



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
November 18, 2014
6:00 PM

CALL TO ORDER

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

Councilpersons Chris Anderson and Larry Grohn were not present.

PLEDGE OF ALLEGIANCE

Councilman Hakeem led the assembly in the Pledge of Allegiance and invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Smith and seconded by Councilman Gilbert, the minutes of the last meeting (Nov. 11, 2014) were approved as published.

ORDINANCES – FINAL READING:

2014-109

Hixson Investors, LLC/

Mary Eastman

District No. 3

Planning Version

On motion of Councilman Smith and seconded by Councilman Mitchell,

ORDINANCE #12873

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1 THROUGH 9 FROM ORDINANCE NO. 11827 OF PREVIOUS CASE NUMBER 2006-028 FROM PROPERTIES LOCATED AT 6300, 6302, AND 6306 GRUBB ROAD AND PART OF THE 5800 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN.

ACTION: APPROVED

2014-110
Polestar Development, LLC/
Sarah Henshall Rutherford
District No. 4
Planning Version

On motion of Vice Chair Dr. Berz and seconded by Councilman Gilbert,

ORDINANCE #12874

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7911 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2014-111
Polestar Development, LLC/
First Cumberland Presbyterian
District No. 5
Planning Version

On motion of Councilman Gilbert and seconded by Councilman Smith,

ORDINANCE #12875

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1505 NORTH MOORE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: APPROVED

2014-105
Charles Ankar/Joyce Douglas
District No. 7
Planning Version

On motion of Councilman Freeman and seconded by Councilman Smith,

ORDINANCE #12876

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1812, 1816, AND 1818 MADISON STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2014-112
Passpointe Engineering, PLLC/
Walnut Street Enterprises/
Marvin Berke/Claudette C. Braley
District No. 7
Alternate Version

On motion of Vice Chair Dr. Berz and seconded by Councilman Mitchell,

ORDINANCE #12877

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 102 WALNUT STREET AND 213 EAST AQUARIUM WAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

On motion of Councilman Freeman and seconded by Councilman Gilbert,

ORDINANCE #12879

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO AMEND ARTICLE VIII, BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS; ADD AND AMEND ARTICLE II, DEFINITIONS; AND ADD TO ARTICLE V, ZONE REGULATIONS TO INCLUDE SPECIAL PERMIT FOR TWO-FAMILY OR MULTI-FAMILY DWELLINGS ON LOTS OF RECORD.

The motion carried, with Councilman Mitchell abstaining.

ACTION: APPROVED

On motion of Councilman Freeman and seconded by Councilman Hakeem,

ORDINANCE #12880

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, RELATIVE TO REFERENCE "THE ANIMAL CENTER" AND TO AMEND CHATTANOOGA CITY CODE, CHAPTER 7, RELATIVE TO ANIMAL PERMITS BY CREATING NEW PROVISIONS FOR DEALER PERMITS, KENNEL PERMITS, ANIMAL PERFORMANCE PERMITS, ANIMAL RESCUE PERMITS, AND DOGS IN OUTDOOR DINING AREAS PERMITS.

The motion carried, with Councilman Gilbert and Chairman Henderson voting "NO."

ACTION: APPROVED

MR-2014-059
Brad Slayden,
Ragan-Smith Associates/
Parkridge Health System

On motion of Councilman Hakeem and seconded by Councilman Smith,

ORDINANCE #12882

AN ORDINANCE CLOSING AND ABANDONING OF THE OPENED 200 BLOCK OF MCCONNELL STREET, OPENED AND UNOPENED PORTIONS OF THE 200 BLOCK OF MCCONNELL LANE, AND THE 200 BLOCK OF WATKINS STREET, SUBJECT TO CERTAIN CONDITIONS.

The motion carried, with Councilman Gilbert abstaining.

ACTION: APPROVED

ORDINANCES – FIRST READING:

2014-108
Alan Haniszewski/HP Partners
District No. 8
Council Version

A discussion ensued about the following:

ORDINANCE #12878

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1200 SOUTH WATKINS STREET AND 2308 EAST 12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Greg Haynes, Regional Planning's Director of Development, briefed Council on the four (4) different recommended versions of this ordinance. Mr. Haynes indicated that he had spoken with the Applicant, who was willing to accept Planning's recommendation. The Applicant and Opposition were present. Therefore, Chairman Henderson recognized the following speakers:

- Alan Haniszewski (on behalf of the Applicant)
- Alex Herweyer (on behalf of the Opposition [community])

Mr. Haniszewski indicated that he wished to accept Council's version of the ordinance, not Planning's version. Mr. Herwire verified that he and others representing Opposition had met with Mr. Haniszewski and were satisfied with accepting Council's version.

After further discussion, **Councilman Freeman moved** to accept Council's version, seconded by Councilman Gilbert. Councilman Mitchell called a *Point of Order*, asking if there was a legal description for the Council version. Mr. Haynes indicated that there was a legal description. The motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Freeman and seconded by Councilman Hakeem,

RESOLUTION #28063

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH CINCINNATI, NEW ORLEANS, AND TEXAS PACIFIC RAILWAY COMPANY FOR THE CONTINUED OPERATION OF A 0.77 ACRE PARK AT 1004 CRUTCHFIELD STREET, FOR AN AMOUNT OF \$300.00 PER YEAR SUBJECT TO AN ANNUAL INCREASE BASED ON CPI.

ACTION: ADOPTED

On motion of Vice Chair Dr. Berz and seconded by Councilman Smith,

RESOLUTION #28064

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO PAY RALPH AND JENNIFER HARSINE CONCERNING A SEWER LINE CLAIM AT THE PROPERTY LOCATED AT 7450 TWIN BROOK TRAIL, CHATTANOOGA, TN, SUBJECT TO THEIR EXECUTION OF A RELEASE OF ALL CLAIMS, IN THE AMOUNT OF \$42,782.88.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Freeman,

RESOLUTION #28065

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR YERBEY CONCRETE CONSTRUCTION, INC. RELATIVE TO CONTRACT NO. R-13-003-201, TENNESSEE AQUARIUM PLAZA-PAVERS AND TREE REPLACEMENT, FOR AN INCREASED AMOUNT OF \$62,677.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$279,919.30, WITH A CONTINGENCY IN THE AMOUNT OF \$6,250.00.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Purchases

David Carmody, Deputy Chief Operating Officer, briefed the Council on the following purchases:

R103247 - General Services Estimated \$60,000 Annually
New Blanket Contract for John Deere
Agriculture Tractor Parts and Services
Lowest/Best Bidder: Snead Agriculture Supply & Services

R66652 - Public Works Estimated \$250,000 Annually
Blanket Contract Renewal for Equipment Maintenance
and Repair Services
Lowest/Best Bidder: Power Equipment Company

R38230 - Public Works \$300,000 Annually
Increase of Authorized Expenditure on
Blanket Contract for Crushed Stone
Lowest/Best Bidder: Vulcan Materials Company

R34889 - Purchasing Department Estimated \$90,000 Annually
Blanket Contract Renewal for Newspaper Advertising
Lowest/Best Bidder: Chattanooga Times Free Press

Councilman Hakeem moved to approve, seconded by Councilman Mitchell. 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 not present)

Chairman Henderson reported on behalf of Councilman Anderson:

- The committee will meet next week immediately following Planning and Zoning meeting.

HR Committee (Human Resources)

Vice Chair Dr. Berz

- Pending the vetting of applicants for Council Office staff positions, the Committee will meet next Tuesday (Nov. 25) during Council's 1:30 p.m. Strategic Planning meeting.

Planning & Zoning
Councilman Hakeem

- The committee will meet next Tuesday immediately following Agenda Session regarding C-3 zoning (liquor ordinance).

Public Safety Committee
Councilman Freeman
(No report)

Public Works and Transportation Committee
Councilman Smith

- The committee met today to discuss items from today's and next week's agenda.
- The committee will meet again in two (2) weeks.

Youth and Family Development Committee
Councilman Gilbert
(No report)

- He commented Mayor Berke's Administration for the "My Brother's Keepers" mentorship program. The kick-off took place last Saturday at the UTC.

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:

- **Steve West (Chattanooga)** - He voiced concerns about an incident in which Human Resources has not yet disciplined a supervisor. [Chairman Henderson warned Mr. West about making personal attacks made from the podium.] Mr. West continued and asked Human Resources to look into the incident.
 - As chair of the Council's HR Committee, Vice Chair Dr. Berz offered to speak with Mr. West after today's meeting about this matter.

ADJOURNMENT

On motion of Councilman Mitchell, the meeting of the Chattanooga City Council was adjourned until Tuesday, November 25, 2014, at 6:00 p.m.


CLERK OF COUNCIL


CHAIRMAN