



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
August 19, 2014  
6:00 PM

**CALL TO ORDER**

Council Chairman Chip Henderson called the meeting to order with 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. Vice Chair Dr. Carol Berz was not present.

**PLEDGE OF ALLEGIANCE**

Councilman Gilbert led the assembly in the Pledge of Allegiance. He asked Administrator Lurone Jennings to lead the invocation.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Freeman and seconded by Councilman Gilbert, the minutes of the last meeting (August 12, 2014) were approved as published.

**SPECIAL PRESENTATION**

***"Gospel Music Heritage Month"***  
***Presentation by Councilman Anderson to Ann Jones Pierre***

Councilman Anderson asked Ann Jones Pierre of the Gospel Music Association of Chattanooga to join him as he read and presented the following resolution:

**RESOLUTION**

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearn, Rex Humbard, Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Bobby Jones Cathy Taylor, and Brenda Waters, Carl Preacher, Shirley Joiner of B,C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Bessie Smith - whose father was a Baptist minister, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including 'American Idol', 'Heroes', 'Dancing with the Stars', 'O Brother, Where Art Thou?', 'Sister Act', 'The Preacher's Wife', 'Evan Almighty', and more;

Whereas gospel music has a huge audience around the city, state, country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries; and

Whereas September would be an appropriate month to designate as 'Gospel Music Heritage Month' in keeping with the US recognition in Chattanooga, Tennessee: Now, therefore, be it resolved that

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim the month of September of each year in the City of Chattanooga as

### **Gospel Music Heritage Month**

**And Furthermore**, be it resolved the City of Chattanooga will recognize the commencement of a month-long celebration by the Gospel Music Association of Chattanooga, Tennessee beginning September 1, 2014, and urge all Citizens to wholeheartedly recognize this celebration throughout the month. In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 20<sup>th</sup> day of August, 2014.

**Andy Berke, Mayor**

**ORDINANCES – FINAL 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.

**ACTION: APPROVED**

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 10<sup>TH</sup> STREET AND UNIVERSITY STREET BEING THE PROPERTY DESCRIBED AS TRACT 4.

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

On motion of Councilman Hakeem and seconded by Councilman Anderson,

**ORDINANCE #12850**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, ARTICLE III, SECTIONS 25-67, 25-69, 25-73, 25-75, 25-76, AND 25-77 RELATIVE TO UNLAWFUL NOISES SO AS TO CREATE DOWNTOWN AMPLIFIED MUSIC DISTRICT.

The motion carried on roll call vote as follows:

Anderson	YES	Hakeem	YES
Freeman	YES	Mitchell	YES
Gilbert	YES	Smith	YES
Grohn	YES	Henderson	YES

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Anderson and seconded by Councilman Gilbert,

**ORDINANCE #12852**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, DIVISION 17, TO MAKE CERTAIN CHANGES TO THE GENERAL PENSION PLAN RELATIVE TO RETIRED PARTICIPANTS.**

The motion carried on roll call vote as follows:

Smith	YES	Gilbert	YES
Mitchell	YES	Freeman	ABSTAINED
Hakeem	ABSTAINED	Anderson	YES
Grohn	YES	Henderson	YES

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Freeman and seconded by Councilman Grohn,

**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.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilman Anderson and seconded by Councilman Gilbert,

**RESOLUTION #27983**

**A RESOLUTION TO ENGAGE THE LAW FIRMS OF (1) TIDWELL & IZELL PC; (2) MILLER & MARTIN, LLP; (3) KING & SPALDING, LLP; (4) FROST BROWN TODD, LLC; AND (5) WALLER LANSDEN DORTCH & DAVIS, LLP FOR LEGAL SERVICES FOR THE PERIOD OF JULY 1, 2014 THROUGH JUNE 30, 2015 WITH THE OPTION TO EXTEND THE BLANKET CONTRACTS FOR TWO (2) ADDITIONAL TWELVE (12) MONTH PERIODS, FOR A TOTAL AMOUNT NOT TO EXCEED \$175,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**RESOLUTION #27984**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A CONTRACT WITH FAMILY CONCESSIONS, LLC FOR CONCESSION SERVICES AT THE MEMORIAL AUDITORIUM AND TIVOLI THEATER FOR A TERM OF TWELVE (12) MONTHS WITH THE OPTION OF THREE (3) ADDITIONAL TWELVE (12) MONTH RENEWALS FOR AN ESTIMATED ANNUAL AMOUNT OF \$150,000.00 TO THE VENDOR AND \$50,000.00 TO THE CITY.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilman Smith,

**RESOLUTION #27985**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR YERBEY CONCRETE CONSTRUCTION RELATIVE TO THE BRAINERD ROAD SEP PROJECT, FOR AN INCREASE OF \$3,372.04, FOR A TOTAL REVISED CONTRACT AMOUNT NOT TO EXCEED \$98,494.04.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Smith,

**RESOLUTION #27986**

**A RESOLUTION AUTHORIZING WATERS-HOLLAND, LLC C/O MITCH HOLLAND TO USE TEMPORARILY AN UNOPENED ALLEY CONNECTING FEDERAL STREET AND 923 ENDICOTT STREET, AS SHOWN ON THE PHOTO AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilman Grohn,

**RESOLUTION #27987**

**A RESOLUTION AUTHORIZING WORLD OF BEER C/O FRANK HUDSON TO USE TEMPORARILY THE FRONT SIDEWALK FOR OUTDOOR SEATING/DINING LOCATED AT THE WORLD OF BEER ESTABLISHMENT ON 412 MARKET STREET, AS SHOWN ON THE PHOTO AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Freeman and seconded by Councilman Smith,

**RESOLUTION #27988**

**A RESOLUTION AUTHORIZING E. 10<sup>TH</sup> STREET RSD, LLC C/O CHRIS CURTIS TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON DOUGLAS AND UNIVERSITY STREETS AND AN UNNAMED TEN FOOT (10') ALLEY FOR A PORTION OF THE CONCRETE FOOTINGS; AND ON DOUGLAS STREET FOR THE CANOPY/AWNINGS/ROOF OVERHANG AREAS FOR THE APARTMENT BUILDING ON EAST 10<sup>TH</sup> STREET, AS SHOWN ON THE PHOTO AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

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

- |  |                              |
|--|------------------------------|
| <b>R97187 - General Services</b><br>Blanket Contract for Fire & Garbage<br>Truck Maintenance Service<br>Lowest/Best Bidder: Chattanooga Truck Center           | Estimated \$100,000 Annually |
| <b>R82552 - General Services</b><br>Blanket Contract Increase for Equipment Repair<br>Parts and Service<br>Lowest/Best Bidder: CMI Equipment Sales Inc         | Estimated \$70,000 Annually  |
| <b>R97406 - Public Works Department</b><br>Blanket Contract for City Wide Safety Shoes<br>Lowest/Best Bidder: Sears Shoe Store                                 | Estimated \$60,000 Annually  |
| <b>R71835 - Public Works</b><br>Blanket Contract name change for Front End Loader<br>Disposal Services<br>Lowest/Best Bidder: Republic Services Of Chattanooga |                              |
| <b>R66729 - Public Works</b><br>Blanket Contract Renewal for Liquid Chlorine<br>Lowest/Best Bidder: Brenntag Mid-South Inc.                                    | Estimated \$700,000 Annually |
| <b>R83143 - Public Works</b><br>Blanket Contract Renewal for Odor Control Filter Media<br>Lowest/Best Bidder: Prominent Systems Inc.                           | Estimated \$130,000 Annually |

**R96263 - Public Works**

Estimated \$900,000 Annually

Blanket Contract for Supply and Delivery  
of Liquid Calcium Nitrate.

Lowest/Best Bidder: Evoqua Water Technologies LLC

**Councilman Anderson moved to approve**, the above-listed purchases. He was seconded by Councilman Grohn.

**ACTION: APPROVED**

**OTHER BUSINESS:**

**Board Appointment**

Councilman Anderson appointed Tim Kelly to represent District 7 on the *Board of Sign Appeal*.

**COMMITTEE REPORTS:**

*Audit & I.T. Committee*

Councilman Grohn

(No report)

*Budget and Finance Committee*

Councilman Mitchell

- The committee will meet on September 9 immediately following the Agenda Session.

*Economic and Community Development Committee*

Councilman Anderson

(No report)

*HR Committee (Human Resources)*

Vice Chair Dr. Berz

(No report)

*Planning & Zoning*

Councilman Hakeem

- The committee will meet on September 2 immediately after the Agenda session.

*Public Safety Committee*

Councilman Freeman

- The committee will meet on September 2 immediately following the Planning & Zoning to discuss the Animal Control Ordinance Proposal.

*Public Works and Transportation Committee*

Councilman Smith

- The Committee will meet next Tuesday (August 26) immediately following the Agenda Session.

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:

- **Karl Epperson (Boynton Drive)** - Thanked Councilman Anderson for helping with the bed bug infestation at his apartment; thanked Councilman Smith for offering assistance; updated Council on his apartment management's actions to resolve the problem.
- **Yolanda Parms Montgomery (Chattanooga)** - Asks Council to put forth a referendum on the November ballot regarding prayer and Bible in the classrooms; distributed a petition with signatures asking for "Devotion and Bible Classes" in the school system.
- **Patrick Kellogg (Chattanooga)** - Voiced concerns that Council is not complying with MTAS regulations regarding Council minutes; concerned that Council is violating open meeting laws by not adding discussion details in its minutes.
  - Chairman Henderson instructed Attorney Hinton to verify if the Council is in compliance in regards to its minutes.

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, August 26, 2014, at 6:00 p.m.

  
CLERK OF COUNCIL  
CHAIRMAN

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