



John P. Franklin, Sr. City Council Building
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

March 3, 2020

4:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Vice-Chairman Henderson led the Assembly in the Pledge of Allegiance. He then read Daniel 2:21 of the Bible before giving the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Smith and seconded by Councilman Mitchell, the minutes of the last meeting (February 25, 2020) were approved as published.

SPECIAL PRESENTATION

***Proclamation for “National Social Work Month”
By Councilwoman Carol Berz***

Councilwoman Berz invited the social work students in the Assembly to join her at the podium. She made the following proclamation:

Whereas, the Social Work profession for generations has worked to strengthen the well-being and meet the basic needs of all people especially people who are vulnerable oppressed and living in poverty and,

Whereas, this year's Social Work month embodies the heroic work of social workers who for more than a century have worked to make our society a better place to live and,

Whereas, the Social Work profession is a diverse profession that allows people of various generations ethnicities sexual identities and religious backgrounds to make an immediate positive impact on our nation and world and,

Whereas, the Social Work profession is one of the fastest growing professions in the United States which more than seven hundred and seventy seven thousand people expect to be employed as social workers by 2028 and,

Whereas, social workers work in all parts of our society to meet people where they are and empower them to live to their fullest potential and where is the Social Work profession

more than many other professions has expansive bound that allows social workers to work in a variety of settings including schools centers for veterans the military hospital mental health centers corporations local state and federal governments and,

Whereas, social workers for generations have worked with other professions community groups lawmakers civil rights and other organizations to bring equal rights for all including: women and people who are African-American, Latino, Native American, LGBTQ; and a various cultural ethnic and religious groups; and,

Whereas, the Social Work profession has been in the forefront of pushing for changes that have made our society a better place to live including a minimum wage improved workplace safety and social safety net programs that help ameliorate poverty and hunger and,

Whereas, social workers have been and continue to stand ready to help our nation in times of crisis including war natural disasters such as floods earthquakes hurricanes and unfortunately the tornadoes that recently hit our state and,

Whereas, social workers stand ready and have the expertise to help our nation handle some of its most pressing issues including equal rights for all improved healthcare and mental health care for all immigration reform income inequality and the environmental impact of climate change.

NOW THEREFORE,

**I, Andy Berke, Mayor of the City of Chattanooga,
do hereby proclaim the month of March 2020 as**

“National Social Work Month.”

Andy Berke

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

(Alternate Version)

ORDINANCE #13541

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, ADVERTISING, SECTION 3-2, DEFINITIONS, FOR PURPOSES
OF THIS CHAPTER.**

Councilman Smith, sponsor of this legislation, informed the Assembly that one of our ordinances may not hold up to a constitutional challenge and, therefore, requires a very quick response by this body in updating language. He expressed appreciation for the first thought of putting a moratorium in place to protect this city but believes it is the Council's responsibility to do what is best for the city and local businesses. He believes the proposed Alternate Version does just that.

Vice-Chairman Henderson, co-sponsor, agreed with Councilman Smith about protecting the city and looking out for businesses. **Councilman Smith moved** to approve the Alternate Version, seconded by Vice-Chairman Henderson. The motion carried. Councilman Smith noted an oversight in the Alternate Version regarding the effective date. Therefore, **Councilman Smith moved** to amend Section 2 by changing the effective date language to read, "...effective immediately upon its passage on second reading." Vice-Chairman Henderson seconded. The motion carried.

**ACTION: ALTERNATE VERSION PASSED
AS AMENDED ON FIRST READING**

MR-2019-0161
Geraldine Jordan
District No. 8

On motion of Councilman Byrd and seconded by Councilman Smith,

ORDINANCE #13542

AN ORDINANCE CLOSING AND ABANDONING THE UNNAMED ALLEY AT THE NORTHWEST CORNER OF 146G-N-008 AND THE DENIAL OF THE ABANDONMENT OF THE 200 BLOCK OF ROBERTS STREET AND THE UNNAMED RIGHT-OF-WAY TO THE WEST OF 1715 IVY STREET, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Smith and seconded by Councilman Ledford,

RESOLUTION #30253

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO EXERCISE OPTION TO RENEW FOR TWO (2) ADDITIONAL TERMS OF ONE (1) YEAR EACH WITH NORTH CHICKAMAUGA CREEK CONSERVANCY, IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE WITHIN A BUILDING AT GREENWAY FARM.

ACTION: ADOPTED

Agenda Item VI(b):

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN OFFICE LEASE WITH HAMILTON COUNTY MENTAL HEALTH COURT, IN SUBSTANTIALLY THE FORM ATTACHED, FOR 108 SQUARE FEET OF OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR AN ADDITIONAL TERM OF TWO (2) YEARS, IN THE AMOUNT OF \$2,376.00 PER TERM.

Donna Williams, Administrator for Economic and Community Development, informed the Council that after some discussions with Finance, they would ask for more time to work on the rate of this agenda and the next one [item VI(c)]. **Councilwoman Berz moved** to defer to March 10, 2020. She was seconded by Councilman Byrd. The motion carried.

ACTION: DEFERRED TO MARCH 10, 2020

Agenda Item VI(c):

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN OFFICE LEASE WITH STREET GRACE, INC., IN SUBSTANTIALLY THE FORM ATTACHED, FOR 106 SQUARE FEET OF OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF TWO (2) YEARS, WITH THE OPTION TO RENEW FOR AN ADDITIONAL TERM OF TWO (2) YEARS, IN THE AMOUNT OF \$2,332.08 PER TERM.

Councilwoman Berz moved to defer to March 10, 2020. She was seconded by Councilman Byrd. The motion carried.

ACTION: DEFERRED TO MARCH 10, 2020

**AJ Investment Properties, LLC/
Justin Cox/David Messenger
District No. 8**

A hearing ensued on
Agenda Item VII(d):

A RESOLUTION APPROVING OR DENYING THE APPEAL OF FORM-BASED CODE CASE NUMBER 19-FB-00035 FOR PROPERTY LOCATED AT 924 E. 8TH STREET.

Dallas Rucker, Assistant Director of Development Services, introduced Emily Dixon, Development Review Planner, who manages Form-Based Code approvals. Ms. Dixon gave a presentation that included information on the following:

- Timeline for Land Disturbance Permit
- Pictures of notice to public
- Zoning Map
- Staff Report
- Street View Pics
- Site improvement calculations
- Approved Site Plan and Proposed

Mr. Rucker and Ms. Dixon responded to questions on the site plan, variances, gravel, pea grass, and dust-free surfaces, and the margin of error using satellite. John Bridger, Executive Director of Regional Planning, joined the discussion to explain two ways in which a site plan may be enforced. Attorney Noblett read the rules of the hearing. Chairman Oglesby allowed the Applicant to address the Council.

Applicants:

- Justin Cox/David Messenger – Mr. Cox informed the Council that the gravel was on the premises when they moved there. They used natural stone to repair what was already existing. He contested the pictures comparing the property in 2010 and 2014. They never questioned the “dust-free” requirement. CDOT assisted them as they added the gravel. He contested Ms. Dixon’s calculations using the satellite imagery and, therefore, believe they are under the 25-percent for impervious error.

Further discussion ensued with the Applicant and Staff.

- Councilwoman Henderson confirmed that the site plan submitted to LDO for construction on the building showed concrete.
- Councilman Ledford questioned Ms. Dixon on the margin of error.
- Councilman Byrd questioned the Applicant about their assertion to use concrete.
- Councilman Mitchell questioned a contradiction between the FBC opinion and CDOT opinion. He also questioned the hardship designated on the appeal by the Applicant.

Upon no further discussion, **Councilman Byrd moved** to deny, seconded by Vice-Chairman Henderson. The motion carried.

ACTION: APPEAL DENIED

On motion of Councilman Byrd and seconded by Councilman Ledford,

RESOLUTION #30255

A RESOLUTION AUTHORIZING THE ACTIVATION OF THE OPEN SPACES PARTNERSHIP IN ANIMATION AND COMMUNITY ENHANCEMENT PROGRAM (“OS-SPACE”) 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.

The motion carried, with Vice-Chairman Henderson voting “No.”

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Smith,

RESOLUTION #30256

A RESOLUTION AUTHORIZING THE DIRECTOR OF WIRELESS COMMUNICATIONS TO ENTER INTO A CONTRACT WITH MOBILE COMMUNICATIONS AMERICA (MCA) FOR THE PURCHASE AND INSTALLATION OF NEW MICROWAVE RADIO AND MULTI-PROTOCOL LABEL SWITCHING (MPLS) EQUIPMENT TO REPLACE EXISTING EQUIPMENT THAT HAS REACHED OBSOLESCENCE, IN THE AMOUNT OF \$1,986,152.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #30257

A RESOLUTION AUTHORIZING THE APPOINTMENT OF KIMIKA TSUKIDE, AS SPECIAL POLICE OFFICER (UNARMED) FOR THE DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #30258

A RESOLUTION AUTHORIZING THE APPOINTMENT OF BENJAMIN BALLARD, AS SPECIAL POLICE OFFICER (UNARMED) FOR THE DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #30259

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA, AS HOST FOR THE 2020 TENNESSEE MUNICIPAL LEAGUE (TML) CONFERENCE TO BE HELD BETWEEN JUNE 27-30, 2020, TO ACCEPT DONATIONS AND PAY THE DIFFERENCE OF THOSE DONATIONS FOR A TOTAL PROJECT COST UP TO THIRTY THOUSAND DOLLARS (\$30,000.00) TO FUND AND TO ORGANIZE THE HOST CITY RECEPTION ON SUNDAY, JUNE 28, 2020 IN ITS RESPONSIBILITY TO PROVIDE THE VENUE, BEVERAGES, HEAVY HORS D'OEUVRES, ENTERTAINMENT, AND MEMENTO FOR EACH OF THE ANTICIPATED EIGHT HUNDRED FIFTY (850) ATTENDEES.

Councilman Mitchell moved to approve, seconded by Councilman Ledford. The motion carried. **Councilman Smith moved** to amend the language of the resolution to read: *"...to accept donations and pay the difference of those donations for a total project cost up to thirty thousand dollars (\$30,000.00) to fund and to organize the host city reception on Sunday, June 28, 2020..."* He was seconded by Vice-Chairman Henderson. The motion carried. **Councilman Smith moved** to approve as amended. He was seconded by Councilman Mitchell. The motion carried.

ACTION: ADOPTED AS AMENDED

On motion of Councilman Mitchell and seconded by Councilman Byrd,

RESOLUTION #30260

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENTS OF RACHEL REESE, JUSTIN MCBATH, AND SARA TOLBERT TO THE CHATTANOOGA PUBLIC ART COMMISSION.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #30261

A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENTS OF JOHN BROWN, SHAUN LACROSE, AND JOHN HENRY, AND VIRGINIA ANNE SHARBER TO THE CHATTANOOGA PUBLIC ART COMMISSION.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilwoman Coonrod,

RESOLUTION #30254

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA AND THE SHEPHERD YOUTH AND FAMILY DEVELOPMENT CENTER TO ACCEPT A DONATION FROM AARP TENNESSEE AND ENTER INTO A PARTNERSHIP AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH FITLOT OUTDOOR FITNESS PARKS TO RECEIVE A FULLY FUNDED AARP FITLOT OUTDOOR FITNESS PARK AND OF WHICH WILL INCLUDE EQUIPMENT, CONSTRUCTION, AND INSTALLATION COSTS ASSOCIATED THEREWITH, FOR A TOTAL COMBINED APPROXIMATE AMOUNT OF \$170,030.00 AND AS OUTLINED MORE FULLY IN THE ATTACHED DONATION LETTER.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases

Anthony Sammons, Deputy Chief Operating Officer, briefed the Council on the following proposed purchases:

R193728 - Chattanooga Police Department Total Estimate \$30,000.00 Annually

New Blanket Contract - Crime Scene Supplies –
Chattanooga Police Department

Lowest/Best Bidder: Tri-Tech Forensics, Inc
dba National Law Enforcement Supply
8770 Trade Street NE
Leland, NC 28451

PO553646 - Information Technology Department Total Estimate \$1,800,000.00 Annually

Blanket Contract Renewal - Electric Power Board of
Chattanooga for Fiber Optics and Support –
Information Technology Department

Lowest/Best Bidder: Electric Power Board
10 West M.L. King Blvd
Chattanooga, TN 37402

PO548650 and PO548651 Total Estimate \$40,000.00 Annually
Department of Youth and Family Development
 Two Blanket Contract Renewals - Janitorial Services for
 North River Civic Center & Eastgate Senior Activity Center –
 Department of Youth & Family Development
 Lowest/Best Bidder: Certified Maintenance Service, Inc.
 1504 Merrill Street
 Chattanooga, TN 37412

PO553318 – Public Works Department Increase Amount \$30,000.00 ~~~~~
 Increase to Authorized Expenditure – Total Estimate \$165,000.00 Annually
 Overhead Door Maintenance & Repair Services –
 Waste Resource Division - Public Works Department
 Lowest/Best Bidder: King Door Company
 1802 Abutment Road
 Dalton, GA 30721

PO548122 - Public Works Department Total Estimate \$600,000.00 Annually
 Blanket Contract Renewal - Asphaltic Concrete –
 City Wide Services Division - Public Works Department
 Lowest/Best Bidder: Southeastern Materials Company, Inc
 1751 McFarland Avenue
 Rossville, GA 30741

PO553665 - Public Works Department Total Estimate \$250,000.00 Annually
 Blanket Contract Renewal - Centrifuge Parts, Repair
 & Recondition Services - Waste Resources Division –
 Public Works Department
 Lowest/Best Bidder: Flottweg Separation Technology
 10700 Toebben Drive
 Independence, KY 41051

A discussion ensued regarding **PO548650** and **PO548651 (YFD)**.

- Councilman Gilbert questioned why janitorial services are being contracted instead of janitors being hired in-house, if these cleaning services have ever been done in-house, and what Administration is doing to fill open positions.
- Councilwoman Coonrod asked Administration to look into how cleaning services could be brought in-house, specifically the cost of hiring janitorial staff before any new contract is bid out to external vendors.
- Vice-Chairman Henderson commented on t Council members submitting purchasing questions in advance so that Administration can respond in this meeting.
- Councilman Smith asked for an assessment of contracting versus hiring for a number of different positions that continue to come up for contract renewal, noting custodian being one of those contracted positions.
- Mr. Sammons agreed to get back to the Council with answers for their questions.

- Maura Sullivan, Chief Operating Officer, clarified that there are no current openings for janitors and that adding personnel would require a budget amendment.

On motion of Vice-Chairman Henderson and seconded by Councilwoman Coonrod, all proposed purchases were approved. The motion carried, with Councilman Gilbert voting “No.”

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Form-Based Code Appeals Process

Councilman Mitchell moved to ask the Planning and Zoning Committee to come up with a better FBC appeals process for the Council. He was seconded by Vice-Chairman Henderson. The motion carried.

Coronavirus Preparation

Councilman Ledford asked for an update on the Coronavirus plans by the City. Kerry Hayes, Chief of Staff, informed the Council that the Hamilton County Health Department was the lead partner, and that they were following the recommendations of the CDC (Centers for Disease Control and Prevention). He also discussed the city’s efforts to get information to the public via social media and other media outlets.

Women’s Month Commentary

Councilwoman Coonrod informed the Assembly that the month of March is “Women’s Month” and commented on challenges still existing for women, and cited an example of her own challenges as an African-American woman elected to office.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz reported:

- Beginning next week at the 1:30 p.m. Strategic Planning meeting, the Council will start reporting on the budget process. They will have a legal discussion on input and other questions asked by the Council.

Economic and Community Development Committee

Councilman Byrd

(No report)

Human Resources Committee

Councilman Gilbert

(No report)

Planning and Zoning Committee

Councilman Ledford reported:

- The committee met today in open meeting.
- The Steep Slopes Sub-committee meeting on March 24th has been changed from 12:00 p.m. to 2:00 p.m. that day.

Public Safety Committee
Councilman Smith
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee met in open meeting earlier today.
- An agenda item regarding the paving budget will be on the Council agenda next week. Blythe Bailey, Transportation Administrator, affirmed that the Council will receive the list of paving projects by tomorrow.

Youth and Family Development Committee
Councilwoman Coonrod reported:

- The committee will meet next week [after the 3:00 p.m. Agenda Session].

Legislative Committee
Vice-Chairman Henderson
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL

URL: <https://youtu.be/XKzqVuVc-Mo?t=5433>

Attorney Noblett read the rules of procedure for persons wishing to address the Council. After which, Chairman Oglesby recognized the following person:

Name (Street, City, District):	Primary Topic:
• Larry Richie (Southern Advertising)	He had questions about the outdoor advertising ordinance passed earlier in the meeting. <ul style="list-style-type: none">○ Councilman Smith offered to speak with Mr. Richie after the meeting regarding the Alternate Version of the ordinance that passed first reading.

ADJOURNMENT

On motion of Councilman Ledford, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, March 10, 2020, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL