



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
June 26, 2018
6:00 PM

CALL TO ORDER

Council Chairman Ken Smith called the meeting to order with Vice-Chairman Erskine Oglesby and Councilpersons Carol Berz, Anthony Byrd, Russell Gilbert, Chip Henderson, Darrin Ledford and Jerry Mitchell. Wade Hinton, City Attorney, and Nicole Gwyn, Council Clerk, were also present. Councilwoman Demetrus Coonrod was not present this meeting.

PLEDGE OF ALLEGIANCE

Vice-Chairman Oglesby led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (June 19, 2018) were approved as published.

SPECIAL RECOGNITION

Councilwoman Berz recognized some of her family members in the audience today: her grandson, Aidan Simmons; granddaughter Lucy Berz Day; and Lucy's mother, Dr. Kate Berz.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13333

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE VI, SECTIONS 2-581 THROUGH 2-586, RELATING TO THE MEMORIAL AUDITORIUM.

ACTION: PASSED ON FIRST READING

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13334

AN ORDINANCE HEREINAFTER ALSO KNOWN AS “THE FISCAL YEAR 2018-2019 OPERATIONS BUDGET”, PROVIDING REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019; APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41, AND 31-43, SECTIONS 31-322 AND 31-354.

Discussion ensued with the Council and Attorney Hinton about where amendments may be made and whether the amendment affects both the operations budget and capital budget.

Councilman Henderson moved to offer an amendment. He was seconded by Councilman Mitchell. His amendment would add three things:

- Equity study on rate structure
- No tax increase on water quality fund
- Authorize Administration to take up to \$2,000,000.00 from reserves if necessary

He indicated that he had briefed the Council on his proposed amendment in their meeting earlier today. Councilman Ledford confirmed with Stacy Richardson that seniors covered by the tax freeze would have the water quality fee waived. She discussed doing an equity study if the amendment fails and the program is funded as currently proposed. In response to questions from Councilman Ledford, she discussed the impact on the bond rating and the impact of planned projects.

Stacy Richardson, Chief of Staff, responded to further questions about the need to deal with water quality now and the need to work on the 5-year plan if the amendment passes. She discussed the impact on reserves, sustainability of the water quality program and delays in items further down the line.

The motion on the amendment failed upon roll call vote as follows:

Oglesby	NO	Gilbert	NO
Mitchell	YES	Byrd	NO
Ledford	NO	Berz	NO
Henderson	YES	Smith	YES

The motion to approve (original ordinance) carried upon roll call vote as follows:

Berz	YES	Ledford	YES
Byrd	YES	Mitchell	YES
Gilbert	YES	Oglesby	YES
Henderson	NO	Smith	NO

ACTION: PASSED ON FIRST READING

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13335

AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2018-2019.

The motion carried upon roll call vote:

Oglesby	YES	Gilbert	YES
Mitchell	YES	Byrd	YES
Ledford	YES	Berz	YES
Henderson	NO	Smith	NO

ACTION: PASSED ON FIRST READING

MR-2018-059
Churchview Properties, LLC
District 4

On motion of Councilman Ledford and seconded by Councilman Gilbert,

ORDINANCE #13336

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED AT 8615 PETTY ROAD, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

2018-06
April Pardo
District No. 1

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29503

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00025 FOR PROPERTY LOCATED AT 604 VAN DYKE STREET.

Since Opposition was present, Chairman Smith allowed time to hear from both the Applicant and the Opposition. He then recognized the following:

- **April Pardo** (Chattanooga) – Her company owns several short-term vacation rental properties in Chattanooga. She has paid her insurance for this property and will maintain the property herself. She responded to Councilman Henderson about speaking to her neighbors next door and across the street about the property.

On behalf of the Opposition:

- **Sergeant Wyse** (Chattanooga) – He indicated owning several properties in the district, including long-term rental properties on 602 Van Dyke, 330 Stringer Street and 528 Cherokee Boulevard. He gave the Council a copy of a letter from his father, John Wyse, who adamantly opposes the STVR. He then proceeded with reading his own statement before the Council. He opposes the neighborhood being a “tourist” location. He does not believe STVR benefit anyone other than the property owner. He does not want to see his short-term renters in and out. He is more concerned with the social aspects than safety issues.
 - Mr. Wyse responded to questions from Councilman Henderson about the permit for owner-occupied and non-owner occupied properties.
- **Cameron Becker** – He is concerned with safety and opposes short-term renters coming in and out of the neighborhood.

Rebuttal:

Ms. Pardo has not had any complaints. She will be hands-on maintaining this property. She does not have a management company working for her. She picks up the trash at her property as well as her neighbors' trash.

- Councilman Henderson informed the Council that he spoke with the assessor and has been told that STVR will not bring down the property values in this area. He noted that with non-owner occupied properties, it would only take two violations to lose the right for the STVR.

Upon no further discussion, the motion passed.

ACTION: ADOPTED

2018-05
Laura Davis/Bryan Thompson
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #29504

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00024 FOR PROPERTY LOCATED AT 1210 RUSSELL STREET.

ACTION: ADOPTED

2018-08
John Queen, Jr.
District No. 2

On motion of Councilman Mitchell and seconded by Councilwoman Berz,

RESOLUTION #29505

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00034 FOR PROPERTY LOCATED AT 909 BARTON AVENUE.

ACTION: ADOPTED

2018-09
Julie Brackett
District 2

On motion of Councilman Mitchell and seconded by Vice-Chairman Oglesby,

RESOLUTION #29506

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00035 FOR PROPERTY LOCATED AT 905 HIXSON PIKE.

ACTION: ADOPTED

2018-07
Robert Kenz
District 9

On motion of Councilman Henderson and seconded by Councilman Gilbert,

Agenda Item VII(e):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00030 FOR PROPERTY LOCATED AT 563 S. CREST ROAD.

Councilman Henderson moved to defer one (1) week to July 3, 2018, since Councilwoman Coonrod was not present today. He was seconded by Councilman Gilbert. Chairman Smith confirmed that both the Applicant and Opposition were present. Councilman Henderson asked to hear from the Applicant and Opposition next week when Councilwoman Coonrod was present. The motion carried.

ACTION: DEFERRED ONE (1) WEEK TO JULY 3, 2018

On motion of Councilwoman Berz and seconded by Vice-Chairman Oglesby,

RESOLUTION #29507

A RESOLUTION AUTHORIZING THE CITY TREASURER TO RENEW BLANKET PURCHASE ORDER NO. 532669 FOR MERCHANT CARD SERVICES WITH FIS/LINK2GOV FOR AN ADDITIONAL THREE (3) MONTHS DURING TRANSITION TO THE NEW VENDOR.

ACTION: ADOPTED

On motion of Vice-Chairman Oglesby and seconded by Councilman Byrd,

RESOLUTION #29508

A RESOLUTION AUTHORIZING THE DIRECT OF HUMAN RESOURCES TO EXTEND AN EXISTING AGREEMENT WITH FMLASOURCE, INC. OF COMPSYCH CORPORATION TO PROVIDE FAMILY MEDICAL LEAVE ACT (FMLA) MANAGEMENT SERVICES AT THE RATE OF \$1.32 PER EMPLOYEE PER MONTH FOR A THREE (3) MONTH TERM ENDING ON SEPTEMBER 30, 2018, FOR AN APPROXIMATE COST OF \$8,700.00.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Byrd,

RESOLUTION #29509

A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO EXECUTE A BLANKET CONTRACT RENEWAL WITH KCI TECHNOLOGIES TO BE PROVIDERS OF SOFTWARE, LICENSING, TECHNOLOGY SUPPORT, AND PROFESSIONAL SERVICES ASSOCIATED WITH CITYWORKS MANAGED HOSTED SOLUTION CITY-WIDE FOR THE PERIOD OF THREE (3) YEARS BEGINNING JUNE 20, 2018 THROUGH JUNE 21, 2021, WITH ANNUAL AMOUNTS REFERENCED BELOW, FOR A TOTAL AMOUNT OF \$203,988.51.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Henderson,

RESOLUTION #29510

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR TRI-STATE ROOFING CONTRACTORS, INC. OF CHATTANOOGA, TN, RELATIVE TO CONTRACT NO. F-17-001-201, REPLACEMENT ROOFING SYSTEM FOR FIRE HALL NO. 10, FOR A DECREASED AMOUNT OF \$1,400.00, TO RELEASE THE CONTINGENCY AMOUNT OF \$6,400.00, FOR A REVISED CONTRACT AMOUNT OF \$44,184.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Henderson,

RESOLUTION #29511

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR TRI-STATE ROOFING CONTRACTORS, INC. OF CHATTANOOGA, TN, RELATIVE TO CONTRACT NO. M-17-006-201, REPLACEMENT ROOFING SYSTEM FOR THE LINDSAY STREET BUILDING, FOR AN INCREASED AMOUNT OF \$1,392.00, TO RELEASE THE CONTINGENCY AMOUNT OF \$3,608.00, FOR A REVISED CONTRACT AMOUNT OF \$44,017.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #29512

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR TRI-STATE ROOFING CONTRACTORS, INC. OF CHATTANOOGA, TN, RELATIVE TO CONTRACT NO. M-17-003-201, REPLACEMENT ROOFING SYSTEM FOR FLEET MAINTENANCE BUILDING LOCATED AT 12TH STREET, FOR AN INCREASED AMOUNT OF \$3,191.00, TO RELEASE THE CONTINGENCY AMOUNT OF \$6,809.00, FOR A REVISED CONTRACT AMOUNT OF \$101,099.00.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Byrd,

RESOLUTION #29513

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO CONTRACT NO. CMA1866 WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR THE MAINTENANCE OF STATE HIGHWAYS WITHIN THE CITY LIMITS OF CHATTANOOGA FOR REIMBURSEMENT TO THE CITY, FOR AN AMOUNT NOT TO EXCEED \$426,177.30.

ACTION: ADOPTED

PURCHASES:

Bonnie Woodward, Purchasing Director, briefed the Council on the following proposed purchases:

- R171006 & R171008 - Public Works** \$36,912.00
 Payment of two (2) Invoices for Boiler Maintenance –
 Waste Resource Division
 Lowest/Best Bidder: Lee Company
 P.O. Box 306053
 Nashville, TN 37230

- PO543737 - Public Works** Estimated \$30,000 Annually
 Blanket Contract Renewal for Weigh Scale Services –
 Waste Resources Division
 Lowest/Best Bidder: Wingfield Scale Company, Inc.
 2205 S. Holtzclaw Avenue
 Chattanooga, TN 37404

- R170320 - Public Works** Estimated \$300,000 Annually
 New Blanket Contract for Cleanup Sewer Backup
 Services - Waste Resource Division
 Lowest/Best Bidder: Disaster Master
 4605 Shawhan Road
 Chattanooga, TN 37411

PO543751 & PO543794 - Public Works

Total Estimated \$30,000 Annually

Blanket Contract Renewal for Sewer Maintenance
Equipment - Waste Resource Division
Lowest Best Bidders:

1. Jet-Vac Equipment Company LLC 5746 Broad Street Sumter, SC 29154
2. Environmental Products & Accessories LLC P.O. Box 513 Hixson, TN 37343

R170447 - Police Department

\$67,500.00

Purchase of one (1) 100kW Rated Generator & Transfer
Switch Replacement

Lowest/Best Bidder: Stowers Machinery Corporation
4066 South Access Road
Chattanooga, TN 37406

R170397 - Human Resources

Estimated \$37,100 Annually

New Blanket Contract for Healthcare Eligibility Audit -
Human Resources Department

Lowest/Best Bidder: Mercer
1801 West End Avenue
Nashville, TN 37203

Councilman Ledford moved to approve, seconded by Vice-Chairman Oglesby. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Meeting Time Change

Councilman Henderson asked if the Council would move its meeting start time back one hour next week to enable councilpersons to attend the annual Pops on the River event that starts at 5:00 p.m. On motion of Councilman Henderson and second by Councilman Ledford, Chairman Smith moved next week’s meeting to 5:00 p.m. and instructed the Clerk to publicize the rescheduled start time.

District 5 Event

Councilman Gilbert gave a “Save-the-Date” for the annual Rock the Block Back-to-School Bash on August 4. Times and other details will be announced soon.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz

- The final budget education session took place earlier today.
- The first readings of the budget ordinances passed this evening. The second readings will take place next week (July 3).

Economic and Community Development Committee
Councilman Byrd
(No report)

Human Resources Committee (HR)
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford

- The committee will meet next week (July 3) after the 3:00 p.m. Agenda Session.

Public Safety Committee
Councilman Henderson
(No report)

Public Works and Transportation Committee
Councilman Mitchell

- The committee met today and will meet again in two (2) weeks on July 10 after the 3:00 Agenda Session.

Youth and Family Development Committee
(Councilwoman Coonrod not present)

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 Smith recognized the following persons:

- **Quenston Coleman (Chattanooga)** – He has served on boards in Cookeville, TN and the Industrial Development Board in Chattanooga. He has lived in Brainerd since 1967, but lived in the downtown area before then. He is concerned with the Innovation Zone Plan of the City and its potential to erase historical documentation in the I-Zone area. He voiced concerns about the Bessie Smith Cultural Center not promoting the African American Museum. He suggests putting these entities under the downtown library. He reminded the Council of African American history in Chattanooga. He would like to see a Chattanooga that maintains what African Americans have contributed.
- **Christopher Dahl (Chattanooga)** – He would like to see the Council fix its rules, which he believes are unconstitutionally-sound. He send an email previously to the Council via the Mayor’s Office about the limits on free speech in the public forum.
- **Rick Carpenter (Chattanooga/District 4)** – He spoke on the constitutionality of free speech in public forums, such as this Council meeting. He questioned the Council on why there were limits to people speaking at the Council meeting. He questions why some comments are banned by constituents based upon Council rules regarding what is “derogatory” speech. He believes this Council is silencing the community, which he believes is disparaging to constituents.

ADJOURNMENT

On motion of Councilman Ledford, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, July 3, 2018, at 5:00 p.m.

CHAIRMAN

CLERK OF COUNCIL