



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
August 12, 2014  
6:00 PM

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Councilman Grohn led the assembly in the Pledge of Allegiance and read James 3:13-16 (NIV) from the Bible for the invocation.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson and seconded by Councilman Smith, the minutes of the last meeting (August 5, 2014) were approved as published.

**SPECIAL PRESENTATION**

Although there were no scheduled presentations for this meeting, Chairman Henderson wished to recognize Boy Scouts Troop 431 of East Brainerd. Patrol Leader Zachary Ward spoke on behalf of the group, who were working towards the "Citizenship in the Community" Merit Badges.

**ORDINANCES – FINAL READING:**

MR-2014-011  
Erin Simpson/  
Keller Williams Realty  
Planning Version

On motion of Councilman Mitchell and seconded by Councilman Smith,

**ORDINANCE #12847**

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED UNIT  
BLOCK OF CHAMBLISS STREET.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

2014-068  
Neuhoff Taylor Architects/  
YMCA Association of Metro Chattanooga  
District No. 4  
Planning Version

On motion of Councilman Grohn and seconded by Councilman Hakeem,

**ORDINANCE #12848**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7502 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO C-4 PLANNED COMMERCE CENTER, SUBJECT TO CERTAIN CONDITIONS.**

Greg Haynes, Regional Planning's Director of Development, made a presentation on this ordinance. The Applicant was present; however, there was no opposition present.

**ACTION: PASSED ON FIRST READING**

**ORDINANCE #12849**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 25, RESIDENTIAL PLANNED UNIT DEVELOPMENT, SECTION 38-393, PERMITTED USES, TO ALLOW ALL USES PERMITTED IN THE UNDERLYING ZONE(S) AND SECTION 38-398. PERMITTED DENSITY.**

A discussion ensued in which Councilman Hakeem noted that the Applicant had asked for the ordinance to be withdrawn. Therefore, **Councilman Hakeem moved to deny**, seconded by Councilman Anderson. **The motion carried.**

Later in the meeting, Regional Planning's Executive Director, John Bridger, informed Council that Ordinance #12848 had been confused with another zoning ordinance whose petitioner asked to be withdrawn. Mr. Bridger asked Council to consider Ordinance #12849 again next week. **Councilman Grohn moved** to defer one (1) week, seconded by Councilman Hakeem. **The motion carried.**

**ACTION: DEFERRED ONE (1) WEEK**

**Councilman Freeman moved** to consider [the following] ordinance to the end of the agenda. He was seconded by Councilman Mitchell. **The motion carried.** The reading of the following ordinance was moved on the agenda.

**ORDINANCE #12850**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, ARTICLE III, SECTIONS 25-67, 25-69, 25-73, AND 25-75, RELATIVE TO UNLAWFUL NOISES.**

After the reading, Attorney Hinton opened a discussion by noting that there were several amendments for Council consideration.

Regarding the district name, **Councilman Gilbert moved** to amend and name the area as “Downtown Amplified Music District,” seconded by Vice Chair Dr. Berz. A discussion ensued. **The motion carried** upon roll call vote as follows:

<b>Anderson</b>	<b>YES</b>	<b>Hakeem</b>	<b>YES</b>
<b>Berz</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Freeman</b>	<b>YES</b>	<b>Smith</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>		

Regarding boundaries, **Chairman Henderson moved** to amend the Downtown Amplified Music District boundary so that the Market Street and Broad Street corridors will continue until 7<sup>th</sup> Street. He was seconded by Councilman Mitchell. A discussion ensued, with Councilman Anderson expressing opposition. **The motion carried** upon roll call vote as follows:

<b>Anderson</b>	<b>NO</b>	<b>Hakeem</b>	<b>NO</b>
<b>Berz</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Freeman</b>	<b>NO</b>	<b>Smith</b>	<b>YES</b>
<b>Gilbert</b>	<b>NO</b>	<b>Henderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>		

Regarding boundaries, **Councilman Freeman moved** to amend the Main Street Corridor to strike the reference to Madison Street and insert “the railroad tracks at Adams Street.” He was seconded by Councilman Smith.

Councilman Mitchell moved to amend Councilman Freeman’s motion by adding “railroad tracks west of Adams Street.” Councilman Smith seconded again. **The motion carried** upon roll call vote:

<b>Smith</b>	<b>YES</b>	<b>Freeman</b>	<b>YES</b>
<b>Mitchell</b>	<b>YES</b>	<b>Berz</b>	<b>YES</b>
<b>Hakeem</b>	<b>YES</b>	<b>Anderson</b>	<b>ABSTAINED</b>
<b>Grohn</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>		

Regarding the time of dB(A) and dB(C) sound levels, **Councilman Freeman moved** to strike the number “95” wherever it appears and insert thereof the number “85” in the following times: 11:00 a.m. - 11:00 p.m. Monday through Thursday and 11:00 a.m. - 12:00 a.m. Friday through Saturday.

Councilman Hakeem asked for a Point of Clarity on Councilman Freeman’s motion. Councilman Anderson seconded. After further discussion, **the motion failed** upon roll call vote as follows:

<b>Smith</b>	<b>NO</b>	<b>Freeman</b>	<b>YES</b>
<b>Mitchell</b>	<b>NO</b>	<b>Berz</b>	<b>NO</b>
<b>Hakeem</b>	<b>NO</b>	<b>Anderson</b>	<b>YES</b>
<b>Grohn</b>	<b>NO</b>	<b>Henderson</b>	<b>NO</b>
<b>Gilbert</b>	<b>NO</b>		

Further discussion ensued on the sound level. **Councilman Hakeem moved** to set the limit of “90” for the dB(C) from 11:00 a.m. - 11:00 p.m. Monday through Thursday and 11:00 a.m. - 12:00 a.m. Friday through Saturday. He was seconded by Councilman Mitchell. Councilman Freeman made comments. The **motion carried** upon roll call vote as follows:

<b>Anderson</b>	<b>YES</b>	<b>Hakeem</b>	<b>YES</b>
<b>Berz</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Freeman</b>	<b>YES</b>	<b>Smith</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>		

**Councilman Mitchell moved** to amend the measurement of the timed readings to “an average of one (1) minute.” He was seconded by Councilman Gilbert. **The motion carried** upon roll call vote as follows:

<b>Smith</b>	<b>YES</b>	<b>Freeman</b>	<b>YES</b>
<b>Mitchell</b>	<b>YES</b>	<b>Berz</b>	<b>YES</b>
<b>Hakeem</b>	<b>YES</b>	<b>Anderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>		

Regarding enforcement, **Councilman Mitchell moved** to amend the enforcement so that *the venue can be shut down for the evening if there are multiple (more than one) violations of the ordinance in the same night.* He was seconded by Councilman Anderson. **The motion carried** upon roll call vote as follows:

<b>Anderson</b>	<b>YES</b>	<b>Hakeem</b>	<b>YES</b>
<b>Berz</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Freeman</b>	<b>YES</b>	<b>Smith</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>		

Regarding enforcement, **Councilman Anderson moved** to amend the dB(C) between 3:00 a.m. - 11:00 a.m. to “70 dB(C).” He was seconded by Councilman Freeman. **The motion carried** upon roll call vote:

<b>Smith</b>	<b>YES</b>	<b>Freeman</b>	<b>YES</b>
<b>Mitchell</b>	<b>YES</b>	<b>Berz</b>	<b>NO</b>
<b>Hakeem</b>	<b>YES</b>	<b>Anderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>	<b>Henderson</b>	<b>NO</b>
<b>Gilbert</b>	<b>YES</b>		

Regarding the Controlled Sound Board appointments, **Councilman Anderson moved** to specify that “*Districts 7 and 8 Council Members will make the appointments for those positions, and the Chair will make the appointment for the one at-large board member.*” He was seconded by Councilman Mitchell. A discussion ensued with Assistant City Attorney Keith Reisman. After which, **the motion carried** upon roll call vote as follows:

<b>Anderson</b>	<b>YES</b>	<b>Hakeem</b>	<b>YES</b>
<b>Berz</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Freeman</b>	<b>YES</b>	<b>Smith</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>	<b>Henderson</b>	<b>YES</b>
<b>Grohn</b>	<b>YES</b>		

Once all amendments had been acted upon, **Councilman Anderson moved** to defer the first reading of the amended ordinance for one (1) week. He was seconded by Councilman Grohn. **The motion carried** by consensus.

ACTION: ORDINANCE #12850 AS AMENDED DEFERRED ONE (1) WEEK
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**MR-2014-024**  
**RSD, LLC**  
**c/o Chris Curtis**

On motion of Councilman Freeman and seconded by Councilman Grohn,

**ORDINANCE #12851**

**AN ORDINANCE CLOSING AND ABANDONING OF THE CITY UNDERGROUND DETENTION FACILITY AND EASEMENT LOCATED AT THE CORNER OF EAST 10TH STREET AND UNIVERSITY STREET BEING THE PROPERTY DESCRIBED AS TRACT 4.**

ACTION: PASSED ON FIRST READING
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**RESOLUTION:**

On motion of Councilman Hakeem and seconded by Councilman Gilbert,

**RESOLUTION #27982**

**A RESOLUTION DECLARING SURPLUS AND AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO CONVEY THE INTEREST OF THE CITY OF CHATTANOOGA IN BACK TAX PARCEL NOS. 137I-A-039 AND 137H-G-002, AS JOINTLY OWNED BY THE CITY OF CHATTANOOGA AND HAMILTON COUNTY, TO THE TENNESSEE VALLEY RAILROAD MUSEUM, INC. FOR THE AMOUNT OF \$53,600.00.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Police**

Police Chief Fred Fletcher gave a 60-day report and recognized his executive command staff.

**Purchases**

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

<b>R99577 - General Government</b>	<b>\$37,100.00</b>
Payment to Tennessee Municipal League	
for annual dues for the City of Chattanooga	
Lowest/Best Bidder: Tennessee Municipal League	

<b>R99323 - Police Department</b>	<b>\$249,415.74</b>
Purchase of Motorola Radios and Accessories	
Lowest/Best Bidder: Motorola Solutions	

**Councilman Anderson moved** to approve the above-listed purchases, seconded by Councilman Hakeem. **The motion carried.**

**ACTION: APPROVED**

**OTHER BUSINESS: (NONE)**

**COMMITTEE REPORTS:**

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

*Budget and Finance Committee*  
Councilman Mitchell  
(No report)

*Economic and Community Development Committee*  
Councilman Anderson  
(No report)

*HR Committee (Human Resources)*  
Vice Chair Dr. Berz

- The committee will meet next Tuesday (August 19) for an update on the city's Wellness Program.

*Planning & Zoning*  
Councilman Hakeem  
(No report)

*Public Safety Committee*  
Councilman Freeman  
(No report)

*Public Works and Transportation Committee*  
Councilman Smith

- The committee met today to review agenda items and will meet again in two weeks (August 26).

*Youth and Family Development Committee*  
Councilman Gilbert  
(No report)

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

Attorney Hinton read the rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Henderson recognized the following persons:

- **Helen Burns Sharpe (Walnut Street)** - Asked Council to reconsider weighing in on the IDB's decision whether or not to appeal the recent Black Creek Mountain court ruling; asks Council to reconsider their decisions regarding TIFS.

## **ADJOURNMENT**

**On motion of Councilman Anderson**, the meeting of the Chattanooga City Council was adjourned until Tuesday, August 19, 2014, 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 has been  
filed in the Clerk of the Council's office)**