconded by Councilman Henderson,

**RESOLUTION # 27549**

**A RESOLUTION AUTHORIZING THE RETIREMENT OF K-9 KHAN AS A SERVICE DOG.**

**ACTION: ADOPTED**

On motion of Councilman Grohn and seconded by Councilman Mitchell,

**RESOLUTION # 27550**

**A RESOLUTION AUTHORIZING PAYMENT TO MILLION FAMILY PARTNERSHIP FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SANITARY SEWER RELOCATION PROJECT, TRACT NO. 11, PROPERTY LOCATED AT 8821 EAST BRAINERD ROAD, CHATTANOOGA, TN, TAX MAP NO. 171C-B-006, FOR AN AMOUNT NOT TO EXCEED \$27,105.00.**

**ACTION: ADOPTED**

On motion of Councilman Grohn and seconded by Councilman Anderson,

**RESOLUTION # 27551**

**A RESOLUTION AUTHORIZING PAYMENT TO PAUL C. HANEY AND CATHERINE HANEY FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SANITARY SEWER RELOCATION PROJECT, TRACT NO. 2, PROPERTY LOCATED AT 8253 EAST BRAINERD ROAD, CHATTANOOGA, TN, TAX MAP NO. 1590-A-033, FOR AN AMOUNT NOT TO EXCEED \$14,647.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**RESOLUTION # 27552**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR DON KUEBLER RELATIVE TO HERITAGE HOUSE – COLUMN REPAIRS EMERGENCY PURCHASE, FOR AN INCREASED AMOUNT OF \$1,815.88, FOR A REVISED AMOUNT NOT TO EXCEED \$24,815.88.**

After the motion was seconded, Councilman Anderson raised a “Point of Order” that he, and not Councilman Grohn, had made the motion, contrary to what the Chairman had spoken. Chairman Hakeem ruled that the records would reflect that Councilman Anderson had made the motion.

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Freeman,

**RESOLUTION # 27548**

**A RESOLUTION AUTHORIZING HEWITT COLEMAN TO PAY AN ON-THE-JOB INJURY SETTLEMENT TO CITY EMPLOYEE, LORIN JOHNSTON (EN42491), IN THE AMOUNT OF THIRTY-TWO THOUSAND TWO HUNDRED FIFTY-EIGHT AND 40/100 DOLLARS (\$32,258.40) BASED UPON HIS ESTABLISHED PERMANENT PARTIAL**

**IMPAIRMENT RATING, SUBJECT TO HIS EXECUTION OF A RELEASE OF ALL CLAIMS, AND IN ACCORDANCE WITH ORDINANCE NO. 12573.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Vice Chairman Henderson,

**RESOLUTION # 27553**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO ENTER INTO AN AGREEMENT WITH BLUECROSS BLUESHIELD OF TENNESSEE (BLUERE) TO PROVIDE THE CITY OF CHATTANOOGA WITH A STOP LOSS POLICY ON LARGE HEALTH INSURANCE CLAIMS FOR A PERIOD OF ONE (1) YEAR WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL YEARS, FOR AN AMOUNT OF \$7.60 PER INDIVIDUAL POLICY PER MONTH AND \$19.65 PER FAMILY POLICY PER MONTH, FOR AN ESTIMATED ANNUAL PREMIUM OF \$538,112.00.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilman Anderson,

**RESOLUTION # 27554**

**A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENT OF MIKE MALLEN TO THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY, PURSUANT TO TENNESSEE CODE ANNOTATED SECTIONS 42-4-101, ET SEQ.**

Chairman Hakeem called for a roll call vote on this item:

<b>Smith</b>	<b>No</b>	<b>Freeman</b>	<b>Yes</b>
<b>Mitchell</b>	<b>Yes</b>	<b>Berz</b>	<b>Abstained</b>
<b>(Henderson - Pass)</b>		<b>Anderson</b>	<b>Yes</b>
<b>Grohn</b>	<b>No</b>	<b>Hakeem</b>	<b>Yes</b>
<b>Gilbert</b>	<b>Yes</b>		

Upon the Clerk ending the roll call, Chairman Hakeem asked for the count. Councilman Anderson called a point of order because the roll call count was given prior to the Councilman Henderson's vote. Chairman Hakeem ruled that he had asked for the count prior to the final vote and called for Councilman Henderson's vote, which was recorded as follows:

**Henderson                      Yes**

The motion carried 6/2/1 upon roll call vote.

**YES: Six (6) - NO: TWO (2) - ABSTAIN: ONE (1)**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Grohn,

**RESOLUTION # 27555**

**A RESOLUTION TO CONFIRM THE MAYOR’S APPOINTMENT OF DAVID HUDSON TO THE STORMWATER REGULATIONS BOARD, PURSUANT TO CHATTANOOGA CITY CODE SECTION 31-361.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

**RESOLUTION # 27556**

**A RESOLUTION TO CONFIRM THE MAYOR’S APPOINTMENT OF DOUG STEIN AS CHAIR OF THE STORMWATER REGULATIONS BOARD, PURSUANT TO CHATTANOOGA CITY CODE SECTION 31-361.**

During discussion, the following person stood in opposition: Jeff Perlacky of Racoon Caverns and Campgrounds, who asked the Council to defer the resolution. After further discussion, Chairman Hakeem recognized Councilman Freeman, who moved to call the question. Councilman Freeman’s motion to end the discussion was seconded by Councilman Gilbert.

Chairman Hakeem called for roll call vote on the main motion to approve Doug Stein as Chair of the Stormwater Regulations Board:

<b>Smith</b>	<b>No</b>	<b>Freeman</b>	<b>Yes</b>
<b>Mitchell</b>	<b>Yes</b>	<b>Berz</b>	<b>Yes</b>
<b>Henderson</b>	<b>Yes</b>	<b>Anderson</b>	<b>Yes</b>
<b>Grohn</b>	<b>Abstained</b>	<b>Hakeem</b>	<b>Yes</b>
<b>Gilbert</b>	<b>Yes</b>		

The motion carried 7/1/1 upon roll call vote.

**YES: SEVEN (7) - NO: ONE (1) - ABSTAIN: ONE (1)**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

Mr. Kean briefed the Council on one pending purchase:

<b>R77727– POLICE DEPARTMENT</b>	
Purchase of an Automated Fingerprint Identifications System (AFIS) Upgrade	\$ 89,000.00

On motion of Councilwoman Berz and seconded by Councilman Gilbert, the above-listed purchase was approved.

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Next Week's Agenda**

Councilman Anderson moved to place the Animal Control Board ordinance on next week's (July 2, 2013) Council meeting agenda. Chairman Hakeem granted permission to place the ordinance on next week's agenda.

**Next Week's Special Presentation**

Chairman Hakeem announced that the Council would begin the process next week of identifying young people who are striving to reach the best within themselves. Over the upcoming weeks, the Council will continue identifying young people striving for the best.

**COMMITTEE REPORTS**

*Economic and Community Development Committee*

Councilman Anderson

- The Economic and Community Development Committee will meet next week (July 2, 2013) immediately after the Agenda Session meeting.

*Budget and Finance Committee*

Councilwoman Berz

(No report at this time)

*Public Safety Committee*

Councilman Freeman

(No report at this time)

*Youth and Family Development Committee*

Councilman Gilbert

- The Youth and Family Development Committee will meet on July 9, 2013 immediately after Agenda Session. They will have an update to

*Audit Committee*

Councilman Grohn

(No report at this time)

*RPA (Planning Committee)*

Vice Chairman Henderson

- On July 2, 2013 at 1:30 p.m., there will be a meeting of the ad hoc committee formed to study changing city election dates. The committee consists of Councilman Grohn, Councilman Mitchell and Vice Chairman Henderson. The meeting will be for information sharing, but they would like to make the meeting known to the public herein.

*Personnel Committee*

Councilman Mitchell

(No report at this time)

- He asked Personnel Director Susan Dubose to come forward and announced that this was Ms. Dubose's last week with the city. She was retiring after 32 years of service.

*Public Works and Transportation Committee*

Councilman Smith

- Public Works and Transportation Committee will meet next week immediately following Agenda Session on July 2, 2013.

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

Chairman Hakeem asked Attorney Noblett to read the following rules of procedure for members of the public wishing to address the Council on non-agenda items:

1. Each speaker wishing to address the Council shall be recognized only at the microphone provided for that purpose.
2. The speaker may address the Council only upon matters within the legislative and quasi-judicial authority of the Council.
3. Each speaker shall limit his or her remarks to three (3) minutes, unless permission for additional time is provided.
4. The speaker shall not be permitted to use any vulgar or obscene language.
5. The use of the floor by persons addressing the Council shall not be used to personally attack or personally denigrate others.
6. The Chair is prohibited from recognizing any person, neighborhood association or organization to speak to the City Council during the "non-agenda matters" portion of the agenda more than twice in any thirty (30) day period.

After the rules of procedure were read, Chairman Hakeem recognized the following persons wishing to address the Council:

- **Tim Boyd, Hamilton County District 8 Commissioner** - He spoke on behalf of himself, and not the county commission, regarding cost overruns related to the city-county indoor firing range project. He informed the Council that he would not vote for anything over the 1.5 million dollars already committed by the county to this project.

During this portion of the agenda, Councilman Anderson relayed a message that Gloria Griffith, wife of the Rev. Leroy Griffith (a frequent Council meeting attendee), had been hospitalized. Councilman Anderson asked everyone to keep Ms. Griffith in their thoughts and prayers.

## **ADJOURNMENT**

On motion of Councilman Anderson and seconded by Councilman Gilbert, the meeting of the Chattanooga City Council was adjourned until Tuesday, July 2, 2013, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A full digital audio of this Council meeting, June 25, 2013,  
has been filed in the Clerk of the Council's office)**