



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
March 12, 2019
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, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Jerry Mitchell. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF LAST MINUTES

On motion of Councilman Ledford and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (March 5, 2019) were approved as published.

ORDINANCES – FINAL READING:

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

ORDINANCE #13442

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 21, BY RENAMING THE CHAPTER “PROPERTY MAINTENANCE”; DELETING ARTICLES I THROUGH VIII RELATIVE TO HOUSING IN THEIR ENTIRETY AND REPLACING THEM WITH NEW ARTICLES I THROUGH VI RELATIVE TO PROPERTY MAINTENANCE; AND DELETING CHAPTER 18, SECTIONS 18-158 THROUGH 18-170, RELATIVE TO LITTER AND OVERGROWTH.

ACTION: APPROVED

On motion of Councilman Mitchell and seconded by Councilman Ledford,

ORDINANCE #13443

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-502, RELATING TO SPEED ON THROUGH STREETS.

ACTION: APPROVED

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13444

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 3, SECTION 3-94(A), SETBACK REQUIREMENTS FOR DETACHED SIGNS; AMENDING SECTION 3-96, TRAFFIC DIRECTIONAL SIGNS; AMENDING SECTION 5-88(A), CONSUMPTION OF ALCOHOLIC BEVERAGES AND BEER IN PARKLET CAFÉS OPEN CONTAINERS OF ALCOHOLIC BEVERAGES AND BEER IN PARKLET CAFÉS; AND AMENDING SECTION 32-44, TEMPORARY USE PERMIT.

ACTION: APPROVED

ORDINANCES – FIRST READING:

2019-022
Adam Ellsworth % Hickory Capital Group, LLC
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilwoman Berz,

ORDINANCE #13445

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2100 HAMILTON PLACE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-4 PLANNED COMMERCE CENTER TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: PASSED ON FIRST READING

Agenda Item VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4251 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

John Bridger, Executive Director of Regional Planning, made a presentation on this case, giving the Staff and Planning Commission reports. He noted that this property as currently being used for storage and that noted that there is enforcement matter in progress for this property.

Councilman Gilbert informed the Applicant that he has not seen a site plan and has received complaints over the last 2-3 years regarding the appearance of the site. He asked the Applicant to explain what will be done to improve the appearance.

Applicant:

- **Pryor Bacon (Chattanooga)** - His wife owns the title to the property. He does not feel that his intended use is out of the character of the community since the junkyard on the west is M-1, the railroad is R-1 and the east is undeveloped C-1. His rear portion is R-1. He has accumulated 50 years of construction materials on the premises. He does not know of anyone other the Councilman who has heard from the opposition. Regarding the floodplain, he would not store anything down below and plans to elevate it on the second floor for a self-storage facility.

Councilman Gilbert informed the Applicant that he does anticipate putting conditions on the rezoning, so he would like to defer for 30 days so that the Applicant can meet with the community and discuss the site plan. Mr. Bacon indicated that he did not think coming back to the Council in 30 days would make a difference. **Councilman Gilbert moved** to deny, seconded by Councilwoman Berz. The motion carried.

ACTION: DENIED

2019-021
ASA Engineering
Planning Version
District No. 7

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

ORDINANCE #13446

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 207 AND 209 OLD MOUNTAIN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

Alternate Version

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13447

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, SECTIONS 38-2, 38-185, 38-187, 38-321 AND ARTICLE VI, DIVISION 2, OTHER SPECIAL EXCEPTIONS RELATIVE TO CREATING A SPECIAL EXCEPTIONS PERMIT FOR CONTRACTOR'S BUSINESSES IN THE C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: ALTERNATE VERSION PASSED ON FIRST READING

MR-2019-0224
MAP Engineers, LLC
District No. 3

On motion of Councilman Mitchell and seconded by Councilman Ledford,

ORDINANCE #13448

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED IN THE 2700 BLOCK OF NORTHPOINT BOULEVARD, AS DETAILED ON THE ATTACHED MAP.

Councilman Mitchell confirmed that this was in Chairman Smith's district.

ACTION: PASSED ON FIRST READING

MR-2019-0010 Chazen Engineering
% Justin Tirsun, agent for owner of adjacent property,
Central of Georgia Railroad Company

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

ORDINANCE #13449

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 500 BLOCK OF THE UNOPENED KENNEDY ALLEY AND THE 500 BLOCK OF EAST 16TH STREET, AS DETAILED ON THE ATTACHED MAP.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

RESOLUTION #29833

A RESOLUTION TO AMEND RESOLUTION NO. 29142 TO REPEAL RESOLUTION NO. 28503, ADOPTED ON JANUARY 19, 2016, AND ADOPTING NEW RULES OF OPERATION FOR THE CHATTANOOGA CITY COUNCIL.

Councilwoman Berz moved to approve, seconded by Councilman Byrd. The motion carried. **Vice-Chairman Oglesby moved** to amend by decreasing five minutes for non-agenda speakers to 3 minutes. Councilman Ledford seconded. **The motion carried, with Councilman Mitchell voting “No.”** Councilman Henderson inquired as to when the amendment will take effect. Attorney Noblett confirmed that this change would be effective next week. **Vice-Chairman Oglesby moved** to approve as amended. He was seconded by Councilwoman Berz. **The motion carried with Councilman Mitchell voting “Nay.”**

ACTION: ADOPTED AS AMENDED

On motion of Councilman Byrd and seconded by Councilman Mitchell,

RESOLUTION #29834

A RESOLUTION AUTHORIZING THE ACTIVATION OF THE OPEN SPACES PARTNERSHIP IN ANIMATION AND COMMUNITY ENHANCEMENT PROGRAM (“PACE”) TO BE AVAILABLE FOR USE IN ALL CITY OF CHATTANOOGA PARKS AND OPEN SPACES FOR THE COST OF PARK RENTALS FOR ORGANIZATIONS AND INDIVIDUALS THAT MEET THE CRITERIA SET FORTH BY OPEN SPACES, FOR AN AMOUNT NOT TO EXCEED \$50,000.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29835

A RESOLUTION AUTHORIZING PAYMENT TO THE UNIVERSITY OF ILLINOIS, FIRE SERVICE INSTITUTE TRAINING TO BE HELD AT THE CHATTANOOGA FIRE TRAINING CENTER ON APRIL 30, 2019 THROUGH MAY 3, 2019, FOR A COST OF \$15,000.00.

ACTION: ADOPTED

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

RESOLUTION #29836

A RESOLUTION AUTHORIZING COLLINS AND COMPANY TO PAY ANY AND ALL CLAIMS FOR CITY EMPLOYEE, MARTIN SANTOS, RELATED TO THE SPECIFIED DIAGNOSIS FOR A JOB INJURY SETTLEMENT UNDER THE CITY'S JOB INJURY – HEART LUNG PROGRAM FOR A PERIOD OF THREE (3) YEARS FROM THE EFFECTIVE DATE OF THE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS, FOR AN APPROXIMATE AMOUNT OF \$36,000.00.

ACTION: ADOPTED

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

RESOLUTION #29837

A RESOLUTION AUTHORIZING THE CHIEF HUMAN RESOURCES OFFICER TO RENEW AN EXISTING AGREEMENT WITH RUSS BLAKELY AND ASSOCIATES, LLC TO PROVIDE BENEFIT ADVISOR AND OPEN ENROLLMENT SERVICES, AND ACT AS AGENT OF RECORD FOR ALL BENEFIT OPTIONS AT NO COST FOR THE FIRST OF TWO (2) OPTIONAL RENEWAL TERMS FROM APRIL 1, 2019 TO MARCH 31, 2020.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29838

A RESOLUTION AUTHORIZING THE CHIEF HUMAN RESOURCES OFFICER TO RENEW AN EXISTING AGREEMENT WITH COMPSYCH CORPORATION TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES TO ELIGIBLE CITY EMPLOYEES AT THE RATE OF \$1.15 PER EMPLOYEE PER MONTH AND \$1.49 PER EMPLOYEE PER MONTH FOR SWORN EMPLOYEES FOR A SECOND ONE (1) YEAR OPTIONAL RENEWAL TERM BEGINNING APRIL 1, 2019, FOR AN APPROXIMATE ANNUAL COST OF \$36,850.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29839

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF ADAM KINSEY TO THE CHATTANOOGA HOUSING AUTHORITY BOARD.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

RESOLUTION #29840

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A CASH GRANT FROM THE RECYCLING PARTNERSHIP TO PROVIDE GRANT FUNDING AND TECHNICAL ASSISTANCE IN SUPPORT OF THE CITY'S EXPANSION OF THE CURBSIDE RECYCLING PROGRAM, IN THE AMOUNT OF \$913,200.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #29841

A RESOLUTION TO AMEND RESOLUTION NO. 29653 ENTITLED, "A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR, AND ACCEPT, IF AWARDED, REIMBURSABLE FUNDS FOR THE CURBSIDE RECYCLING GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC), FOR AN AMOUNT NOT TO EXCEED \$750,000.00," TO ACCEPT REIMBURSABLE FUNDS FOR THE CURBSIDE RECYCLING GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC), IN THE AMOUNT OF \$1,254,000.00.

ACTION: ADOPTED

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

RESOLUTION #29842

A RESOLUTION AUTHORIZING THE CITY PURCHASING AGENT TO ENTER INTO A BLANKET CONTRACT WITH COMPASS AUCTIONS & REAL ESTATE, LLC FOR THE PROVISION OF SURPLUS PROPERTY DISPOSITION FACILITATION SERVICES FOR TWO (2) YEARS, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

RESOLUTION #29843

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ENTER INTO A BLANKET PURCHASE AGREEMENT WITH THE ELECTRIC POWER BOARD TO PAY CLIENT SERVICES PAYMENT FOR THE CITIZENS OF CHATTANOOGA THAT QUALIFY FOR ASSISTANCE UNDER THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) AND THE COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAMS FOR A GRANT PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019, IN THE AMOUNT OF \$8,025,500.00.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

RESOLUTION #29844

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ENTER INTO A BLANKET PURCHASE AGREEMENT WITH THE ATLANTA GAS LIGHT COMPANY TO PAY CLIENT SERVICES PAYMENT FOR THE CITIZENS OF CHATTANOOGA THAT QUALIFY FOR ASSISTANCE UNDER THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) AND THE COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAMS FOR A GRANT PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019, IN THE AMOUNT OF \$138,650.00.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ENTER INTO A BLANKET PURCHASE AGREEMENT WITH VOLUNTEER ENERGY COOPERATIVE TO PAY CLIENT SERVICES PAYMENT FOR THE CITIZENS OF CHATTANOOGA THAT QUALIFY FOR ASSISTANCE UNDER THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) AND THE COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAMS FOR A GRANT PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019, IN THE AMOUNT OF \$50,200.00.

ACTION: ADOPTED

PURCHASES:

Emergency Purchase

Bonnie Woodward, Purchasing Director, informed the Council of an emergency purchase for assessing the condition of multiple roadways and other city assets related to slope failures due to rainfall in the Chattanooga area recently.

R182899 - Transportation Purchase

Total Purchase \$120,000.00

Geotechnical Engineering Services-

Transportation Department

Awarded to: Geosyntec Consultants

835 Georgia Avenue, Suite 500, Chattanooga, TN 37402-2218

Blythe Bailey, Transportation Administrator, signed the purchase letter in this open meeting.

Proposed Purchases:

Ms. Woodward also briefed the Council on the following proposed purchases:

PO542270 - Department of Transportation Estimated \$88,000.00 Annually
Blanket Contract Renewal - Traffic Signal Heads –
Transportation Department
Lowest/Best Bidder: General Traffic Equipment Corp.
259 Broadway
Newburgh, NY 12550

PO 532188 - Chattanooga Fire Department Estimated \$4,000,000.00 Annually
Blanket Contract Renewal - Radio Equipment &
Maintenance - Mobile Communications Division –
Chattanooga Fire Department
Lowest/Best Bidder: Motorola Solutions, Inc.
P.O. Box 12210
Knoxville, TN 37912

PO542719 & PO542720 - Public Works Department Total Estimated \$90,000.00 Annually
Blanket Contract Renewals - Golf Course Chemicals –
City Golf Courses - Parks Division - Public Works Department
Lowest/Best Bidders:
1. Harrell's LLC 3127 Landview Drive Murfreesboro, TN 37128
2. Regal Chemical Company 600 Branch Drive Alpharetta, GA 30004

PO542705 - Public Works Department Estimated \$160,000.00 Annually
Blanket Contract Renewal - Security Camera Equipment
& Service - Waste Resource Division - Public Works Department
Lowest/Best Bidder: Integrated Networking Technologies LLC.
61111 Heritage Park Drive, Suite A-100
Chattanooga, TN 37416

PO533428 - Public Works Department Estimated \$75,000.00 Annually
Blanket Contract Renewal - Remote Monitoring
Services for Cryogenic Oxygen Generation System –
Waste Resource Division - Public Works Department
Lowest/Best Bidder: Mohawk Cryo, LLC
1337 101st Street
Niagra Falls, NY 14304

R180268 - Public Works Department Estimated \$200,000.00 Annually
New Blanket Contract - Downtown Landscape
Improvements & Maintenance - Parks Division –
Public Works Department
Lowest/Best Bidder: CityGreen Services
206 Merriman Avenue
Chattanooga, TN 37415

R180912 Public Works Department

Estimated \$135,000.00 Annually

New Blanket Contract - Overhead Door Maintenance & Repair Services - City Wide Services – Waste Resource Division - Public Works Department
Lowest/Best Bidder: King Door A DH Pace Company, Inc
1802 Abutment Road
Dalton, GA 30721

R177009 - Public Works Department

Estimated \$40,000.00 Annually

New Blanket Contract - Collection & Disposal of Household Hazardous Waste - City Wide Services – Public Works Department
Lowest/Best Bidder: Perma-Fix Enviromental Services, Inc.
1093 Commerce Park Drive, Suite 300
Oak Ridge, TN 37830

R180913 - Public Works Department

Total Purchase \$28,843.96

Purchase - Replacement of Fuel Piping at Erwin Marina - Parks Division - Public Works Department
Lowest/Best Bidder: SPATCO Petroleum Solutions
2724 John Deere Road
Knoxville, TN 37917

R180381 - Information Technology Department

Total Purchase \$28,048.75

Purchase - CDW-G - Software Not Included in Blanket Contract - Information Technology Department
Lowest/Best Bidder: CDW-G LLC.
200 N. Milwaukee Avenue
Vernon Hills, IL 60061

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

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

CFD Annual Awards Banquet

Councilman Ledford commented on the Chattanooga Fire Department’s Annual Awards Banquet. He commented on the stories of service and sacrifice, both inspiring and heartfelt. He reminded everyone about the many lives saved. He also commented on the firefighters not wanting to be recognized or put in a spotlight for saving lives. He asked the Assembly for a round of applause for the CFD.

COMMITTEE REPORTS:

Budget and Finance Committee
Councilwoman Berz
(No report)

Economic and Community Development Committee

Councilman Byrd reported:

- The Department of Economic and Community Development gave a report on the 2020 Action Plan.

Human Resources Committee (HR)

Councilman Gilbert

(No report)

Planning and Zoning Committee

Councilman Ledford

(No report)

Public Safety Committee

Councilman Henderson

(No report)

Public Works and Transportation Committee

Councilman Mitchell reported:

- The committee will meet next week (March 19) to review agenda items. There will also be a report on the Public Works relation to the WWTA.

Youth and Family Development Committee

Councilwoman Coonrod reported:

- The committee heard an update from the Office of Family Empowerment. She also commented on the ways in which OFE has been stepping up its efforts in getting information to the community, such as canvassing the community about LIHEAP.

Legislative Committee

Vice-Chairman Oglesby

(No report)

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

Attorney Noblett read the rules of procedure for persons wishing to address the Council on non-agenda items and noted that the Council's rules of procedure had been changed by resolution earlier in the meeting. He informed the Assembly that the new rules would take effect next week, which included limiting the time for non-agenda speakers to three minutes per person. After comments from the attorney, Chairman Smith recognized the following persons:

- **Marie Mott (Chattanooga)** - She came to discuss the recent incident at Dalewood Middle involving Hamilton County Sheriff and CPD officers who responded. She informed the Council that a petite 13-year-old was restrained with the officers' knees on her back. She informed the Council that the community is upset with the police brutality and excessive force seen by this Council. She has heard the conversations about a police advisory board or keeping the current Administrative Review Committee at CPD. She indicated that black people are here today because they have fought to be here. She believes Chattanooga is soiled with blood because of a issues that everyone knows is wrong. She encouraging

fighting with the people if you cannot meet with the Mayor. She asked the City to act on what the people ask regarding children being brutalized by officers.

- **Patricia Young (Chattanooga)** - She is trying to get her lights turned on in the back of her house. She was informed that she missed the 90-day deadline. She lives in District 9. She informed the Council that her privileges were lost while her lights were out longer than 90 days. She also showed pictures of her property.
 - Councilwoman Coonrod was aware of Ms. Young's situation and informed the Council that Ms. Young lives in an R-1 Zone. She indicated that a land surveyor would need to come back to check on this.
 - Richard Beeland of Economic and Community Development indicated that he would speak with Ms. Young after tonight's meeting.
- **Monty Bell (Chattanooga)** - He wanted to give a reminder to the Council about the Dred Scott case, in which an enslaved man sued for his freedom. He feels that he has been treated like Dred Scott. He feels he is like Dred Scott because he, too, has a deep heritage. He has come before the legislative body for 26 years and continues with his lawsuit. He discussed making history with journalist Melydia Clewell. He will be talking on Mr. Tullis's radio show on tomorrow. He talked to the Superintendent about being one of the writers of the proposal that changed the name of the Brainerd High School "Rebels" to "Panthers."
- **Ezra Harris (Chattanooga)** - On behalf of the North Brainerd Neighborhood Council, Mr. Harris presented an Appreciation Award to Councilwoman Coonrod for the improvements made to the Dalewood YFD Center. He also expressed his appreciation of Councilman Gilbert.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, March 19, 2019 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL