



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
December 9, 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. Deputy City Attorney Phil Noblett and Council Clerk Nicole Gwyn, CMC, were also present.

PLEDGE OF ALLEGIANCE

Councilman Smith led the assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Anderson and seconded by Councilman Freeman, the minutes of the last meeting (December 2, 2014) were approved as published.

SPECIAL PRESENTATIONS (2)

Presentation #1:

***PROCLAMATION OF JOHN GERM, CIVIC LEADER AND
NEWLY-ELECTED ROTARY INTERNATIONAL PRESIDENT
BY NICK WILKINSON***

Nick Wilkinson, Deputy Administrator of Economic Development presented the following proclamation to John Germ:

Whereas: John Germ has been a member of the downtown Chattanooga Rotary Club since 1976. As a civic leader in Chattanooga, Mr. Germ has served as president of Junior Achievement, Chattanooga Area Chamber of Commerce, and the Jaycee Foundation. He also serves on the boards of a number of organizations including the Public Education Foundation, Orange Grove Center, Inc. and Blood Assurance, Inc.; and

Whereas: As a member of the downtown Chattanooga Rotary Club, Mr. Germ has served in a number of leadership positions including Vice President, Director, Foundation Trustee and Chair of the Rotary's \$200 Million Challenge; and

Whereas: Mr. Germ has previously received the Rotary's Service Above Self Award as well as the Rotary Foundation's Citation for Meritorious Service and Distinguished Service Award. Last year, Mr. Germ was honored by President Barack Obama as one of 12 Rotary International "Champions of Change"; and

Whereas: This fall, Germ was elected as the President of Rotary International for 2016-2017, the first person from Chattanooga to hold that honor. Rotary International coordinates programs, campaigns and initiatives with Rotary Clubs worldwide supporting efforts that make lasting improvements to communities around the world; and

Whereas: The City of Chattanooga honors John Germ for his exemplary service as a citizen, veteran, and civic leader in the city.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim December 9th 2014 as recognition of

John Germ

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 9th day of December, 2014

Andy Berke, Mayor

Presentation #2:

RECOGNITION OF BRADLEY ALLEN, FORMER BOARD MEMBER AND CHAIRMAN OF THE SIGN APPEALS BOARD PRESENTED BY COUNCILMAN LARRY GROHN

Councilman Grohn invited former commissioner Don Eaves to join him for the presentation to Bradley Allen because Mr. Eaves had appointed him originally to the Sign Appeals Board. Councilman Grohn presented a letter of recognition to Mr. Allen and commended him for 22 years of volunteer services as a former board member and chairman to the Sign Appeals Board.

ORDINANCES – FINAL READING:

Move to approve by Councilman Anderson and seconded by Councilman Mitchell,

ORDINANCE #12883

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, ARTICLE IV, SECTION 5-108, RELATIVE TO LOCATIONS AND SIGNS FOR LIQUOR STORES.

The motion carried, with Chairman Henderson and Councilman Hakeem voting “NO.”

ACTION: APPROVED

ORDINANCES – FIRST READING:

2014-118
John A. Tucker/
International Board of Jewish Missions
District No. 3
Planning Version

Move to approve by Councilman Smith and seconded by Councilman Anderson,

ORDINANCE #12884

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5106 GENESIS LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: PASSED ON FIRST READING

2014-121
Allen Jones/University Investors, LLC
District No. 4
Planning Version

Move to approve by Councilman Grohn and seconded by Vice Chair Dr. Berz,

ORDINANCE #12885

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7407 IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2014-124
Charles Adamson/
Mount Summit of Peace Church
District No. 4
Planning Version

Move to approve by Councilman Grohn and seconded by Councilman Gilbert,

ORDINANCE #12886

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTIES LOCATED AT 8062 AND 8074 OLD LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

ACTION: PASSED ON FIRST READING

Vice Chair Dr. Berz moved to approve with conditions, seconded by Councilman Anderson,

ORDINANCE #12887

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 12667 OF PREVIOUS CASE NO. 2012-131 ON PROPERTIES LOCATED AT 6803, 6807, AND 6811 MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

Chairman Henderson announced that the following two (2) proposed ordinances had been **DEFERRED** by Council during its Agenda Session earlier today:

AGENDA ITEM VI(e):

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, RELATIVE TO PASSENGER VEHICLES FOR HIRE.

AGENDA ITEM VI(f):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SO AS TO DEFINE TRANSPORTATION NETWORK SERVICES, APPLICATIONS, COMPANIES, AND OPERATORS AND TO CREATE REGISTRATION PROVISIONS FOR OPERATORS, TO REQUIRE BACKGROUND CHECKS FOR OPERATORS, TO PROHIBIT STREET HAILS BY OPERATORS, TO REQUIRE TRANSPORTATION NETWORK APPLICATION COMPANIES TO CONDUCT BACKGROUND CHECKS, INSPECT VEHICLES, ESTABLISH ZERO TOLERANCE POLICIES FOR DRUGS AND ALCOHOL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

RESOLUTIONS:

Move to approve by Councilman Anderson and seconded by Councilman Mitchell,

RESOLUTION #28088

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT TO ACCEPT A DONATION FROM THE FOOTPRINT FOUNDATION FOR THE CITY'S PUBLIC ART PROGRAMS, IN THE AMOUNT OF \$100,000.00.

ACTION: ADOPTED

Move to approve by Councilman Mitchell and seconded by Councilman Grohn,

RESOLUTION #28089

A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENT OF ANNE WILKINS TO THE CARTER STREET CORPORATION BOARD FOR A FOUR (4) YEAR TERM.

ACTION: ADOPTED

2014-115
Carol Page Wnuk
District No. 5

Move to deny by Councilman Gilbert and seconded by Councilman Hakeem,

AGENDA ITEM VII(C):

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A TWO-FAMILY DWELLING IN AN R-1 RESIDENTIAL ZONE FOR PROPERTY LOCATED AT 304 GILLESPIE ROAD.

ACTION: DENIED

2014-140
J.T. McDaniel

Move to approve by Councilman Freeman and seconded by Councilman Mitchell,

RESOLUTION #28091

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 2301 MILNE STREET, MORE PARTICULARLY DESCRIBED IN THE ATTACHED DOCUMENTS.

ACTION: ADOPTED

Move to approve by Councilman Smith and seconded by Councilman Freeman,

RESOLUTION #28092

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH HAZEN AND SAWYER FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-14-006-101, MOCCASIN BEND WASTE WATER TREATMENT PLANT SECONDARY CLARIFIER UPGRADES, FOR AN AMOUNT NOT TO EXCEED \$1,840,800.00.

ACTION: ADOPTED

Move to approve by Councilman Freeman and seconded by Councilman Anderson,

RESOLUTION #28093

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BURNS AND MCDONNELL ENGINEERING COMPANY, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-016-102, CITICO CSTOF AND CITICO PUMP STATION IMPROVEMENTS, FOR AN AMOUNT NOT TO EXCEED \$389,200.00.

ACTION: ADOPTED

Move to approve by Councilman Smith and seconded by Vice Chair Dr. Berz,

RESOLUTION #28094

A RESOLUTION TO ACCEPT THE QUALIFICATIONS FOR GEOENVIRONMENTAL AND CONSTRUCTION MATERIALS CONSULTING SERVICES FROM THOMPSON ENGINEERING; TERRACON CONSULTANTS; AND S&ME AND TO ENTER INTO THREE (3), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS SUBJECT TO ONE (1) RENEWAL OPTION FOR PROFESSIONAL CONSULTING SERVICES ESTIMATED AT \$475,000.00 TOTAL ANNUALLY FOR ALL THREE (3) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.

ACTION: ADOPTED

Move to approve by Councilman Smith and seconded by Councilman Freeman,

RESOLUTION #28095

A RESOLUTION TO ACCEPT THE QUALIFICATIONS FOR SURVEYING SERVICES FROM EARTHWORX; THOMPSON ENGINEERING; THE RLS GROUP; AND ARCADIS U.S. AND TO ENTER INTO FOUR (4), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS SUBJECT TO ONE (1) YEAR RENEWAL OPTIONS FOR PROFESSIONAL SURVEYING SERVICES ESTIMATED AT \$350,000.00 TOTAL ANNUALLY FOR ALL FOUR (4) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS.

ACTION: ADOPTED

Move to approve by Councilman Grohn and seconded by Vice Chair Dr. Berz,

RESOLUTION #28096

A RESOLUTION AUTHORIZING THE WAIVER OF THE DEMOLITION PERMIT FEE IN THE AMOUNT OF \$140.00 AND THE LAND DISTURBING ACTIVITY PERMIT FEE IN THE AMOUNT OF \$115.00, INCLUDING DISPOSAL FEES FOR CONSTRUCTION DEBRIS AT LANDFILL IN THE AMOUNT OF \$1,000.00, CONCERNING A BURNED HOME LOCATED AT 220 HOUSER STREET, CHATTANOOGA, TN 37405, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,255.00.

ACTION: ADOPTED

Move to approve by Councilman Mitchell and seconded by Councilman Anderson,

RESOLUTION #28090

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR FISCAL YEAR 2015 MULTIMODAL ACCESS PROGRAM FOR AN AMOUNT TO BE DETERMINED, WITH SIX HUNDRED THIRTY-FIVE THOUSAND THREE HUNDRED THIRTY-NINE AND 88/100 DOLLARS (\$635,339.88) BEING THE TDOT SHARE AND ONE HUNDRED SIXTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY-SEVEN AND 81/100 DOLLARS (\$168,887.81) FROM THE CITY AS LOCAL MATCHING FUNDS, FOR A TOTAL AMOUNT OF EIGHT HUNDRED FOUR THOUSAND TWO HUNDRED TWENTY-SEVEN AND 69/100 DOLLARS (\$804,227.69).

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Fire Department

Chief Lamar Flint invited the Council to attend the 6th Annual "Guns & Hoses" Battle of the Badges, taking place this Saturday, December 13, at 7:00 p.m. in a new location this year: UTC's MacClellan Gymnasium.

OTHER BUSINESS:

State of Tennessee Comptroller's Letter

Attorney Noblett read a letter dated November 20, 2014 from the State of Tennessee's Comptroller's Office "acknowledging receipt of a certified copy of the 2015 fiscal year budget for the City of Chattanooga." (See attached.)

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

- The Economic and Community Development Committee will meet next Tuesday (December 16) immediately after Public Works and Transportation Committee meeting.

HR Committee (Human Resources)

Vice Chair Dr. Berz

(No report)

Planning & Zoning

Councilman Hakeem

(No report)

Public Safety Committee

Councilman Freeman

(No report)

Public Works and Transportation Committee
Councilman Smith

- The committee had a special meeting intended as a public hearing on the proposed two (2) ordinances: Passenger Vehicles for Hire and Transportation Network Services. The Council hopes to have revised ordinances for review as early as tomorrow. Those ordinances will appear on next week's agenda.
- The committee will meet for its regular meeting next Tuesday (December 16) immediately after Council's Agenda Session.

Youth and Family Development Committee
Councilman Gilbert
(No report)

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

Chairman Henderson asked for a show of hands from members of the public who wished to address Council on non-agenda matters. Seeing none, this portion of the agenda was closed.

ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, December 16, 2014, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL



**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF STATE AND LOCAL FINANCE
SUITE 1600 JAMES K. POLK STATE OFFICE BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
PHONE (615) 401-7872
FAX (615) 741-5986**

November 20, 2014

The Honorable Andy Berke, Mayor
Members of the City Council
City of Chattanooga
101 E. 11th Street, Suite 101
Chattanooga, TN 37402

Dear Mayor Berke and Councilmembers:

This letter should be read into the minutes of the next meeting of the City Council with a copy provided to each Councilmember.

This letter acknowledges receipt of a certified copy of the 2015 fiscal year budget for the City of Chattanooga (the "City").

We have reviewed the City's budget and have determined that projected revenues and other available funds are sufficient to meet anticipated expenditures. Our review of the budget is based solely on the information we have received and is for the purpose of determining that the budget appears to be balanced. With regard to programs included in the budget such as education, roads, and corrections, we have not made any attempt to determine that the local government has complied with specific program statutes or guidelines, or with any financing requirements prescribed by any state or federal agency. A property tax rate may be included in this budget, and we would recommend that local government officials be certain that all program requirements have been met before initiating the tax collection process.

This letter constitutes approval, by this office, for the City's 2015 fiscal year budget as adopted by the governing body.

Considerations Concerning the Budget

The Office of State and Local Finance has determined that the City's budget meets basic statutory requirements, but we have detected a deficiency, outlined below, that could possibly lead to financial problems in the future.

Municipal Utility Revenues

T.C.A. § 7-34-115(a) requires that user rates, fees, and charges be sufficient to meet the actual costs of providing services which includes depreciation as an operating expense and debt service. For fiscal year 2015, it appears total costs are budgeted to exceed total revenues for the Interceptor Sewer System Fund by \$6,460,222. The Interceptor Sewer System Fund is, however, projected to post a positive change in net position of \$6,070,178.

Table 1 illustrates how estimated revenues compare to budgeted total costs.

Table 1
Statement of Sufficient Revenues/Rate Test

Operating Revenue	\$ 60,346,000
Nonoperating Revenue	<u>100,000</u>
Total Revenue	\$ 60,446,000
Less: Operating Expenses including Depreciation	52,343,333
Less: Debt Service	<u>14,562,889</u>
Insufficient Revenues to Cover Total Costs	\$ (6,460,222)

Meeting the statutory rate sufficiency requirement is of particular importance since recent legislation removes the authority of a municipality to subsidize a public works system with tax revenues effective April 4, 2014 (Public Chapter 628). When the City reviews its utility's rates, it should ensure they are sufficient to at least pay their total costs pursuant to State statutes. Services to citizens may become impaired if sufficient rates are not charged to cover the costs of the service. The City should report the outcome of the review to this Office with its fiscal year 2016 budget.

Based on the information presented in the budget the City appears to have sufficient monies budgeted to cover its projected cash costs during fiscal year 2015 for the Interceptor Sewer System Fund.

Sincerely,



Sandra Thompson
Director of the Office of State and Local Finance

Cc: Mr. Jim Arnette, Director of Local Government Audit
Ms. Joyce Welborn, Utilities Board Manager, COT