



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
April 3, 2018
6:00 PM

CALL TO ORDER

Council Chairman Jerry Mitchell called the meeting to order with Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Erskine Oglesby. Phil Noblett, Deputy City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Chairman Mitchell led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (March 27, 2018) were approved as published.

SPECIAL PRESENTATION

Proclamation - "Fair Housing and Compliance Week"

By Antonia "Toni" Morgan and Vanessa Jackson

Granted by Permission of Chairman Mitchell and Vice-Chairman Smith

Ms. Jackson began by reading a quote by Dr. Martin Luther King, Jr. that said: "If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do you have to **keep moving** forward." She discussed April 4, 2018 being the 50th anniversary of the assassination of Dr. King. She also discussed how his assassination influenced the Civil Rights Act of 1968, known as the "Fair Housing Act." Ms. Morgan discussed April 23-26, 2018 being "Compliance Week" in the City of Chattanooga and the list of events scheduled. They also discussed the Fair Housing Conference, including a luncheon, on April 20. Ms. Morgan and Ms. Jackson then proclaimed the following on behalf of Mayor Berke:

Whereas: It is important that City of Chattanooga employees and the community are reminded of complying with local, state, and federal policies; and programs

Whereas: Information, training and outreach related to Fair Housing, Title VI, Americans with Disabilities Act (ADA), Limited English Proficiency (LEP), Code of Conduct for City employees, Title VII, and other federal, state and local policies should be provided on a frequent basis; and

Whereas: In conjunction with the 50th anniversary of the assassination of Dr. Martin Luther King Jr. , it is also the 50th Anniversary of the Civil Rights Act of 1968, commonly referred to as the Fair Housing Act, and National Fair Housing Month;

Whereas: The City of Chattanooga's Compliance Office and the Office of Multicultural Affairs will be hosting a series of presentations on compliance during the week of April 23rd thru 26th and month long educational and outreach activities; related to Fair Housing as well as a Fair Housing Conference on April 20th; and

Whereas: The City of Chattanooga encourages citizens, directors and employees to engage in discussions with, and provide training and outreach to colleagues and the community led by various departments on those areas reference therein.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim
April 2018 and the week of
April 23rd – 26th, 2018 as

Fair Housing Month and Compliance Week

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
3rd Day of April, 2018

Andy Berke, Mayor

ORDINANCES – FINAL READING:

MR-2017-123
C. Barton Crattie/Niles Surveying
District No. 2

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

ORDINANCE #13292

AN ORDINANCE CLOSING AND ABANDONING A TEN (10') FOOT WIDE SEWER EASEMENT BEGINNING AT THE SOUTH LINE OF THE 1000 BLOCK OF FERNWAY ROAD THEN SOUTHWARDLY ONE HUNDRED FOUR AND ONE-TENTH (104.1') FEET, TAX MAP NO. 127H-G-001 AND 002, AS DETAILED ON THE ATTACHED MAP.

ACTION: APPROVED

MR-2017-124
C. Barton Crattie/Niles Surveying
District No. 2

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

ORDINANCE #13293

AN ORDINANCE CLOSING AND ABANDONING A FIVE (5') FOOT WIDE SEWER EASEMENT BEGINNING AT A POINT IN THE NORTHWEST LINE OF LOT 61, AMENDED PLAT OF LOTS 37 TO 64, INCLUDING BLOCK, DALLAS HEIGHTS, PLAT BOOK 15, PAGE 38, ROHC, THENCE SOUTHEASTWARDLY SOME ONE HUNDRED FIFTY-SIX (156') FEET TO THE SOUTH LINE OF SAID LOT, TAX MAP NO. 127H-F-055, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2017-175
PMS Properties
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13294

AN ORDINANCE CLOSING AND ABANDONING A TWENTY (20') FOOT WIDE SEWER EASEMENT BEGINNING SIXTY-THREE (63') FEET WEST OF MANHOLE S138J760 THENCE NORTHWEST SOME FIFTY-ONE (51') FEET TO MANHOLE S138J766, TAX MAP NO. 138J-A-0013.02, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilwoman Berz and seconded by Councilman Henderson,

ORDINANCE #13295

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, ARTICLE I, SECTION 25-39, PANHANDLING.

Councilman Ledford requesting a clarification on whether the ordinance has provisions for street performers and musical instruments. Attorney Noblett clarified that there is no provision regarding music, but indicated that the ordinance does reference business restrictions for panhandling. Chairman Mitchell asked for further clarification on street musicians. Attorney Noblett clarified that there is no law against street musicians and that this ordinance does not reference musicians.

Councilman Henderson commented on the current ordinance already in place does restrict panhandling downtown, but that performing downtown was legal. Attorney Noblett confirmed that

performing downtown is legal, but indicated that there were restrictions on the distance between location of the performance and businesses.

Assistant Police Chief Edwin McPherson confirmed for Councilman Henderson that he is not aware of musicians being cited downtown for panhandling. He also confirmed that he does not anticipate a problem with musicians being cited.

Councilman Henderson indicated that there may have been an incorrect version of the ordinance on the website with old language regarding restrictions on charitable and political solicitations in certain parts of the ordinance. Attorney Noblett confirmed that old language had already been removed from the version of the ordinance on tonight's agenda.

Mr. Noblett confirmed for Councilman Byrd that police officers cannot fine \$50 when citing panhandlers because the judicial system is the one that has authority to fine. Mr. Noblett also confirmed that the judicial system also has the power to make referrals to agencies to help those cited to court for panhandling.

Councilman Byrd informed the Assembly that the State law imposes a 30-day penalty for the first offense and 90-day for the second and confirmed with Attorney Noblett that the City's ordinance will enable panhandlers to get the services they need.

Chairman Mitchell expressed his great respect for Councilwoman Berz and Councilman Oglesby, sponsors of this legislation, but he voted "No" vote on this item. Councilwoman Coonrod also voiced her "No" vote.

The motion carried, with Chairman Mitchell and Councilwoman Coonrod voting "NO."

ACTION: PASSED ON FIRST READING

2018-032
Matthew McClanahan and John Sweet
Planning Version
District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

ORDINANCE #13296

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1700 DODDS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried. Attorney Noblett confirmed for Chairman Mitchell that no hearing was needed at this time.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

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

RESOLUTION #29394

A RESOLUTION TO CONFIRM THE MAYOR’S APPOINTMENTS OF MARK B. MILLER, MARCO A. SALEDA, AND KARAH NAZOR TO THE STORMWATER REGULATIONS BOARD.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Henderson,

RESOLUTION #29395

A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO DEVELOP A ZONING POLICY THAT WILL BE USED FOR REZONING REQUESTS FOR SITES THAT CONTAIN STEEP SLOPES IN THE STORMWATER RUNOFF AFFECTED AREAS AND FOR REMAINING FOREST LAND.

ACTION: ADOPTED

PURCHASES:

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

R168016 - Public Works	\$1,536.00
Emergency Cleanup at Lupton Mill	
Supplier: Environmental Management Specialists, Inc.	
4131 South Creek Road	
Chattanooga, TN 37406	

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

R166144 - Public Works	\$109,000.00
Purchase of four (4) Dezurik Gate Valves -	
Waste Resources Division	
Lowest/Best Bidder: Piping Supply Co.	
3008 North Hickory St.	
Chattanooga, TN 37406	

PO533080 - Public Works

New Total Estimated \$200,000 Annually

Increase of Authorized Expenditure on Blanket Contract for Cleanup Services for Property Damaged by Sewer Backups - Waste Resources Division
Lowest/Best Bidder: Disaster Master
4605 Shawhan Rd.
Chattanooga, TN 37411

PO544724 - Public Works

New Total Estimated \$346,000 Annually

Increase of Authorized Expenditure on Blanket Contract for Concrete-City Wide Services
Lowest/Best Bidder: Ready Mix USA
PO Box 2643
Dalton, GA 30720

PO543015 - IT Dept.

Estimated \$35,000 Annually

Blanket Contract Renewal for NetMotion Premium Maintenance
Lowest/Best Bidder: Insight Public Sector
6820 S Harl Ave.
Tempe, AZ 85283

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

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

District 7 Events

Councilman Oglesby announced three upcoming events in District 7:

- April 7 - "Street Fest & Cleanup 2018" in Alton Park from 11:00 a.m. - 4:00 p.m. Revitalization will take place on Workman Road, Fagan Street and E. 38th Street. *[EDITOR'S NOTE: The date of this event was changed after Councilman Oglesby's announcement.]*
- April 8 - "Burnin' Bridges Mural Jam" at 4300 block of Oakland Avenue from 2:00 - 4:00 p.m.
- April 14 - East Lake Festival at the East Lake Park and Duck Pond, located at 3000 East 34th Street, from 1:00 - 5:00 p.m.

District 9 Event

Councilwoman Coonrod announced a partnership with the NACA of Atlanta in bringing the "Homeowners Workshop" to Chattanooga on Saturday, April 14, from 10:00 a.m. - 1:00 p.m. at Greater Second Missionary Baptist Church, located at 810 Shallowford Road. NACA (Neighborhood Assistance Corporation of America) is offering opportunities to purchase an existing home or to purchase and rehab a home. She has flyers to distribute to anyone who needs more information. Councilwoman Coonrod indicated that she is on a mission to have 100 people become homeowners.

Resources for Panhandlers

Councilwoman Coonrod said she is one paycheck away from being homeless and expressed that many people are in the same situation. She informed the Assembly that the Council is here to ensure that resources are available for panhandlers and those in need.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilman Henderson

(No report)

Economic and Community Development Committee

Councilman Oglesby reported:

- The committee met today in open meeting for presentations on the South Broad Plan, the MLK Construction Mitigation Program and the Tubman Matching Grant.

Human Resources Committee (HR)

Councilman Gilbert

(No report)

Planning and Zoning Committee

Councilman Ledford reported:

- The committee met today in open meeting to cover all planning and zoning ordinances and resolutions.

Public Safety Committee

Councilman Byrd

(No report)

Public Works and Transportation Committee

Councilwoman Berz reported:

- The committee met today in open meeting and had a lengthy discussion with many questions from the Council. The committee will meet again in two weeks.

Youth and Family Development Committee

Councilwoman Coonrod

(No report)

Innovation Technology Committee

Vice-Chairman Smith

(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. After which, Chairman Mitchell recognized the following persons:

- **Landon Howard (Chattanooga/District 2)** - He wanted to speak on behalf of Mercy Junction and Peace Center on the panhandling ordinance, but Attorney Noblett informed him that he could only speak on non-agenda matters at this time in the meeting. Mr. Howard continued speaking on the panhandling ordinance by discussing a court ruling on alms. Councilman Henderson called for a *point of order* and asked Mr. Howard at least twice to be courteous towards the rules of the Council and refrain from speaking on this agenda matter. Attorney Noblett informed Mr. Howard to discuss only non-agenda matters during this time. Mr. Howard informed the Council that he is working with a law center on homelessness and poverty, and that a letter had been sent to the Council describing alms being protected. He believes the city's panhandling ordinance would be deemed unconstitutional and struck down in other cities because it is "content-based." Attorney Noblett asked Mr. Howard to refrain from speaking on this agenda matter. Mr. Howard argued that he had new information to be addressed to the Council.
 - An unidentified woman joined Mr. Howard at the podium and made a statement about a musician who was arrested for panhandling, but yielded the floor with Mr. Howard.
- **Edward Green, Jr. (Chattanooga)** - Mr. Green is the 3rd Vice-President of the Tennessee Association of Elks. He informed the Council of the Elks' 73rd Convention coming to Chattanooga on April 28. He stated that he had extended invitations to the Mayor and the Council to participate in greeting individuals who will come to Chattanooga from all over Tennessee. The deadline for RSVP was March 31. He indicated that he has not heard from the City of Chattanooga, the Hamilton County Commission, the Police Department or Fire Department. He was "appalled" to have not gotten a response from the Council, with invitations having been extended especially to three Council persons (Smith, Coonrod and Byrd). He concluded by expressing his sympathy to Councilwoman Coonrod on behalf of his organization in the loss of her mother. He also agreed with her sentiments on being one paycheck away from disaster.
- **Christopher Dahl (Highland Park)** - He informed the Council that he is tired of taxpayer dollars going to developer interests and that he would rather have more attention being paid to sewer issues. He would like more smart development in the city.
- **Joel Willis (Chattanooga)** - Mr. Willis wished to address the Council, but Chairman Mitchell informed the Council that his name was on the list of non-agenda speakers who had spoken twice in 30 days. Mr. Willis yielded to the rules of the Council. He indicated that he would speak after the meeting to the Council.
- **Bobbi Such (Rosemont Drive/District 9)** - She has been trying 6-7 weeks to get on the agenda regarding rezoning for her C-2 home to be included in the Short-Term Vacation overlay. She said that the overlay stops on the road in front of their house. Councilman Henderson asked for her address. She identified it as 3207 Rosemont Drive.
 - Councilwoman Coonrod informed Ms. Such that Glenwood, including Rosemont, had been added in the overlay when the ordinance and maps was revised about three weeks ago.
 - Ms. Such said that Land Development told that her address needs to be added individually to a resolution to be included.
 - Chairman Mitchell asked Donna Williams, Administrator for Economic and Community Development, to speak with Ms. Such about this matter after the meeting.
 - Chairman Mitchell also asked about the name of the baby that Ms. Such was holding. Ms. Such said her baby's name was Geronimo.

ADJOURNMENT

On motion of Councilman Oglesby, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, April 10, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL