



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
September 3, 2013  
6:00 PM

**CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Henderson and Councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present. Assistant City Attorney Phil Noblett, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

**PLEDGE OF ALLEGIANCE**

Vice Chairman Henderson led the assembly in the Pledge of Allegiance and invocation.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson and seconded by Councilman Gilbert, the minutes of the last meeting (August 27, 2013) were approved as published.

**ORDINANCES – FINAL READING:**

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

**ORDINANCE #12761**

**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2013/2014 AND TO AMEND THE FISCAL YEAR 2013/2014 BUDGET ORDINANCE NO. 12757.**

**ACTION: APPROVED**

On motion of Councilman Freeman and seconded by Councilman Gilbert,

**ORDINANCE #12762**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, ARTICLE II, SPECIAL GATHERING PERMIT.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

On motion of Councilman Smith and seconded by Councilman Anderson,

**ORDINANCE #12763**

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 24, ARTICLE XIV, SECTION 24-504, SCHEDULE IV, ONE-WAY STREETS.**

Chairman Hakeem noted that this item had been discussed in committee earlier today. Upon no questions or comments, the motion carried.

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Anderson and seconded by Councilman Smith,

**ORDINANCE #12764**

**AN ORDINANCE TO AMEND ORDINANCE NO. 12618, CHATTANOOGA CITY CODE, CHAPTER 17, ARTICLE I, SECTION 17-1, RELATIVE TO THE ADOPTION OF THE 2006 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE, AS AMENDED, FOR CERTAIN SPECIFIED OCCUPANCIES, INCLUDING EXISTING BUILDINGS.**

Councilman Anderson noted that this agenda item had been discussed at great length during the Economic and Community Development Committee (ECD) today. In follow-up to her request made during today's ECD meeting, Councilwoman Berz had an opportunity to speak with the Fire Chief about this item and noted that she felt comfortable moving forward with it. Upon no further comments, the motion carried.

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilwoman Berz and seconded by Councilman Anderson,

**RESOLUTION #27632**

**A RESOLUTION AUTHORIZING THE MAYOR, ADMINISTRATORS OF THE VARIOUS DEPARTMENTS, CITY TREASURER, AND CITY FINANCE OFFICER TO MAKE REFUNDS OF MONEY PAID TO THE CITY IN EXCESS OF AMOUNT OWED WITHOUT FURTHER COUNCIL APPROVAL.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Freeman,

**RESOLUTION #27633**

**A RESOLUTION AUTHORIZING THE WAIVER OF LANDFILL DISPOSAL FEES ASSOCIATED WITH THE TENNESSEE RIVER RESCUE CLEAN-UP ON OCTOBER 5, 2013, FOR AN AMOUNT NOT TO EXCEED \$750.00.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Anderson,

**RESOLUTION #27634**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-03-027-201 TO THOMAS BROTHERS CONSTRUCTION COMPANY, GOODWIN ROAD EXTENSION AND JENKINS ROAD AT IGOU GAP ROAD INTERSECTION IMPROVEMENT PROJECT, FOR A CONTRACT AMOUNT OF \$3,500,285.12, WITH A CONTINGENCY AMOUNT OF \$350,028.51, FOR AN AMOUNT NOT TO EXCEED \$3,850,313.63.**

Chairman Hakeem noted that this and other Public Works items on today's agenda had been discussed in detail during Agenda Session. Upon no further comments, the motion carried.

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilman Anderson,

**RESOLUTION #27635**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE FORGOTTEN CHILD FUND, INC. TO LEASE APPROXIMATELY 1,142 SQ. FT. LOCATED AT 1715 EAST MAIN STREET, IDENTIFIED AS TAX MAP NO. 156-D-011.**

**ACTION: ADOPTED**

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

**RESOLUTION #27636**

**A RESOLUTION AUTHORIZING THE FINAL PURCHASE OF RIGHT-OF-WAY FROM TPJS, LLC RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENT PROJECT CONCERNING SETTLEMENT FOR RESOLUTION NO. 26688, EMINENT DOMAIN PROCEEDINGS FOR SAID PROPERTY WHEREIN THE CITY TENDERED \$13,368.00, WITH A BALANCE DUE OF \$9,632.00, FOR A TOTAL AMOUNT OF \$23,000.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #27638**

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FUNDS FROM THE LYNDHURST FOUNDATION IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) AND FROM THE BENWOOD FOUNDATION IN THE AMOUNT OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00), WITH THE CITY'S PORTION IN THE AMOUNT OF ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00), AND ALSO AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CODE FOR AMERICA FELLOWSHIP PROGRAM FOR 2013, FOR A TOTAL PROJECT COST UP TO FOUR HUNDRED EIGHTY THOUSAND DOLLARS (\$480,000.00).**

Councilman Smith noted that there had been a presentation regarding this item. A discussion ensued on the total project cost and revised funding amounts. Upon no further questions or comments, the motion carried.

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Grohn,

**RESOLUTION #27637**

**A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF BARRY TEAGUE AS CITY TREASURER.**

**ACTION: ADOPTED**

**(THERE WERE NO DEPARTMENT REPORTS AT THIS MEETING)**

**Purchases**

Brent Goldberg, Deputy Chief Operating Officer, briefed the Council on the following purchases:

- |   |                                 |
|---|---------------------------------|
| <b>R34915 - Public Works</b><br>Blanket Contract Renewal for CCTV Parts & Service<br>Lowest/Best Bidder: Cues Inc.  | Estimated \$45,000.00 Annually  |
| <b>R32178 - Transportation Department</b><br>Blanket Contract Renewal for Drivers Education Services<br>Lowest/Best Bidder: Hamans New Drivers  | Estimated \$120,000.00 Annually |
| <b>R39701 - Public Works</b><br>Flasher & Barricade Services<br>Lowest/Best Bidder: Chattanooga Barricade, Inc.   | Estimated \$25,000.00 Annually  |
| <b>PO500909 - Public Works</b><br>Blanket Contract Renewal for Boiler Maintenance<br>& Repair Services<br>Lowest/Best Bidder: Alpha Boiler Company LLC  | Estimated \$25,000.00 Annually  |
| <b>R80426 - General Services</b><br>Blanket Contract for Preventative Maintenance<br>& Repair of Heating, Ventilation & Air Conditioning<br>Equipment (Knoxville Area)<br>Lowest/Best Bidder: Mountain City Service, Inc. | Estimated \$10,000.00 Annually  |
| <b>PO512681 - Public Works</b><br>Blanket Contract Renewal for Sewer Line Cleaning Services<br>Lowest/Best Bidder: Sani-Tech JetVac Services LLC  | Estimated \$350,000.00 Annually |
| <b>PO511823 - Public Works</b><br>Blanket Contract Renewal for Vapor Phase<br>Odor Neutralizing Services<br>Lowest/Best Bidder: BioTriad Environmental LLC  | Estimated \$25,000.00 Annually  |
| <b>PO518529 - Public Works</b><br>Blanket Contract Renewal for Maintenance &<br>Repair of Heavy & Light Equipment<br>Lowest/Best Bidder: Power Equipment Company  | Estimated \$400,000.00 Annually |

On motion of Councilwoman Berz and seconded by Councilman Anderson, the above-listed purchases were approved.

**ACTION: APPROVED**

**OTHER BUSINESS: (NONE)**

## COMMITTEE REPORTS:

### *Economic and Community Development Committee*

Councilman Anderson

- The Council heard from several small business owners that would be adversely affected by the "Sprinkler Ordinance," that will now be amended. There was good dialogue between the Council and the business owners that provided a "great step for economic development."

### *Budget and Finance Committee*

Councilwoman Berz

- Per request of the Council, there will be an educational session next Tuesday at 2:00 p.m. regarding PILOTs, TIFs and their impact on the city's budget system.

### *Public Safety Committee*

Councilman Freeman

(No report at this time)

### *Youth and Family Development Committee*

Councilman Gilbert

(No report at this time)

### *Audit Committee*

Councilman Grohn

(No report at this time)

### *RPA (Planning Committee)*

Vice Chairman Henderson

(No report at this time)

### *HR Committee (Human Resources)*

Councilman Mitchell

(No report at this time)

### *Public Works and Transportation Committee*

Councilman Smith

- The committee will meet next week immediately after the Agenda Session.

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

Attorney Noblett read six (6) rules for persons wishing to address the Council on non-agenda items. After which, Chairman Hakeem recognized the following persons:

- **Gary Ball - (Business owner, 2520 E. 14<sup>th</sup> St.)** - He thanked the Council for the recent event hall legislation. He hopes this new legislation will give police more ability to communicate what is happening with these establishments in their neighborhood.
  - Chairman Hakeem thanked Mr. Ball for his diligence in this matter.
- **Patrick Kellogg (City resident)** - He said one of his main concerns is the lack of information on the Harriet Tubman land acquisition/development. He believes there are open records on this land acquisition that are not being disclosed to the public. He said the community surrounding the property is asking for a briefing on the matter.
  - Chairman Hakeem asked Mr. Kellogg to break down his main questions. Mr. Kellogg responded: (1) What are the potential industries being marketed, (2) Why is the land not suitable as residential property, and (3) Any background information leading to this point in the acquisition.
- **Charlie Wysong (City resident)** - After reading from 2-Chronicles 19 of the Bible, Mr. Wysong voiced his opposition to benefits for same-sex couples.
  - Councilman Anderson called **Point of Order** after Mr. Wysong made a comment on "sodomy." Chairman Hakeem interrupted Mr. Wysong because his language "could be perceived as denigrating others," which would violate the rules for addressing the Council. Chairman Hakeem issued a warning. Upon further comments, Chairman Hakeem stopped Mr. Wysong's address to the Council. Mr. Wysong objected, but yielded the floor.
- **Edward Brennar (North Chattanooga resident)** - He is starting a petticab business in North Chattanooga, but there is an ordinance prohibiting him from taking his petticabs over the bridge. He asked the Council to change the ordinance regarding petticabs.
  - Atty. Noblett said the Transportation Board might have reasons why it placed restrictions in that area. He recommended that Mr. Brennar petition the Transportation Board about the matter. The Transportation Board could then make recommendations to the Council about amending the legislation regarding petticabs.
- **Daniel Wysong (City resident)** - He spoke in opposition to same-sex couples seeking benefits in the city.
  - After making several comments about homosexuality, Chairman Hakeem warned Mr. Wysong that his language was "crossing a line" legally because his issues were not related to city business.

## ADJOURNMENT

On motion of Councilwoman Berz, the meeting of the Chattanooga City Council was adjourned until Tuesday, September 10, 2013, at 6:00 p.m.

  
CLERK OF COUNCIL

  
CHAIRMAN

(A full digital audio of this Council meeting, September 3, 2013,  
has been filed in the Clerk of the Council's office)