



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
October 18, 2016  
6:00 PM

## **CALL TO ORDER**

Council Chairman Moses Freeman called the meeting to order. A quorum was present, including Vice Chair Jerry Mitchell and Council members Chris Anderson, Carol Berz, Russell Gilbert, Yusuf Hakeem, Chip Henderson and Ken Smith all present. City Attorney Wade Hinton and Council Clerk Nicole Gwyn, CMC, were also present. Councilman Larry Grohn was not present.

## **PLEDGE OF ALLEGIANCE**

Councilman Anderson led the Assembly in the Pledge of Allegiance.

## **APPROVAL OF LAST MINUTES**

**On motion of Councilman Anderson** and seconded by Councilman Gilbert, the minutes of the last meeting (October 11, 2016) were approved as published.

## **SPECIAL PRESENTATION**

### ***Veteran's Bridge Initiative By Transportation Department***

Lezlie Rupert, Deputy Administrator of Transportation, introduced Caroline Johnson, who gave a presentation on the "Veteran's Bridge Initiative." The presentation included information on how the initiative works, the Mayor's Proclamation and Fallen Five Poles. *[See attached for full presentation.]*

Ms. Johnson also introduced Scott McKenzie, who originally conceived the idea of a flag initiative. Mr. McKenzie informed the Council of the next beautification plan: Pole Painting at the bridge. He ended the presentation by thanking the contractors who will work on the beautification plan.

## **ORDINANCES – FINAL READING:**

**[On motion of Councilman Hakeem** and seconded by Councilman Henderson, agenda item VI(a) was moved the top of the agenda.]

Agenda Item VI(a):

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, AND CHAPTER 11, BUSINESSES, TRADES, AND OCCUPATIONS, RELATING TO SHORT-TERM VACATION RENTALS WITHIN ANY ZONES ALLOWING RESIDENTIAL USE AND PROVIDING TERMS AND CONDITIONS FOR THE ISSUANCE OF SHORT-TERM VACATION RENTAL CERTIFICATES.**

Councilwoman Berz informed the Assembly that the City Attorney has requested more time to work on the enforcement aspect of this ordinance. Therefore, **Councilwoman Berz moved** to defer one (1) week, seconded by Councilman Gilbert. The motion carried.

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

2016-122  
Larry D. Cooley  
Planning Version  
District 2

On motion of Vice Chair Mitchell and seconded by Councilman Henderson,

**ORDINANCE #13111**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 104 BAKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM E-RA-2 RESIDENTIAL ATTACHED (FBC) TO E-RD-2 RESIDENTIAL DETACHED (FBC).**

**ACTION: APPROVED**

2016-129  
Roy Williams  
Planning Version  
District 8

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**ORDINANCE #13112**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1905 SOUTH GREENWOOD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE.**

**ACTION: APPROVED**

2016-130  
NR Properties % Ross Timoschuck,  
Linda Van Meter, and David Park  
Planning Version  
District 4

On motion of Councilman Hakeem and seconded by Councilman Smith,

**ORDINANCE #13113**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1710, 1712, 1714, 1716, AND 1720 (PART) JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

2016-125  
Miller Industries  
Planning Version  
District 6

On motion of Councilwoman Berz and seconded by Councilman Anderson,

**ORDINANCE #13114**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5218 AND 5226 TRACIE LANE, 8534 OOLTEWAH HARRISON ROAD, AND THE 8600 BLOCK OF HILLTOP DRIVE, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE.**

**ACTION: APPROVED**

2016-127  
Berry Engineers, LLC and  
Lebanon Investment Corporation  
Planning Version  
District 7

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**ORDINANCE #13115**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 2431 WILLIAMS STREET AND PART OF AN UNADDRESSED PROPERTY IN THE 2400 BLOCK OF COWART STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND UGC URBAN GENERAL COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

2016-114  
SEI Ventures of TN, LLC  
% Dorothy D. Engsberg  
Planning Version  
District 7

On motion of Councilman Anderson and seconded by Councilman Gilbert,

**ORDINANCE #13116**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 1900 BLOCK OF MYRTLE STREET, 1929 CENTRAL AVENUE, AND 2100 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO URBAN GENERAL COMMERCIAL ZONE.**

**ACTION: APPROVED**

On motion of Councilman Gilbert and seconded by Councilman Anderson,

**ORDINANCE #13117**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 30, URBAN INFILL LOT COMPATIBILITY OPTION, SECTION 38-480, MINIMUM YARD REQUIREMENTS.**

**ACTION: APPROVED**

**ORDINANCE #13118**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, ARTICLE III, TO AMEND SECTIONS 5-47, 5-48, AND 5-78 RELATIVE TO BEER IN MOTION PICTURE THEATERS.**

Vice Chair Mitchell stated that he did not feel comfortable passing this ordinance while the Council member who sponsored it was away. **Therefore, Vice Chair Mitchell moved** to defer one (1) week, seconded by Councilman Gilbert. **The motion carried, with Councilman Henderson abstaining.**

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

**ORDINANCES – FIRST READING:**

**MR-2016-120**  
**James Havron**  
**District 1**

On motion of Councilman Henderson and seconded by Councilman Hakeem,

**ORDINANCE #13136**

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY LOCATED AT THE 300 BLOCK OF MIXSON STREET AND THE 300 BLOCK OF PEAK STREET, DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**MR-2016-133**  
**Susan L. Fogo**  
**District 7**

On motion of Councilman Anderson and seconded by Councilman Henderson,

**ORDINANCE #13137**

**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY OFF OF THE 500 BLOCK OF WEST 21ST STREET, DETAILED ON THE ATTACHED MAP, TO FACILITATE FUTURE DEVELOPMENT, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilman Anderson and seconded by Councilman Hakeem,

**RESOLUTION #28815**

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE ECG CHESTNUT, L.P. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL, AND HOUSING FACILITY BOARD, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES.**

Councilman Anderson informed the Assembly that item had been discussed last week in committee meeting.

The motion carried upon roll call vote as follows:

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

YES – Six (6); NO – Two (2)

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Vice Chair Mitchell,

**RESOLUTION #28816**

**A RESOLUTION DECLARING SURPLUS OF PROPERTY LOCATED AT 2207 IVY STREET AND FURTHER IDENTIFIED AS TAX MAP NO. 146K-E-012.**

**ACTION: ADOPTED**

On motion of Councilman Hakeem and seconded by Councilman Henderson,

**RESOLUTION #28817**

**A RESOLUTION TO AMEND RESOLUTION NO. 28540 AND AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO AMEND A CONTRACT WITH BLEAKLY ADVISORY GROUP FOR PROFESSIONAL SERVICES TO COMPLETE THE REAL ESTATE MARKET TRENDS ANALYSIS, FOR AN INCREASED AMOUNT OF \$3,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$38,000.00.**

**ACTION: ADOPTED**

2016-159  
Libby Stamey/JHR Northgate, LLC/  
Flashbacks Bar and Grill, LLC  
District 3

**Agenda Item VII(d):**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT FACILITY LOCATED AT 1966 NORTHPOINT BOULEVARD, SUITE 126, HIXSON, TN 37343, MORE PARTICULARLY DESCRIBED IN THE ATTACHED DOCUMENTS.**

Noting that the Applicant was present, Councilman Smith stated that he wanted the Council to have time to speak with the Applicant and give adequate notice to the public on this matter. Therefore, **Councilman Smith moved** to defer one (1) week, seconded by Vice Chair Mitchell. The motion carried.

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

On motion of Vice Chair Mitchell and seconded by Councilman Smith,

**RESOLUTION #28818**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BLUECROSS BLUESHIELD OF TENNESSEE, INC. FOR THE SALE AND PURCHASE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR PROPERTY LOCATED AT MERCER STREET, IDENTIFIED AS A PORTION OF TAX MAP NO. 118E-E-006, IN THE AMOUNT OF \$79,500.00, OF WHICH A TOTAL AMOUNT OF \$5,000.00 WILL BE DEPOSITED AT CONTRACT EXECUTION AS EARNST MONEY WITH NAI CHARTER, WITH ACQUISITION BEING FOR THE PURPOSE OF CONSTRUCTION OF A WET WEATHER WASTEWATER RETENTION FACILITY, A CONSENT DECREE PROJECT, AND TO EXECUTE ALL DOCUMENTS RELATED TO THE TRANSACTION, WITH CLOSING FEES IN AN AMOUNT NOT TO EXCEED \$2,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$81,500.00.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

**RESOLUTION #28819**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONSENT DECREE CONTRACT NO. W-12-027-201, FRIARS BRANCH PUMP STATION IMPROVEMENTS, TO P. F. MOON AND COMPANY, INC. OF WEST POINT, GEORGIA, IN THE AMOUNT OF \$8,975,000.00, WITH A CONTINGENCY AMOUNT OF \$500,000.00, FOR AN AMOUNT NOT TO EXCEED \$9,475,000.00), SUBJECT TO SRF LOAN APPROVAL.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28820**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-16-015-201, REPLACEMENT ROOFING SYSTEMS FOR OPERATION AND CONTROL BUILDING MBWWTP, A NON-CONSENT DECREE PROJECT, TO WRIGHT BROTHERS CONSTRUCTION COMPANY, INC. OF CHARLESTON, TENNESSEE, IN THE AMOUNT OF \$89,921.00, WITH A CONTINGENCY AMOUNT OF \$9,000.00, FOR AN AMOUNT NOT TO EXCEED \$98,921.00.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Smith,

**RESOLUTION #28821**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR JDH COMPANY, INC. RELATIVE TO CONTRACT NO. W-16-005-201, FILTER PRESS BUILDING RE-ROOFING PROJECT, NON-CONSENT DECREE, FOR A DECREASED AMOUNT OF \$6,840.61, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$228,258.00, AND TO RELEASE THE REMAINING CONTINGENCY OF \$23,500.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #28822**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR BARGE WAGGONER SUMNER AND CANNON, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-10-005-101, ESIP SEWER BASIN, COLLECTION SYSTEM AND PUMP STATION EVALUATION AND UPGRADE, FOR AN INCREASED AMOUNT OF \$125,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$950,100.00.**

**ACTION: ADOPTED**



On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #28823**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH OM HICKORY, LLC FOR THE SALE AND PURCHASE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR PROPERTY LOCATED AT 2455 HICKORY VALLEY ROAD, TAX MAP NO. 138M-A-001, IN THE AMOUNT OF \$80,000.00, FOR THE CONSTRUCTION OF A WET WEATHER STORAGE FACILITY, A CONSENT DECREE PROJECT, AND TO EXECUTE ALL DOCUMENTS RELATED TO THE TRANSACTION, WITH CLOSING FEES, FOR AN AMOUNT NOT TO EXCEED \$1,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$81,000.00.**

Councilwoman Berz confirmed with Public Works Administrator, Justin Holland, that this resolution only authorizes the purchase of the property, but does not specify what will happen on the property. Upon no further comments or questions, the motion carried.

**ACTION: ADOPTED**

On motion of Councilman Anderson and seconded by Councilwoman Berz,

**RESOLUTION #28824**

**A RESOLUTION AUTHORIZING JOHN SULLIVAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 506 OCHS HIGHWAY FOR THE PURPOSE OF IMPROVING THE UNOPENED RIGHT-OF-WAY FOR DRIVEWAY ACCESS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Emergency Purchases**

David Carmody, Deputy Chief Operating Officer, informed the Council of the following emergency purchase:

<b>R 144399 - Public Works</b>	<b>\$23,800</b>
Flare Gas Augmentation for the Summit Landfill	
Supplier:	SCS Field Services
	6130 Foothills Drive
	Murfreesboro, TN 37419

A discussion ensued with Justin Holland, Public Works Administrator, on this purchase. During which, Mr. Holland responded to Councilman Hakeem's questions about the flare helping the City to be in compliance and the CTI piece. He also responded to Councilman Gilbert's questions about the effects on Summit residents and clarified that there were no health effects. Upon no further discussion, the purchasing letter was signed in this open meeting by Mr. Holland.

## **Proposed Purchases**

Mr. Carmody briefed the Council on the following proposed purchases:

**R 137230 - General Services** Not to Exceed \$2,000,000.00  
New Blanket Contract for Fueling Station Repair  
Services & Upgrades Fleet Management  
Lowest/Best Bidder: Southern Pump & Tank Company (SPATCO)  
2724 John Deere Drive, Unit 207  
Knoxville, TN 37917

**R 142675 - Public Works** Estimated \$700,000 Annually  
New Blanket Contract for Liquid Sodium Bisulfite  
Waste Resources Division  
Lowest/Best Bidder: Southern Ionics, Inc.  
P.O. Drawer 1217  
West Point, MS 39773

**PO 523216 & PO 523217 - Public Works** Estimated \$30,000 Each  
Annually (Total \$60,000)  
Blanket Contract Renewal for Trees  
Waste Resources Division  
Lowest/Best Bidders:

1. Stewarts Nursery, P.O. Box 752 McMinnville, TN 37110
2. Newby Tree Farms 465 Blair Circle, McMinnville, TN 37110

**Councilman Anderson moved** to approve, seconded by Councilwoman Berz. The motion carried.

**ACTION: APPROVED**

**OTHER BUSINESS: (NONE)**

### **COMMITTEE REPORTS:**

*Audit & I.T. Committee*  
(Councilman Grohn not present)

*Budget and Finance Committee*  
Councilwoman Berz  
(No report)

*Economic and Community Development Committee*  
Councilman Anderson

- The committee met today to hear about the Wishrock Group PILOT application to renovate the Jaycee Towers. The Applicant will provide additional information to the Council this week.
- The committee will meet again next week for a presentation by ALCO Management.

*HR Committee (Human Resources)*

Vice Chair Mitchell

(No report)

*Planning & Zoning*

Councilman Hakeem

- The committee met today to discuss Short-Term Vacation Rentals. An update will be provided by the City Attorney next week (October 25) during the Council's 1:30 p.m. Strategic Planning meeting. The Council also reviewed the Planning items on tonight's agenda.

*Public Safety Committee*

Councilman Henderson

(No report)

*Public Works and Transportation Committee*

Councilman Smith

(No report)

*Youth and Family Development Committee*

Councilman Gilbert

(No report)

## **NEXT WEEK'S AGENDA**

Chairman Freeman repeated the following committee meetings taking place next week (October 25) immediately following the 3:00 p.m. Agenda Session:

- Public Works and Transportation Committee
- Economic and Community Development Committee

## **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 Freeman recognized the following persons:

- **Basil Marceaux** – He stated that he was a Marine and commented that the flag should not be used as advertisement. He asked the Council to move the U.S. flag behind speaker's podium. He distributed copies of a court appeal to the Council.

- **Randy Brady (Chattanooga)** – He is a Public Works employee who has a grievance with the City. He asked the Council to form a board separate from Human Resources that would be neutral in hearing his grievance.
  - Chairman Freeman informed Mr. Brady that the Council does not hear grievance matters. He asked him to meet with the Chief Operating Officer, Maura Sullivan, after the meeting.
- Isabella Donmincan (Hixson) – She informed the Council of some homeless individuals who are being pelted with rocks by older teens on bikes. She stated that some teens on bikes followed her car and heckled, but she was able to minister to them. She asked what could be done to circumvent these teens from harassing the elderly?
  - Councilman Smith informed her that the lieutenant who is over that Hixson zone was in the Assembly and would follow up with her on the matter.
- **Franklin McCallie (Reed Avenue)** – He was concerned that the PILOT to renovate Jaycee Towers did not have adequate public notification. He also recommended that the City Attorney’s Office prepare a staff report on the PILOT.
  - Councilman Anderson informed Mr. McCallie of the process for Council staff sending notices to the media. He also stated that if the Council does not receive the additional information it has requested from the Applicant, the Council did have the option to defer the matter if it so choses.

**ADJOURNMENT**

**On motion of Councilman Anderson,** Chairman Freeman adjourned the meeting of the Chattanooga City Council until Tuesday, October 25, 2016, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**ATTACHMENT:  
CDOT Presentation**